

House File 2620 - Introduced

HOUSE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 627)

(COMPANION TO SF 2312 BY
COMMITTEE ON STATE GOVERNMENT)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the conduct of elections and voter
2 registration, making penalties applicable, and including
3 effective date, applicability date, and transition provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5403HV 82
6 sc/nh/8

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1 1 DIVISION I
1 2 ELECTION OF SCHOOL CORPORATION BOARDS OF DIRECTORS
1 3 Section 1. Section 39.24, Code 2007, is amended to read as
1 4 follows:
1 5 39.24 SCHOOL OFFICERS.
1 6 Members of boards of directors of community and independent
1 7 school districts, and boards of directors of merged areas
1 8 shall be elected at the school election. Their terms of
1 9 office shall be ~~three~~ four years, except as otherwise provided
1 10 by section 260C.11 ~~or, 260C.13, 275.23A, 275.37, or 275.37A.~~
1 11 Sec. 2. Section 260C.11, unnumbered paragraph 1, Code
1 12 2007, is amended to read as follows:
1 13 The governing board of a merged area is a board of
1 14 directors composed of one member elected from each director
1 15 district in the area by the electors of the respective
1 16 district. Members of the board shall be residents of the
1 17 district from which elected. Successors shall be chosen at
1 18 the ~~annual~~ regular school elections for members whose terms
1 19 expire. The term of a member of the board of directors is
1 20 ~~three~~ four years and commences at the organization meeting.
1 21 Vacancies on the board shall be filled at the next regular
1 22 meeting of the board by appointment by the remaining members
1 23 of the board. A member so chosen shall be a resident of the
1 24 district in which the vacancy occurred and shall serve until a
1 25 member is elected pursuant to section 69.12 to fill the
1 26 vacancy for the balance of the unexpired term. A vacancy is
1 27 defined in section 277.29. A member shall not serve on the
1 28 board of directors who is a member of a board of directors of
1 29 a local school district or a member of an area education
1 30 agency board.
1 31 Sec. 3. Section 260C.12, unnumbered paragraph 1, Code
1 32 2007, is amended to read as follows:
1 33 The board of directors of the merged area shall organize at
1 34 the first regular meeting in October ~~of each year following~~
1 35 the regular school election. Organization of the board shall
2 1 be effected by the election of a president and other officers
2 2 from the board membership as board members determine. The
2 3 board of directors shall appoint a secretary and a treasurer
2 4 who shall each give bond as prescribed in section 291.2 and
2 5 who shall each receive the salary determined by the board.
2 6 The secretary and treasurer shall perform duties under chapter
2 7 291 and additional duties the board of directors deems
2 8 necessary. However, the board may appoint one person to serve
2 9 as the secretary and treasurer. If one person serves as the
2 10 secretary and treasurer, only one bond is necessary for that
2 11 person. The frequency of meetings other than organizational
2 12 meetings shall be as determined by the board of directors but
2 13 the president or a majority of the members may call a special

2 14 meeting at any time.

2 15 Sec. 4. Section 260C.13, subsection 1, Code 2007, is
2 16 amended to read as follows:

2 17 1. The board of a merged area may change the number of
2 18 directors on the board and shall make corresponding changes in
2 19 the boundaries of director districts. Changes shall be
2 20 completed not later than June 1 ~~for the regular school~~
2 21 ~~election to be held the next following September of the year~~
2 22 ~~of the regular school election.~~ As soon as possible after
2 23 adoption of the boundary changes, notice of changes in the
2 24 director district boundaries shall be submitted by the merged
2 25 area to the county commissioner of elections in all counties
2 26 included in whole or in part in the merged area.

2 27 Sec. 5. Section 260C.15, subsection 1, Code 2007, is
2 28 amended to read as follows:

2 29 1. Regular elections held ~~annually~~ by the merged area for
2 30 the election of members of the board of directors as required
2 31 by section 260C.11, for the renewal of the twenty and
2 32 one-fourth cents per thousand dollars of assessed valuation
2 33 levy authorized in section 260C.22, or for any other matter
2 34 authorized by law and designated for election by the board of
2 35 directors of the merged area, shall be held on the date of the
3 1 school election as fixed by section 277.1. The election
3 2 notice shall be made a part of the local school election
3 3 notice published as provided in section 49.53 in each local
3 4 school district where voting is to occur in the merged area
3 5 election and the election shall be conducted by the county
3 6 commissioner of elections pursuant to chapters 39 ~~to~~ through
3 7 53 and section 277.20.

3 8 Sec. 6. Section 260C.22, subsection 1, paragraph a, Code
3 9 2007, is amended to read as follows:

3 10 a. In addition to the tax authorized under section
3 11 260C.17, the voters in ~~any a~~ merged area may at the ~~annual~~
3 12 regular school election vote a tax not exceeding twenty and
3 13 one-fourth cents per thousand dollars of assessed value in any
3 14 one year for a period not to exceed ten years for the purchase
3 15 of grounds, construction of buildings, payment of debts
3 16 contracted for the construction of buildings, purchase of
3 17 buildings and equipment for buildings, and the acquisition of
3 18 libraries, for the purpose of paying costs of utilities, and
3 19 for the purpose of maintaining, remodeling, improving, or
3 20 expanding the community college of the merged area. If the
3 21 tax levy is approved under this section, the costs of
3 22 utilities shall be paid from the proceeds of the levy. The
3 23 tax shall be collected by the county treasurers and remitted
3 24 to the treasurer of the merged area as provided in section
3 25 331.552, subsection 29. The proceeds of the tax shall be
3 26 deposited in a separate and distinct fund to be known as the
3 27 voted tax fund, to be paid out upon warrants drawn by the
3 28 president and secretary of the board of directors of the
3 29 merged area district for the payment of costs incurred in
3 30 providing the school facilities for which the tax was voted.

3 31 Sec. 7. Section 273.8, subsections 1 and 7, Code 2007, are
3 32 amended to read as follows:

3 33 1. BOARD OF DIRECTORS. The board of directors of an area
3 34 education agency shall consist of not less than five nor more
3 35 than nine members, each a resident of and elected in the
4 1 manner provided in this section from a director district that
4 2 is approximately equal in population to the other director
4 3 districts in the area education agency. Each director shall
4 4 serve a ~~three-year~~ four-year term which commences at the
4 5 organization meeting.

4 6 7. BOUNDARY LINE CHANGES. To the extent possible the
4 7 board shall provide that changes in the boundary lines of
4 8 director districts of area education agencies shall not
4 9 lengthen or diminish the term of office of a director of an
4 10 area education agency board. Initial terms of office shall be
4 11 set by the board so that as nearly as possible the terms of
4 12 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

4 13 Sec. 8. Section 273.8, subsection 2, paragraphs a and b,
4 14 Code 2007, are amended to read as follows:

4 15 a. Notice of the election shall be published by the area
4 16 education agency administrator not later than July 15 of the
4 17 ~~odd-numbered year~~ in at least one newspaper of general
4 18 circulation in the director district. The cost of publication
4 19 shall be paid by the area education agency.

4 20 b. A candidate for election to the area education agency
4 21 board shall file a statement of candidacy with the area
4 22 education agency secretary not later than August 15 of the
4 23 ~~odd-numbered year~~, on forms prescribed by the department of
4 24 education. The statement of candidacy shall include the

4 25 candidate's name, address, and school district. The list of
4 26 candidates shall be sent by the secretary of the area
4 27 education agency in ballot form by certified mail to the
4 28 presidents of the boards of directors of all school districts
4 29 within the director district not later than September 1. In
4 30 order for the ballot to be counted, the ballot must be
4 31 received in the secretary's office by the end of the normal
4 32 business day on September 30 or be clearly postmarked by an
4 33 officially authorized postal service not later than September
4 34 29 and received by the secretary not later than noon on the
4 35 first Monday following September 30.

5 1 Sec. 9. Section 273.8, subsection 4, unnumbered paragraph
5 2 1, Code 2007, is amended to read as follows:

5 3 The board of directors of each area education agency shall
5 4 meet and organize at the first regular meeting in October of
5 5 ~~each year following the regular school election~~ at a suitable
5 6 place designated by the president. Directors whose terms
5 7 commence at the organization meeting shall qualify by taking
5 8 the oath of office required by section 277.28 at or before the
5 9 organization meeting.

5 10 Sec. 10. Section 274.7, Code 2007, is amended to read as
5 11 follows:

5 12 274.7 DIRECTORS.

5 13 The affairs of each school corporation shall be conducted
5 14 by a board of directors, the members of which in all community
5 15 or independent school districts shall be chosen for a term of
5 16 ~~three~~ four years.

5 17 Sec. 11. Section 275.1, subsections 2 and 5, Code 2007,
5 18 are amended to read as follows:

5 19 2. "Initial board" means the board of a newly reorganized
5 20 district that is selected pursuant to section 275.25 or 275.41
5 21 and functions until the organizational meeting following the
5 22 ~~fourth~~ third regular school election held after the effective
5 23 date of the reorganization.

5 24 5. "Regular board" means the board of a reorganized
5 25 district that begins to function at the organizational meeting
5 26 following the ~~fourth~~ third regular school election held after
5 27 the effective date of the school reorganization, and is
5 28 comprised of members who were elected to the current terms or
5 29 were appointed to replace members who were elected.

5 30 Sec. 12. Section 275.12, subsection 2, Code 2007, is
5 31 amended to read as follows:

5 32 2. The petition filed under subsection 1 shall also state
5 33 the name of the proposed school district and the number of
5 34 directors which may be either five or seven and the method of
5 35 election of the school directors of the proposed district.

6 1 The method of election of the directors shall be one of the
6 2 following optional plans:

6 3 a. Election at large from the entire district by the
6 4 electors of the entire district.

6 5 b. Division of the entire school district into designated
6 6 geographical single director or multi=director subdistricts on
6 7 the basis of population for each director, to be known as
6 8 director districts, each of which ~~director districts~~ shall be
6 9 represented on the school board by one or more directors who
6 10 shall be residents of the director district but who shall be
6 11 elected by the vote of the electors of the entire school
6 12 district. The boundaries of the director districts and the
6 13 area and population included within each district shall be
6 14 such as justice, equity, and the interests of the people may
6 15 require. Changes in the boundaries of director districts
6 16 shall not be made during a period commencing sixty days prior
6 17 to the date of the ~~annual~~ regular school election. ~~Insofar As~~
6 18 ~~far as may be~~ practicable, the boundaries of the districts

6 19 shall follow established political or natural geographical
6 20 divisions.

6 21 c. Election of not more than one-half of the total number
6 22 of school directors at large from the entire district and the
6 23 remaining directors from and as residents of designated
6 24 single=member or multimember director districts into which the
6 25 entire school district shall be divided on the basis of
6 26 population for each director. In such case, all directors
6 27 shall be elected by the electors of the entire school
6 28 district. Changes in the boundaries of director districts
6 29 shall not be made during a period commencing sixty days prior
6 30 to the date of the ~~annual~~ regular school election.

6 31 d. Division of the entire school district into designated
6 32 geographical single director or multi=director subdistricts on
6 33 the basis of population for each director, to be known as
6 34 director districts, each of which ~~director districts~~ shall be
6 35 represented on the school board by one or more directors who

7 1 shall be residents of the director district and who shall be
7 2 elected by the voters of the director district. Place of
7 3 voting in the director districts shall be designated by the
7 4 commissioner of elections. Changes in the boundaries of
7 5 director districts shall not be made during a period
7 6 commencing sixty days prior to the date of the ~~annual~~ regular
7 7 school election.

7 8 e. In districts having seven directors, election of three
7 9 directors at large by the electors of the entire district, ~~one~~
7 10 no more than two at each ~~annual~~ regular school election, and
7 11 election of the remaining directors as residents of and by the
7 12 electors of individual geographic subdistricts established on
7 13 the basis of population and identified as director districts,
7 14 ~~no more than two at each regular school election.~~ Boundaries
7 15 of the subdistricts shall follow precinct boundaries, ~~insofar~~
7 16 as far as practicable, and shall not be changed less than
7 17 sixty days prior to the ~~annual~~ regular school election.

7 18 Sec. 13. Section 275.25, subsection 3, Code 2007, is
7 19 amended to read as follows:

7 20 3. The directors who are elected and qualify to serve
7 21 shall serve until their successors are elected and qualify.
7 22 At the special election, the three newly elected ~~director~~
7 23 directors receiving the most votes shall be elected to serve
7 24 until ~~the director's successor qualifies their successors~~
7 25 qualify after the ~~fourth~~ third regular school election date
7 26 occurring after the effective date of the reorganization ~~and~~
7 27 the two newly elected directors receiving the next largest
7 28 number of votes shall be elected to serve until the directors'
7 29 successors qualify after the ~~third~~ second regular school
7 30 election date occurring after the effective date of the
7 31 reorganization ~~and the two newly elected directors receiving~~
7 32 ~~the next largest number of votes shall be elected to serve~~
7 33 ~~until the directors' successors qualify after the second~~
7 34 ~~regular school election date occurring after the effective~~
7 35 ~~date of the reorganization.~~ However, in districts that

8 1 include all or a part of a city of fifteen thousand or more
8 2 population and in districts in which the proposition to
8 3 establish a new corporation provides for the election of seven
8 4 directors, the ~~three~~ newly elected directors receiving the
8 5 ~~most votes shall be elected to serve until the directors'~~
8 6 ~~successors qualify after the fourth regular school election~~
8 7 ~~date occurring after the effective date of the reorganization~~
8 8 ~~timelines specified in this subsection for the terms of office~~
8 9 ~~apply to the four newly elected directors receiving the most~~
8 10 ~~votes and then to the three newly elected directors receiving~~
8 11 ~~the next largest number of votes.~~

8 12 Sec. 14. Section 275.37, Code 2007, is amended to read as
8 13 follows:

8 14 275.37 INCREASE IN NUMBER OF DIRECTORS.

8 15 At the next succeeding ~~annual~~ regular school election in a
8 16 district where the number of directors has been increased from
8 17 five to seven, and directors are elected at large, there shall
8 18 be elected a director to succeed each incumbent director whose
8 19 term is expiring in that year, and two additional directors.
8 20 Upon organizing as required by section 279.1, ~~either one or~~
8 21 two of the newly elected ~~director~~ directors who received the
8 22 fewest votes in the election shall be assigned a term of
8 23 ~~either one year or two years if as necessary in order that as~~
8 24 ~~nearly as possible one-third one-half of the members of the~~
8 25 ~~board shall be elected each year biennially.~~ If some or all
8 26 directors are elected from director districts, the board shall
8 27 assign terms appropriate for the method of election used by
8 28 the district.

8 29 Sec. 15. Section 275.37A, Code 2007, is amended to read as
8 30 follows:

8 31 275.37A DECREASE IN NUMBER OF DIRECTORS.

8 32 1. A change from seven to five directors shall be effected
8 33 in a district at the first regular school election after
8 34 authorization by the voters in the following manner:

8 35 a. If at the first election in the district there are
9 1 ~~three~~ four terms expiring, ~~one director~~ three directors shall
9 2 be elected. At the second election in that district, if ~~two~~
9 3 three terms are expiring, two directors shall be elected. ~~At~~
9 4 ~~the third election in that district, if there are two terms~~
9 5 ~~expiring, two directors shall be elected.~~

9 6 b. If at the first election there are ~~two~~ three terms
9 7 expiring, ~~no two~~ directors shall be elected. At the second
9 8 election in that district, if ~~two~~ four terms are expiring, ~~two~~
9 9 three directors shall be elected. ~~At the third election in~~
9 10 ~~that district, if there are three terms expiring, three~~
9 11 ~~directors shall be elected, two for three years and one for~~

~~9 12 one year. The newly elected director who received the fewest~~
~~9 13 votes in the election shall be assigned a term of one year.~~
~~9 14 c. If at the first election there are two terms expiring,~~
~~9 15 no directors shall be elected. At the second election in that~~
~~9 16 district, if three terms are expiring, three directors shall~~
~~9 17 be elected, two for three years and one for two years. The~~
~~9 18 newly elected director who received the fewest votes in the~~
~~9 19 election shall be assigned a term of two years. At the third~~
~~9 20 election in that district, if there are two terms expiring,~~
~~9 21 two directors shall be elected.~~

9 22 2. If some or all of the directors are elected from
9 23 director districts, the board shall devise a plan to reduce
9 24 the number of members so that as nearly as possible ~~one-third~~
9 25 ~~one-half~~ of the members of the board shall be elected ~~each~~
~~9 26 year biennially~~ and so that each district will be continuously
9 27 represented.

9 28 Sec. 16. Section 275.38, Code 2007, is amended to read as
9 29 follows:

9 30 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.
9 31 If change in the method of election of school directors is
9 32 approved at a regular or special school election, the
9 33 directors who were serving unexpired terms or were elected
9 34 concurrently with approval of the change of method shall serve
9 35 out the terms for which they were elected. If the plan
10 1 adopted is that described in section 275.12, subsection 2,
10 2 paragraph "~~b," "c," "d," or "e," "b," "c," "d," or "e,"~~ the
10 3 board shall at the earliest practicable time designate the
10 4 districts from which residents are to be elected as school
10 5 directors at each of the next ~~three two~~ succeeding ~~annual~~
10 6 ~~regular~~ school elections, arranging so far as possible for
10 7 elections of directors as residents of the respective
10 8 districts to coincide with the expiration of terms of
10 9 incumbent members residing in those districts. If an increase
10 10 in the size of the board from five to seven members is
10 11 approved concurrently with the change in method of election of
10 12 directors, the board shall make the necessary adjustment in
10 13 the manner prescribed in section 275.37, as well as providing
10 14 for implementation of the districting plan under this section.

10 15 Sec. 17. Section 275.41, subsection 3, Code 2007, is
10 16 amended to read as follows:

10 17 3. Prior to the effective date of the reorganization, the
10 18 initial board shall approve a plan that commences at the
10 19 ~~second first~~ regular school election held after the effective
10 20 date of the merger and is completed at the ~~fourth third~~
10 21 regular school election held after the effective date of the
10 22 merger, to replace the initial board with the regular board.
10 23 If the petition specifies a number of directors on the regular
10 24 board to be different from the number of directors on the
10 25 initial board, the plan shall provide that the number
10 26 specified in the petition for the regular board is in place by
10 27 the time the regular board is formed. The plan shall provide
10 28 that as nearly as possible ~~one-third one-half~~ of the members
10 29 of the board shall be elected ~~each year biennially~~, and if a
10 30 special election was held to elect a member to create an odd
10 31 number of members on the board, the term of that member shall
10 32 end at the organizational meeting following the ~~fourth third~~
10 33 regular school election held after the effective date.

10 34 Sec. 18. Section 277.1, Code 2007, is amended to read as
10 35 follows:

11 1 277.1 REGULAR ELECTION.
11 2 The regular election shall be held ~~annually biennially~~ on
11 3 the second Tuesday in September ~~of each odd-numbered year~~ in
11 4 each school district for the election of officers of the
11 5 district and merged area and for the purpose of submitting to
11 6 the voters any matter authorized by law.

11 7 Sec. 19. Section 277.25, Code 2007, is amended to read as
11 8 follows:

11 9 277.25 DIRECTORS IN NEW DISTRICTS.
11 10 At the first election in newly organized districts the
11 11 directors shall be elected as follows:

11 12 1. In districts having three directors, ~~one director two~~
11 13 ~~directors~~ shall be elected for ~~one year, one for two years,~~
11 14 and one for ~~three four~~ years.

11 15 2. In districts having five directors, ~~two three~~ shall be
11 16 elected for ~~one year, two for two years,~~ and ~~one two~~ for ~~three~~
11 17 ~~four~~ years.

11 18 3. In districts having seven directors, ~~two four~~ shall be
11 19 elected for ~~one year, two for two years,~~ and three for ~~three~~
11 20 ~~four~~ years.

11 21 Sec. 20. Section 278.2, unnumbered paragraph 2, Code 2007,
11 22 is amended to read as follows:

11 23 Petitions filed under this section shall be filed with the
11 24 secretary of the school board at least seventy-five days
11 25 before the date of the ~~annual~~ regular school election, if the
11 26 question is to be included on the ballot at that election.
11 27 The petition shall include the signatures of the petitioners,
11 28 a statement of their place of residence, and the date on which
11 29 they signed the petition.

11 30 Sec. 21. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.
11 31 This division of this Act, being deemed of immediate
11 32 importance, takes effect upon enactment, for purposes of the
11 33 transition from election of directors of community and
11 34 independent school districts, merged areas, and area education
11 35 agencies annually for terms of three years, each to the
12 1 staggered election of such directors biennially for terms of
12 2 four years each. This Act shall be applied so that the first
12 3 election at which directors, due to the expiration of
12 4 predecessor director terms, shall be elected to serve regular
12 5 four-year terms is the regular school election held in
12 6 September 2009 or the director district conventions held in
12 7 September 2009.

12 8 The board of directors of each affected school district and
12 9 each merged area and area education agency shall review the
12 10 expiration dates of the terms of office of its directors and
12 11 shall adopt by resolution a plan for shortening or lengthening
12 12 terms of members for the annual school election or director
12 13 district convention held in September 2007 and September 2008
12 14 so that all members whose terms expire at the regular school
12 15 election or director district convention held in September
12 16 2009 will be elected to four-year terms with the remaining
12 17 members of the board having their terms expire at the regular
12 18 school election or director district convention held in
12 19 September 2011. The board shall submit a copy of the
12 20 resolution adopting its plan to the office of the state
12 21 commissioner of elections no later than August 1, 2008. In
12 22 developing the plan, the board of directors shall take into
12 23 consideration the terms for which the members were elected and
12 24 the number of votes the members received in relation to the
12 25 number of votes other candidates received at the applicable
12 26 election or director district convention.

12 27 DIVISION II

12 28 VOTING CENTERS FOR CERTAIN ELECTIONS

12 29 Sec. 22. Section 49.9, Code 2007, is amended to read as
12 30 follows:

12 31 49.9 PROPER PLACE OF VOTING.

12 32 ~~No~~ Except as provided in section 49.11, subsection 1A, a
12 33 person shall not vote in any precinct but that of the person's
12 34 residence.

12 35 Sec. 23. Section 49.11, Code 2007, is amended by adding
13 1 the following new subsection:

13 2 NEW SUBSECTION. 1A. a. Establish voting centers for the
13 3 regular city election, city primary election, city runoff
13 4 election, regular school election, and special elections. Any
13 5 registered voter who is eligible to vote in the regular city
13 6 election may vote at any voting center in the city. Any
13 7 registered voter who is eligible to vote at the regular school
13 8 election may vote at any voting center in the school district.
13 9 Any registered voter who is eligible to vote in a special
13 10 election may vote at any voting center established for that
13 11 special election. For purposes of section 48A.7A, a voting
13 12 center shall be considered the polling place for the precinct
13 13 in which a person resides.

13 14 b. The county commissioner of elections shall designate
13 15 the location of each voting center to be used in the election.

13 16 c. A voting center designated under this subsection is
13 17 subject to the requirements of section 49.21 relating to
13 18 accessibility to persons who are elderly and persons with
13 19 disabilities and relating to the posting of signs. The
13 20 location of each voting center shall be published by the
13 21 county commissioner of elections in the same manner as the
13 22 location of polling places is required to be published.

13 23 d. Pursuant to section 39A.2, subsection 1, paragraph "b",
13 24 subparagraph (3), a person commits the crime of election
13 25 misconduct in the first degree if the person knowingly votes
13 26 or attempts to vote at more than one voting center for the
13 27 same election.

13 28 DIVISION III

13 29 DATES OF SPECIAL ELECTIONS

13 30 Sec. 24. Section 39.2, Code 2007, is amended by adding the
13 31 following new subsection:

13 32 NEW SUBSECTION. 4. Unless otherwise provided by law,
13 33 special elections on public measures are limited to the

13 34 following dates:

13 35 a. For a county, on the day of the general election, on
14 1 the day of the regular city election, on the date of a special
14 2 election held to fill a vacancy in the same county, or on the
14 3 first Tuesday in March, the first Tuesday in May, or the first
14 4 Tuesday in August of each year.

14 5 b. For a city, on the day of the general election, on the
14 6 day of the regular city election, on the date of a special
14 7 election held to fill a vacancy in the same city, or on the
14 8 first Tuesday in March, the first Tuesday in May, or the first
14 9 Tuesday in August of each year.

14 10 c. For a school district or merged area, in the
14 11 odd-numbered year, the first Tuesday in February, the first
14 12 Tuesday in April, the last Tuesday in June, or the second
14 13 Tuesday in September. For a school district or merged area,
14 14 in the even-numbered year, the first Tuesday in February, the
14 15 first Tuesday in April, the second Tuesday in September, or
14 16 the first Tuesday in December.

14 17 Sec. 25. Section 47.6, subsection 1, unnumbered paragraph
14 18 1, Code 2007, is amended to read as follows:

14 19 The governing body of ~~any~~ a political subdivision which has
14 20 authorized a special election to which section 39.2 ~~is~~
14 21 subsections 1, 2, and 3, are applicable shall by written

14 22 notice inform the commissioner who will be responsible for
14 23 conducting the election of the proposed date of the special
14 24 election. If a public measure will appear on the ballot at
14 25 the special election the governing body shall submit the
14 26 complete text of the public measure to the commissioner with
14 27 the notice of the proposed date of the special election.

14 28 Sec. 26. Section 47.6, Code 2007, is amended by adding the
14 29 following new subsection:

14 30 NEW SUBSECTION. 3. a. A city council or a county board
14 31 of supervisors that has authorized a public measure to be
14 32 submitted to the voters at a special election held pursuant to
14 33 section 39.2, subsection 4, shall file the full text of the
14 34 public measure with the commissioner no later than five p.m.
14 35 on the forty=sixth day before the election.

15 1 b. If there are vacancies in county offices to be filled
15 2 at the special election, candidates shall file their
15 3 nomination papers with the commissioner not later than five
15 4 p.m. on the forty=sixth day before the election.

15 5 c. If there are vacancies in city offices to be filled at
15 6 the special election, candidates shall file their nomination
15 7 papers with the city clerk not later than five p.m. on the
15 8 forty=seventh day before the election. The city clerk shall
15 9 deliver the nomination papers to the commissioner not later

15 10 than five p.m. on the forty=sixth day before the election.
15 11 Candidates for city offices in cities in which a primary
15 12 election may be necessary shall file their nomination papers
15 13 with the city clerk not later than five p.m. on the
15 14 fifty=fourth day before the election. The city clerk shall
15 15 deliver the nomination papers to the commissioner not later
15 16 than five p.m. on the fifty=third day before the election.

15 17 Sec. 27. Section 69.12, subsection 1, paragraph a, Code
15 18 2007, is amended to read as follows:

15 19 a. A vacancy shall be filled at the next pending election
15 20 if it occurs:

15 21 (1) Seventy=four or more days before the election, if it
15 22 is a general election.

15 23 (2) Fifty=two or more days before the election, if it is a
15 24 regularly scheduled or special city election. However, for
15 25 those cities which may be required to hold a primary election,
15 26 the vacancy shall be filled at the next pending election if it
15 27 occurs seventy=three or more days before a regularly scheduled
15 28 city election or fifty-nine or more days before a special city
15 29 election.

15 30 (3) Forty=five or more days before the election, if it is
15 31 a regularly scheduled school election.

15 32 (4) ~~Forty~~ Sixty or more days before the election, if it is
15 33 a special election.

15 34 Sec. 28. Section 69.12, subsection 1, paragraph b,
15 35 subparagraph (2), Code 2007, is amended to read as follows:

16 1 (2) The candidate filing deadline specified in section
16 2 376.4 for ~~a regularly scheduled~~ the regular city election or
16 3 the filing deadline specified in section 372.13, subsection 2,
16 4 for a special city election.

16 5 Sec. 29. Section 75.1, unnumbered paragraph 3, Code 2007,
16 6 is amended to read as follows:

16 7 When a proposition to authorize an issuance of bonds has
16 8 been submitted to the electors under this section and the
16 9 proposal fails to gain approval by the required percentage of

16 10 votes, such proposal, or any proposal which incorporates any
16 11 portion of the defeated proposal, shall not be submitted to
16 12 the electors for a period of six months from the date of such
16 13 regular or special election and may only be submitted on a
16 14 date specified in section 39.2, subsection 4, paragraph "a",
16 15 "b", or "c", as applicable.

16 16 Sec. 30. Section 99F.7, subsection 11, paragraphs a and c,
16 17 Code Supplement 2007, are amended to read as follows:

16 18 a. A license to conduct gambling games on an excursion
16 19 gambling boat in a county shall be issued only if the county
16 20 electorate approves the conduct of the gambling games as
16 21 provided in this subsection. The board of supervisors, upon
16 22 receipt of a valid petition meeting the requirements of
16 23 section 331.306, shall direct the commissioner of elections to
16 24 submit to the registered voters of the county a proposition to
16 25 approve or disapprove the conduct of gambling games on an
16 26 excursion gambling boat in the county. The proposition shall
16 27 be submitted ~~at a general election or at a special an election~~
16 28 ~~called for that purpose held on a date specified in section~~
16 29 ~~39.2, subsection 4, paragraph "a".~~ To be submitted at a

16 30 general election, the petition must be received by the board
16 31 of supervisors at least five working days before the last day
16 32 for candidates for county offices to file nomination papers
16 33 for the general election pursuant to section 44.4. If a
16 34 majority of the county voters voting on the proposition favor
16 35 the conduct of gambling games, the commission may issue one or
17 1 more licenses as provided in this chapter. If a majority of
17 2 the county voters voting on the proposition do not favor the
17 3 conduct of gambling games, a license to conduct gambling games
17 4 in the county shall not be issued.

17 5 c. If a licensee of a pari-mutuel racetrack who held a
17 6 valid license issued under chapter 99D as of January 1, 1994,
17 7 requests a license to operate gambling games as provided in
17 8 this chapter, the board of supervisors of a county in which
17 9 the licensee of a pari-mutuel racetrack requests a license to
17 10 operate gambling games shall submit to the county electorate a
17 11 proposition to approve or disapprove the operation of gambling
17 12 games at pari-mutuel racetracks ~~at a special an election at~~
17 13 ~~the earliest practicable time held on a date specified in~~
17 14 ~~section 39.2, subsection 4, paragraph "a".~~ If the operation
17 15 of gambling games at the pari-mutuel racetrack is not approved
17 16 by a majority of the county electorate voting on the
17 17 proposition at the election, the commission shall not issue a
17 18 license to operate gambling games at the racetrack.

17 19 Sec. 31. Section 145A.7, Code 2007, is amended to read as
17 20 follows:

17 21 145A.7 SPECIAL ELECTION.

17 22 When a protesting petition is received, the officials
17 23 receiving the petition shall call a special election of all
17 24 registered voters of that political subdivision ~~for the~~
17 25 ~~purpose upon the question~~ of approving or rejecting the order
17 26 setting out the proposed merger plan. The election shall be
17 27 held on a date specified in section 39.2, subsection 4,
17 28 paragraph "a" or "b", as applicable. The vote will be taken

17 29 by ballot in the form provided by sections 49.43 to 49.47, and
17 30 the election shall be initiated and held as provided in
17 31 chapter 49. A majority vote of those registered voters voting
17 32 at ~~said the~~ special election shall be sufficient to approve
17 33 the order and thus include the political subdivision within
17 34 the merged area.

17 35 Sec. 32. Section 257.18, subsection 1, Code 2007, is
18 1 amended to read as follows:

18 2 1. An instructional support program that provides
18 3 additional funding for school districts is established. A
18 4 board of directors that wishes to consider participating in
18 5 the instructional support program shall hold a public hearing
18 6 on the question of participation. The board shall set forth
18 7 its proposal, including the method that will be used to fund
18 8 the program, in a resolution and shall publish the notice of
18 9 the time and place of a public hearing on the resolution.
18 10 Notice of the time and place of the public hearing shall be
18 11 published not less than ten nor more than twenty days before
18 12 the public hearing in a newspaper which is a newspaper of
18 13 general circulation in the school district. At the hearing,
18 14 or no later than thirty days after the date of the hearing,
18 15 the board shall take action to adopt a resolution to
18 16 participate in the instructional support program for a period
18 17 not exceeding five years or to direct the county commissioner
18 18 of elections to submit the question of participation in the
18 19 program for a period not exceeding ten years to the registered
18 20 voters of the school district at ~~the next regular school~~

~~18 21 election or at a special an election held on a date specified~~
~~18 22 in section 39.2, subsection 4, paragraph "c".~~ If the board
18 23 submits the question at an election and a majority of those
18 24 voting on the question favors participation in the program,
18 25 the board shall adopt a resolution to participate and certify
18 26 the results of the election to the department of management.

18 27 Sec. 33. Section 257.18, subsection 2, unnumbered
18 28 paragraph 1, Code 2007, is amended to read as follows:

18 29 If the board does not provide for an election and adopts a
18 30 resolution to participate in the instructional support
18 31 program, the district shall participate in the instructional
18 32 support program unless within twenty-eight days following the
18 33 action of the board, the secretary of the board receives a
18 34 petition containing the required number of signatures, asking
18 35 that ~~an election be called~~ the question to approve or
19 1 disapprove the action of the board in adopting the
19 2 instructional support program be submitted to the voters of
19 3 the school district. The petition must be signed by eligible
19 4 electors equal in number to not less than one hundred or
19 5 thirty percent of the number of voters at the last preceding
19 6 regular school election, whichever is greater. The board
19 7 shall either rescind its action or direct the county
19 8 commissioner of elections to submit the question to the
19 9 registered voters of the school district at ~~the next following~~
~~19 10 regular school election or a special an election held on a~~
~~19 11 date specified in section 39.2, subsection 4, paragraph "c".~~

19 12 If a majority of those voting on the question at the election
19 13 favors disapproval of the action of the board, the district
19 14 shall not participate in the instructional support program.
19 15 If a majority of those voting on the question favors approval
19 16 of the action, the board shall certify the results of the
19 17 election to the department of management and the district
19 18 shall participate in the program.

19 19 Sec. 34. Section 257.29, unnumbered paragraph 1, Code
19 20 2007, is amended to read as follows:

19 21 An educational improvement program is established to
19 22 provide additional funding for school districts in which the
19 23 regular program district cost per pupil for a budget year is
19 24 one hundred ten percent of the regular program state cost per
19 25 pupil for the budget year and which have approved the use of
19 26 the instructional support program established in section
19 27 257.18. A board of directors that wishes to consider
19 28 participating in the educational improvement program shall
19 29 hold a hearing on the question of participation and the
19 30 maximum percent of the regular program district cost of the
19 31 district that will be used. The hearing shall be held in the
19 32 manner provided in section 257.18 for the instructional
19 33 support program. Following the hearing, the board may direct
19 34 the county commissioner of elections to submit the question to
19 35 the registered voters of the school district at ~~the next~~

~~20 1 following regular school election or a special an election~~
~~20 2 held not later than the following February 1 on a date~~
~~20 3 specified in section 39.2, subsection 4, paragraph "c".~~ If a
20 4 majority of those voting on the question favors participation
20 5 in the program, the board shall adopt a resolution to
20 6 participate and shall certify the results of the election to
20 7 the department of management and the district shall
20 8 participate in the program. If a majority of those voting on
20 9 the question does not favor participation, the district shall
20 10 not participate in the program.

20 11 Sec. 35. Section 257.29, unnumbered paragraph 5, Code
20 12 2007, is amended to read as follows:

20 13 Once approved at an election, the authority of the board to
20 14 use the educational improvement program shall continue until
20 15 the board votes to rescind the educational improvement program
20 16 or the voters of the school district by majority vote order
20 17 the discontinuance of the program. The board shall ~~call~~
20 18 submit at an election to vote on held on a date specified in
~~20 19 section 39.2, subsection 4, paragraph "c",~~ the proposition
20 20 whether to discontinue the program upon the receipt of a
20 21 petition signed by not less than one hundred eligible electors
20 22 or thirty percent of the number of electors voting at the last
20 23 preceding school election, whichever is greater.

20 24 Sec. 36. Section 260C.28, subsection 3, Code 2007, is
20 25 amended to read as follows:

20 26 3. If the board of directors wishes to certify for a levy
20 27 under subsection 2, the board shall direct the county
20 28 commissioner of elections to ~~call an election to~~ submit the
20 29 question of such authorization for the board at ~~a regular or~~
~~20 30 special an election held on a date specified in section 39.2,~~
20 31 subsection 4, paragraph "c". If a majority of those voting on

20 32 the question at the election favors authorization of the board
20 33 to make such a levy, the board may certify for a levy as
20 34 provided under subsection 2 during each of the ten years
20 35 following the election. If a majority of those voting on the
21 1 question at the election does not favor authorization of the
21 2 board to make a levy under subsection 2, the board ~~shall not~~
21 3 ~~may~~ submit the question to the voters again ~~until three~~
~~21 4 hundred fifty-five days have elapsed from the at an election~~
21 5 ~~held on a date specified in section 39.2, subsection 4,~~
21 6 ~~paragraph "c".~~

21 7 Sec. 37. Section 260C.39, unnumbered paragraph 1, Code
21 8 2007, is amended to read as follows:

21 9 Any merged area may combine with any adjacent merged area
21 10 after a favorable vote by the electors of each of the areas
21 11 involved. If the boards of directors of two or more merged
21 12 areas agree to a combination, the question shall be submitted
21 13 to the electors of each area at ~~a special an election to be~~
21 14 ~~held on a date specified in section 39.2, subsection 4,~~
21 15 ~~paragraph "c" and held on the same day in each area. The~~

~~21 16 special election shall not be held within thirty days of any~~
~~21 17 general election. Prior to the special election, the board of~~
21 18 each merged area shall notify the county commissioner of
21 19 elections of the county in which the greatest proportion of
21 20 the merged area's taxable base is located who shall publish
21 21 notice of the election according to section 49.53. The two
21 22 respective county commissioners of elections shall conduct the
21 23 election pursuant to the provisions of chapters 39 to 53. The
21 24 votes cast in the election shall be canvassed by the county
21 25 board of supervisors and the county ~~commissioners~~ commissioner
21 26 of elections ~~who conducted the election of each county in the~~
21 27 ~~merged areas~~ shall certify the results to the board of
21 28 directors of each merged area.

21 29 Sec. 38. Section 275.18, unnumbered paragraph 1, Code
21 30 2007, is amended to read as follows:

21 31 When the boundaries of the territory to be included in a
21 32 proposed school corporation and the number and method of the
21 33 election of the school directors of the proposed school
21 34 corporation have been determined as provided in this chapter,
21 35 the area education agency administrator with whom the petition
22 1 is filed shall give written notice of the ~~proposed date of the~~
22 2 election to the county commissioner of elections of the county
22 3 in the proposed school corporation which has the greatest
22 4 taxable base. ~~The proposed date shall be as soon as possible~~
~~22 5 pursuant to section 39.2, subsections 1 and 2, and section~~
~~22 6 47.6, subsections 1 and 2, but not later than November 30 of~~
22 7 ~~question shall be submitted to the voters at an election held~~
22 8 ~~on a date specified in section 39.2, subsection 4, paragraph~~
22 9 ~~"c" in the calendar year prior to the calendar year in which~~

22 10 the reorganization will take effect.
22 11 Sec. 39. Section 275.23A, subsection 2, Code 2007, is
22 12 amended to read as follows:

22 13 2. Following each federal decennial census the school
22 14 board shall determine whether the existing director district
22 15 boundaries meet the standards in subsection 1 according to the
22 16 most recent federal decennial census. In addition to the
22 17 authority granted to voters to change the number of directors
22 18 or method of election as provided in sections 275.35, 275.36,
22 19 and 278.1, the board of directors of a school district may,
22 20 following a federal decennial census, by resolution and in
22 21 accordance with this section, authorize a change in the method
22 22 of election as set forth in section 275.12, subsection 2, or a
22 23 change to either five or seven directors after the board
22 24 conducts a hearing on the resolution. If the board proposes
22 25 to change the number of directors from seven to five
22 26 directors, the resolution shall include a plan for reducing
22 27 the number of directors. If the board proposes to increase
22 28 the number of directors to seven directors, two directors
22 29 shall be added according to the procedure described in section
22 30 277.23, subsection 2. If necessary, the board of directors
22 31 shall redraw the director district boundaries. The director
22 32 district boundaries shall be described in the resolution
22 33 adopted by the school board. The resolution shall be adopted
22 34 no earlier than November 15 of the year immediately following
22 35 the year in which the federal decennial census is taken nor
23 1 later than May 15 of the second year immediately following the
23 2 year in which the federal decennial census is taken. A copy
23 3 of the plan shall be filed with the area education agency
23 4 administrator of the area education agency in which the
23 5 school's electors reside. If the board does not provide for
23 6 an election as provided in sections 275.35, 275.36, and 278.1
23 7 and adopts a resolution to change the number of directors or

23 8 method of election in accordance with this subsection, the
23 9 district shall change the number of directors or method of
23 10 election as provided unless, within twenty-eight days
23 11 following the action of the board, the secretary of the board
23 12 receives a petition containing the required number of
23 13 signatures, asking that an election be called to approve or
23 14 disapprove the action of the board in adopting the resolution.
23 15 The petition must be signed by eligible electors equal in
23 16 number to not less than one hundred or thirty percent of the
23 17 number of voters at the last preceding regular school
23 18 election, whichever is greater. The board shall either
23 19 rescind its action or direct the county commissioner of
23 20 elections to submit the question to the registered voters of
23 21 the school district at ~~the next following regular school~~
~~23 22 election or a special an election held on a date specified in~~
23 23 section 39.2, subsection 4, paragraph "c". If a majority of
23 24 those voting on the question at the election favors
23 25 disapproval of the action of the board, the district shall not
23 26 change the number of directors or method of election. If a
23 27 majority of those voting on the question does not favor
23 28 disapproval of the action, the board shall certify the results
23 29 of the election to the department of management and the
23 30 district shall change the number of directors or method of
23 31 election as provided in this subsection. At the expiration of
23 32 the twenty-eight-day period, if no petition is filed, the
23 33 board shall certify its action to the department of management
23 34 and the district shall change the number of directors or
23 35 method of election as provided in this subsection.

24 1 Sec. 40. Section 275.24, Code 2007, is amended to read as
24 2 follows:

24 3 275.24 EFFECTIVE DATE OF CHANGE.

24 4 When a school district is enlarged, reorganized, or changes
24 5 its boundary pursuant to sections 275.12 to 275.22, the change
24 6 shall take effect on July 1 following the date of the
24 7 reorganization election held pursuant to section 275.18 ~~if the~~
~~24 8 election was held by the prior November 30. Otherwise the~~
~~24 9 change shall take effect on July 1 one year later.~~

24 10 Sec. 41. Section 275.35, unnumbered paragraph 1, Code
24 11 2007, is amended to read as follows:

24 12 ~~Any existing or hereafter created or enlarged~~ A school
24 13 district may change the number of directors to either five or
24 14 seven and may also change its method of election of school
24 15 directors to any method authorized by section 275.12 by
24 16 submission of a proposal, stating the proposed new method of
24 17 election, by the school board of such district to the electors
24 18 at ~~any regular or special school an election held on a date~~
~~24 19 specified in section 39.2, subsection 4, paragraph "c"~~. The
24 20 school board shall notify the county commissioner of elections
24 21 who shall publish notice of the election in the manner
24 22 provided in section 49.53. The election shall be conducted
24 23 pursuant to chapters 39 ~~to~~ through 53 by the county
24 24 commissioner of elections. Such proposal shall be adopted if
24 25 it is approved by a majority of the votes cast on the
24 26 proposition.

24 27 Sec. 42. Section 275.36, unnumbered paragraph 1, Code
24 28 2007, is amended to read as follows:

24 29 If a petition for a change in the number of directors or in
24 30 the method of election of school directors is filed with the
24 31 school board of a school district pursuant to the requirements
24 32 of section 278.2, the school board shall submit such
24 33 proposition to the voters at ~~the regular school an election or~~
~~24 34 a special election held not later than February 1 held on a~~
~~24 35 date specified in section 39.2, subsection 4, paragraph "c"~~.

25 1 The petition shall be accompanied by an affidavit as required
25 2 by section 275.13. If a proposition for a change in the
25 3 number of directors or in the method of election of school
25 4 directors submitted to the voters under this section is
25 5 rejected, it shall not be resubmitted to the voters of the
25 6 district in substantially the same form within the next three
25 7 years; if it is approved, no other proposal may be submitted
25 8 to the voters of the district under this section within the
25 9 next six years.

25 10 Sec. 43. Section 275.38, Code 2007, is amended to read as
25 11 follows:

25 12 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

25 13 If change in the method of election of school directors is
25 14 approved at ~~a regular or special school an election~~, the
25 15 directors who were serving unexpired terms or were elected
25 16 concurrently with approval of the change of method shall serve
25 17 out the terms for which they were elected. If the plan
25 18 adopted is that described in section 275.12, subsection 2,

25 19 paragraph "b," "c," "d," or "e," "b", "c", "d", or "e", the
25 20 board shall at the earliest practicable time designate the
25 21 districts from which residents are to be elected as school
25 22 directors at each of the next three succeeding annual school
25 23 elections, arranging so far as possible for elections of
25 24 directors as residents of the respective districts to coincide
25 25 with the expiration of terms of incumbent members residing in
25 26 those districts. If an increase in the size of the board from
25 27 five to seven members is approved concurrently with the change
25 28 in method of election of directors, the board shall make the
25 29 necessary adjustment in the manner prescribed in section
25 30 275.37, as well as providing for implementation of the
25 31 districting plan under this section.

25 32 Sec. 44. Section 275.55, unnumbered paragraphs 1 and 2,
25 33 Code 2007, are amended to read as follows:

25 34 ~~The~~ After the final hearing on the dissolution proposal,
25 35 ~~the board of the school district shall call a special election~~
26 1 ~~to be held not later than forty days following the date of the~~
26 2 ~~final hearing on the dissolution proposal~~ submit the
26 3 proposition to the voters at an election held on a date
26 4 specified in section 39.2, subsection 4, paragraph "c". ~~The~~
26 5 ~~special election may be held at the same time as the regular~~
26 6 ~~school election.~~ ~~The proposition submitted to the voters~~
26 7 ~~residing in the school district at the special election shall~~
26 8 ~~describe each separate area to be attached to a contiguous~~
26 9 ~~school district and shall name the school district to which it~~
26 10 ~~will be attached. In addition to the description, a map may~~
26 11 ~~be included in the summary of the question on the ballot.~~
26 12 ~~The board shall give written notice of the proposed date of~~
26 13 ~~the election to the county commissioner of elections.~~ ~~The~~
26 14 ~~proposed date shall be pursuant to section 39.2, subsections 1~~
26 15 ~~and 2 and section 47.6, subsections 1 and 2.~~ ~~The county~~
26 16 ~~commissioner of elections shall give notice of the election by~~
26 17 ~~one publication in the same newspaper in which the previous~~
26 18 ~~notice was published about the hearing, which publication~~
26 19 ~~shall not be less than four nor more than twenty days prior to~~
26 20 ~~the election.~~

26 21 Sec. 45. Section 277.2, Code 2007, is amended by striking
26 22 the section and inserting in lieu thereof the following:

26 23 277.2 ELECTIONS ON PUBLIC MEASURES.

26 24 Unless otherwise stated, the date of an election on a
26 25 public measure authorized to be held by a school district is
26 26 limited to the dates specified in section 39.2, subsection 4,
26 27 paragraph "c".

26 28 Sec. 46. Section 278.1, unnumbered paragraph 2, Code 2007,
26 29 is amended to read as follows:

26 30 The board may, with approval of sixty percent of the
26 31 voters, voting in ~~a regular or special~~ an election in the
26 32 school district, make extended time contracts not to exceed
26 33 twenty years in duration for rental of buildings to supplement
26 34 existing schoolhouse facilities; and where it is deemed
26 35 advisable for buildings to be constructed or placed on real
27 1 estate owned by the school district, these contracts may
27 2 include lease-purchase option agreements, the amounts to be
27 3 paid out of the physical plant and equipment levy fund. ~~The~~
27 4 ~~election shall be held on a date specified in section 39.2,~~
27 5 ~~subsection 4, paragraph "c".~~

27 6 Sec. 47. Section 279.39, Code 2007, is amended to read as
27 7 follows:

27 8 279.39 SCHOOL BUILDINGS.

27 9 The board of any school corporation shall establish
27 10 attendance centers and provide suitable buildings for each
27 11 school in the district and may at the regular or a special
27 12 meeting ~~call a special election~~ resolve to submit to the
27 13 registered voters of the district at an election held on a
27 14 date specified in section 39.2, subsection 4, paragraph "c",
27 15 the question of voting a tax or authorizing the board to issue
27 16 bonds, or both.

27 17 Sec. 48. Section 297.11, Code 2007, is amended to read as
27 18 follows:

27 19 297.11 USE FORBIDDEN.

27 20 If ~~at any time~~ the voters of such district at a regular
27 21 election forbid such use of any such schoolhouse or grounds,
27 22 the board shall not ~~thereafter~~ permit such use until the ~~said~~
27 23 action of such voters ~~shall have been~~ is rescinded by the
27 24 voters at ~~a regular an election, or at a special election~~
27 25 ~~called for that purpose held on a date specified in section~~
27 26 39.2, subsection 4, paragraph "c".

27 27 Sec. 49. Section 298.9, Code 2007, is amended to read as
27 28 follows:

27 29 298.9 SPECIAL LEVIES.

27 30 If the voter-approved physical plant and equipment levy,
27 31 consisting solely of a physical plant and equipment property
27 32 tax levy, is ~~voted at a special~~ approved by the voters at the
27 33 regular school election and certified to the board of
27 34 supervisors after the regular levy is made, the board shall at
27 35 its next regular meeting levy the tax and cause it to be
28 1 entered upon the tax list to be collected as other school
28 2 taxes. If the certification is filed prior to May 1, the
28 3 annual levy shall begin with the tax levy of the year of
28 4 filing. If the certification is filed after May 1 in a year,
28 5 the levy shall begin with the levy of the fiscal year
28 6 succeeding the year of the filing of the certification.

28 7 Sec. 50. Section 298.18, unnumbered paragraphs 4 and 6,
28 8 Code 2007, are amended to read as follows:

28 9 The amount estimated and certified to apply on principal
28 10 and interest for any one year may exceed two dollars and
28 11 seventy cents per thousand dollars of assessed value by the
28 12 amount approved by the voters of the school corporation, but
28 13 not exceeding four dollars and five cents per thousand of the
28 14 assessed value of the taxable property within any school
28 15 corporation, provided that the registered voters of such
28 16 school corporation have first approved such increased amount
28 17 ~~at a special election, which may be held at the same time as~~
28 18 ~~the regular school an election held on a date specified in~~
28 19 section 39.2, subsection 4, paragraph "c". The proposition
28 20 submitted to the voters at such ~~special~~ election shall be in
28 21 substantially the following form:

28 22 Notice of the election shall be given by the county
28 23 commissioner of elections according to section 49.53. ~~The~~
28 24 ~~election shall be held on a date not less than four nor more~~
28 25 ~~than twenty days after the last publication of the notice. At~~
28 26 ~~such election the ballot used for the submission of said~~
28 27 ~~proposition shall be in substantially the form for submitting~~
28 28 ~~special questions at general elections.~~ The county
28 29 commissioner of elections shall conduct the election pursuant
28 30 to the provisions of chapters 39 ~~to through~~ 53 and certify the
28 31 results to the board of directors. ~~Such~~ ~~The~~ proposition shall
28 32 not be deemed carried or adopted unless the vote in favor of
28 33 such proposition is equal to at least sixty percent of the
28 34 total vote cast for and against ~~said the~~ proposition at ~~said~~
28 35 ~~the~~ election. Whenever such a proposition has been approved
29 1 by the voters of a school corporation as hereinbefore
29 2 provided, no further approval of the voters of such school
29 3 corporation shall be required as a result of any subsequent
29 4 change in the boundaries of such school corporation.

29 5 Sec. 51. Section 298.18A, subsection 2, Code 2007, is
29 6 amended to read as follows:

29 7 2. The adjustment shall not result in a total amount
29 8 levied in excess of the two dollar and seventy cent per
29 9 thousand dollars of assessed valuation limit provided in
29 10 section 298.18. An adjustment in excess of the two dollar and
29 11 seventy cent per thousand dollars of assessed valuation limit
29 12 shall be subject to the ~~special~~ election provisions for
29 13 increases of up to four dollars and five cents per thousand
29 14 dollars of assessed valuation provisions of section 298.18.

29 15 Sec. 52. Section 298.21, unnumbered paragraph 1, Code
29 16 2007, is amended to read as follows:

29 17 The board of directors of any school corporation when
29 18 authorized by the voters at ~~the regular an election or at a~~
29 19 ~~special election called for that purpose held on a date~~
29 20 specified in section 39.2, subsection 4, paragraph "c", may
29 21 issue the negotiable, interest-bearing school bonds of ~~said~~
29 22 ~~the~~ corporation for borrowing money for any or all of the
29 23 following purposes:

29 24 Sec. 53. Section 300.2, unnumbered paragraph 1, Code 2007,
29 25 is amended to read as follows:

29 26 The board of directors of a school district may, and upon
29 27 receipt of a petition signed by eligible electors equal in
29 28 number to at least twenty-five percent of the number of voters
29 29 at the last preceding school election, shall, direct the
29 30 county commissioner of elections to submit to the registered
29 31 voters of the school district the question of whether to levy
29 32 a tax of not to exceed thirteen and one-half cents per
29 33 thousand dollars of assessed valuation for public educational
29 34 and recreational activities authorized under this chapter. ~~If~~
29 35 ~~at the time of filing the petition, it is more than three~~
30 1 ~~months until the next regular school election, the board of~~
30 2 ~~directors shall submit the question at a special election~~
30 3 ~~within sixty days. Otherwise, the~~ ~~The~~ question shall be
30 4 submitted at the next regular school an election held on a
30 5 date specified in section 39.2, subsection 4, paragraph "c".

30 6 Sec. 54. Section 330.17, unnumbered paragraph 1, Code
30 7 2007, is amended to read as follows:

30 8 The council of any city or county which owns or acquires an
30 9 airport may, and upon the council's receipt of a valid
30 10 petition as provided in section 362.4, or receipt of a
30 11 petition by the board of supervisors as provided in section
30 12 331.306 shall, ~~at a regular city election or a general~~
~~30 13 election if one is to be held within seventy-four days from~~
~~30 14 the filing of the petition, or otherwise at a special an~~
30 15 election called for that purpose held on a date specified in
30 16 section 39.2, subsection 4, paragraph "a" or "b", as
30 17 applicable, submit to the voters the question as to whether
30 18 the management and control of the airport shall be placed in
30 19 an airport commission. If a majority of the voters favors
30 20 placing the management and control of the airport in an
30 21 airport commission, the commission shall be established as
30 22 provided in this chapter.

30 23 Sec. 55. NEW SECTION. 331.309 ELECTIONS ON PUBLIC
30 24 MEASURES.

30 25 Unless otherwise stated, the dates of elections on public
30 26 measures authorized in this chapter are limited to those
30 27 specified for counties in section 39.2.

30 28 Sec. 56. Section 346.27, subsection 10, unnumbered
30 29 paragraph 1, Code 2007, is amended to read as follows:

30 30 After the incorporation of an authority, and before the
30 31 sale of any issue of revenue bonds, except refunding bonds,
30 32 the authority shall ~~call an election to decide~~ submit to the
30 33 voters the question of whether the authority shall issue and
30 34 sell revenue bonds. The ballot shall state the amount of the
30 35 bonds and the purposes for which the authority is
31 1 incorporated. All registered voters of the county shall be
31 2 entitled to vote on the question. The question may be
31 3 submitted at ~~a general election or at a special an~~ election
31 4 held on a date specified in section 39.2, subsection 4,
31 5 paragraph "a" or "b", as applicable. An affirmative vote of a
31 6 majority of the votes cast on the question is required to
31 7 authorize the issuance and sale of revenue bonds.

31 8 Sec. 57. Section 347.13, subsection 12, unnumbered
31 9 paragraph 1, Code 2007, is amended to read as follows:

31 10 Submit to the voters at ~~any regular or special an~~ election
31 11 held on a date specified in section 39.2, subsection 4,
31 12 paragraph "a", a proposition to sell or lease any sites and
31 13 buildings, excepting those described in subsection 11 ~~hereof~~,
31 14 and upon such proposition being carried by a majority of the
31 15 total number of votes cast at such election, may proceed to
31 16 sell such property at either public or private sale, and apply
31 17 the proceeds only for:

31 18 Sec. 58. Section 347.14, subsection 15, unnumbered
31 19 paragraph 1, Code 2007, is amended to read as follows:

31 20 Submit to the voters at ~~a regular or special an~~ election
31 21 held on a date specified in section 39.2, subsection 4,
31 22 paragraph "a", a proposition to sell or lease a county public
31 23 hospital for use as a private hospital or as a merged area
31 24 hospital under chapter 145A or to sell or lease a county
31 25 hospital in conjunction with the establishment of a merged
31 26 area hospital. The authorization of the board of hospital
31 27 trustees submitting the proposition may, but is not required
31 28 to, contain conditions which provide for maintaining hospital
31 29 care within the county, for the retention of county public
31 30 hospital employees and staff, and for the continuation of the
31 31 board of trustees for the purpose of carrying out provisions
31 32 of contracts. The property listed in section 347.13,
31 33 subsection 11, may be included in the proposition, but the
31 34 proceeds from the property shall be used for the purposes
31 35 listed in section 347.13, subsection 12, or for the purpose of
32 1 providing health care for residents of the county. Proceeds
32 2 from the sale or lease of the county hospital or other assets
32 3 of the board of trustees shall not be used for the prepayment
32 4 of health care services for residents of the county with the
32 5 purchaser or lessee of the county hospital or to underwrite
32 6 the sale or lease of the county hospital. The proposition
32 7 submitted to the voters of the county shall not be set forth
32 8 at length, but it shall be in substantially the following
32 9 form:

32 10 Sec. 59. Section 347.23, unnumbered paragraph 1, Code
32 11 2007, is amended to read as follows:

32 12 Any hospital organized and existing as a city hospital may
32 13 become a county hospital organized and managed as provided for
32 14 in this chapter, upon a proposition for such purpose being
32 15 submitted to and approved by a majority of the electors of
32 16 both the city in which such hospital is located and of the

32 17 county under whose management it is proposed that such
32 18 hospital be placed, ~~at any general or special election called~~
~~32 19 for such purpose.~~ The proposition shall be placed upon the
32 20 ballot by the board of supervisors when requested by a
32 21 petition signed by eligible electors of the county equal in
32 22 number to five percent of the votes cast for president of the
32 23 United States or governor, as the case may be, at the last
32 24 general election. The proposition ~~may shall~~ be submitted at
32 25 ~~the next general election or at a special an election called~~
~~32 26 for that purpose held on a date specified in section 39.2,~~
32 27 subsection 4, paragraph "a". Upon the approval of the
32 28 proposition the hospital, its assets and liabilities, will
32 29 become the property of the county and this chapter will govern
32 30 its future management. The question shall be submitted in
32 31 substantially the following form: "Shall the municipal
32 32 hospital of, Iowa, be transferred to and become the
32 33 property of, and be managed by the county of, Iowa?"

32 34 Sec. 60. Section 347.23A, subsection 1, Code 2007, is
32 35 amended to read as follows:

33 1 1. A hospital established as a memorial hospital under
33 2 chapter 37 or a county hospital supported by revenue bonds and
33 3 organized under chapter 347A may become, in accordance with
33 4 the provisions of this section, a county hospital organized
33 5 and managed as provided for in this chapter. If the hospital
33 6 is established by a city as a memorial hospital, the city must
33 7 be located in the county which will own and manage the
33 8 hospital. A proposition for the change must be submitted to
33 9 and approved by a majority of the electors of the county which
33 10 will own and manage the hospital as provided for in this
33 11 chapter. In addition, if the hospital is a memorial hospital
33 12 organized by a city under chapter 37, the proposition must
33 13 also be approved by a majority of the electors of that city.
33 14 The proposition ~~may shall~~ be submitted to the electors at ~~any~~
~~33 15 general or special an~~ election called by the county board of
33 16 supervisors ~~for this purpose and held on a date specified in~~
33 17 section 39.2, subsection 4, paragraph "a".

33 18 Sec. 61. NEW SECTION. 362.11 ELECTIONS ON PUBLIC
33 19 MEASURES.

33 20 Unless otherwise stated, the dates of elections on public
33 21 measures authorized in the city code are limited to those
33 22 specified for cities in section 39.2.

33 23 Sec. 62. Section 368.19, unnumbered paragraph 1, Code
33 24 2007, is amended to read as follows:

33 25 The committee shall approve or disapprove the petition or
33 26 plan as amended, within ninety days of the final hearing, and
33 27 shall file its decision for record and promptly notify the
33 28 parties to the proceeding of its decision. If a petition or
33 29 plan is approved, the board shall ~~set a date not less than~~
~~33 30 thirty days nor more than ninety days after approval for a~~
~~33 31 special submit the proposal at an election on the proposal~~
33 32 held on a date specified in section 39.2, subsection 4,
33 33 paragraph "a" or "b", whichever is applicable, and the county

33 34 commissioner of elections shall conduct the election. In a
33 35 case of incorporation or discontinuance, registered voters of
34 1 the territory or city may vote, and the proposal is authorized
34 2 if a majority of those voting approves it. In a case of
34 3 annexation or severance, registered voters of the territory
34 4 and of the city may vote, and the proposal is authorized if a
34 5 majority of the total number of persons voting approves it.
34 6 In a case of consolidation, registered voters of each city to
34 7 be consolidated may vote, and the proposal is authorized only
34 8 if it receives a favorable majority vote in each city. The
34 9 county commissioner of elections shall publish notice of the
34 10 election as provided in section 49.53 and shall conduct the
34 11 election in the same manner as other special ~~city~~ elections.

34 12 Sec. 63. Section 372.2, subsection 2, unnumbered paragraph
34 13 1, Code 2007, is amended to read as follows:

34 14 Within fifteen days after receiving a valid petition, the
34 15 council shall publish notice of the date that a special ~~city~~
34 16 election will be held to determine whether the city shall
34 17 change to a different form of government. The election date
34 18 shall be ~~not more than sixty days after the publication as~~
~~34 19 specified in section 39.2, subsection 4, paragraph "b". If~~
~~34 20 the next election date specified in that paragraph is more~~
~~34 21 than sixty days after the publication, the council shall~~
34 22 publish another notice fifteen days before the election. The
34 23 notice shall include a statement that the filing of a petition
34 24 for appointment of a home rule charter commission will delay
34 25 the election until after the home rule charter commission has
34 26 filed a proposed charter. Petition requirements and filing
34 27 deadlines shall also be included in the notice.

34 28 Sec. 64. Section 372.3, Code 2007, is amended to read as
34 29 follows:

34 30 372.3 HOME RULE CHARTER.

34 31 If a petition for appointment of a home rule charter
34 32 commission is filed with the city clerk not more than ten days
34 33 after the council has published the first notice announcing
34 34 the date of the special election on adoption of another form
34 35 of government, the special election shall not be held until
35 1 the charter proposed by the home rule charter commission is
35 2 filed. Both forms must be published as provided in section
35 3 372.9 and submitted to the voters at the special election.

35 4 Sec. 65. Section 372.9, subsection 3, Code 2007, is
35 5 amended to read as follows:

35 6 3. The proposed home rule charter must be submitted at a
35 7 special ~~city~~ election on a date ~~selected by the mayor and~~
~~35 8 council specified in section 39.2, subsection 4, paragraph~~
~~35 9 "b", and in accordance with section 47.6. However, the date~~
35 10 of the ~~election last publication~~ must be not less than thirty
35 11 nor more than sixty days ~~after before~~ the ~~last publication of~~
~~35 12 the proposed home rule charter election.~~

35 13 Sec. 66. Section 372.13, subsection 11, unnumbered
35 14 paragraph 1, Code Supplement 2007, is amended to read as
35 15 follows:

35 16 Council members shall be elected according to the council
35 17 representation plans under sections 372.4 and 372.5. However,
35 18 the council representation plan may be changed, by petition
35 19 and election, to one of those described in this subsection.
35 20 Upon receipt of a valid petition, as defined in section 362.4,
35 21 requesting a change to a council representation plan, the
35 22 council shall submit the question at a special ~~city~~ election
35 23 ~~to be held within sixty days.~~ If a majority of the persons
35 24 voting at the special election approves the changed plan, it
35 25 becomes effective at the beginning of the term following the
35 26 next regular city election. If a majority does not approve
35 27 the changed plan, the council shall not submit another
35 28 proposal to change a plan to the voters within the next two
35 29 years.

35 30 Sec. 67. Section 376.2, unnumbered paragraph 2, Code 2007,
35 31 is amended to read as follows:

35 32 Except as otherwise provided by state law or the city
35 33 charter, terms for elective offices are two years. However,
35 34 the term of an elective office may be changed to two or four
35 35 years by petition and election. Upon receipt of a valid
36 1 petition as defined in section 362.4, requesting that the term
36 2 of an elective office be changed, the council shall submit the
36 3 question at a special ~~city~~ election ~~to be held within sixty~~
~~36 4 days after the petition is received. The special election~~
~~36 5 shall be held more than ninety days before the regular city~~
~~36 6 election if the change shall go into effect at the next~~
~~36 7 regular city election.~~ If a majority of the persons voting at
36 8 the special election approves the changed term, it becomes
36 9 effective at the beginning of the term following the next
36 10 regular city election. If a majority does not approve the
36 11 changed term, the council shall not submit the same proposal
36 12 to the voters within the next four years.

36 13 Sec. 68. Section 423B.1, subsection 5, Code Supplement
36 14 2007, is amended to read as follows:

36 15 5. The county commissioner of elections shall submit the
36 16 question of imposition of a local option tax at ~~a state~~
~~36 17 general election or at a special an election held at any time~~
~~36 18 other than the time of a city regular election on a date~~
~~36 19 specified in section 39.2, subsection 4, paragraph "a".~~ The
36 20 election shall not be held sooner than sixty days after
36 21 publication of notice of the ballot proposition. The ballot
36 22 proposition shall specify the type and rate of tax and in the
36 23 case of a vehicle tax the classes that will be exempt and in
36 24 the case of a local sales and services tax the date it will be
36 25 imposed which date shall not be earlier than ninety days
36 26 following the election. The ballot proposition shall also
36 27 specify the approximate amount of local option tax revenues
36 28 that will be used for property tax relief and shall contain a
36 29 statement as to the specific purpose or purposes for which the
36 30 revenues shall otherwise be expended. If the county board of
36 31 supervisors decides under subsection 6 to specify a date on
36 32 which the local option sales and services tax shall
36 33 automatically be repealed, the date of the repeal shall also
36 34 be specified on the ballot. The rate of the vehicle tax shall
36 35 be in increments of one dollar per vehicle as set by the
37 1 petition seeking to impose the tax. The rate of a local sales
37 2 and services tax shall not be more than one percent as set by
37 3 the governing body. The state commissioner of elections shall

37 4 establish by rule the form for the ballot proposition which
37 5 form shall be uniform throughout the state.

37 6 Sec. 69. Section 423E.2, subsection 2, paragraph a, Code
37 7 Supplement 2007, is amended to read as follows:

37 8 a. Upon receipt by a county board of supervisors of a
37 9 petition requesting imposition of a local sales and services
37 10 tax for infrastructure purposes, signed by eligible electors
37 11 of the whole county equal in number to five percent of the
37 12 persons in the whole county who voted at the last preceding
37 13 state general election, the board shall within thirty days
37 14 direct the county commissioner of elections to submit the
37 15 question of imposition of the tax to the registered voters of
37 16 the whole county at an election held on a date specified in
37 17 section 39.2, subsection 4, paragraph "a".

37 18 Sec. 70. Section 423E.2, subsection 3, Code Supplement
37 19 2007, is amended to read as follows:

37 20 3. The county commissioner of elections shall submit the
37 21 question of imposition of a local sales and services tax for
37 22 school infrastructure purposes at ~~a state general election or~~
~~37 23 at a special an election held at any time other than the time~~
~~37 24 of a city regular election on a date specified in section~~
37 25 39.2, subsection 4, paragraph "a". The election shall not be

37 26 held sooner than sixty days after publication of notice of the
37 27 ballot proposition. The ballot proposition shall specify the
37 28 rate of tax, the date the tax will be imposed and repealed,
37 29 and shall contain a statement as to the specific purpose or
37 30 purposes for which the revenues shall be expended. The
37 31 content of the ballot proposition shall be substantially
37 32 similar to the petition of the board of supervisors or motions
37 33 of a school district or school districts requesting the
37 34 election as provided in subsection 2, as applicable, including
37 35 the rate of tax, imposition and repeal ~~date dates~~, and the
38 1 specific purpose or purposes for which the revenues will be
38 2 expended. The dates for the imposition and repeal of the tax
38 3 shall be as provided in subsection 1. The rate of tax shall
38 4 not be more than one percent. The state commissioner of
38 5 elections shall establish by rule the form for the ballot
38 6 proposition which form shall be uniform throughout the state.

38 7 Sec. 71. APPLICABILITY DATE. This division of this Act
38 8 applies to elections held on or after January 1, 2009.

38 9 DIVISION IV
38 10 VOTER REGISTRATION

38 11 Sec. 72. NEW SECTION. 44.18 AFFILIATION ON VOTER
38 12 REGISTRATION FORM.

38 13 1. A nonparty political organization that nominated a
38 14 candidate whose name appeared on the general election ballot
38 15 for a federal office, for governor, or for any other statewide
38 16 elective office in any of the preceding ten years may request
38 17 registration of voters showing their affiliation with the
38 18 nonparty political organization pursuant to this section.

38 19 2. The organization shall file the following documents
38 20 with the state registrar of voters on or before December 1 of
38 21 an even-numbered year:

38 22 a. A petition in the form prescribed by the registrar and
38 23 signed by no fewer than eight hundred fifty eligible electors
38 24 residing in at least five counties in the state. The petition
38 25 shall include the official name of the organization; the
38 26 organization's name as the organization requests it to appear
38 27 on the voter registration form if different from the
38 28 organization's official name; and the name, address, and
38 29 telephone number of the contact person for the organization.
38 30 Each person who signs the petition shall include the person's
38 31 signature, printed name, residence address with house number,
38 32 street name, city, and county, and the date the person signed
38 33 the petition.

38 34 b. A copy of the nonparty political organization's
38 35 articles of incorporation, bylaws, constitution, or other
39 1 document relating to establishment of the organization. Such
39 2 copy shall be certified as a true copy of the original by the
39 3 custodian of the original document.

39 4 c. An application form prescribed by the state registrar
39 5 of voters. The form shall include all of the following:

39 6 (1) The official name of the nonparty political
39 7 organization.

39 8 (2) The name, address, and telephone number of the contact
39 9 person for the organization who is responsible for the
39 10 application.

39 11 (3) The signature of the chief executive officer of the
39 12 organization approving the application.

39 13 (4) The organization's name as the organization requests
39 14 it to appear on the voter registration form if different from

39 15 the organization's official name.
39 16 3. The nonparty political organization's name and its name
39 17 as listed on the voter registration form shall conform to the
39 18 requirements of section 43.121. The registrar shall not
39 19 invalidate the application solely because the registrar finds
39 20 the official name of the organization or the name to be
39 21 included on the voter registration form to be unacceptable.
39 22 If the registrar finds the name to be unacceptable, the
39 23 registrar shall contact the organization and provide
39 24 assistance in identifying an appropriate official name for the
39 25 organization and for identifying the organization on the voter
39 26 registration form. A determination by the registrar that the
39 27 official name or voter registration form name requested is
39 28 acceptable for use within the voter registration system is
39 29 final.

39 30 4. The registrar and the voter registration commission may
39 31 require biennial filings to update contact information.

39 32 5. Beginning in January 2011, and each odd-numbered year
39 33 thereafter, the registrar and the voter registration
39 34 commission may review the number of voters registered as
39 35 affiliated with a nonparty political organization. If the
40 1 number of registrants, including both active and inactive
40 2 voters, is fewer than 150, the commission shall declare the
40 3 organization to be dormant for purposes of voter registration
40 4 and may revise the voter registration form and instructions
40 5 and electronic voter registration system to remove the
40 6 organization from the list of nonparty political organizations
40 7 with which a voter may register as affiliated. However, a
40 8 change shall not be made to the record of political
40 9 affiliation of individual registrants unless the registrant
40 10 requests the change.

40 11 6. If a political party, as defined in section 43.2, fails
40 12 to receive a sufficient number of votes in a general election
40 13 to retain status as a political party and the former political
40 14 party organizes as a nonparty political organization, the
40 15 organization may request registration of voters showing their
40 16 affiliation with the organization. A change shall not be made
40 17 to the record of political party affiliation of individual
40 18 registrants unless the registrant requests the change.

40 19 Sec. 73. Section 48A.7A, subsection 1, paragraph b,
40 20 subparagraph (2), unnumbered paragraph 1, Code Supplement
40 21 2007, is amended to read as follows:

40 22 If the photographic identification presented does not
40 23 contain the person's current address in the precinct, the
40 24 person shall also present one of the following documents that
40 25 shows the person's name and current address in the precinct:

40 26 Sec. 74. Section 48A.7A, subsection 3, Code Supplement
40 27 2007, is amended to read as follows:

40 28 3. At any time before election day, and after the deadline
40 29 for registration in section 48A.9, a person who appears in
40 30 person at the commissioner's office or at a satellite absentee
40 31 voting station ~~after the deadline for registration in section~~
40 32 ~~48A.9, or whose ballot is delivered to a health care facility~~
40 33 ~~pursuant to section 53.22~~ may register to vote and vote an

40 34 absentee ballot by following the procedure in this section for
40 35 registering to vote on election day. A person who wishes to
41 1 vote in person at the polling place on election day and who
41 2 has not registered to vote before the deadline for registering
41 3 in section 48A.9, is required to register to vote at the
41 4 polling place on election day following the procedure in this
41 5 section. However, the person may complete the voter
41 6 registration application at the commissioner's office and,
41 7 after the commissioner has reviewed the completed application,
41 8 may present the application to the appropriate precinct
41 9 election official along with proof of identity and residency.

41 10 Sec. 75. Section 48A.7A, subsection 4, paragraph b, Code
41 11 Supplement 2007, is amended to read as follows:

41 12 b. The form of the written oath required of a person
41 13 attesting to the identity and residency of the registrant
41 14 shall read as follows:

41 15 I, (name of registered voter), do solemnly swear or
41 16 affirm all of the following:

41 17 I am a preregistered voter in this precinct or I registered
41 18 to vote in this precinct today, and a registered voter did not
41 19 sign an oath on my behalf. I have not signed an oath
41 20 attesting to the identity and residence of any other person in
41 21 this election.

41 22 I am a resident of the ... precinct, ... ward or township,
41 23 city of, county of, Iowa.

41 24 I reside at (street address) in (city or
41 25 township).

41 26 I personally know (name of registrant), and I
41 27 personally know that (name of registrant) is a resident
41 28 of the ... precinct, ward or township, city of,
41 29 county of, Iowa.
41 30 I understand that any false statement in this oath is a
41 31 class "D" felony punishable by no more than five years in
41 32 confinement and a fine of at least seven hundred fifty dollars
41 33 but not more than seven thousand five hundred dollars.

41 34
41 35 Signature of Registered Voter
42 1 Subscribed and sworn before me on (date).

42 2
42 3 Signature of Precinct Election Official

42 4 Sec. 76. Section 48A.11, subsection 1, paragraph i, Code
42 5 Supplement 2007, is amended to read as follows:

42 6 i. Political party registration affiliation as defined in
42 7 section 43.2 or nonparty political organization affiliation if
42 8 approved for inclusion on the form pursuant to section 44.18.

42 9 Sec. 77. Section 48A.11, subsection 1, paragraph k, Code
42 10 Supplement 2007, is amended by striking the paragraph.

42 11 Sec. 78. Section 48A.12, unnumbered paragraph 1, Code
42 12 2007, is amended to read as follows:

42 13 The mail voter registration form prescribed by the federal
42 14 election assistance commission shall be accepted for voter
42 15 registration in Iowa if all required information is provided,
42 16 if it is signed by the registrant, and if the form is timely
42 17 received.

42 18 Sec. 79. Section 48A.26, subsection 4, Code 2007, is
42 19 amended to read as follows:

42 20 4. If the registrant applied by mail to register to vote
42 21 and did not answer either "yes" or "no" to the question in
42 22 section 48A.11, subsection 3, paragraph "a", the application
42 23 shall be processed, ~~but the registration shall be designated~~

~~42 24 as valid only for elections that do not include candidates for~~
~~42 25 federal offices on the ballot. The acknowledgment shall~~
~~42 26 advise the applicant that the status of the registration is~~
~~42 27 local and the reason for the registration being assigned local~~
~~42 28 status. The commissioner shall enclose a new registration by~~
~~42 29 mail form for the applicant to use. If the original~~

~~42 30 application is received during the twelve days before the~~
~~42 31 close of registration for an election that includes candidates~~
~~42 32 for federal offices on the ballot, the commissioner shall~~
~~42 33 provide the registrant with an opportunity to complete the~~
~~42 34 form before the close of registration. If the application is~~

~~42 35 complete and proper in all other respects and information on~~
43 1 the application is verified, as required by section 48A.25A,
43 2 the applicant shall be registered to vote and sent an
43 3 acknowledgment.

43 4 Sec. 80. Section 48A.27, subsection 2, paragraph b, Code
43 5 2007, is amended to read as follows:

43 6 b. If a registered voter submits a change of name,
43 7 telephone number, or address is submitted under this
43 8 subsection, the commissioner shall not change the political
43 9 party or nonparty political organization affiliation in the
43 10 elector's registered voter's prior registration other than
43 11 that indicated by the elector registered voter.

43 12 Sec. 81. Section 48A.37, subsection 2, Code Supplement
43 13 2007, is amended to read as follows:

43 14 2. Electronic records shall include a status code
43 15 designating whether the records are active, inactive, ~~local,~~
~~43 16 or pending, or canceled.~~ Inactive records are records of
43 17 registered voters to whom notices have been sent pursuant to
43 18 section 48A.28, subsection 3, and who have not returned the
43 19 card or otherwise responded to the notice, and those records

43 20 have been designated inactive pursuant to section 48A.29.
43 21 Inactive records are also records of registered voters to whom
43 22 notices have been sent pursuant to section 48A.26A and who
43 23 have not responded to the notice. ~~Local records are records~~

~~43 24 of applicants who did not answer either "yes" or "no" to the~~
~~43 25 question in section 48A.11, subsection 3, paragraph "a".~~
43 26 Pending records are records of applicants whose applications
43 27 have not been verified pursuant to section 48A.25A. Canceled
43 28 records are records that have been canceled pursuant to

43 29 section 48A.30. All other records are active records. An
43 30 inactive record shall be made active when the registered voter
43 31 votes at an election, registers again, or reports a change of
43 32 name, address, telephone number, or political party or
43 33 organization affiliation. A pending record shall be made

43 34 active upon verification. ~~A local record shall be valid for~~
~~43 35 any election for which no candidates for federal office appear~~
44 1 ~~on the ballot. A registrant with only a local record shall~~

~~44 2 not vote in a federal election unless the registrant submits a~~
~~44 3 new voter registration application before election day~~
~~44 4 indicating that the applicant is a citizen of the United~~
~~44 5 States.~~

44 6 Sec. 82. Section 49.74, Code 2007, is amended to read as
44 7 follows:

44 8 49.74 ~~REGISTERED~~ VOTERS ENTITLED TO VOTE AFTER CLOSING
44 9 TIME.

44 10 Every ~~registered~~ voter who is on the premises of the
44 11 voter's precinct polling place at the time the polling place
44 12 is to be closed for any election shall be permitted to vote in
44 13 that election. Wherever possible, when there are persons on
44 14 the premises of a polling place awaiting an opportunity to
44 15 claim their vote at the time the polling place is to be
44 16 closed, the election board shall cause those persons to move
44 17 inside the structure in which the polling place is located and
44 18 shall then shut the doors of the structure and shall not admit
44 19 any additional persons to the polling place for the purpose of
44 20 voting. If it is not feasible to cause persons on the
44 21 premises of a polling place awaiting an opportunity to claim
44 22 their vote at the time the polling place is to be closed to
44 23 move inside the structure in which the polling place is
44 24 located, the election board shall cause those persons to be
44 25 designated in some reasonable manner and shall not receive
44 26 votes after that time from any persons except those ~~registered~~
44 27 voters so designated.

44 28 DIVISION V

44 29 CHALLENGES AND PROVISIONAL VOTING

44 30 Sec. 83. Section 39A.3, subsection 1, paragraph a, Code
44 31 2007, is amended by adding the following new subparagraph:

44 32 NEW SUBPARAGRAPH. (4) Files a challenge containing false
44 33 information under section 48A.14 or 49.79.

44 34 Sec. 84. Section 39A.5, subsection 1, paragraph b,
44 35 subparagraph (3), Code Supplement 2007, is amended by striking
45 1 the subparagraph.

45 2 Sec. 85. Section 48A.14, subsections 3 and 4, Code 2007,
45 3 are amended to read as follows:

45 4 3. A challenge shall contain a statement signed by the
45 5 challenger in substantially the following form: "I am a
45 6 registered voter in (name of county) County, Iowa. I swear or
45 7 affirm that information contained on this challenge is true.
45 8 I understand that knowingly filing a challenge containing
45 9 false information is an aggravated misdemeanor."

45 10 4. A challenge may be filed at any time. A challenge
45 11 filed less than seventy days before a regularly scheduled
45 12 election shall not be processed until after the pending
45 13 election unless the challenge is filed within twenty days of
45 14 the commissioner's receipt of the challenged registrant's
45 15 registration form or notice of change to an existing
45 16 registration. A challenge filed against a person registering
45 17 to vote pursuant to section 48A.7A is considered a challenge
45 18 to a person offering to vote and must be filed under section
45 19 49.79.

45 20 Sec. 86. Section 49.79, subsection 2, paragraph c, Code
45 21 Supplement 2007, is amended to read as follows:

45 22 c. The challenged person is not a resident at the address
45 23 where the person is registered. However, a person who is
45 24 reporting a change of address at the polls on election day
45 25 pursuant to section 48A.27, subsection 2, paragraph "a",
45 26 subparagraph (3), or who is registering to vote pursuant to
45 27 section 48A.7A, shall not be challenged for this reason.

45 28 Sec. 87. Section 49.79, Code Supplement 2007, is amended
45 29 by adding the following new subsections:

45 30 NEW SUBSECTION. 3. a. The state commissioner of
45 31 elections shall prescribe a form to be used for challenging a
45 32 prospective voter at the polls. The form shall include a
45 33 space for the challenger to provide the challenger's printed
45 34 name, signature, address, and telephone number. The form
45 35 shall also contain the following statement signed by the
46 1 challenger: "I am a registered voter in (name of county)
46 2 County, Iowa. I swear or affirm that information contained in
46 3 this challenge is true. I understand that knowingly filing a
46 4 challenge containing false information is an aggravated
46 5 misdemeanor."

46 6 b. The special precinct board shall reject a challenge
46 7 that lacks the name, address, telephone number, and signature
46 8 of the challenger.

46 9 NEW SUBSECTION. 4. A separate written challenge shall be
46 10 made against each prospective voter challenged.

46 11 NEW SUBSECTION. 5. A challenger may withdraw a challenge
46 12 at the polling place on election day or at any time before the

46 13 meeting of the special precinct counting board by notifying
46 14 the commissioner in writing of the withdrawal.
46 15 Sec. 88. Section 49.81, Code 2007, is amended to read as
46 16 follows:

46 17 49.81 PROCEDURE FOR ~~CHALLENGED~~ VOTER TO CAST PROVISIONAL
46 18 BALLOT.

46 19 1. A prospective voter who is prohibited under section
46 20 48A.8, subsection 4, section 49.77, subsection 4, or section
46 21 49.80 from voting except under this section shall be notified
46 22 by the appropriate precinct election official that the voter
46 23 may cast a provisional ballot. If a booth meeting the
46 24 requirement of section 49.25 is not available at that polling
46 25 place, the precinct election officials shall make alternative
46 26 arrangements to insure the ~~challenged~~ voter the opportunity to
46 27 vote in secret. ~~The marked ballot, folded voter shall mark~~
46 28 ~~the ballot, fold it or insert it in a secrecy envelope as~~
46 29 ~~required by section 49.84, shall be delivered to a precinct~~
46 30 ~~election official who shall and immediately seal it in an~~
46 31 ~~envelope of the type prescribed by subsection 4. The voter~~
46 32 ~~shall deliver the sealed envelope to a precinct election~~
46 33 ~~official who shall be deposited deposit it in an envelope~~
46 34 ~~marked "provisional ballots" and. The ballot shall be~~
46 35 ~~considered as having been cast in the special precinct~~
47 1 ~~established by section 53.20 for purposes of the postelection~~
47 2 ~~canvass.~~

47 3 2. Each person who casts a provisional ballot under this
47 4 section shall receive a printed statement in ~~substantially the~~
47 5 ~~following form:~~

47 6 ~~Your qualifications as a registered voter have been~~
47 7 ~~challenged for the following reasons:~~

- 47 8 ~~I.~~
- 47 9 ~~II.~~
- 47 10 ~~III.~~

47 11 ~~You must show identification before your ballot can be~~
47 12 ~~counted. Please bring or mail a copy of a current and valid~~
47 13 ~~photo identification card to the county commissioner's office~~
47 14 ~~or bring or mail a copy of one of the following current~~
47 15 ~~documents that show your name and address:~~

- 47 16 ~~a. Utility bill.~~
- 47 17 ~~b. Bank statement.~~
- 47 18 ~~c. Paycheck.~~
- 47 19 ~~d. Government check.~~
- 47 20 ~~e. Other government document.~~

47 21 ~~Your right to vote will be reviewed by the special precinct~~
47 22 ~~counting board on You have the right and~~
47 23 ~~are encouraged to make a written statement and submit~~
47 24 ~~additional written evidence to this board supporting your~~
47 25 ~~qualifications as a registered voter. This written statement~~
47 26 ~~and evidence may be given to an election official of this~~
47 27 ~~precinct on election day or mailed or delivered to the county~~
47 28 ~~commissioner of elections, but must be received before~~
47 29 ~~. . . . a.m./p.m. on at~~

47 30 ~~. . . . If your ballot is not counted you will receive, by~~
47 31 ~~mail, notification of this fact and the reason that the ballot~~
47 32 ~~was not counted a form prescribed by the state commissioner by~~
47 33 ~~rule adopted in accordance with chapter 17A. The statement~~
47 34 ~~shall contain, at a minimum, the following information:~~

- 47 35 ~~a. The reason the person is casting a provisional ballot.~~
- 48 1 ~~b. If the person is casting a provisional ballot because~~
48 2 ~~the person failed to provide a required form of~~
48 3 ~~identification, a list of the types of acceptable~~
48 4 ~~identification and notification that the person must show~~
48 5 ~~identification before the ballot can be counted.~~
- 48 6 ~~c. If the person is casting a provisional ballot because~~
48 7 ~~the person's qualifications as a registered voter have been~~
48 8 ~~challenged, the allegations contained in the written~~
48 9 ~~challenge, a description of the challenge process, and the~~
48 10 ~~person's right to address the challenge.~~
- 48 11 ~~d. A statement that if the person's ballot is not counted,~~
48 12 ~~the person will receive, by mail, notification of this fact~~
48 13 ~~and the reason the ballot was not counted.~~
- 48 14 ~~e. Other information deemed necessary by the state~~
48 15 ~~commissioner.~~

48 16 3. Any eligible elector may present written statements or
48 17 documents, supporting or opposing the counting of any
48 18 provisional ballot, to the precinct election officials on
48 19 election day, until the hour for closing the polls. Any
48 20 statements or documents so presented shall be delivered to the
48 21 commissioner when the election supplies are returned.

48 22 4. The individual envelopes used for each provisional
48 23 ballot cast pursuant to subsection 1 shall have space for the

48 24 voter's name, date of birth, and address and shall have
48 25 printed on them the following:
48 26 I am a United States citizen, at least eighteen years of
48 27 age. I believe I am a registered voter of this county and I
48 28 am eligible to vote in this election. ~~I registered to vote in~~
48 29 county on or about at My name at that
48 30 time was I have not moved to a different county since
48 31 that time. I am a United States citizen, at least eighteen
48 32 years of age.

48 33
48 34
48 35 (signature of voter) (date)
48 36 The following information is to be provided by the precinct
49 1 election official:
49 2 Reason for ~~challenge~~ casting provisional ballot:
49 3
49 4
49 5 ~~Did not present required identification form.~~

49 6
49 7
49 8 (signature of precinct
49 9 election official)
49 10 The precinct election official shall attach a completed
49 11 voter registration form from each provisional voter unless the
49 12 person's registration status is listed in the election
49 13 register as active or pending. If a voter is casting a
49 14 provisional ballot because the voter's qualifications as a
49 15 registered voter have been challenged, the precinct election
49 16 official shall attach the signed challenge to the provisional
49 17 ballot envelope.

49 18 DIVISION VI
49 19 GENERAL CHANGES TO ELECTIONS PROVISIONS
49 20 Sec. 89. Section 39A.2, subsection 1, paragraph c, Code
49 21 Supplement 2007, is amended to read as follows:
49 22 c. DURESS. Intimidates, threatens, or coerces, or
49 23 attempts to intimidate, threaten, or coerce, a person to do or
49 24 to refrain from doing any of the following:

- 49 25 (1) To register to vote, to vote, or to attempt to
49 26 register to vote.
- 49 27 (2) To urge or aid a person to register to vote, to vote,
49 28 or to attempt to register to vote.
- 49 29 (2A) To sign a petition nominating a candidate for public
49 30 office or a petition requesting an election for which a
49 31 petition may legally be submitted.

49 32 (3) To exercise a right under chapters 39 through 53.
49 33 Sec. 90. Section 39A.2, subsection 1, Code Supplement
49 34 2007, is amended by adding the following new paragraph:
49 35 NEW PARAGRAPH. f. VOTING EQUIPMENT TAMPERING.
50 1 Intentionally altering or damaging any computer software or
50 2 any physical part of a voting machine, automatic tabulating
50 3 equipment, or any other part of a voting system.

50 4 Sec. 91. Section 49.20, Code 2007, is amended to read as
50 5 follows:
50 6 49.20 COMPENSATION OF MEMBERS.
50 7 The members of election boards shall be deemed temporary
50 8 state employees who are compensated by the county in which
50 9 they serve, and shall receive compensation at a rate
50 10 established by the board of supervisors, which shall be not
50 11 less than ~~three dollars and fifty cents per hour~~ the minimum
50 12 wage established in section 91D.1, subsection 1, paragraph

50 13 "b", while engaged in the discharge of their duties and shall
50 14 be reimbursed for actual and necessary travel expense at a
50 15 rate determined by the board of supervisors, except that
50 16 persons who have advised the commissioner prior to their
50 17 appointment to the election board that they are willing to
50 18 serve without pay at elections conducted for any school
50 19 district or a city of three thousand five hundred or less
50 20 population, shall receive no compensation for service at those
50 21 elections. Compensation shall be paid to members of election
50 22 boards only after the vote has been canvassed and it has been
50 23 determined in the course of the canvass that the election
50 24 record certificate has been properly executed by the election
50 25 board.

50 26 Sec. 92. Section 49.21, Code 2007, is amended to read as
50 27 follows:
50 28 49.21 POLLING PLACES == ACCESSIBILITY == SIGNS.
50 29 1. It is the responsibility of the commissioner to
50 30 designate a polling place for each precinct in the county.
50 31 Each polling place designated shall be accessible to persons
50 32 with disabilities. However, if the commissioner is unable to
50 33 provide an accessible polling place for a precinct, the
50 34 commissioner shall apply for a temporary waiver of the
50 35 accessibility requirement. The state commissioner shall adopt

50 35 rules in accordance with chapter 17A prescribing standards for
51 1 determining whether a polling place is accessible and the
51 2 process for applying for a temporary waiver of accessibility.

51 3 2. a. Upon the application of the commissioner, the
51 4 authority which has control of any buildings or grounds
51 5 supported by taxation under the laws of this state shall make
51 6 available the necessary space therein for the purpose of
51 7 holding elections, without charge for the use thereof.

51 8 b. Except as otherwise provided by law, the polling place
51 9 in each precinct in the state shall be located in a central
51 10 location if a building is available. However, first
51 11 consideration shall be given to the use of public buildings
51 12 supported by taxation.

51 13 ~~In the selection of polling places, preference shall also~~
51 14 ~~be given to the use of buildings accessible to persons who are~~
51 15 ~~elderly and persons with disabilities.~~

51 16 3. a. On the day of an election, the commissioner shall
51 17 post a sign stating "vote here" at the entrance to each
51 18 driveway leading to the building where a polling place is
51 19 located. The sign must be visible from the street or highway
51 20 fronting the driveway, but shall not encroach upon the
51 21 right-of-way of such street or highway.

51 22 b. The commissioner shall post a sign at the entrance to
51 23 the polling place indicating the election precinct number or
51 24 name, and displaying a street map showing the boundaries of
51 25 the precinct.

51 26 Sec. 93. Section 49.25, subsection 1, Code Supplement
51 27 2007, is amended to read as follows:

51 28 1. In any county or portion of a county for which voting
51 29 machines have been acquired under section 52.2 the
51 30 commissioner shall determine pursuant to section 49.26, in
51 31 advance of each election conducted for a city of three
51 32 thousand five hundred or less population, or any school
51 33 district, and individually for each precinct, whether voting
51 34 in that election shall be by machine or by paper ballot. In
51 35 counties in which conventional paper ballots are not used, the

52 1 commissioner shall furnish voting equipment for use by voters
52 2 with disabilities.

52 3 Sec. 94. Section 49.68, Code 2007, is amended to read as
52 4 follows:

52 5 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.

52 6 1. The state commissioner with the approval of the
52 7 attorney general shall prepare, and from time to time revise,
52 8 written instructions to the voters relative to voting the
52 9 rights of voters, and shall furnish each commissioner with
52 10 copies of the instructions. Such instructions shall cover the
52 11 following matters:

52 12 a. The procedure for registering to vote after the
52 13 registration deadline has passed.

52 14 b. Instructions for voters who are required by law to show
52 15 identification before voting.

52 16 c. General information on voting rights under applicable
52 17 federal and state laws, including the following:

52 18 (1) Information on the right of an individual to cast a
52 19 provisional ballot and the procedure for casting a provisional
52 20 ballot.

52 21 (2) Federal and state laws regarding prohibitions on acts
52 22 of fraud, misrepresentation, coercion, or duress.

52 23 d. Instructions on how to contact the appropriate
52 24 officials if a voter believes the voter's rights have been
52 25 violated.

52 26 2. The state commissioner shall prepare instructions
52 27 relative to voting for each voting system in use in the state
52 28 and shall furnish the county commissioner with copies of the
52 29 instructions. Such instructions shall cover the following
52 30 matters:

52 31 ~~1-~~ a. The manner of obtaining ballots.

52 32 ~~2-~~ b. The manner of marking ballots.

52 33 ~~3-~~ c. That unmarked or improperly marked ballots will not
52 34 be counted.

52 35 ~~4-~~ d. The method of gaining assistance in marking ballots.

53 1 ~~5-~~ e. That any erasures or identification marks, or
53 2 otherwise spoiling or defacing a ballot, will render it
53 3 invalid.

53 4 ~~6-~~ f. Not to vote a spoiled or defaced ballot.

53 5 ~~7-~~ g. How to obtain a new ballot in place of a spoiled or
53 6 defaced one.

53 7 ~~8-~~ h. Any other matters thought necessary.

53 8 Sec. 95. Section 49.70, Code 2007, is amended to read as
53 9 follows:

53 10 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

53 11 The commissioner shall cause copies of ~~the foregoing~~ each
53 12 set of instructions to be printed in large, clear type, under
53 13 the heading of "Rights of Voters" and "Instructions for
53 14 ~~voters~~ Voting", as applicable, and shall furnish the precinct
53 15 election officials with a sufficient number of such each set
53 16 of instructions as will enable them to comply with section
53 17 49.71.

53 18 Sec. 96. Section 49.71, Code Supplement 2007, is amended
53 19 to read as follows:

53 20 49.71 POSTING INSTRUCTION CARDS AND SAMPLE BALLOTS.

53 21 The precinct election officials, before the opening of the
53 22 polls, shall cause the each set of instructions for voters
53 23 required pursuant to section 49.70 to be securely posted as
53 24 follows:

53 25 1. One At least one copy of the instructions for voting
53 26 prescribed in section 49.68, subsection 2, in each voting
53 27 booth.

53 28 2. Not less than four copies, At least one copy of the
53 29 instructions for voting prescribed in section 49.68,
53 30 subsection 2, with an equal number of sample ballots, in and
53 31 about the polling place.

53 32 3. At least one copy of the instructions relating to
53 33 rights of voters, as prescribed in section 49.68, subsection
53 34 1, in and about the polling place.

53 35 Sec. 97. Section 49.73, subsection 1, unnumbered paragraph
54 1 1, Code Supplement 2007, is amended to read as follows:

54 2 At all elections, except as otherwise permitted by this
54 3 section, the polls shall be opened at seven o'clock a.m., ~~or~~
54 4 ~~as soon thereafter as vacancies on the precinct election board~~
54 5 ~~have been filled if at least one official from each of the~~
54 6 ~~political parties referred to in section 49.13 is present.~~ On
54 7 the basis of voter turnout for recent similar elections and
54 8 factors considered likely to so affect voter turnout for the
54 9 forthcoming election as to justify shortened voting hours for
54 10 that election, the commissioner may direct that the polls be
54 11 opened at twelve o'clock noon for:

54 12 Sec. 98. Section 49.77, subsection 2, Code Supplement
54 13 2007, is amended to read as follows:

54 14 2. ~~One of the precinct election officials shall announce~~
54 15 ~~the voter's name aloud for the benefit of any persons present~~
54 16 ~~pursuant to section 49.104, subsection 2, 3, or 5. If the~~
54 17 ~~declaration of eligibility is not printed on each page of the~~
54 18 ~~election register, any of those persons present pursuant to~~
54 19 ~~section 49.104, subsection 2, 3, or 5, may upon request view~~
54 20 ~~the signed declarations of eligibility and may review the~~
54 21 ~~signed declarations on file so long as the person does not~~
54 22 ~~interfere with the functions of the precinct election~~
54 23 ~~officials. If the declaration of eligibility is printed on~~
54 24 ~~the election register, voters shall also sign a voter roster~~
54 25 ~~which the precinct election official shall make available for~~
54 26 ~~viewing a listing of those voters who have signed declarations~~
54 27 ~~of eligibility. Any of those persons present pursuant to~~
54 28 ~~section 49.104, subsection 2, 3, or 5, may upon request view~~
54 29 ~~the listing roster of those voters who have signed~~
54 30 ~~declarations of eligibility, so long as the person does not~~
54 31 ~~interfere with the functions of the precinct election~~
54 32 ~~officials.~~

54 33 Sec. 99. Section 49.88, Code 2007, is amended to read as
54 34 follows:

54 35 49.88 LIMITATION ON PERSONS IN BOOTH AND TIME FOR VOTING.

55 1 1. No more than one person shall be allowed to occupy any
55 2 voting booth at any time. ~~No person shall occupy such booth~~
55 3 ~~for more than three minutes to cast a vote. Nothing in this~~
55 4 ~~section shall prohibit assistance to voters under section~~
55 5 ~~49.90. The use of cameras, cellular telephones, pagers, or~~
55 6 ~~other electronic communications devices in the voting booth is~~
55 7 ~~prohibited.~~

55 8 2. a. Nothing in this section shall prohibit assistance
55 9 to voters under section 49.90.

55 10 b. This section does not prohibit a voter from taking
55 11 minor children into the voting booth with the voter.

55 12 Sec. 100. Section 49.104, Code 2007, is amended by adding
55 13 the following new subsection:

55 14 NEW SUBSECTION. 8. Reporters, photographers, and other
55 15 staff representing the news media. However, representatives
55 16 of the news media, while present at or in the immediate
55 17 vicinity of the polling places, shall not interfere with the
55 18 election process in any way.

55 19 Sec. 101. Section 50.9, Code 2007, is amended to read as
55 20 follows:

55 21 50.9 RETURN OF BALLOTS NOT VOTED.

55 22 Ballots not voted, or spoiled by voters while attempting to
55 23 vote, shall be returned by the precinct election officials to
55 24 the commissioner, and a receipt taken for the ballots. The
55 25 spoiled ballots shall be preserved for twenty-two months
55 26 following elections for federal offices and for six months
55 27 following elections for all other offices. The commissioner
55 28 shall record the number of ballots sent to the polling places
55 29 but not voted. The ballots not voted shall be destroyed after
55 30 the end of the period for contesting the election. However,
55 31 if a contest is requested, the ballots not voted shall be
55 32 preserved until the election contest is concluded.

55 33 Sec. 102. NEW SECTION. 50.15A UNOFFICIAL RESULTS OF
55 34 VOTING == GENERAL ELECTION ONLY.

55 35 1. In order to provide the public with an early source of
56 1 election results before the official canvass of votes, the
56 2 state commissioner of elections, in cooperation with the
56 3 commissioners of elections, shall conduct an unofficial
56 4 canvass of election results following the closing of the polls
56 5 on the day of a general election. The unofficial canvass
56 6 shall report election results for national offices, statewide
56 7 offices, the office of state representative, the office of
56 8 state senator, and other offices or public measures at the
56 9 discretion of the state commissioner of elections.

56 10 2. After the polls close on election day, the commissioner
56 11 of elections shall periodically provide election results to
56 12 the state commissioner of elections as the precincts in the
56 13 county report election results to the commissioner pursuant to
56 14 section 50.11. If the commissioner determines that all
56 15 precincts will not report election results before the office
56 16 is closed, the commissioner shall report the most complete
56 17 results available prior to leaving the office at the time the
56 18 office is closed as provided in section 50.11. The
56 19 commissioner shall specify the number of precincts included in
56 20 the report to the state commissioner of elections.

56 21 The state commissioner of elections shall tabulate
56 22 unofficial election results as the results are received from
56 23 the commissioners of elections and shall periodically make the
56 24 reports of the results available to the public.

56 25 3. Before the day of the general election, the state
56 26 commissioner of elections shall provide a form and
56 27 instructions for reporting unofficial election results
56 28 pursuant to this section.

56 29 Sec. 103. Section 50.49, unnumbered paragraph 4, Code
56 30 2007, is amended to read as follows:

56 31 The petitioners requesting the recount shall post a bond as
56 32 required by section 50.48, subsection 2. The amount of the
56 33 bond shall be one thousand dollars for a public measure
56 34 appearing on the ballot statewide or one hundred dollars for
56 35 any other public measure. If the difference between the
57 1 affirmative and negative votes cast on the public measure is
57 2 less than the greater of fifty votes or one percent of the
57 3 total number of votes cast for and against the question, a
57 4 bond is not required. If approval by sixty percent of the
57 5 votes cast is required for adoption of the public measure, no
57 6 bond is required if the difference between sixty percent of
57 7 the total votes cast for and against the question and the
57 8 number of affirmative votes cast ~~for the losing side~~ is less
57 9 than the greater of fifty votes or one percent of the total
57 10 number of votes cast.

57 11 Sec. 104. Section 53.23, subsection 3, paragraph b, Code
57 12 Supplement 2007, is amended to read as follows:

57 13 b. If the board finds any ballot not enclosed in a secrecy
57 14 envelope and the ballot is folded in such a way that any of
57 15 the votes cast on the ballot are visible, the two special
57 16 precinct election officials, one from each of the two
57 17 political parties referred to in section 49.13, subsection 2,
57 18 shall place the ballot in a secrecy envelope. No one shall
57 19 examine the ballot. ~~Each of the special precinct election~~
57 20 ~~officials shall sign the secrecy envelope.~~

57 21 Sec. 105. Section 423A.4, subsection 4, Code Supplement
57 22 2007, is amended to read as follows:

57 23 4. a. A city or county shall impose or repeal a hotel and
57 24 motel tax or increase or reduce the tax rate only after an
57 25 election at which a majority of those voting on the question
57 26 favors imposition, repeal, or change in rate. However, a
57 27 hotel and motel tax shall not be repealed or reduced in rate
57 28 if obligations are outstanding which are payable as provided
57 29 in section 423A.7, unless funds sufficient to pay the
57 30 principal, interest, and premium, if any, on the outstanding
57 31 obligations at and prior to maturity have been properly set
57 32 aside and pledged for that purpose. ~~The election shall be~~

~~57 33 held at the time of the regular city election or the county's~~
~~57 34 general election or at the time of a special election.~~
57 35 b. If the tax applies only within the corporate boundaries
58 1 of a city, only the registered voters of the city shall be
58 2 permitted to vote. The election shall be held at the time of
58 3 the regular city election or at a special election called for
58 4 that purpose. If the tax applies only in the unincorporated
58 5 areas of a county, only the registered voters of the
58 6 unincorporated areas of the county shall be permitted to vote.
58 7 The election shall be held at the time of the general election
58 8 or at a special election called for that purpose.

DIVISION VII

LOCAL REDISTRICTING

58 11 Sec. 106. Section 68B.32A, Code Supplement 2007, is
58 12 amended by adding the following new subsection:
58 13 NEW SUBSECTION. 15. Establish an expedited procedure for
58 14 reviewing complaints forwarded by the state commissioner of
58 15 elections to the board for a determination as to whether a
58 16 supervisor district plan adopted pursuant to section 331.210A
58 17 was drawn for improper political reasons as described in
58 18 section 42.4, subsection 5. The expedited procedure shall be
58 19 substantially similar to the process used for other complaints
58 20 filed with the board except that the provisions of section
58 21 68B.32D shall not apply.

58 22 Sec. 107. Section 331.210A, subsection 2, paragraph e,
58 23 Code 2007, is amended to read as follows:

58 24 e. The plan approved by the board of supervisors shall be
58 25 submitted to the state commissioner of elections for approval.
58 26 If the state commissioner or the ethics and campaign
58 27 disclosure board finds that the plan does not meet the
58 28 standards of section 42.4, the state commissioner shall reject
58 29 the plan, and the board of supervisors shall direct the
58 30 commission to prepare and adopt an acceptable plan.

58 31 For purposes of determining whether the standards of
58 32 section 42.4 have been met, an eligible elector may file a
58 33 complaint with the state commissioner of elections within
58 34 fourteen days after a plan is approved by the board of
58 35 supervisors of the county in which the eligible elector
59 1 resides, on a form prescribed by the commissioner, alleging
59 2 that the plan was drawn for improper political reasons as
59 3 described in section 42.4, subsection 5. If a complaint is
59 4 filed with the state commissioner of elections, the state
59 5 commissioner shall forward the complaint to the ethics and
59 6 campaign disclosure board established in section 68B.32 for
59 7 resolution.

59 8 If, after the initial proposed supervisor district plan or
59 9 precinct plan has been submitted to the state commissioner for
59 10 approval, it is necessary for the temporary county
59 11 redistricting commission to make subsequent attempts at
59 12 adopting an acceptable plan, the subsequent plans do not
59 13 require public hearings.

EXPLANATION

59 15 This bill makes various changes to the Code relating to the
59 16 conduct of elections, voting, and voter registration.

59 17 Division I of the bill provides for the election of the
59 18 directors of local school districts and merged areas in
59 19 September in odd-numbered years. Area education agencies are
59 20 required by law to hold their director district conventions
59 21 within two weeks of the regular school election. Area
59 22 education agency board directors are elected at those
59 23 conventions. In order to accomplish these purposes, the
59 24 division changes the terms of all of these directors from
59 25 three to four years and provides for a transition period.

59 26 Division II of the bill allows a county commissioner of
59 27 elections to establish voting centers for regular city
59 28 elections, city primary or runoff elections, regular school
59 29 elections, and special elections and provides that a
59 30 registered voter at any of these elections may vote at a
59 31 voting center. The bill specifies that voting or attempting
59 32 to vote at more than one voting center for the same election
59 33 is election misconduct in the first degree.

59 34 Division III of the bill makes changes relating to the
59 35 dates that certain local government special elections on
60 1 public measures can be held.

60 2 The division provides that special elections of a county
60 3 shall be held on the day of the general election, on the day
60 4 of the regular city election, on the date of a special
60 5 election held to fill a vacancy in the same county, or on the
60 6 first Tuesday in March, the first Tuesday in May, or the first
60 7 Tuesday in August of each year. Special elections of a city
60 8 shall be held on the day of the general election, on the day

60 9 of the regular city election, on the date of a special
60 10 election held to fill a vacancy in the same city, or on the
60 11 first Tuesday in March, the first Tuesday in May, or the first
60 12 Tuesday in August of each year. Special elections of a school
60 13 district or merged area shall be held, in the odd-numbered
60 14 year, on the first Tuesday in February, the first Tuesday in
60 15 April, the last Tuesday in June, or the second Tuesday in
60 16 September. For a school district or merged area, in the
60 17 even-numbered year, special elections shall be held on the
60 18 first Tuesday in February, the first Tuesday in April, the
60 19 second Tuesday in September, or the first Tuesday in December.

60 20 The division amends Code section 47.6 to conform filing
60 21 deadlines to the special election dates, including filing
60 22 deadlines for vacancies in city or county offices. The
60 23 division amends Code section 69.12 to change certain time
60 24 periods in determining the next pending election at which a
60 25 vacancy in office may be filled.

60 26 The division applies to elections held on or after January
60 27 1, 2009.

60 28 Division IV makes changes relating to voter registration.

60 29 The division creates new Code section 44.18 to provide a
60 30 procedure by which a nonparty political organization may be
60 31 listed on a voter registration form. The division applies to
60 32 a nonparty political organization that nominated a candidate
60 33 whose name appeared on the general election ballot for a
60 34 federal office, for governor, or for any other statewide
60 35 elective office in any of the preceding 10 years. To request
61 1 that it be listed on the voter registration form, a nonparty
61 2 political organization must file a petition with the state
61 3 registrar of voters containing the signatures of no fewer than
61 4 850 eligible electors residing in at least five counties in
61 5 the state, along with specified documents relating to
61 6 establishment of the organization. Beginning in January 2011,
61 7 and each odd-numbered year thereafter, the state registrar of
61 8 voters and the voter registration commission shall review the
61 9 number of voters registered as affiliated with a nonparty
61 10 political organization. If the number of voters affiliated
61 11 falls below 150, the commission shall declare the organization
61 12 to be dormant and shall remove its name from the voter
61 13 registration form. Corresponding amendments are made to Code
61 14 sections 48A.11 and 48A.27.

61 15 The division makes corrective changes to Code sections
61 16 48A.7A and 49.74 relating to registering to vote and voting
61 17 after the statutory deadline for registration has passed.

61 18 Code section 48A.11 is amended to strike the requirement
61 19 that the voter registration form include space for a rural
61 20 resident to provide township and section number and other
61 21 information describing where the person resides.

61 22 Code section 48A.12, relating to federal mail voter
61 23 registration forms, is amended to refer to the election
61 24 assistance commission created by the Help America Vote Act,
61 25 rather than to the federal election commission.

61 26 Code section 48A.26 is amended to provide that the
61 27 application of a registrant who did not answer the question on
61 28 the voter registration application relating to citizenship
61 29 shall be processed, and if the application is complete in all
61 30 other respects and information on the application is verified,
61 31 the applicant shall be registered to vote and sent an
61 32 acknowledgment. Current law provides that until a new
61 33 application is completed, the registration shall be entered as
61 34 a local registration, and the registrant may only vote in
61 35 elections that do not have a federal office on the ballot.

62 1 Code section 48A.37, relating to status codes used on
62 2 electronic registration records, is amended to delete the
62 3 reference to local registrations. The Code section is also
62 4 amended to add canceled registrations to the types of
62 5 registration status.

62 6 Division V of the bill makes changes relating to challenges
62 7 to a person's qualifications when registering to vote and when
62 8 voting.

62 9 Code sections 39A.3 and 39A.5 are amended to specify that
62 10 filing a challenge containing false information is an
62 11 aggravated misdemeanor.

62 12 Code section 48A.14 is amended to provide that a challenge
62 13 filed against a person who is registering to vote and voting
62 14 after the statutory deadline is considered a challenge to a
62 15 person offering to vote rather than a challenge of a voter
62 16 registration. Challenges to voter registrations are required
62 17 to be filed by a certain time to be considered for the next
62 18 pending election.

62 19 Code section 49.79 is amended to prescribe a form to be

62 20 used for challenging a prospective voter at the polls and
62 21 provides that a challenge that lacks the name, address,
62 22 telephone number, and signature of the challenger shall be
62 23 rejected. The Code section is also amended to conform its
62 24 provisions with those in Code section 48A.14, relating to
62 25 challenges of voter registrations.

62 26 Code section 49.81, relating to the procedure for a voter
62 27 to cast a provisional ballot, is rewritten to require the
62 28 state commissioner of elections to adopt, by rule, a statement
62 29 to be given to a person casting a provisional ballot. The
62 30 statement is to give the reason the voter is casting a
62 31 provisional ballot and other information about related
62 32 procedures. The Code section is also amended to require that
62 33 a signed challenge to a prospective voter be attached to that
62 34 voter's provisional ballot envelope.

62 35 Division VI of the bill makes general changes to election
63 1 law provisions.

63 2 Code section 39A.2 is amended to make it a class "D" felony
63 3 to intimidate, threaten, or coerce a person to sign or refrain
63 4 from signing a petition nominating a candidate for public
63 5 office or a petition requesting an election that is authorized
63 6 by law to be petitioned for. Code section 39A.2 is also
63 7 amended to make it a class "D" felony to tamper with voting
63 8 equipment.

63 9 Code section 49.20 is amended to provide that members of
63 10 election boards shall be compensated at the rate of the
63 11 federal or state minimum wage, whichever is higher.

63 12 Code section 49.21 is amended to require that each polling
63 13 place designated be accessible to persons with disabilities
63 14 and removes the requirement that preference be given to
63 15 buildings that are accessible to the elderly. The Code
63 16 section is also amended to allow the county commissioner of
63 17 elections to receive a temporary waiver of the accessibility
63 18 requirement.

63 19 Code section 49.25 is amended to require the county
63 20 commissioner of elections to furnish voting equipment for use
63 21 by voters with disabilities in counties in which conventional
63 22 paper ballots are not used.

63 23 Code section 49.68 is amended to provide that two separate
63 24 sets of instructions shall be prepared for voters. The first
63 25 set shall cover matters relating to the rights of voters and
63 26 the second set shall contain instructions relative to voting.
63 27 Corresponding amendments are made to Code sections 49.70 and
63 28 49.71.

63 29 Code section 49.73 is amended to provide that the polls
63 30 shall open at 7 a.m. if at least one precinct election
63 31 official from each of the political parties is present.

63 32 Code section 49.77 is amended to strike the requirement
63 33 that the precinct election official announce a voter's name
63 34 aloud for the benefit of any observers at the polling place.
63 35 The Code section is also amended to specify that if the
64 1 declaration of eligibility is printed on the election
64 2 register, voters must also sign a voter roster which is to be
64 3 made available to observers at the polling place.

64 4 Code section 49.88 is amended to remove the requirement
64 5 that a voter take no more than three minutes to cast a vote.
64 6 The Code section is also amended to prohibit the use of
64 7 cameras, cellular telephones, pagers, and other electronic
64 8 communications devices in the voting booth.

64 9 Code section 49.104, relating to persons permitted at the
64 10 polling place, is amended to add reporters, photographers, and
64 11 other staff representing the news media and provides that such
64 12 persons shall not interfere with the election process.

64 13 Code section 50.9 is amended to provide that the number of
64 14 ballots not voted at an election shall be recorded by the
64 15 county commissioner of elections and retained until after the
64 16 end of the period for contesting an election or, if an
64 17 election contest is requested, until the election contest is
64 18 concluded.

64 19 New Code section 50.15A authorizes the state commissioner
64 20 of elections to report unofficial election results after the
64 21 closing of the polls on the day of a general election. This
64 22 codifies current administrative rules.

64 23 Code section 50.49, relating to a request for a recount of
64 24 the vote on a public measure, changes the equation for
64 25 determining whether a bond is required to be paid.

64 26 Code section 53.23 is amended to strike the requirement
64 27 that each special precinct election official sign the secrecy
64 28 envelope when the officials place an absentee ballot into a
64 29 secrecy envelope.

64 30 Code section 423A.4 is amended to clarify what voters are

64 31 eligible to vote at an election to impose, repeal, or change
64 32 the percentage rate of a hotel and motel tax. The division
64 33 provides that if the tax is imposed only within a city, the
64 34 registered voters of the city shall be permitted to vote. If
64 35 the tax applies only in the unincorporated areas of a county,
65 1 only the registered voters of the unincorporated areas shall
65 2 be permitted to vote.
65 3 Division VII provides that the ethics and campaign
65 4 disclosure board shall establish an expedited procedure for
65 5 reviewing a county supervisor redistricting plan to determine
65 6 if the plan was drawn for improper political reasons in
65 7 violation of Code section 42.4, subsection 5. The procedure
65 8 shall be substantially similar to the process used for other
65 9 complaints considered by the board. The division provides
65 10 that an eligible elector in the county for which the plan was
65 11 adopted has 14 days following adoption of the plan to file a
65 12 complaint with the state commissioner of elections alleging a
65 13 violation. The division provides that the state commissioner
65 14 shall forward the complaint to the ethics board and if the
65 15 board does find a violation, the state commissioner is
65 16 required to reject the plan.
65 17 LSB 5403HV 82
65 18 sc/nh/8