

# House Study Bill 18

## Bill Text

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1 1 Section 1. Section [39.2](#), subsection 1, unnumbered  
1 2 paragraph 2, Code 2001, is amended to read as follows:  
1 3 A special election shall not be held in conjunction with  
1 4 the primary election. A special election shall not be held in  
1 5 conjunction with a school election unless the special election  
1 6 is for a school district or community college. A special  
1 7 election shall not be held in conjunction with a regularly  
1 8 scheduled or special city primary or city runoff election.  
1 9 Sec. 2. Section [39.3](#), Code 2001, is amended by adding the  
1 10 following new subsection:  
1 11 NEW SUBSECTION. 17. "Written" and "in writing" may  
1 12 include any mode of representing words or letters in general  
1 13 use. A signature, when required by law, must be made by the  
1 14 writing or markings of the person whose signature is required.  
1 15 If a person is unable due to a physical disability to make a  
1 16 written signature or mark, that person may substitute either  
1 17 of the following in lieu of a signature required by law:  
1 18 a. The name of the person with a disability written by  
1 19 another upon the request and in the presence of the person  
1 20 with a disability.  
1 21 b. A rubber stamp reproduction of the name or facsimile of  
1 22 the actual signature of the person with a disability when  
1 23 adopted by that person for all purposes requiring a signature  
1 24 and then only when affixed by that person or another upon the  
1 25 request and in the presence of the person with a disability.  
1 26 Sec. 3. NEW SECTION. 39.5 ELECTIONS AUTHORIZED.  
1 27 The commissioner shall conduct only elections authorized or  
1 28 required by state law.  
1 29 Sec. 4. NEW SECTION. 39.26 CANDIDATE QUALIFICATIONS.  
1 30 Any person seeking election to an elective office under the  
1 31 laws of this state shall be an eligible elector at the time of  
1 32 any election at which the person's name appears on the ballot.  
1 33 Sec. 5. NEW SECTION. 39.27 QUALIFICATIONS FOR PUBLIC  
1 34 OFFICE.  
1 35 Any person elected to an office under the laws of this  
2 1 state shall be an eligible elector. At the time an elected  
2 2 official takes office the official shall be a resident of the  
2 3 state, district, county, township, city, or ward by or for  
2 4 which the person was elected, or in which the duties of the  
2 5 office are to be exercised. An elected official shall  
2 6 continue to be a resident of the state, district, county,  
2 7 township, city, or ward by or for which the person was  
2 8 elected, or in which the duties of the office are to be  
2 9 exercised for the duration of the term of office. This  
2 10 section shall not apply to United States senators or  
2 11 representatives in Congress or to members of the general  
2 12 assembly.  
2 13 Sec. 6. Section [43.14](#), Code 2001, is amended by striking  
2 14 the section and inserting in lieu thereof the following:  
2 15 43.14 FORM OF NOMINATION PAPERS.  
2 16 1. Nomination papers shall include a petition and an  
2 17 affidavit of candidacy. All nomination petitions shall be  
2 18 eight and one-half by eleven inches in size and in  
2 19 substantially the form prescribed by the state commissioner of  
2 20 elections. They shall include or provide spaces for the  
2 21 following information:

2 22 a. A statement identifying the signers of the petition as  
2 23 eligible electors of the appropriate county or legislative  
2 24 district and of the state.  
2 25 b. The name of the candidate nominated by the petition.  
2 26 c. For nomination petitions for candidates for the general  
2 27 assembly, a statement that the residence of the candidate is  
2 28 within the appropriate legislative district, or if that is not  
2 29 true that the candidate will reside there within sixty days  
2 30 before the election. For other offices, a statement of the  
2 31 name of the county where the candidate resides.  
2 32 d. The political party with which the candidate is a  
2 33 registered voter.  
2 34 e. The office sought by the candidate, including the  
2 35 district number, if any.  
3 1 f. The date of the primary election for which the  
3 2 candidate is nominated.

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

3 13 2. Signed nomination petitions and the signed and  
3 14 notarized affidavit of candidacy shall not be altered to  
3 15 correct deficiencies noted during examination. If the  
3 16 nomination petition lacks a sufficient number of acceptable  
3 17 signatures, the nomination petition shall be rejected and  
3 18 shall be returned to the candidate.

3 19 The nomination papers shall be rejected if the affidavit  
3 20 lacks any of the following:

3 21 a. The candidate's name.  
3 22 b. The name of the office sought, including the district,  
3 23 if any.  
3 24 c. The political party name.  
3 25 d. The signature of the candidate.  
3 26 e. The signature of a notary public or other officer  
3 27 empowered to witness oaths.

3 28 The candidate may replace a deficient affidavit with a  
3 29 corrected affidavit only if the replacement affidavit is filed  
3 30 before the filing deadline. The candidate may resubmit a  
3 31 nomination petition that has been rejected by adding a  
3 32 sufficient number of pages or signatures to correct the  
3 33 deficiency. A nomination petition and affidavit filed to  
3 34 replace rejected nomination papers shall be filed together  
3 35 before the deadline for filing.

4 1 Sec. 7. Section [43.15](#), subsection 4, Code 2001, is amended  
4 2 to read as follows:

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

~~paper~~  
~~petition.~~

4 6 Sec. 8. Section [43.27](#), Code 2001, is amended to read as  
4 7 follows:

4 8 43.27 PRINTING OF BALLOTS.  
4 9 The ballots of each political party shall be printed in  
4 10 black ink, on separate sheets of paper, uniform in

~~color,~~

4 11 quality, texture, and size, with the name of the political  
4 12 party printed at the head of said ballots, which ballots shall

4 13 be prepared by the commissioner in the same manner as for the  
4 14 general election, except as in this chapter provided. The  
4 15 commissioner may print the ballots for each political party  
4 16 using a different color for each party. If colored paper is  
4 17 used, all of the ballots for each separate party shall be  
4 18 uniform in color.

4 19 Sec. 9. Section [43.45](#), Code 2001, is amended by striking  
4 20 the section and inserting in lieu thereof the following:

4 21 43.45 CANVASS OF VOTES.

4 22 1. Upon the closing of the polls the precinct election  
4 23 officials shall immediately publicly canvass the vote. The  
4 24 canvass shall be conducted using the procedures established in  
4 25 subsection 2 or 3, whichever is appropriate for the voting  
4 26 system used in the precinct.

4 27 2. In precincts where paper ballots are used, precinct  
4 28 election officials shall do all of the following:

4 29 a. Place the ballots of the several political parties in  
4 30 separate piles.

4 31 b. Separately count the ballots of each party, and make  
4 32 the correct entries thereof on the tally sheets.

4 33 c. Certify to the number of votes cast upon the ticket of  
4 34 each political party for each candidate for each office.

4 35 d. Place the ballots cast on behalf of each of the parties  
5 1 in separate envelopes. Seal each envelope and place the  
5 2 signature of all board members of the precinct across the seal  
5 3 of the envelope so that it cannot be opened without breaking  
5 4 the seal.

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

5 8 f. Seal the tally sheets and certificates of the precinct  
5 9 election officials in an envelope on the outside of which are  
5 10 written or printed the names of the several political parties  
5 11 with the names of the candidates for the different offices  
5 12 under their party name, and opposite each candidate's name  
5 13 enter the number of votes cast for such candidate in the  
5 14 precinct.

5 15 g. Enter on the envelope the total number of voters of  
5 16 each party who cast ballots in the precinct.

5 17 h. Communicate the results in the manner required by  
5 18 section 50.11, to the commissioner of the county in which the  
5 19 polls are located, who shall remain on duty until the results  
5 20 are communicated to the commissioner from each polling place  
5 21 in the county.

5 22 3. In precincts where voting machines are used, precinct  
5 23 election officials shall do all of the following:

5 24 a. Close the machines to prevent additional voting, and  
5 25 print the results for the precinct.

5 26 b. Tabulate all write-in votes. If necessary, add the  
5 27 votes, including write-in votes, from all machines to obtain  
5 28 the total number of votes cast in the precinct by the members  
5 29 of each political party for each office on the ballot.

5 30 c. Put any forms used by voters to cast write-in votes in  
5 31 an envelope with one copy of the printed results from each  
5 32 voting machine. Seal the envelope and place the signature of  
5 33 all board members of the precinct across the seal of the  
5 34 envelope so that it cannot be opened without breaking the  
5 35 seal.

6 1 d. On the outside of the envelope enter the number of  
6 2 voters from each party in the precinct. Report the number of  
6 3 votes cast for each office by the voters of each political  
6 4 party. A copy of the printed tape from the voting machine may  
6 5 be used to report vote totals.

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

6 10 4. In precincts where electronic voting systems are used  
6 11 and ballots are counted in the precinct, precinct election  
6 12 officials shall do all of the following:  
6 13 a. Close and secure the ballot reader to prevent the  
6 14 insertion of additional ballots.  
6 15 b. Print the results for the precinct.  
6 16 c. Open the ballot container. Secure all ballots counted  
6 17 by the vote-tabulating device. Sort the remaining ballots by  
6 18 party. Tally all write-in votes and any other ballots not yet  
6 19 counted. Record the results in the tally list.  
6 20 d. Put all ballots in an envelope or other package and  
6 21 seal it. All members of the board shall sign their names  
6 22 across the seal of the envelope. The seal shall be placed so  
6 23 that the envelope or package cannot be opened without breaking  
6 24 the seal.

6 25 5. In precincts where electronic voting systems are used  
6 26 and ballots are counted at a central location, precinct  
6 27 election officials shall follow the procedures in section  
6 28 52.32.

6 29 Sec. 10. Section [43.48](#), Code 2001, is amended to read as  
6 30 follows:

6 31 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.  
6 32 Any elector of the county shall have the right, before the  
6 33 day fixed for canvassing the returns, to ascertain the vote  
6 34 cast for any candidate in any precinct in the county, as shown  
6 35 on the outside of the envelope containing the tally list or on  
7 1 printed reports from voting machines or electronic voting  
7 2 systems.

7 3 Sec. 11. Section [44.4](#), unnumbered paragraph 1, Code 2001,  
7 4 is amended to read as follows:

7 5 Nominations made pursuant to this chapter and chapter 45  
7 6 which are required to be filed in the office of the state  
7 7 commissioner shall be filed in that office not more than  
7 8 ninety-nine days nor later than five p.m. on the eighty-first  
7 9 day before the date of the general election to be held in  
7 10 November. Nominations made for a special election called  
7 11 pursuant to section 69.14 shall be filed by five p.m. not less  
7 12 than twenty-five days before the date of an election called  
7 13 upon at least forty days' notice and not less than fourteen  
7 14 days before the date of an election called upon at least  
7 15 eighteen days' notice. Nominations made for a special  
7 16 election called pursuant to section 69.14A shall be filed by  
7 17 five p.m. not less than

~~—twenty~~

~~- twenty-five~~ days before the

7 18 date of the election. Nominations made pursuant to this  
7 19 chapter and chapter 45 which are required to be filed in the  
7 20 office of the commissioner shall be filed in that office not  
7 21 more than ninety-two days nor later than five p.m. on the  
7 22 sixty-ninth day before the date of the general election.  
7 23 Nominations made pursuant to this chapter or chapter 45 for  
7 24 city office shall be filed not more than seventy-two days nor  
7 25 later than five p.m. on the forty-seventh day before the city  
7 26 election with the city clerk, who shall process them as  
7 27 provided by law.

7 28 Sec. 12. NEW SECTION. 45.5 FORM OF NOMINATION PAPERS.

7 29 Nomination papers shall include a petition and an affidavit  
7 30 of candidacy. All nomination petitions shall be eight and  
7 31 one-half by eleven inches in size and shall be in  
7 32 substantially the form prescribed by the state commissioner of  
7 33 elections. They shall provide spaces for the following  
7 34 information:

7 35 1. A statement identifying the signers of the petition as  
8 1 eligible electors of the appropriate county or legislative  
8 2 district and of the state of Iowa.

8 3 2. The name of the candidate nominated by the petition.

8 4 3. A statement that the candidate is a resident of the  
8 5 appropriate ward, city, county, school district, or  
8 6 legislative or other district as required by section 45.1.

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

8 9 5. The name and date of the election for which the  
8 10 candidate is nominated.

8 11 Signatures on a petition page shall be counted only if the  
8 12 required information is written or printed at the top of the  
8 13 page. Nomination papers on behalf of candidates for seats in  
8 14 the general assembly need only designate the number of the  
8 15 senatorial or representative district, as appropriate, and not  
8 16 the county or counties, in which the candidate and the  
8 17 petitioners reside. Signature lines on the nomination  
8 18 petitions shall not be counted if the line lacks the signature  
8 19 of the eligible elector and the signer's address and city.  
8 20 The person examining the petition shall mark any deficiencies  
8 21 on the petition.

8 22 The pages of the petition shall be securely fastened  
8 23 together to form a single bundle. Nomination petitions that  
8 24 are not bound shall be returned without further examination.  
8 25 The state commissioner shall prescribe by rule the acceptable  
8 26 methods for binding nomination petitions.

8 27 Signed nomination petitions and the signed and notarized  
8 28 affidavit of candidacy shall not be altered to correct  
8 29 deficiencies noted during the examination. If the nomination  
8 30 petition lacks a sufficient number of acceptable signatures,  
8 31 the nomination papers shall be rejected and returned to the  
8 32 candidate.

8 33 The nomination papers shall be rejected if the affidavit  
8 34 lacks any of the following:

8 35 a. The candidate's name.

9 1 b. The name of the office sought, including the district,  
9 2 if any.

9 3 c. The signature of the candidate.

9 4 d. The signature of a notary public or other officer  
9 5 empowered to witness oaths.

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

9 14 Sec. 13. NEW SECTION. 45.6 REQUIREMENTS IN SIGNING.

9 15 The following requirements shall be observed in the signing  
9 16 and preparation of nomination petitions:

9 17 1. A signer may sign nomination petitions for more than  
9 18 one candidate for the same office, and the signature is not  
9 19 invalid solely because the signer signed nomination petitions  
9 20 for one or more other candidates for the office.

9 21 2. Each signer shall add the signer's residence, with  
9 22 street and number.

9 23 3. All signers, for all nominations, of each separate part  
9 24 of a nomination petition, shall reside in the appropriate  
9 25 ward, city, county, school district, or legislative or other  
9 26 district as required by section 45.1.

9 27 4. When more than one sheet is used, the sheets shall be  
9 28 neatly arranged and securely fastened together before filing,  
9 29 and shall be considered one nomination petition. Nomination  
9 30 petitions which are not securely fastened together shall be  
9 31 returned to the candidate or the candidate's designee without  
9 32 examination. The state commissioner shall prescribe by rule  
9 33 the acceptable methods for binding nomination petitions.

9 34 5. Only one candidate shall be petitioned for or nominated  
9 35 in the same nomination petition, except for the offices of

10 1 governor and lieutenant governor, and president and vice  
10 2 president.

10 3 Sec. 14. Section [48A.9](#), subsection 2, Code 2001, is  
10 4 amended to read as follows:

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

10 11 Sec. 15. Section [48A.27](#), subsection 4, paragraph c,  
10 12 unnumbered paragraph 2, Code 2001, is amended to read as  
10 13 follows:

10 14 The notice shall be sent by forwardable mail, and shall  
10 15 include a postage paid preaddressed return card on which the  
10 16 registered voter may state the registered voter's current  
10 17 address. The notice shall contain a statement in  
10 18 substantially the following form: "Information received from  
10 19 the United States postal service indicates that you are no  
10 20 longer a resident of, and therefore not eligible to vote in  
10 21 (name of county) County, Iowa. If this information is not  
10 22 correct, and you still live in (name of county) County, please  
10 23 complete and mail the attached postage paid card at least ten  
10 24 days before the primary or general election and at least  
10 25 eleven days before any other election at which you wish to  
10 26 vote. If the information is correct and you have moved,  
10 27 please contact a local official in your new area for  
10 28 assistance in registering there. If you do not mail in the  
10 29 card, you may be required to show identification

~~proving your~~

10 30

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

~~before being allowed to~~

10 31 vote in (name of county) County. If you do not return the  
10 32 card, and you do not vote in an election in (name of county)  
10 33 County, Iowa, on or before (date of second general election  
10 34 following the date of the notice) your name will be removed  
10 35 from the list of voters in that county. To ensure you receive  
11 1 this notice, it is being sent to both your most recent  
11 2 registration address and to your new address as reported by  
11 3 the postal service."

11 4 Sec. 16. Section [48A.28](#), subsection 3, unnumbered  
11 5 paragraph 2, Code 2001, is amended to read as follows:

11 6 The form and language of the confirmation notice and return  
11 7 card shall be specified by the state voter registration  
11 8 commission by rule.

11 9 Sec. 17. Section [48A.29](#), subsection 3, unnumbered  
11 10 paragraph 2, Code 2001, is amended to read as follows:

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

11 27 If you do not mail in the card, you may be required to show  
11 28 identification

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

11 29

~~County~~

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

11 30 County. If you do not return the card, and you do not vote in  
11 31 some election in (name of county) County, Iowa, on or before  
11 32 (date of second general election following the date of the  
11 33 notice) your name will be removed from the list of registered  
11 34 voters in that county."

11 35 Sec. 18. Section [48A.30](#), subsection 1, paragraph a, Code  
12 1 2001, is amended to read as follows:

12 2 a. The registered voter dies. For the purposes of this  
12 3 subsection, the commissioner may accept as evidence of death a  
12 4 notice from the state registrar of vital statistics forwarded  
12 5 by the state registrar of voters, a written statement from a  
12 6 member of the registered voter's household, an obituary in a  
12 7 newspaper, a written statement from an election official, or a  
12 8 notice from the

~~clerk of the district court in~~

~~county recorder~~

12 9 of the county where the registered voter died.

12 10 Sec. 19. Section [49.30](#), subsection 1, Code 2001, is  
12 11 amended to read as follows:

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

12 16 Sec. 20. Section [49.31](#), subsection 2, Code 2001, is  
12 17 amended by adding the following new unnumbered paragraph:

12 18 NEW UNNUMBERED PARAGRAPH. On the general election ballot  
12 19 the names of candidates for the nonpartisan offices listed in  
12 20 section 39.21 shall be arranged by drawing lots for position.  
12 21 The board of supervisors shall hold the drawing at its first  
12 22 meeting following the deadline for receipt of objections and  
12 23 withdrawals by candidates for the general election.

12 24 Sec. 21. Section [49.57](#), subsection 4, Code 2001, is  
12 25 amended to read as follows:

12 26 4. On ballots that will be counted by electronic  
12 27 tabulating equipment, ballots shall include a voting target  
12 28 next to the name of each candidate. The position, shape, and  
12 29 size of the targets shall be appropriate for the equipment to  
12 30 be used in counting the votes. Where paper ballots are used,  
12 31 a square

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

12 32

~~of an inch in length,~~

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

12 33 line in which the name of a candidate is printed, except as  
12 34 otherwise provided.

12 35 Sec. 22. Section [49.64](#), Code 2001, is amended to read as  
13 1 follows:

13 2 49.64 NUMBER OF BALLOTS DELIVERED.

13 3 The commissioner shall

~~cause ballots of the kind to be~~

13 4

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

~~deliver to the~~

13 5 precinct election officials

~~as follows: in general elections~~

13 6

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

13 7

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

13 8

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

13 9

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

13 10

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

13 11

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

13 12

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

~~a~~

13 13 sufficient number of ballots of each kind to be voted in the  
13 14 precinct. In determining the number of ballots, the  
13 15 commissioner shall take into consideration the number of  
13 16 active and inactive registered voters in the precinct, the  
13 17 number of people who voted in the precinct in previous similar  
13 18 elections, the number of contested and uncontested races on  
13 19 the ballot, public measures appearing on the ballot, and the  
13 20 local political conditions that may affect participation in  
13 21 the election.

13 22 Sec. 23. Section [49.70](#), Code 2001, is amended to read as  
13 23 follows:

13 24 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

13 25 The commissioner shall cause copies of the foregoing  
13 26 instructions to be printed in large, clear type, under the  
13 27 heading of "

~~Card of~~

~~Instructions for Voters", and shall~~

13 28 furnish the precinct election officials with a sufficient  
13 29 number of such

~~cards~~

~~instructions as will enable them to~~

13 30 comply with section 49.71.

13 31 Sec. 24. Section [49.73](#), subsection 1, paragraph b, Code  
13 32 2001, is amended to read as follows:

13 33 b. Any election conducted for a city of three thousand  
13 34 five hundred or less population, including a local option  
13 35 sales and services tax election conducted pursuant to section  
14 1 422B.1. At elections conducted pursuant to chapter 422B,  
14 2 contiguous cities shall have the same voting hours.

14 3 Sec. 25. Section [49.73](#), subsection 1, Code 2001, is  
14 4 amended by adding the following new paragraph:

14 5 NEW PARAGRAPH. e. The unincorporated area of any county  
14 6 voting on a local option sales and services tax pursuant to  
14 7 section 422B.1.  
14 8 Sec. 26. Section [49.79](#), Code 2001, is amended to read as  
14 9 follows:  
14 10 49.79 CHALLENGES.  
14 11 Any person offering to vote may be challenged as  
14 12 unqualified by any precinct election official or

~~elector; and~~

14 13

~~it~~

~~registered voter.~~ It is the duty of each official to  
14 14 challenge any person offering to vote whom the official knows  
14 15 or suspects is not duly qualified. A ballot shall be received  
14 16 from a voter who is challenged, but only in accordance with  
14 17 section 49.81.  
14 18 Sec. 27. Section [49.81](#), subsection 2, unnumbered paragraph  
14 19 2, Code 2001, is amended to read as follows:  
14 20 Your qualifications as a registered voter have been  
14 21 challenged for the following reasons:  
14 22 I. ....  
14 23 II. ....  
14 24 III. ....  
14 25 Your right to vote will be reviewed by the special precinct  
14 26 counting board on ..... You have the right and are  
14 27 encouraged to make a written statement and submit additional  
14 28 written evidence to this board supporting your qualifications  
14 29 as a registered voter. This written statement and evidence  
14 30 may be given to an election official of this precinct on  
14 31 election day or mailed or delivered to the county commissioner  
14 32 of elections, but must be received

~~prior to noon~~  
~~before .....~~

14 33 a.m./p.m. on ..... at ..... If your ballot is not counted  
14 34 you will receive notification of this fact.

14 35 Sec. 28. Section [49.96](#), Code 2001, is amended to read as  
15 1 follows:  
15 2 49.96 OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.  
15 3 Where more than one person is to be elected to the same  
15 4 office at the same election, and all of the candidates for  
15 5 that office for whom the voter desires to vote were nominated  
15 6 by the political party or nonparty political organization for  
15 7 which the voter has marked a straight party or organization  
15 8 vote, the voter need not otherwise indicate the vote for that  
15 9 office. However, if a voter who has marked a straight party  
15 10 or organization ticket also marks the voting targets next to  
15 11 the names of one or more candidates of the same party or  
15 12 organization, only the votes cast separately for individual  
15 13 candidates for that office shall be counted. If the voter  
15 14 wishes to vote for candidates who were nominated by different  
15 15 political parties or nonparty political organizations, the  
15 16 voter must mark the voting target for each candidate the voter  
15 17 has chosen, whether or not the voter has also marked a  
15 18 straight party or organization vote.

15 19 Sec. 29. Section [50.11](#), Code 2001, is amended to read as  
15 20 follows:  
15 21 50.11 PROCLAMATION OF RESULT.  
15 22 When the canvass is completed one of the precinct election  
15 23 officials shall publicly announce the total number of votes  
15 24 received by each of the persons voted for, the office for  
15 25 which the person is designated, as announced by the designated  
15 26 tally keepers, and the number of votes for, and the number of  
15 27 votes against, any proposition which shall have been submitted

15 28 to a vote of the people

~~, and the~~

~~- A precinct election~~

15 29 official shall communicate

~~- said information~~

~~- the election~~

15 30 results by telephone

~~- or telegraph~~

~~- or in person to the~~

15 31 commissioner who is conducting the election immediately upon

15 32 completion of the canvass

~~; and the~~

~~-~~

15 33 Election results may be transmitted electronically from  
15 34 voting equipment to the commissioner's office only after the  
15 35 precinct election officials have produced a written report of  
16 1 the election results. The devices used for the electronic  
16 2 transmission of election results shall be approved for use by  
16 3 the board of examiners pursuant to section 52.41. The state  
16 4 commissioner of elections shall adopt rules establishing  
16 5 procedures for the electronic transmission of election  
16 6 results.

16 7 The commissioner shall remain on duty until such  
16 8 information is communicated to the commissioner from each  
16 9 polling place in the commissioner's county.

16 10 Sec. 30. Section [50.12](#), Code 2001, is amended to read as  
16 11 follows:

16 12 50.12 RETURN AND PRESERVATION OF BALLOTS.

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

16 30 Sec. 31. Section [50.48](#), subsection 2, unnumbered paragraph  
16 31 1, Code 2001, is amended to read as follows:

16 32 The candidate requesting a recount under this section shall  
16 33 post a bond, unless the abstracts prepared pursuant to section  
16 34 50.24, or section 43.49 in the case of a primary election,  
16 35 indicate that the difference between the total number of votes  
17 1 cast for the apparent winner and the total number of votes  
17 2 cast for the candidate requesting the recount is less than the  
17 3 greater of fifty votes or one percent of the total number of  
17 4 votes cast for the office or nomination in question. If a  
17 5 recount is requested for an office to which more than one  
17 6 person was elected, the vote difference calculations shall be  
17 7 made using the difference between the number of votes received  
17 8 by the person requesting the recount and the number of votes  
17 9 received by the apparent winner who received the fewest votes.  
17 10 Where votes cast for that office or nomination were canvassed  
17 11 in more than one county, the abstracts prepared by the county  
17 12 boards in all of those counties shall be totaled for purposes

17 13 of this subsection. If a bond is required, it shall be filed  
17 14 with the state commissioner for recounts involving a state  
17 15 office, including a seat in the general assembly, or a seat in  
17 16 the United States Congress, and with the commissioner  
17 17 responsible for conducting the election in all other cases,  
17 18 and shall be in the following amount:

17 19 Sec. 32. Section 50.49, unnumbered paragraph 4, Code 2001,  
17 20 is amended to read as follows:

17 21 The petitioners requesting the recount shall post a bond as  
17 22 required by section 50.48, subsection 2. The amount of the  
17 23 bond shall be one thousand dollars for a public measure  
17 24 appearing on the ballot statewide or one hundred dollars for  
17 25 any other public measure. If the difference between the  
17 26 affirmative and negative votes cast on the public measure is  
17 27 less than the greater of fifty votes or one percent of the  
17 28 total number of votes cast for and against the question, a  
17 29 bond is not required. If approval by sixty percent of the  
17 30 votes cast is required for adoption of the public measure, no  
17 31 bond is required if the difference between sixty percent of  
17 32 the total votes cast for and against the question and the  
17 33 number of votes cast for the losing side is less than the  
17 34 greater of fifty votes or one percent of the total number of  
17 35 votes cast.

18 1 Sec. 33. Section 50.50, unnumbered paragraph 1, Code 2001,  
18 2 is amended to read as follows:

18 3 The commissioner who was responsible for conducting an  
18 4 election may request an administrative recount when the  
18 5 commissioner suspects that voting equipment used in the  
18 6 election malfunctioned or that programming errors may have  
18 7 affected the outcome of the election, or if the precinct  
18 8 election officials report counting errors to the commissioner  
18 9 after the conclusion of the canvass of votes in the precinct.  
18 10 An administrative recount shall be conducted by the board of  
18 11 the special precinct established by section 53.23. Bond shall  
18 12 not be required for an administrative recount. The state  
18 13 commissioner may adopt rules for administrative recounts.

18 14 Sec. 34. Section 52.37, subsection 1, Code 2001, is  
18 15 amended to read as follows:

18 16 1. The sealed ballot container from each precinct shall be  
18 17 delivered to the counting center by two

~~of the~~  
- election  
18 18 officials

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

18 31 In nonpartisan elections the election officials delivering  
18 32 the ballots are not required to be members of any political  
18 33 party, or to be members of different political parties.

18 34 Sec. 35. NEW SECTION. 52.41 ELECTRONIC TRANSMISSION OF  
18 35 ELECTION RESULTS.

19 1 With the advice of the board of examiners for voting  
19 2 machines and electronic voting systems, the state commissioner  
19 3 shall adopt by rule standards for the examination and testing

19 4 of devices for the electronic transmission of election  
19 5 results. All voting systems which contain devices for the  
19 6 electronic transmission of election results submitted to the  
19 7 examiners for examination and testing after January 1, 2002,  
19 8 shall comply with these standards.

19 9 Sec. 36. Section [53.8](#), subsection 1, Code 2001, is amended  
19 10 to read as follows:

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

19 25 Sec. 37. NEW SECTION. 53.10 ABSENTEE VOTING AT THE  
19 26 COMMISSIONER'S OFFICE.

19 27 Not more than forty days before the date of the primary  
19 28 election or the general election, the commissioner shall  
19 29 provide facilities for absentee voting in person at the  
19 30 commissioner's office. This service shall also be provided  
19 31 for other elections as soon as the ballots are ready, but in  
19 32 no case shall absentee ballots be available more than forty  
19 33 days before an election.

19 34 Each person who wishes to vote by absentee ballot at the  
19 35 commissioner's office shall first sign an application for a  
20 1 ballot including the following information: name, current  
20 2 address, and the election for which the ballot is requested.  
20 3 The person may report a change of address or other information  
20 4 on the person's voter registration record at that time. The  
20 5 registered voter shall immediately mark the ballot, enclose  
20 6 the ballot in a secrecy envelope, if necessary, and seal it in  
20 7 a ballot envelope, subscribe to the affidavit on the reverse  
20 8 side of the envelope, and return the absentee ballot to the  
20 9 commissioner. The commissioner shall record the numbers  
20 10 appearing on the application and ballot envelope along with  
20 11 the name of the registered voter.

20 12 During the hours when absentee ballots are available in the  
20 13 office of the commissioner, the posting of political signs is  
20 14 prohibited within thirty feet of the absentee voting site. No  
20 15 electioneering shall be allowed within the sight or hearing of  
20 16 voters at the absentee voting site.

20 17 Sec. 38. Section [53.11](#), unnumbered paragraph 1, Code 2001,  
20 18 is amended by striking the unnumbered paragraph.

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

20 21 Satellite absentee voting stations

~~shall~~

- ~~may~~ be established

20 22 throughout the cities and county at the direction of the  
20 23 commissioner

~~or~~

- and shall be established upon receipt of a

20 24 petition signed by not less than one hundred eligible electors  
20 25 requesting that a satellite absentee voting station be  
20 26 established at a location to be described on the petition. A  
20 27 satellite absentee voting station established by petition must  
20 28 be open at least one day for a minimum of six hours. A  
20 29 satellite absentee voting station established at the direction

20 30 of the commissioner or by petition may remain open until five  
20 31 p.m. on the day before the election.

20 32 Sec. 40. Section [53.11](#), Code 2001, is amended by adding  
20 33 the following new unnumbered paragraphs:

20 34 NEW UNNUMBERED PARAGRAPH. Procedures for absentee voting  
20 35 at satellite absentee voting stations shall be the same as  
21 1 specified in section 53.10 for voting at the commissioner's  
21 2 office. Additional procedures shall be prescribed by rule by  
21 3 the state commissioner.

21 4 NEW UNNUMBERED PARAGRAPH. During the hours when absentee  
21 5 ballots are available at a satellite absentee voting station,  
21 6 the posting of political signs is prohibited within thirty  
21 7 feet of the satellite absentee voting station. No  
21 8 electioneering shall be allowed within the sight or hearing of  
21 9 voters at the satellite absentee voting station.

21 10 Sec. 41. Section [53.18](#), Code 2001, is amended to read as  
21 11 follows:

21 12 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

21 13 Upon receipt of the absentee ballot, the commissioner shall  
21 14 at once record the number appearing on the application and  
21 15 return carrier envelope and time of receipt of such ballot and  
21 16 attach the elector's application to the unopened envelope.  
21 17 Absentee ballots shall be stored in a secure place until they  
21 18 are delivered to the absentee and special voters precinct  
21 19 board.

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

21 22 However, any registered voter who has received an absentee  
21 23 ballot and not returned it, may surrender the absentee ballot  
21 24 to the precinct officials and vote in person at the polls.  
21 25 The precinct officials shall mark the uncast absentee ballot  
21 26 "void" and return it to the commissioner. Any registered  
21 27 voter who has been sent an absentee ballot by mail but for any  
21 28 reason has not received it or who has not brought the ballot  
21 29 to the polls, may appear at the voter's precinct polling place  
21 30 on election day and

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

21 31

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

21 32

~~voter~~

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

21 33

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

21 34

~~prescribed by the state commissioner.~~

21 35 Sec. 43. Section [53.30](#), Code 2001, is amended to read as  
22 1 follows:

22 2 53.30 BALLOT ENVELOPE PRESERVED.

22 3 At the conclusion of each meeting of the absentee and  
22 4 special voter's precinct board, the board shall securely seal  
22 5 all ballots counted by them in the manner prescribed in  
22 6 section 50.12. The ballot envelopes, including the envelope  
22 7 having the registered voter's affidavit

~~thereon~~

~~on it, the~~

22 8 return carrier envelope, and secrecy envelope bearing the

22 9 signatures of precinct election officials, as required by  
22 10 section 53.23, shall be preserved. All applications for  
22 11 absentee ballots, ballots rejected without being opened,  
22 12 absentee ballot logs, and any other documents pertaining to  
22 13 the absentee ballot process shall be preserved until such time  
22 14 as the documents may be destroyed pursuant to section 50.19.  
22 15 Sec. 44. Section 53.38, Code 2001, is amended to read as  
22 16 follows:  
22 17 53.38

~~AFFIDAVIT~~

~~- WHAT CONSTITUTES REGISTRATION.~~

22 18 Whenever a ballot is requested pursuant to section 53.39 or  
22 19 53.45 on behalf of a voter in the armed forces of the United  
22 20 States, the affidavit upon the ballot envelope of such voter,  
22 21 if the voter is found to be an eligible elector of the county  
22 22 to which the ballot is submitted, shall constitute a  
22 23 sufficient registration under

~~the provisions of~~

~~chapter 48A~~

22 24

~~and the~~

~~- A completed federal postcard registration and~~

22 25 federal absentee ballot request form submitted by such  
22 26 eligible elector shall also constitute a sufficient  
22 27 registration under chapter 48A. The commissioner shall place  
22 28 the voter's name on the registration record as a registered  
22 29 voter, if it does not already appear there.

22 30 Sec. 45. Section 53.40, unnumbered paragraph 1, Code 2001,  
22 31 is amended to read as follows:

22 32 A request in writing for a ballot may be made by any member  
22 33 of the armed forces of the United States who is or will be a  
22 34 qualified voter on the day of the election at which the ballot  
22 35 is to be cast, at any time before the election. Any member of  
23 1 the armed forces of the United States may request ballots for  
23 2 all elections to be held within a calendar year. The request  
23 3 may be made by using the federal postcard application form and  
23 4 indicating that the applicant wishes to receive ballots for  
23 5 all elections as permitted by state law. The county

~~auditor~~

~~-~~  
23 6 commissioner shall send the applicant a ballot for each  
23 7 election held during the calendar year in which the  
23 8 application is received. The commissioner shall forward a  
23 9 copy of the absentee ballot request to other commissioners who  
23 10 are responsible under section 47.2, subsection 2, for  
23 11 conducting elections in which the applicant is eligible to  
23 12 vote.

23 13 Sec. 46. Section 57.1, subsection 2, Code 2001, is amended  
23 14 by adding the following new paragraph after paragraph f and  
23 15 relettering the subsequent paragraphs:

23 16 NEW PARAGRAPH. g. That the public measure or office was  
23 17 not authorized or required by state law to appear on the  
23 18 ballot at the election being contested.

23 19 Sec. 47. NEW SECTION. 62.5A STATEMENT OF INTENT TO  
23 20 CONTEST.

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

23 29 declares a winner from the recount of votes.  
23 30 2. The contestant's statement shall include the following:  
23 31 a. The name of the contestant and that the contestant is  
23 32 qualified to hold such office.  
23 33 b. The name of the incumbent.  
23 34 c. The office contested.  
23 35 d. The date of the election.  
24 1 e. The particular causes of the contest pursuant to  
24 2 section 57.1, subsection 2. If a cause of the contest is an  
24 3 allegation that illegal votes were received or that legal  
24 4 votes were rejected, a statement shall be included setting  
24 5 forth the names of the persons who are alleged to have voted  
24 6 illegally or whose votes were rejected and the precinct where  
24 7 they voted or offered to vote.  
24 8 f. The affidavit of the contestant, or some elector of the  
24 9 county, affirming the causes set forth are true.  
24 10 Sec. 48. Section [69.2](#), Code 2001, is amended to read as  
24 11 follows:  
24 12 69.2 WHAT CONSTITUTES VACANCY.  
24 13 1. Every civil office shall be vacant if any of the  
24 14 following events occur:  
24 15

~~1.~~

- a. A failure to elect at the proper election, or to  
24 16 appoint within the time fixed by law, unless the incumbent  
24 17 holds over.  
24 18

~~2.~~

- b. A failure of the incumbent or holdover officer to  
24 19 qualify within the time prescribed by law.  
24 20

~~3.~~

- c. The incumbent ceasing to be a resident of the state,  
24 21 district, county, township, city, or ward by or for which the  
24 22 incumbent was elected or appointed, or in which the duties of  
24 23 the office are to be exercised. This subsection shall not  
24 24 apply to appointed city officers.  
24 25

~~4.~~

- d. The resignation or death of the incumbent, or of the  
24 26 officer-elect before qualifying.  
24 27

~~5.~~

- e. The removal of the incumbent from, or forfeiture of,  
24 28 the office, or the decision of a competent tribunal declaring  
24 29 the office vacant.  
24 30

~~6.~~

- f. The conviction of the incumbent of a felony, an  
24 31 aggravated misdemeanor, or of any public offense involving the  
24 32 violation of the incumbent's oath of office.  
24 33

~~7.~~

- g. The board of supervisors declares a vacancy in an  
24 34 elected county office upon finding that the county officer has  
24 35 been physically absent from the county for sixty consecutive  
25 1 days except in the case of a medical emergency; temporary  
25 2 active military duty; or temporary service with another  
25 3 government service, agency, or department.  
25 4

~~8.~~

- h. The incumbent simultaneously holding more than one  
25 5 elective office at the same level of government. This  
25 6 subsection does not apply to the following offices: county  
25 7 agricultural extension council, soil and water conservation  
25 8 district commission, or regional library board of trustees.  
25 9

~~9.~~

- i. An incumbent statewide elected official or member of  
25 10 the general assembly simultaneously holding more than one  
25 11 elective office.  
25 12 2. If the status of an officeholder is in question, the  
25 13 entity or officer responsible for making an appointment to  
25 14 fill the vacancy shall decide whether a vacancy exists. The  
25 15 appointing entity or officer may act upon its own motion. If  
25 16 a petition signed by twenty-five registered voters of the  
25 17 jurisdiction is received, the appointing entity or officer  
25 18 shall convene within thirty days to consider whether a vacancy  
25 19 exists. The appointing entity or officer shall publish notice  
25 20 that a public hearing will be held to determine whether a  
25 21 vacancy exists. The notice shall include the time and place  
25 22 of the hearing and the name of the office and the officeholder  
25 23 whose status is in question. The public hearing shall be held  
25 24 not less than four nor more than fourteen days after  
25 25 publication of the notice. The officer whose status is in  
25 26 question shall be notified of the time and place of the  
25 27 hearing. Notice shall be sent by certified mail and must be  
25 28 postmarked at least fourteen days before the hearing. No  
25 29 later than seven days after the public hearing, the appointing  
25 30 entity or officer shall publish its decision. If the  
25 31 appointing entity or officer decides that the office is  
25 32 vacant, the publication shall state the date the vacancy  
25 33 occurred and what action will be taken to fill the vacancy.

25 34 3. The officer against whom the judgment was rendered may  
25 35 appeal to the district court no later than twenty days after  
26 1 official publication of the decision. However, the appeal  
26 2 will not supersede the execution of the judgment of the  
26 3 appointing entity or officer, unless the party gives a bond,  
26 4 with security to be approved by the district judge in a sum to  
26 5 be fixed by the judge. The amount of the bond shall be at  
26 6 least double the probable compensation of such officer for six  
26 7 months, which bond shall be conditioned that the officer will  
26 8 prosecute the appeal without delay, and that, if the judgment  
26 9 appealed from is affirmed, the party will pay over to the  
26 10 successful party all compensation received by the party while  
26 11 in possession of the office after the judgment appealed from  
26 12 was rendered. The court shall hear the appeal in equity and  
26 13 determine anew all questions arising in the case.

26 14 4. If, upon appeal, the judgment is affirmed, the district  
26 15 court may render judgment upon the bond for the amount of  
26 16 damages awarded against the appellant and the sureties on the  
26 17 bond.

26 18 Sec. 49. Section 69.12, subsection 1, paragraph a, Code  
26 19 2001, is amended to read as follows:

26 20 a. A vacancy shall be filled at the next pending election  
26 21 if it occurs:

26 22 (1) Seventy-four or more days

~~prior to~~

- before the  
26 23 election, if it is a general

~~or primary~~

- election.  
26 24 (2) Fifty-two or more days

~~prior to~~

- ~~before~~ the election,

26 25 if it is a regularly scheduled or special city election.  
26 26 However, for those cities which may be required to hold a  
26 27 primary election, the vacancy shall be filled at the next  
26 28 pending election if it occurs seventy-three or more days  
26 29 before a regularly scheduled or special city election.  
26 30 (3) Forty-five or more days

~~prior to~~

- ~~before~~ the election,

26 31 if it is a regularly scheduled school election.  
26 32 (4) Forty or more days

~~prior to~~

- ~~before~~ the election, if it

26 33 is a special election.  
26 34 Sec. 50. Section [69.12](#), subsection 1, paragraph b, Code  
26 35 2001, is amended to read as follows:  
27 1 b. Nomination papers on behalf of candidates for a vacant  
27 2 office to be filled pursuant to paragraph "a" of this  
27 3 subsection shall be filed, in the form and manner prescribed  
27 4 by applicable law, by five

~~o'clock~~

- p.m. on:

27 5 (1) The final filing date for candidates filing with the  
27 6 state commissioner or commissioner, as the case may be, for a  
27 7 general

~~or primary~~

- election.

27 8 (2) The

~~forty seventh day prior to~~

- ~~candidate filing~~

27 9 deadline specified in section 376.4 for regularly scheduled or  
27 10 special city election.  
27 11 (3) The fortieth day

~~prior to~~

- ~~before~~ a regularly scheduled

27 12 school election.  
27 13 (4) The twenty-fifth day

~~prior to~~

- ~~before~~ a special

27 14 election.  
27 15 Sec. 51. Section [69.14A](#), Code 2001, is amended by adding  
27 16 the following new subsection:  
27 17 NEW SUBSECTION. 4. Notwithstanding subsections 1 and 2,  
27 18 if a nomination has been made at the primary election for an  
27 19 office in which a vacancy has been filled by appointment, the  
27 20 office shall be filled at the next general election, and not  
27 21 at any special election in the same political subdivision.  
27 22 Sec. 52. Section [256.63](#), unnumbered paragraph 2, Code  
27 23 2001, is amended to read as follows:  
27 24 The votes cast in the election shall be canvassed and  
27 25 abstracts of the votes cast shall be promptly certified by the  
27 26 commissioner to the commissioner of elections who is  
27 27 responsible under section 47.2 for conducting elections for  
27 28 that regional library board district. In each county whose  
27 29 commissioner of elections is responsible under section 47.2  
27 30 for conducting elections held for a regional library board  
27 31 district, the county board of supervisors shall convene at  
27 32 nine a.m. on the third Monday or Tuesday in November, canvass

27 33 the abstracts of votes cast and declare the results of the  
27 34 voting. The commissioner shall at once issue certificates of  
27 35 election to each person declared elected.

28 1 Sec. 53. Section [256.64](#), Code 2001, is amended to read as  
28 2 follows:

28 3 256.64 TERMS.

28 4 Regional library trustees shall take office on the first  
28 5 day of January following the general election and shall serve  
28 6 terms of four years. A vacancy shall be filled

~~when it occurs~~

28 7

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

~~by~~

28 8 appointment by the regional board for the unexpired term. No  
28 9 trustee shall serve on a local library board or be employed by  
28 10 a library during the trustee's term of office as a regional  
28 11 library trustee.

28 12 Sec. 54. Section [275.12](#), subsections 3 and 4, Code 2001,  
28 13 are amended to read as follows:

28 14 3. If the petition proposes the division of the school  
28 15 district into director districts, the boundaries of the  
28 16 proposed director districts shall not be

~~described in the~~

28 17

~~petition and shall be~~

~~drawn until the question is approved by~~

28 18 the voters. If the question is approved by the voters, the  
28 19 directors of the new school district shall draw the boundaries  
28 20 of the director districts according to the standards described  
28 21 in section 275.23A, subsection 1. Following adoption by the  
28 22 school board, the plan shall be submitted to the state  
28 23 commissioner of elections for approval.

28 24 4. The area education agency board in reviewing the  
28 25 petition as provided in sections 275.15 and 275.16 shall  
28 26 review the proposed method of election of school directors and  
28 27 may change or amend the plan in any manner, including

~~the~~

28 28

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

28 29 to specify a different method of electing school directors as  
28 30 may be required by law, justice, equity, and the interest of  
28 31 the people. In the action, the area education agency board  
28 32 shall follow the same procedure as is required by sections  
28 33 275.15 and 275.16 for other action on the petition by the area  
28 34 education agency board.

~~The area education agency shall~~

28 35

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

29 1

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

29 2

~~make adjustments as necessary.~~

29 3 Sec. 55. Section [275.25](#), subsection 1, unnumbered  
29 4 paragraph 1, Code 2001, is amended to read as follows:  
29 5 If the proposition to establish a new school district  
29 6 carries under the method provided in this chapter, the area  
29 7 education agency administrator with whom the petition was  
29 8 filed shall give written notice of a proposed date for a  
29 9 special election for directors of the newly formed school  
29 10 district to the commissioner of elections of the county in the  
29 11 district involved in the reorganization which has the greatest  
29 12 taxable base. The proposed date shall be as soon as possible  
29 13 pursuant to section 39.2, subsections 1 and 2, and section  
29 14 47.6, subsections 1 and 2, but not later than the third  
29 15 Tuesday in January of the calendar year in which the  
29 16 reorganization takes effect. The election shall be conducted  
29 17 as provided in section 277.3, and nomination petitions shall  
29 18 be filed pursuant to section 277.4, except as otherwise  
29 19 provided in this subsection. Nomination petitions shall be  
29 20 filed with the secretary of the board of the existing school  
29 21 district in which the candidate resides

~~, signed by not less~~

29 22

~~than ten eligible electors of the newly formed district, and~~

29 23

~~filed~~

- not less than twenty-eight days before the date set for  
29 24 the special school election. The

~~school~~

- secretary of the

29 25 board, or the secretary's designee, shall be present in the  
29 26 secretary's office until five p.m. on the final day to file  
29 27 the nomination papers. The nomination papers shall be  
29 28 delivered to the commissioner no later than five p.m. on the  
29 29 twenty-seventh day before the election.

29 30 Sec. 56. Section [275.35](#), Code 2001, is amended to read as  
29 31 follows:

29 32 275.35 CHANGE OF METHOD OF ELECTIONS.

29 33 Any existing or hereafter created or enlarged school  
29 34 district may change the number of directors to either five or  
29 35 seven and may also change its method of election of school  
30 1 directors to any method authorized by section 275.12 by  
30 2 submission of a proposal, stating the proposed new method of  
30 3 election

~~and describing the boundaries of the proposed~~

30 4

~~director districts if any~~

-, by the school board of such

30 5 district to the electors at any regular or special school  
30 6 election. The school board shall notify the county  
30 7 commissioner of elections who shall publish notice of the  
30 8 election in the manner provided in section 49.53. The  
30 9 election shall be conducted pursuant to chapters 39 to 53 by  
30 10 the county commissioner of elections. Such proposal shall be  
30 11 adopted if it is approved by a majority of the votes cast on  
30 12 the proposition.

30 13 If the proposal adopted by the voters requires the

30 14 establishment of or change in director district boundaries,  
30 15 the school board shall draw the necessary boundaries within  
30 16 forty days after the date of the election. The boundaries  
30 17 shall be drawn according to the requirements of section  
30 18 275.23A. Following adoption by the school board, the plan  
30 19 shall be submitted to the state commissioner of elections for  
30 20 approval.

30 21 Sec. 57. Section 275.36, Code 2001, is amended to read as  
30 22 follows:

30 23 275.36 SUBMISSION OF CHANGE TO ELECTORS.

30 24 If a petition for a change in the number of directors or in  
30 25 the method of election of school directors

~~, describing the~~

30 26

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

30 27

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

30 28

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

30 29

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

30 30

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

30 31

~~affidavit as required by section 275.13 be~~

~~is filed with the~~

30 32 school board of a school district

~~, not earlier than six months~~

30 33

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

30 34

~~special school election~~

~~pursuant to the requirements of~~

30 35 section 278.2, the school board shall submit such proposition

31 1 to the voters at the regular school election or a special

31 2 election held not later than February 1. The petition shall

31 3 be accompanied by an affidavit as required by section 275.13.

31 4 If a proposition for a change in the number of directors or in

31 5 the method of election of school directors submitted to the

31 6 voters under this section is rejected, it shall not be

31 7 resubmitted to the voters of the district in substantially the

31 8 same form within the next three years; if it is approved, no

31 9 other proposal may be submitted to the voters of the district

31 10 under this section within the next six years.

31 11 If the proposal adopted by the voters requires the

31 12 establishment of or a change in director district boundaries

31 13 pursuant to section 275.12, subsection 2, paragraph "b", "c",

31 14 "d", or "e", the school board shall draw the necessary

31 15 boundaries within forty days after the date of the election.

31 16 The boundaries shall be drawn according to the requirements of  
31 17 section 275.23A. Following adoption by the school board, the  
31 18 plan shall be submitted to the state commissioner of elections  
31 19 for approval. The new boundaries shall become effective on  
31 20 July 1 following approval.

31 21 Sec. 58. Section 275.37, Code 2001, is amended to read as  
31 22 follows:

31 23 275.37 INCREASE IN NUMBER OF DIRECTORS.

31 24 At the next succeeding annual school election in a district  
31 25 where the number of directors has been increased from five to  
31 26 seven, and directors are elected at large, there shall be  
31 27 elected a director to succeed each incumbent director whose  
31 28 term is expiring in that year, and two additional directors.  
31 29 Upon organizing as required by section 279.1, the newly  
31 30 elected director who received the fewest votes in the election  
31 31 shall be assigned a term of either one year or two years if  
31 32 necessary in order that as nearly as possible one-third of the  
31 33 members of the board shall be elected each year. If some or  
31 34 all directors are elected from director districts, the board  
31 35 shall assign terms appropriate for the method of election used  
32 1 by the district.

32 2 Sec. 59. NEW SECTION. 275.37A DECREASE IN NUMBER OF  
32 3 DIRECTORS.

32 4 1. A change from seven to five directors shall be effected  
32 5 in a district at the first regular school election after  
32 6 authorization by the voters in the following manner:

32 7 a. If at the first election in the district there are  
32 8 three terms expiring, one director shall be elected. At the  
32 9 second election in that district, if two terms are expiring,  
32 10 two directors shall be elected. At the third election in that  
32 11 district, if there are two terms expiring, two directors shall  
32 12 be elected.

32 13 b. If at the first election there are two terms expiring,  
32 14 no directors shall be elected. At the second election in that  
32 15 district, if two terms are expiring, two directors shall be  
32 16 elected. At the third election in that district, if there are  
32 17 three terms expiring, three directors shall be elected, two  
32 18 for three years and one for one year. The newly elected  
32 19 director who received the fewest votes in the election shall  
32 20 be assigned a term of one year.

32 21 c. If at the first election there are two terms expiring,  
32 22 no directors shall be elected. At the second election in that  
32 23 district, if three terms are expiring, three directors shall  
32 24 be elected, two for three years and one for two years. The  
32 25 newly elected director who received the fewest votes in the  
32 26 election shall be assigned a term of two years. At the third  
32 27 election in that district, if there are two terms expiring,  
32 28 two directors shall be elected.

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

32 34 Sec. 60. Section 275.55, unnumbered paragraph 1, Code  
32 35 2001, is amended to read as follows:

33 1 The board of the school district shall call a special  
33 2 election to be held not later than forty days following the  
33 3 date of the final hearing on the dissolution proposal. The  
33 4 special election may be held at the same time as the regular  
33 5 school election. The proposition submitted to the voters  
33 6 residing in the school district at the special election shall  
33 7 describe each separate area to be attached to a contiguous  
33 8 school district and shall name the school district to which it  
33 9 will be attached. In addition to the description, a map may  
33 10 be included in the summary of the question on the ballot.

33 11 Sec. 61. NEW SECTION. 275.57 CHANGING DIRECTOR DISTRICT  
33 12 BOUNDARIES FOLLOWING DISSOLUTION.

33 13 1. If a school district accepting attachments of a  
33 14 dissolved district is currently divided into director  
33 15 districts as provided in section 275.12, subsection 2,  
33 16 paragraph "b", "c", "d", or "e", the board of directors of the  
33 17 district shall draft a proposal to incorporate the newly  
33 18 received territory into existing contiguous director  
33 19 districts. If the attached territory is contiguous to more  
33 20 than one director district, the board may divide the territory  
33 21 and attach it to more than one director district. If  
33 22 necessary to comply with the population equality standards  
33 23 prescribed in section 275.23A, the board shall redraw the  
33 24 boundaries of all director districts according to the  
33 25 standards provided in section 275.23A, subsection 1,  
33 26 paragraphs "a", "c", and "d".

33 27 2. A public hearing on the proposed changes to director  
33 28 districts shall be held no later than May 15 following the  
33 29 dissolution. Not less than ten nor more than twenty days  
33 30 before the public hearing, the board shall publish notice of  
33 31 the time and place of the hearing.

33 32 3. The final plan for the assignment of attached lands and  
33 33 any other boundary changes made shall be adopted by resolution  
33 34 of the board. The resolution shall contain a legal  
33 35 description of the new director district boundaries and a map  
34 1 of the director district boundaries changed by the resolution.  
34 2 A copy of the resolution shall be filed with the county  
34 3 commissioners of elections of each county in which a portion  
34 4 of the school district is located. The resolution shall also  
34 5 be filed with the state commissioner of elections not later  
34 6 than June 15. The boundary changes shall take effect upon  
34 7 approval by the state commissioner of elections for the next  
34 8 regular school election, but not later than July 1.

34 9 Sec. 62. Section [277.23](#), Code 2001, is amended to read as  
34 10 follows:

34 11 277.23 DIRECTORS NUMBER CHANGE.

34 12 In any district including all

~~or part~~

~~of a city of fifteen~~

34 13 thousand or more population and in any district in which the  
34 14 voters have authorized seven directors, the board shall  
34 15 consist of seven members; in all other districts the board  
34 16 shall consist of five members.

34 17 A change from five to seven directors shall be effected in  
34 18 a district at the first regular election after authorization  
34 19 by the voters or when a district becomes wholly or in part  
34 20 within a city of fifteen thousand population or more in the  
34 21

~~following~~

~~manner~~

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

34 22

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

34 23

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

34 24

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

34 25

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

34 26

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

34 27

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

34 28

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

34 29

~~term of the director heretofore singly elected~~

~~described in~~

34 30 section 275.37.

34 31 Sec. 63. Section 278.1, subsection 8, Code 2001, is

34 32 amended to read as follows:

34 33 8. Authorize a change in the method of conducting

34 34 elections or in the number of directors as provided in

34 35 sections 275.35 and 275.36. If a proposition submitted to the

35 1 voters under this subsection or subsection 7 is rejected, it

35 2 may not be resubmitted to the voters of the district in

35 3 substantially the same form within the next three years; if it

35 4 is approved, no other proposal may be submitted to the voters

35 5 of the district under this subsection or subsection 7 within

35 6 the next six years. The establishment or abandonment of

35 7 director districts or a change in the boundaries of director

35 8 districts shall be implemented as prescribed in section

35 9 275.37.

35 10 Sec. 64. Section 279.6, unnumbered paragraph 2, Code 2001,

35 11 is amended to read as follows:

35 12

~~However,~~

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

35 13 school election if a member of a school board resigns from the

35 14 board

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

35 15

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

35 16 not later than forty-five days before the election and the

35 17 notice of resignation specifies

~~in the resignation that the~~

35 18

~~resignation will be~~

~~an effective~~

~~on the~~

~~date at the beginning~~

35 19 of the next term of office for elective school officials

35 20

~~begins, the~~

~~The president of the board shall declare the~~

35 21 office vacant as of

~~that~~

- the date

~~and nomination~~

- of the next

35 22 organizational meeting. Nomination papers shall be received  
35 23 for the unexpired term of the resigning member. The person  
35 24 elected at the next regular school election to fill the  
35 25 vacancy shall take office at the same time and place as the  
35 26 other elected school board members.

35 27 Sec. 65. Section 296.3, Code 2001, is amended to read as  
35 28 follows:

35 29 296.3 ELECTION CALLED.

35 30

~~The~~

- Within ten days of receipt of a petition filed under

35 31 section 296.2, the president of the board of directors

~~, within~~

-  
35 32

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

- shall

35 33 call a meeting of the board

~~which shall~~

- The meeting shall be

35 34 held within thirty days after the petition was received. At  
35 35 the meeting, the board shall call the election, fixing the  
36 1 time of the election, which may be at the time and place of  
36 2 holding the regular school election

~~, unless~~

- However, if the

36 3 board determines by unanimous vote that the proposition or  
36 4 propositions requested by a petition to be submitted at an  
36 5 election are grossly unrealistic or contrary to the needs of  
36 6 the school district, no election shall be called. If more  
36 7 than one petition has been received by the time the board  
36 8 meets to consider the petition triggering the meeting, the  
36 9 board shall act upon the petitions in the order they were  
36 10 received at the meeting called to consider the initial  
36 11 petition. The decision of the board may be appealed to the  
36 12 state board of education as provided in chapter 290. The  
36 13 president shall notify the county commissioner of elections of  
36 14 the time of the election.

36 15 Sec. 66. Section 331.207, subsection 2, Code 2001, is  
36 16 amended to read as follows:

36 17 2. The petition shall be filed with the

~~auditor~~

- county

36 18 commissioner by

~~January~~

- June 1 of

~~a general election~~

- an odd-

36 19 numbered year, subject to subsection 5. The special election  
36 20 shall be held

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

-  
36 21

~~election~~

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

36 22 received. Notice of the special election shall be published  
36 23 once each week for three successive weeks in an official  
36 24 newspaper of the county, shall state the representation plans  
36 25 to be submitted to the electors, and shall state the date of  
36 26 the special election which shall be held not less than five  
36 27 nor more than twenty days from the date of last publication.

36 28 Sec. 67. Section [331.207](#), Code 2001, is amended by adding  
36 29 the following new subsection:

36 30 NEW SUBSECTION. 4A. If the plan adopted by a plurality of  
36 31 the ballots cast in the special election represents a change  
36 32 from plan "one" to plan "two" or "three", or from plan "two"  
36 33 to plan "three", as each plan is defined in section 331.206,  
36 34 the temporary county redistricting commission shall divide the  
36 35 county into districts as provided in sections 331.209 and  
37 1 331.210. The plan shall be completed not later than September  
37 2 15 following the special election and shall be submitted to  
37 3 the state commissioner of elections. The plan shall become  
37 4 effective January 1.

37 5 Sec. 68. Section [331.651](#), subsection 1, unnumbered  
37 6 paragraph 1, Code 2001, is amended to read as follows:

37 7 The office of sheriff is an elective office

~~except that~~

~~-~~  
37 8 However, if a vacancy occurs in the office, the first deputy  
37 9 shall assume the office after qualifying as provided in this  
37 10 section

~~and~~

~~-~~ The first deputy shall hold the office until a  
37 11 successor is appointed or elected to the unexpired term as  
37 12 provided in chapter 69. If a sheriff is suspended from  
37 13 office, the district court may appoint a sheriff until a  
37 14 temporary appointment is made by the board as provided in  
37 15 section 66.19.

37 16 Sec. 69. Section [336.2](#), unnumbered paragraphs 3, 4, and 5,  
37 17 Code 2001, are amended to read as follows:

37 18 The board of supervisors of each county containing area  
37 19 within the proposed district shall submit the

~~proposition~~

~~-~~  
37 20 question to the registered voters within their respective  
37 21 counties at

~~any~~

~~- the next general~~

~~or primary~~

~~election~~

~~provided~~

~~-~~  
37 22

~~said election occurs~~

~~-~~ The petition shall be filed not less  
37 23 than

~~forty~~

~~- eighty-two days~~

~~after the filing of the petition~~

~~-~~

37 24 before the election.

37 25 A county library district shall be established, if a

37 26 majority of the electors voting on the

~~proposition~~

~~question~~

37 27 and residing outside of cities maintaining a free public  
37 28 library favor it.

37 29 The result of the election within cities maintaining a free

37 30 public library shall be considered separately, and no city

37 31 shall be included within the county library district unless a

37 32 majority of its electors, voting on the

~~proposition~~

~~question,~~

37 33 favor its inclusion. In such cases the boundaries of an  
37 34 established district may vary from those of the proposed  
37 35 district.

38 1 Sec. 70. Section [336.16](#), unnumbered paragraph 4, Code

38 2 2001, is amended to read as follows:

38 3 A county library district may be terminated if a majority

38 4 of the electors of the unincorporated area of the county and

38 5 the cities included in the county library district voting on

38 6 the issue favor the termination. The election shall be held

38 7 upon motion of the board of supervisors and simultaneously

38 8 with a

~~primary,~~

~~general~~

~~7~~

~~or other county election. If the~~

38 9 vote favors termination, the termination shall be effective on  
38 10 the succeeding July 1.

38 11 Sec. 71. Section [336.18](#), subsection 2, Code 2001, is

38 12 amended to read as follows:

38 13 2. a. Contracts shall provide for the amount to be

38 14 contributed. They may, by mutual consent of the contracting

38 15 parties, be terminated at any time. They may also be

38 16 terminated by a majority of the voters represented by either

38 17 of the contracting parties, voting on

~~a proposition~~

~~the~~

38 18 question to terminate which shall be submitted by the

38 19 governing body upon a written petition of qualified voters in

38 20 a number not less than five percent of those who voted in the

38 21 area for president of the United States or governor at the

38 22 last general election.

38 23 b. The

~~proposition~~

~~question~~ may be submitted at any

38 24 election provided by law which covers the area of the unit

38 25 seeking to terminate the contract. The petition shall be

38 26 presented to the governing body not less than

~~forty~~

~~ten~~ days

38 27 before the last day candidates may file nomination petitions

38 28 for the election at which the question is to be submitted.

38 29 Sec. 72. Section [336.18](#), subsection 4, paragraphs a, b,

38 30 and c, Code 2001, are amended to read as follows:

38 31 a. Qualified electors of that part of any county outside

38 32 of cities in a number of not less than twenty-five percent of

38 33 those in the area who voted for president of the United States

38 34 or governor at the last general election may petition the

38 35 board of supervisors to submit the

~~proposition~~

~~question of~~

39 1 requiring the board to provide library service for them and

39 2 their area by contract as provided by this section.

39 3 b. The board of supervisors shall submit the

~~proposition~~

39 4 question to the voters of the county residing outside of

39 5 cities at the next general election

~~, primary or general,~~

39 6

~~provided that the petition has been~~

~~The petition shall be~~

39 7 filed not less than

~~forty~~

~~ten~~ days

~~prior to the date of~~

~~before~~

39 8 the last day candidates may file nomination petitions for the

39 9 election at which the question is to be submitted.

39 10 c. If a majority of those voting upon the

~~proposition~~

39 11 question favors it, the board of supervisors shall within

39 12 thirty days appoint a board of library trustees from residents

39 13 of the petitioning area. Vacancies shall be filled by the

39 14 board.

39 15 Sec. 73. Section [346.27](#), subsection 10, Code 2001, is

39 16 amended to read as follows:

39 17 10. After the incorporation of an authority, and before

39 18 the sale of any issue of revenue bonds, except refunding

39 19 bonds, the authority shall

~~submit in a single countywide~~

~~call~~

39 20 an election to

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

39 21

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

39 22

~~purpose,~~

~~decide~~ the question of whether

~~an~~

~~the~~ authority shall

39 23 issue and sell revenue bonds

~~, stating~~

~~The ballot shall state~~

39 24 the amount

~~, for any~~

~~of~~ the bonds and the purposes for which

~~it~~

39 25 the authority is incorporated. Registered voters of the city  
39 26 and the unincorporated area of the county shall be entitled to  
39 27 vote on the question. The question may be submitted at a  
39 28 general election or at a special election. An affirmative  
39 29 vote of a majority of the votes cast on the

~~proposition~~

39 30 question is required to authorize the issuance and sale of  
39 31 revenue bonds.  
39 32 PARAGRAPH DIVIDED.

~~A~~

~~In addition to the notice required by~~  
39 33 section 49.53, a notice of the election shall be published  
39 34 once each week for at least two weeks in some newspaper  
39 35 published in the county stating the date of the election, the  
40 1 hours the polls will be open, and a copy of the question.

~~The~~

40 2

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

40 3

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

40 4

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

~~The~~

40 5 authority shall call this election with the concurrence of  
40 6 both incorporating units

~~, and it shall establish the voting~~

40 7

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

40 8

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

~~The~~

40 9 election shall be conducted by the commissioner in accordance  
40 10 with the provisions of chapters 49 and 50.  
40 11 Sec. 74. Section [346.27](#), subsection 25, Code 2001, is  
40 12 amended to read as follows:  
40 13 25. When all bonds issued by an authority have been  
40 14 retired, the authority may convey the title to the property  
40 15 owned by the authority to the incorporating units in  
40 16 accordance with the provisions

~~therefor~~

~~contained in the~~  
40 17 articles of incorporation

~~, or, if none,~~

~~If no articles of~~

40 18 incorporation exist, the conveyance may be made in accordance  
40 19 with any agreement adopted by the respective governing bodies  
40 20 of the incorporating units, and the authority.

40 21 PARAGRAPH DIVIDED. The

~~proposition~~

- question of whether a

40 22 conveyance shall be made shall be submitted to the

~~legal~~

40 23 registered voters of the city and the unincorporated area of

40 24 the county

~~, utilizing the election procedures provided for~~

40 25

~~bond issues, and an~~

- An affirmative vote equal to at least a

40 26 majority of the total votes cast on the

~~proposition~~

- question

40 27 shall be required to authorize the conveyance. If the

40 28

~~proposition~~

- question does not carry, the authority shall

40 29 continue to operate, maintain, and manage the building under a  
40 30 lease arrangement with the incorporating units.

40 31 Sec. 75. Section 372.9, subsection 2, Code 2001, is

40 32 amended to read as follows:

40 33 2. When a charter is filed, the council and mayor shall

40 34 notify the county commissioner of elections to publish notice

40 35 containing the full text of the proposed home rule charter, a

41 1 description of any other form of government being presented to

41 2 the voters, and the date of the election, and to conduct the

41 3 election. The notice shall be published at least twice in the

41 4 manner provided in section 362.3, except that the publications

41 5 must occur within sixty days of the filing of the home rule

41 6 charter, with a two-week interval between each publication.

41 7 The council shall provide copies of a proposed charter for

41 8 public distribution by the city clerk.

41 9 Sec. 76. Section 372.13, subsection 2, paragraph b, Code

41 10 2001, is amended to read as follows:

41 11 b. By a special election held to fill the office for the

41 12 remaining balance of the unexpired term. If the council opts

41 13 for a special election or a valid petition is filed under

41 14 paragraph "a", the special election may be held concurrently

41 15 with any pending election as provided by section 69.12 if by

41 16 so doing the vacancy will be filled not more than ninety days

41 17 after it occurs. Otherwise, a special election to fill the

41 18 office shall be called at the earliest practicable date. If

41 19 there are concurrent vacancies on the council and the

41 20 remaining council members do not constitute a quorum of the

41 21 full membership, a special election shall be called at the

41 22 earliest practicable date. The council shall give the county

41 23 commissioner at least sixty days' written notice of the date

41 24 chosen for the special election. The council of a city where

41 25 a primary election may be required shall give the county

41 26 commissioner at least eighty-five days' written notice of the

41 27 date chosen for the special election. A special election held

41 28 under this subsection is subject to sections 376.4 through

41 29 376.11, but the dates for actions in relation to the special

41 30 election shall be calculated with regard to the date for which

41 31 the special election is called.

41 32 Sec. 77. Section 376.2, unnumbered paragraph 2, Code 2001,

41 33 is amended to read as follows:

41 34 Except as otherwise provided by state law or the city

41 35 charter, terms for elective offices are two years. However,  
42 1 the term of an elective office may be changed to two or four  
42 2 years by petition and election. Upon receipt of a valid  
42 3 petition as defined in section 362.4, requesting that the term  
42 4 of an elective office be changed, the council shall submit the  
42 5 question at a special city election to be held within sixty  
42 6 days after the petition is received. The special election  
42 7 shall be held more than ninety days before the regular city  
42 8 election if the change shall go into effect at the next  
42 9 regular city election. If a majority of the persons voting at  
42 10 the special election approves the changed term, it becomes  
42 11 effective at the beginning of the term following the next  
42 12 regular city election. If a majority does not approve the  
42 13 changed term, the council shall not submit the same proposal  
42 14 to the voters within the next four years.

42 15 Sec. 78. Section 376.6, unnumbered paragraph 2, Code 2001,  
42 16 is amended to read as follows:

42 17 Each city clerk shall certify to the commissioner of  
42 18 elections responsible under section 47.2 for conducting  
42 19 elections for that city the type of nomination process to be  
42 20 used for the city no later than

~~seventy seven~~

~~— ninety days~~

42 21 before the date of the regular city election. If the city has  
42 22 by ordinance chosen a runoff election or has chosen to have  
42 23 nominations made in the manner provided by chapter 44 or 45,  
42 24 or has repealed nomination provisions under those sections in  
42 25 preference for the primary election method, a copy of the city  
42 26 ordinance shall be attached. No changes in the method of  
42 27 nomination to be used in a city shall be made after the clerk  
42 28 has filed the certification with the commissioner, unless the  
42 29 change will not take effect until after the next regular city  
42 30 election.

42 31 Sec. 79. Section 422A.1, unnumbered paragraph 3, Code  
42 32 2001, is amended to read as follows:

42 33 A city or county shall impose a hotel and motel tax or  
42 34 increase the tax rate, only after an election at which a  
42 35 majority of those voting on the question favors imposition or  
43 1 increase. However, a hotel and motel tax shall not be  
43 2 repealed or reduced in rate if obligations are outstanding  
43 3 which are payable as provided in section 422A.2, unless funds  
43 4 sufficient to pay the principal, interest, and premium, if  
43 5 any, on the outstanding obligations at and prior to maturity  
43 6 have been properly set aside and pledged for that purpose.  
43 7 The election shall be held at the time of

~~that city's~~

~~— the~~

43 8 regular city election or the county's general election or at  
43 9 the time of a special election.

43 10 Sec. 80. Sections 62.5 and 62.8, Code 2001, are repealed.

43 11 Sec. 81. EFFECTIVE AND APPLICABILITY DATES. The sections  
43 12 of this Act amending Code section 43.14 and enacting Code  
43 13 sections 45.5 and 45.6 take effect January 1, 2002, and apply  
43 14 to elections held on or after that date.

43 15 EXPLANATION

43 16 This bill makes a number of changes to the election laws of  
43 17 Iowa.

43 18 Code section 39.2 is amended to prohibit holding other  
43 19 elections at the same time as a city primary or runoff  
43 20 elections.

43 21 Code section 39.3 is amended to add new subsection 17,  
43 22 defining the terms "written" and "in writing" for purposes of  
43 23 election law.

43 24 New Code section 39.5 authorizes the commissioner to  
43 25 conduct only elections that are required or allowed by state

43 26 statute, thereby ruling out straw polls, public opinion polls,  
43 27 nonbinding referenda, and other unauthorized elections from  
43 28 being conducted as official elections.

43 29 Code section 39.26 is amended to require all candidates for  
43 30 public office to be eligible electors at the time of election.

43 31 Code section 39.27 is amended to require all elected  
43 32 officials, except members of the general assembly, United  
43 33 States senators, and United States representatives, to be  
43 34 eligible electors and residents of the jurisdiction they are  
43 35 elected to represent.

44 1 Code sections 43.14 and 43.15 are amended to remove from  
44 2 the Code archaic and repetitive language currently required to  
44 3 appear on nomination petitions and provides that the state  
44 4 commissioner shall prescribe the form for the petition,  
44 5 listing the information that must be included. Standards for  
44 6 evaluating nomination papers are also expanded to incorporate  
44 7 current practices in the state commissioner's office. The  
44 8 amendment to Code section 43.14 takes effect January 1, 2002,  
44 9 and applies to elections held on or after that date.

44 10 Code section 43.27 is amended to permit the county  
44 11 commissioner of elections to code ballots by color for the  
44 12 primary election.

44 13 Code section 43.45 is amended to provide canvass procedures  
44 14 for each type of voting system in use in the state.

44 15 Code section 43.48 is amended to add voting system  
44 16 printouts to the information required to be available to the  
44 17 public during the time period between the primary election and  
44 18 the county canvass of votes.

44 19 Code section 44.4 is amended to conform this section to  
44 20 other filing deadlines for the same election.

44 21 Code sections 45.5 and 45.6 are amended to provide specific  
44 22 requirements for the form of nomination petitions and  
44 23 standards for their review and rejection. These are similar  
44 24 to the requirements of Code chapter 43 for primary elections.  
44 25 These changes take effect January 1, 2002, and apply to  
44 26 elections held on or after that date.

44 27 Code sections 48A.27 and 48A.29 are amended to require that  
44 28 voters show a form of identification to prove identity, rather  
44 29 than to prove residence.

44 30 Code section 48A.28 is amended to specify that the form and  
44 31 language of a voter registration confirmation notice shall be  
44 32 prescribed by rule.

44 33 Code section 48A.30, pertaining to proof of death for  
44 34 purposes of canceling voter registration, is amended to  
44 35 correspond with a prior change in the law which made county  
45 1 recorders responsible for maintaining records of deaths in the  
45 2 county.

45 3 Code section 49.30 is amended to allow separate ballots for  
45 4 township offices in precincts using electronic voting systems.

45 5 Code section 49.31 is amended to require that the position  
45 6 of names of candidates for nonpartisan offices on the general  
45 7 election ballot be drawn by lot.

45 8 Code section 49.57 is amended to remove the size  
45 9 specifications for the voting target on paper ballots.

45 10 Code section 49.64 is amended to remove the mathematical  
45 11 formula for calculating the number of ballots to be delivered  
45 12 to polling places for primary and general elections. The  
45 13 section is amended to permit the commissioner to make the  
45 14 decision based upon voter registration figures, previous  
45 15 turnout, the content of the ballot, and other local political  
45 16 conditions.

45 17 Code section 49.70 is amended to change the title of the  
45 18 instructions posted in the polling places from "Card of  
45 19 Instructions" to "Instructions for Voters".

45 20 Code section 49.73 is amended to permit the commissioner to  
45 21 shorten voting hours for cities under 3,500 population and for  
45 22 the unincorporated areas voting on local option sales tax

45 23 elections. The amendment to the section also provides that  
45 24 contiguous cities voting on a local option sales tax shall  
45 25 have the same hours.

45 26 Code section 49.79 is amended to specify that a registered  
45 27 voter, rather than an elector, may challenge a voter as  
45 28 unqualified.

45 29 Code section 49.81 changes the form of the notice issued to  
45 30 a challenged voter to provide for the fact that not all  
45 31 meetings of the special precinct board will convene at the  
45 32 same time.

45 33 Code section 49.96 is amended to provide that if a voter  
45 34 marks a straight party or organization ticket and also marks  
45 35 the voting targets next to the names of one or more candidates  
46 1 of the same party or organization, only the votes cast  
46 2 separately for individual candidates shall be counted.

46 3 Code section 50.11 is amended to provide for electronic  
46 4 transmission of election results from the precinct to the  
46 5 courthouse. The amendment to the section also requires the  
46 6 state commissioner of elections to adopt rules and the board  
46 7 of examiners to approve the transmission devices.

46 8 Code section 50.12 is amended to explicitly state that  
46 9 sealed ballot packages may not be opened except for a recount,  
46 10 election contest, or to destroy the ballots.

46 11 Code section 50.49 is amended to provide a formula for  
46 12 recount bond calculations for public measure elections  
46 13 requiring 60 percent approval.

46 14 Code section 50.50 is amended to add counting errors  
46 15 reported by the precinct election officials to the reasons for  
46 16 calling for an administrative recount.

46 17 Code section 52.37 is amended to allow two couriers to pick  
46 18 up ballots for central county precincts. The two couriers  
46 19 must be of two different political parties. That section is  
46 20 also amended to provide that, in nonpartisan elections,  
46 21 precinct election officials are not required to be members of  
46 22 any political party or of different political parties.

46 23 New Code section 52.41 is enacted to provide that all  
46 24 devices for the electronic transmission of election results  
46 25 submitted for examination after January 1, 2002, be approved  
46 26 by the state commissioner with the advice of the board of  
46 27 examiners for voting machines and electronic voting systems.

46 28 Code section 53.8 is amended to require the inclusion of  
46 29 secrecy envelopes with absentee ballots delivered to voters  
46 30 unless the ballot can be folded to conceal all of the voter's  
46 31 marks.

46 32 New Code section 53.10 is enacted to separate those Code  
46 33 provisions providing for absentee voting in the county  
46 34 commissioner's office from the provisions for satellite  
46 35 absentee voting in Code section 53.11. The new section  
47 1 prohibits electioneering within 30 feet of the courthouse  
47 2 during absentee voting. This prohibition currently applies  
47 3 only to satellite absentee voting stations. The bill makes  
47 4 corresponding amendments to Code section 53.11.

47 5 Code section 53.18 is amended to make a complete reference  
47 6 to the absentee and special voters precinct board.

47 7 Code section 53.19 is amended to remove the requirement  
47 8 that a voter who requested, but did not receive, an absentee  
47 9 ballot sign an affidavit to that effect before being allowed  
47 10 to cast a special ballot.

47 11 Code section 53.30 is amended to provide that the absentee  
47 12 and special voters precinct board must seal the ballots after  
47 13 counting, and specifies that all envelopes and other documents  
47 14 must be preserved.

47 15 Code section 53.38 is amended to permit the federal  
47 16 postcard registration and absentee ballot request form to be  
47 17 used as a voter registration form in Iowa. Currently, members  
47 18 of the military and Iowa citizens who are overseas register to  
47 19 vote when they cast absentee ballots. This would permit the

47 20 commissioner to add these voters to the registration rolls  
47 21 before the election, if sufficient information was supplied on  
47 22 the federal postcard registration and absentee ballot request  
47 23 form. Military and overseas voters may request ballots for  
47 24 all elections held in a calendar year.

47 25 Code section 53.40 is amended to require the commissioner  
47 26 of the overseas voter's residence to forward a copy of a  
47 27 voter's request for an absentee ballot to any other  
47 28 commissioner who may conduct an election in which the person  
47 29 is qualified to vote.

47 30 Code section 57.1 is amended to add to the list of grounds  
47 31 for contesting an election that the question or office was not  
47 32 authorized or required by law to be voted upon at the election  
47 33 in question.

47 34 Code sections 62.5 and 62.8, relating to the requirements  
47 35 for filing a statement to contest an election, are repealed  
48 1 and replaced with new Code section 62.5A. The new section  
48 2 also provides that the deadline for contesting an election if  
48 3 a recount changes the result is 20 days after the winner of  
48 4 the recount is declared.

48 5 Code section 69.2 is amended to provide a method for  
48 6 determining and declaring a vacancy in a local appointive or  
48 7 elective office.

48 8 Code section 69.12 is amended to prohibit vacancies in  
48 9 office being filled at the primary election. Other provisions  
48 10 of the Code specify that partisan offices are filled at the  
48 11 general election or at special elections. The section is also  
48 12 amended to correct an internal reference in the Code relating  
48 13 to the candidate filing deadlines for city offices in cities  
48 14 with a primary election.

48 15 Code section 69.14A is amended to prohibit filling a  
48 16 vacancy in a county office at a special election held between  
48 17 the primary and the general election if a nomination to fill  
48 18 that office was made at the primary election.

48 19 Code section 256.63 is amended to permit counties to  
48 20 canvass regional library board elections at regular meetings  
48 21 of the board of supervisors.

48 22 Code section 256.64 is amended to remove a requirement that  
48 23 vacancies on regional library boards may only be filled by  
48 24 election if the vacancy occurs less than 90 days before the  
48 25 election. The amendment requires all vacancies to be filled  
48 26 by appointment.

48 27 Code section 275.12 is amended to require that the director  
48 28 district boundaries, if districts are drawn, of a newly formed  
48 29 or reorganized school district be drawn after the election  
48 30 making the changes. Current law provides that citizen  
48 31 petitioners shall draw the director district boundaries.

48 32 Code section 275.25 is amended to make the candidate  
48 33 nomination petition requirement of new school districts the  
48 34 same as for established school districts.

48 35 Code sections 275.35 and 275.36 are amended to remove the  
49 1 question of approval of director district boundaries from the  
49 2 election or the question of whether a school district should  
49 3 change its method of electing directors. The amendment  
49 4 requires director or district boundaries be drawn or redrawn  
49 5 after the election approving the change in boundaries. The  
49 6 section is also amended to require approval of the new  
49 7 boundaries by the state commissioner.

49 8 Code section 275.37 is amended, and Code section 275.37A is  
49 9 enacted, to provide a process for the transition from five  
49 10 school board members to seven and from seven school board  
49 11 members to five.

49 12 Code section 275.55 is amended to allow the commissioner to  
49 13 include with the summary of the question on the ballot a map  
49 14 showing the new school district boundaries of school districts  
49 15 to which portions of a dissolved district are to be attached  
49 16 if approved at the election.

49 17 New Code section 275.57 is enacted to provide a process for  
49 18 attachment of territory received by a school district when an  
49 19 adjacent school district dissolves.

49 20 Code sections 277.23 and 278.1 are amended to make the  
49 21 provisions of Code section 275.37 relating to implementation  
49 22 of a change to increase the number of director districts  
49 23 applicable to all changes increasing the membership of school  
49 24 boards.

49 25 Code section 277.23 is also amended to require that a  
49 26 school district with all of a city with population of 15,000  
49 27 or more located in the district must have seven directors on  
49 28 the board. Current law requires seven directors if only a  
49 29 part of a city with population of 15,000 or more is located in  
49 30 the district.

49 31 Code section 279.6 is amended to provide that the deadline  
49 32 for submission of a resignation if the office is to appear on  
49 33 the ballot at the next regular school election is not later  
49 34 than 45 days before the election.

49 35 Code section 296.3 is amended to require that, within 10  
50 1 days after receiving a petition for a bond election, the  
50 2 president of the school board call a meeting of the board to  
50 3 set an election date. The section is also amended to require  
50 4 that the meeting be held within 30 days of receipt of the  
50 5 petition. If more than one petition is received, the board  
50 6 must consider them in the order they were received.

50 7 Code section 331.207 is amended to revise the schedule for  
50 8 special elections to change the method of electing members of  
50 9 the county board of supervisors. The amendment requires that  
50 10 the petition be filed by June 1, that the election be held  
50 11 within 60 days after filing of the petition, and that a plan  
50 12 be drawn by September 15. Current law requires that all of  
50 13 these requirements be fulfilled between January and February.

50 14 Code section 331.651 is amended to provide that, in the  
50 15 case of a vacancy in the office of county sheriff, the first  
50 16 deputy sheriff shall hold the office of sheriff until a  
50 17 successor is appointed or elected. Current Code provides only  
50 18 that the deputy shall serve until another sheriff is  
50 19 appointed.

50 20 Code sections 336.2, 336.16, and 336.18 are amended to move  
50 21 the filing deadline for petitions to establish or terminate a  
50 22 county library district from 40 days before the general  
50 23 election to 82 days before the general election. The sections  
50 24 are also amended to strike the provision permitting the  
50 25 question to establish or terminate a county library district  
50 26 to be placed on the primary election ballot.

50 27 Code section 346.27 is amended to strike the provision  
50 28 permitting the question of issuance of county bonds and  
50 29 conveyance of title to property to be placed on the primary  
50 30 election ballot.

50 31 Code section 372.9 is amended to provide that the full text  
50 32 of a proposed home rule charter or alternative form of  
50 33 government proposal and the date of the election on the  
50 34 charter or alternative form must be included in the published  
50 35 notice of the election.

51 1 Code section 372.13 is amended to require the city council  
51 2 of a city with a primary election to notify the county  
51 3 commissioner of elections of the date of a special election to  
51 4 fill a vacancy in a city office at least 85 days before the  
51 5 date chosen.

51 6 Code section 376.2 is amended to require a special election  
51 7 to change the length of the terms of elected city officers be  
51 8 held more than 90 days before the regular city election if the  
51 9 changed terms are to be effective for offices filled at that  
51 10 election.

51 11 Code section 376.6 is amended to change the deadline for  
51 12 city clerks to notify the county auditor of the type of  
51 13 nomination process to be used for city elections. The

51 14 amendment changes the deadline from 77 days before the  
51 15 election to 90 days before the election.  
51 16 Code section 422A.1 is amended to refer to the regular city  
51 17 election, rather than the city general election.  
51 18 LSB 1058DP 79  
51 19 sc/cls/14