House File 2616 - Introduced

HOUSE FILE _____ BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 2347)

Passed	House	, Date	Passed	Senate,	Date	
Vote:	Ayes	Nays	Vote:	Ayes	Nays _	
	-	Approved				

A BILL FOR

- 1 An Act modifying certain filing, request, and notification
 2 deadline times for elections.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6192HV 82
- 5 sc/nh/24

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Section 1. Section 43.11, subsection 1, Code 2007, is
   2 amended to read as follows:
       1. For an elective county office, in the office of the
   4 county commissioner not earlier than ninety=two days nor later
     than five o'clock p.m. four=thirty p.m. on the sixty=ninth day
   6 before the day fixed for holding the primary election.
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        Sec. 2. Section 43.23, subsection 2, Code 2007, is amended
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   8 to read as follows:
         2. If a person who has filed nomination papers with the
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1 10 commissioner as a candidate in a primary election dies or
 11 withdraws up to the sixty=seventh day before the primary
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  12 election, the appropriate convention or central committee of
1 13 that person's political party may designate one additional
1 14 primary election candidate for the nomination that person was
  15 seeking, if the designation is submitted to the commissioner
1 16 in writing by five o'clock p.m. four=thirty p.m. on the
1 17 sixty=third day before the primary election. The name of any
1 18 candidate so submitted shall be placed on the appropriate
1 19 ballot or ballots by the commissioner.
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         Sec. 3. Section 43.54, Code 2007, is amended to read as
1 21 follows:
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         43.54
                RIGHT TO PLACE ON BALLOT.
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         Each candidate nominated pursuant to section 43.53 is
1 24 entitled to have the candidate's name printed on the official
 25 ballot to be voted for at the general election if the 26 candidate files an affidavit in the form required by section
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1 27 43.67 not later than five o'clock p.m. four=thirty p.m. on the 1 28 seventh day following the completion of the canvass.
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                  Section 43.67, unnumbered paragraph 1, Code 2007,
1 30 is amended to read as follows:
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         Each candidate nominated pursuant to section 43.52 or 43.65
  32 is entitled to have the candidate's name printed on the
  33 official ballot to be voted at the general election without
 34 other certificate unless the candidate was nominated by
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  35 write=in votes. Immediately after the completion of the
   1 canvass held under section 43.49, the county auditor
  2 commissioner shall notify each person who was nominated by
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   3 write=in votes for a county office that the person is required
   4 to file an affidavit of candidacy if the person wishes to be a
   5 candidate for that office at the general election. If the
   6 affidavit is not filed with the commissioner by four=thirty
  7 p.m. on the seventh day after the completion of the canvass,
8 that person's name shall not be placed upon the official
9 general election ballot. Immediately after the completion of
  10 the canvass held under section 43.63, the secretary of state
2 11 shall notify each person who was nominated by write=in votes
2 12 for a state or federal office that the person is required to
2 13 file an affidavit of candidacy if the person wishes to be a
2 14 candidate for that office at the general election. If the 2 15 affidavit is not filed by five p.m. on the seventh day after
2 16 the completion of the canvass, that person's name shall not be
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2 17 placed upon the official general election ballot. The

2 18 affidavit shall be signed by the candidate, notarized, and 2 19 filed with the county auditor commissioner or the secretary of 2 20 state, whichever is applicable.

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Section 43.78, subsection 3, Code 2007, is amended Sec. 5. 2 22 to read as follows:

3. The name of any candidate designated to fill a vacancy 24 on the general election ballot in accordance with subsection 2 25 1, paragraph "d", "e", or "f" shall be submitted in writing to 2 26 the commissioner not later than five o'clock p.m. four=thirty p.m. on the sixty=ninth day before the date of the general 2 28 election.

Section 44.4, unnumbered paragraphs 1 and 3, Code Sec. 6. 2 30 2007, are amended to read as follows:

31 Nominations made pursuant to this chapter and chapter 45 32 which are required to be filed in the office of the state 33 commissioner shall be filed in that office not more than 34 ninety=nine days nor later than five p.m. on the eighty=first 35 day before the date of the general election to be held in 1 November. Nominations made for a special election called 2 pursuant to section 69.14 shall be filed by five p.m. not less 3 than twenty=five days before the date of an election called 4 upon at least forty days' notice and not less than fourteen 5 days before the date of an election called upon at least 6 eighteen days' notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by 8 five p.m. four=thirty p.m. not less than twenty=five days 9 before the date of the election. Nominations made pursuant to 10 this chapter and chapter 45 which are required to be filed in 3 11 the office of the commissioner shall be filed in that office 3 12 not more than ninety=two days nor later than five p.m. 13 four=thirty p.m. on the sixty=ninth day before the date of the 3 14 general election. Nominations made pursuant to this chapter 3 15 or chapter 45 for city office shall be filed not more than 3 16 seventy=two days nor later than five p.m. on the forty=seventh 3 17 day before the city election with the city clerk, who shall 3 18 process them as provided by law.

Objections required to be filed with the state commissioner 20 or the city clerk shall be filed no later than five p.m. on 3 21 the final date for filing. Objections required to be filed 22 with the commissioner shall be filed no later than four=thirty
23 p.m. on the final date for filing.
24 Sec. 7. Section 47.6, subsection 1, unnumbered paragraph

3 25 2, Code 2007, is amended to read as follows:

If the proposed date of the special election coincides with 3 27 the date of a regularly scheduled election or previously 3 28 scheduled special election, the notice shall be given no later 3 29 than five p.m. four=thirty p.m. on the last day on which 3 30 nomination papers may be filed with the commissioner for the 31 regularly scheduled election or previously scheduled special 3 32 election, but in no case shall notice be less than thirty=two 33 days before the election. Otherwise, the notice shall be 34 given at least thirty=two days in advance of the date of the 35 proposed special election. Upon receiving the notice, the 1 commissioner shall promptly give written approval of the proposed date unless it appears that the special election, if 3 held on that date, would conflict with a regular election or 4 with another special election previously scheduled for that 5 date.

Sec. 8. Section 48A.9, Code Supplement 2007, is amended to read as follows:

48A.9 VOTER REGISTRATION DEADLINES.

- 1. Registration closes at five p.m. four=thirty p.m. 4 10 eleven days before each election except primary and general 4 11 elections. For primary and general elections, registration 4 12 closes at five p.m. four=thirty p.m. ten days before the 4 13 election. An eligible elector may register during the time 4 14 registration is closed in the elector's precinct but the 4 15 registration shall not become effective until registration 4 16 opens again in the elector's precinct, except as otherwise 4 17 provided in section 48A.7A.
- 2. The commissioner's office shall be open from eight a.m. 4 19 until at least five p.m. four=thirty p.m. on the day 4 20 registration closes before each regularly scheduled election. 4 21 However, if the last day to register to vote for a regularly 22 scheduled election falls on the day after Thanksgiving, the 23 deadline shall be <u>four=thirty p.m.</u> the following Monday.
- A registration form submitted by mail shall be 25 considered on time if it is postmarked no later than the fifteenth day before the election, even if it is received by 4 27 the commissioner after the deadline, or if the registration 4 28 form is received by the commissioner no later than five p.m.

4 29 four=thirty p.m. on the last day to register to vote for an 4 30 election, even if it is postmarked after the fifteenth day 4 31 before the election.

4. Registration forms submitted to voter registration 4 33 agencies, to motor vehicle driver's license stations, and to 34 county treasurer's offices participating in county issuance of 35 driver's licenses under chapter 321M shall be considered on time if they are received no later than five p.m. on the day 2 registration closes for that election. Offices or agencies 3 other than the county commissioner's office are not required to be open for voter registration purposes at times other than 5 their usual office hours. Offices or agencies other than the 6 county commissioner's office are not required to be open for voter registration purposes on days other than their usual 8 days of business.

Sec. 9. Section 49.41, subsection 1, paragraph b, Code 5 10 Supplement 2007, is amended to read as follows:

5 12 candidate has been nominated are required to be filed with the 5 13 same state commissioner of elections, the candidate shall file 5 14 a written notice with that the state commissioner no later 5 15 than five p.m. on the final date upon which nomination papers 5 16 may be filed for the election. If the nomination papers for 17 all offices for which the candidate has been nominated are
18 required to be filed with the county commissioner of
19 elections, the candidate shall file a written notice with the 20 county commissioner no later than four=thirty p.m. on the 21 final date upon which nomination papers may be filed for 22 election. The notice shall state the office for which the

b. If the nomination papers for all offices for which the

5 23 person wishes to appear on the ballot. If the required notice 5 24 is not filed, the candidate's name shall not be certified by 5 25 the state commissioner for any office for which nomination 5 26 papers are filed with the state commissioner and the county 27 commissioner of elections shall not include the candidate's 5 28 name on the ballot for any office in any county.

Sec. 10. Section 49.58, unnumbered paragraph 2, Code 2007,

30 is amended to read as follows:

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Each candidate for that office whose name appeared on the 32 general election ballot shall also be a candidate for the 33 office in the special election, except that the deceased 34 candidate's political party may designate another candidate in 35 substantially the manner provided by section 43.78 for filling 1 vacancies on the general election ballot. However, a 2 political party which did not have a candidate on the general 3 election ballot for the office in question may similarly 4 designate a candidate for that office in the special election. 5 The name of any replacement or additional candidate so 6 designated shall be submitted in writing to the state 7 commissioner, or the commissioner in the case of a candidate for county supervisor, not later than five o'clock p.m. on the 9 first Tuesday after the date of the general election $\underline{\text{or, in}}$ 10 the case of a candidate for county supervisor, to the 11 commissioner not later than four=thirty p.m. on the first 6 12 Tuesday after the date of the general election. No other 6 13 candidate whose name did not appear on the general election 6 14 ballot as a candidate for the office in question shall be

6 15 placed on the ballot for the special election, in any manner. 6 16 The special election shall be held and canvassed in the manner 6 17 prescribed by law for the general election. Sec. 11. Section 50.48, subsection 1, unnumbered paragraph 6 18 6 19 1, Code Supplement 2007, is amended to read as follows:

6 20 The county board of canvassers shall order a recount of the 6 21 votes cast for a particular office or nomination in one or 6 22 more specified election precincts in that county if a written 23 request therefor for a recount is made not later than five 24 o'clock p.m. four=thirty p.m. on the third day following the 6 25 county board's canvass of the election in question. The 6 26 request shall be filed with the commissioner of that county, 27 or with the commissioner responsible for conducting the 6 28 election if section 47.2, subsection 2 is applicable, and 6 29 shall be signed by either of the following:

6 30 Sec. 12. Section 53.2, subsection 1, paragraph b, Code 6 31 Supplement 2007, is amended to read as follows:

32 b. A registered voter may make written application to the 33 commissioner for an absentee ballot. A written application 34 for an absentee ballot must be received by the commissioner no 35 later than five p.m. four=thirty p.m. on the Friday before the 1 election. A written application for an absentee ballot 2 delivered to the commissioner and received by the commissioner 3 more than seventy days prior to the date of the election shall 4 be retained by the commissioner and processed in the same

5 manner as a written application received not more than seventy 6 days before the date of the election. Sec. 13. Section 53.2, subsection 8, Code Supplement 2007, is amended to read as follows: 8 8. An application for an absentee ballot that is returned 7 10 to the commissioner by a person acting as an actual or implied 11 agent for a political party, candidate, or committee, all as 12 defined by chapter 68A, shall be returned to the commissioner 7 13 within seventy=two hours of the time the completed application 14 was received from the applicant or no later than five p.m. 7 15 four=thirty p.m. on the Friday before the election, whichever 7 16 is earlier. 7 17 Sec. 14. Section 53.3, subsection 6, Code 2007, is amended 18 to read as follows: 7 19 6. A statement that the application will be delivered to 7 20 the appropriate commissioner within seventy=two hours of the 21 date and time the completed application was received from the 7 22 applicant or no later than five p.m. four=thirty p.m. on the 7 23 Friday before the election, whichever is earlier. Sec. 15. Section 53.11, subsection 2, Code Supplement 24 2007, is amended to read as follows:
2. A petition requesting a satellite absentee voting 25 7 26 7 27 station must be filed by the following deadlines: 2.8 a. For a primary or general election, no later than five p.m. four=thirty p.m. on the forty=seventh day before the 2.9 7 30 election. 7 31 b. For the regular city election or a city primary election, no later than five p.m. four=thirty p.m. on the 7 33 thirtieth day before the election. c. For a city runoff election, no later than five p.m. 35 <u>four=thirty p.m.</u> on the twenty=first day before the election.

1 d. For the regular school election, no later than five 8 p.m. four=thirty p.m. on the thirtieth day before the 8 8 3 election. e. For a special election, no later than thirty=two days 8 8 four=thirty p.m. on the thirty=second day before the special 8 6 election. Sec. 16. Section 53.18, subsection 2, Code Supplement 2007, is amended to read as follows: 8 8 8 8 9 2. If the commissioner receives the return carrier 10 envelope containing the completed absentee ballot by five p.m.
11 four=thirty p.m. on the Saturday before the election for 8 8 8 12 general and primary elections and by five p.m. four=thirty $13~{
m p.m.}$ on the Friday before the election for all other 8 14 elections, the commissioner shall open the envelope to review 8 15 the affidavit for any deficiencies. If the affidavit contains 8 16 a deficiency that would cause the ballot to be rejected, the 8 17 commissioner shall, within twenty=four hours of the time the 8 18 envelope was received, notify the voter of that fact and that 8 19 the voter may correct the deficiency by five p.m. four=thirty p.m. on the day before the election.

Sec. 17. Section 53.31, subsection 1, Code Supplement 20 8 8 21 8 22 2007, is amended to read as follows: 1. Any person qualified to vote at the election in 8 23 24 progress may challenge the qualifications of a person casting 8 25 an absentee ballot by submitting a written challenge to the 8 26 commissioner no later than five p.m. four=thirty p.m. on the 8 27 Friday before the election. It is the duty of the special 8 28 precinct officials to challenge the absentee ballot of any 8 29 person whom the official knows or suspects is not duly 8 30 qualified. Challenges by members of the special precinct 8 31 election board or observers present pursuant to section 53.23 8 32 may be made at any time before the close of the polls on 8 33 election day. The challenge shall state the reasons for which 34 the challenge is being submitted and shall be signed by the 35 challenger. When a challenge is received the absentee ballot 8 shall be set aside for consideration by the special precinct 2 election board when it meets as required by section 50.22. Sec. 18. Section 69.12, subsection 1, paragraph b, 4 unnumbered paragraph 1, Code 2007, is amended to read as 9 5 follows: Nomination papers on behalf of candidates for a vacant office to be filled pursuant to paragraph "a" of this 9 8 subsection shall be filed, in the form and manner prescribed 9 by applicable law, by five p.m. four=thirty p.m. on: Sec. 19. Section 161A.5, subsection 3, unnumbered 1.0 11 paragraph 2, Code 2007, is amended to read as follows: The signed petitions shall be filed with the county commissioner of elections not later than five p.m. 13 14 four=thirty p.m. on the sixty=ninth day before the general 9 15 election. The votes for the office of district commissioner

9 16 shall be canvassed in the same manner as the votes for county 9 17 officers, and the returns shall be certified to the 9 18 commissioners of the district. A plurality is sufficient to 9 19 elect commissioners, and a primary election for the office 9 20 shall not be held. If the canvass shows that the two 9 21 candidates receiving the highest and the second highest number 22 of votes for the office of district commissioner are both 23 residents of the same township, the board shall certify as 9 24 elected the candidate who received the highest number of votes 25 for the office and the candidate receiving the next highest 26 number of votes for the office who is not a resident of the 9 27 same township as the candidate receiving the highest number of 9 28 votes.

9 29 Sec. 20. Section 260C.15, subsection 3, Code 2007, is 9 30 amended to read as follows:

3. Nomination papers in behalf of candidates for member of 32 the board of directors of a merged area shall be filed with 33 the secretary of the board not earlier than sixty=five days 34 nor later than five o'clock p.m. on the fortieth day prior to 35 the election at which members of the board are to be elected. The secretary shall deliver all nomination petitions so filed, together with the text of any public measure being submitted 3 by the board of directors to the electorate, to the county 4 commissioner of elections who is responsible under section 5 47.2 for conducting elections held for the merged area, not later than five o'clock p.m. four=thirty p.m. on the day following the last day on which nomination petitions can be 8 filed. That commissioner shall certify the names of 9 candidates, and the text and summary of any public measure 10 10 being submitted to the electorate, to all county commissioners 10 11 of elections in the merged area by the thirty=fifth day prior 10 12 to the election.

Sec. 21. Section 275.25, subsection 1, unnumbered 10 14 paragraph 1, Code 2007, is amended to read as follows:

If the proposition to establish a new school district 10 16 carries under the method provided in this chapter, the area 10 17 education agency administrator with whom the petition was 10 18 filed shall give written notice of a proposed date for a 10 19 special election for directors of the newly formed school 10 20 district to the commissioner of elections of the county in the 10 21 district involved in the reorganization which has the greatest 10 22 taxable base. The proposed date shall be as soon as possible 10 23 pursuant to section 39.2, subsections 1 and 2, and section 10 24 47.6, subsections 1 and 2, but not later than the third 10 25 Tuesday in January of the calendar year in which the 10 26 reorganization takes effect. The election shall be conducted 10 27 as provided in section 277.3, and nomination petitions shall 10 28 be filed pursuant to section 277.4, except as otherwise 10 29 provided in this subsection. Nomination petitions shall be 10 30 filed with the secretary of the board of the existing school 10 31 district in which the candidate resides not less than 10 32 twenty=eight days before the date set for the special school 10 33 election. The secretary of the board, or the secretary's 34 designee, shall be present in the secretary's office until 10 35 five p.m. on the final day to file the nomination papers.
11 1 nomination papers shall be delivered to the commissioner no later than five p.m. four=thirty p.m. on the twenty=seventh day before the election.

Sec. 22. Section 277.4, unnumbered paragraph 4, Code 2007, is amended to read as follows:

The secretary of the school board shall accept the petition for filing if on its face it appears to have the requisite 8 number of signatures and if it is timely filed. The secretary 9 of the school board shall note upon each petition and 11 10 affidavit accepted for filing the date and time that the 11 11 petition was filed. The secretary of the school board shall 11 12 deliver all nomination petitions, together with the complete 11 13 text of any public measure being submitted by the board to the 11 14 electorate, to the county commissioner of elections not later 11 15 than five o'clock p.m. four=thirty p.m. on the day following 11 16 the last day on which nomination petitions can be filed. Sec. 23. Section 376.4, unnumbered paragraph 7, Code 2007,

11 18 is amended to read as follows:

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11 19 The city clerk shall deliver all nomination petitions 11 20 together with the text of any public measure being submitted 11 21 by the city council to the electorate to the county 11 22 commissioner of elections not later than five o'clock p.m. 11 23 four=thirty p.m. on the day following the last day on which 11 24 nomination petitions can be filed.

11 25 Sec. 24. Section 376.11, subsections 3, 4, and 5, Code 11 26 Supplement 2007, is amended to read as follows:

11 27 3. In city primary elections any person who receives 11 28 write=in votes shall execute an affidavit in substantially the 11 29 form required by section 45.37 and file it with the county 11 30 commissioner of elections not later than four=thirty p.m., or 11 31 with the city clerk not later than five o'clock p.m., on the 11 32 day after the canvass of the primary election. If any person 11 33 who received write=in votes fails to file the affidavit at the 34 time required, the county commissioner shall disregard the 35 write=in votes cast for that person. A notation shall be made 1 on the abstract of votes showing which persons who received 2 write=in votes filed affidavits. The total number of votes 3 cast for each office on the ballot shall be amended by 4 subtracting the write=in votes of those candidates who failed 5 to file the affidavit. It is not necessary for a candidate 6 whose name was printed upon the ballot to file an affidavit. 7 Of the remaining candidates, those who receive the highest 8 number of votes to the extent of twice the number of unfilled 9 positions shall be placed on the ballot for the regular city 12 12 10 election as candidates for that office. 12 11

4. In cities in which the city council has chosen a runoff 12 12 election in lieu of a primary, if a person who was elected by 12 13 write=in votes chooses not to accept the office by filing a 12 14 resignation notice with the city clerk or commissioner of 12 15 elections not later than four=thirty p.m., or with the city 12 16 clerk not later than five o'clock p.m., on the day following 12 16 clerk not later than five o'clock p.m., on the day rorrowing 12 17 the canvass, all remaining persons who received write=in votes 12 18 and who wish to be considered candidates for the runoff 12 19 election shall execute an affidavit in substantially the form 12 20 required by section 45.3 and file it with the county 12 21 commissioner not later than four=thirty p.m., or with the city 12 22 clerk not later than five o'clock p.m., of the fourth day 12 23 following the canvass. If a person receiving write=in votes 12 24 fails to file the affidavit at the time required, the county 12 25 commissioner of elections shall disregard the write=in votes 12 26 cast for that person. The abstract of votes shall be amended 12 27 to show that the person who was declared elected declined the 12 28 office and a notation shall be made next to the names of those 12 29 persons who did not file the affidavit. A runoff election 12 30 shall be held with the remaining candidates who have the 12 31 highest number of votes to the extent of twice the number of 12 32 unfilled positions.

5. In a city in which the council has chosen a runoff 12 34 election, if no person was declared elected for an office all 12 35 persons who received write=in votes shall execute an affidavit 1 in substantially the form required by section 45.3 and file it 2 with the county commissioner of elections not later than 3 four=thirty p.m., or with the city clerk not later than five 4 o'clock p.m., on the day following the canvass of votes. If 5 any person who received write=in votes fails to file the 6 affidavit the county commissioner of elections shall disregard 7 the write=in votes cast for that person. The abstract of 8 votes shall be amended to note which of the write=in 9 candidates failed to file the affidavit. A runoff election 13 10 shall be held with the remaining candidates who have the 13 11 highest number of votes to the extent of twice the number of 13 12 unfilled positions.

EXPLANATION

13 14 This bill modifies filing, request, and notification 13 15 deadline times for certain candidates and for certain other 13 16 matters relating to elections by changing the deadline for 13 17 filing with the county commissioner of elections from 5:00 13 18 p.m. to 4:30 p.m. The bill affects the filing of nomination 13 19 petitions and affidavits of candidacy, designation of 13 20 candidates to fill ballot vacancies, objections to candidacy, 13 21 notices of special elections and the text of special election 13 22 questions, voter registration deadlines, requests for a 13 23 recount, request and return of absentee ballot applications, 13 24 requests for satellite absentee voting stations, matters 13 25 relating to notification of and correction of deficiencies on 13 26 affidavit envelopes containing completed absentee ballots, and 13 27 challenges to voter qualifications.

13 28 The bill does not change the filing deadline times of 13 29 election documents that are required to be filed with the 13 30 state commissioner of elections, the city clerk, or the 13 31 secretary of a school district board or merged area board. 13 32 LSB 6192HV 82

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