

# Senate File 2312 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3142)

Passed Senate, Date \_\_\_\_\_ Passed House, 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 5403SV 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 (signature of voter) (date)

48 35 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 (signature of precinct  
49 8 election official)

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

49 17 DIVISION VI

49 18 GENERAL CHANGES TO ELECTIONS PROVISIONS

49 19 Sec. 89. Section 39A.2, subsection 1, paragraph c, Code  
49 20 Supplement 2007, is amended to read as follows:

49 21 c. DURESS. Intimidates, threatens, or coerces, or  
49 22 attempts to intimidate, threaten, or coerce, a person to do or  
49 23 to refrain from doing any of the following:

49 24 (1) To register to vote, to vote, or to attempt to  
49 25 register to vote.

49 26 (2) To urge or aid a person to register to vote, to vote,  
49 27 or to attempt to register to vote.

49 28 (2A) To sign a petition nominating a candidate for public  
49 29 office or a petition requesting an election for which a  
49 30 petition may legally be submitted.

49 31 (3) To exercise a right under chapters 39 through 53.  
49 32 Sec. 90. Section 39A.2, subsection 1, Code Supplement  
49 33 2007, is amended by adding the following new paragraph:

49 34 NEW PARAGRAPH. f. VOTING EQUIPMENT TAMPERING.  
49 35 Intentionally altering or damaging any computer software or  
50 1 any physical part of a voting machine, automatic tabulating  
50 2 equipment, or any other part of a voting system.

50 3 Sec. 91. Section 49.20, Code 2007, is amended to read as  
50 4 follows:

50 5 49.20 COMPENSATION OF MEMBERS.

50 6 The members of election boards shall be deemed temporary  
50 7 state employees who are compensated by the county in which  
50 8 they serve, and shall receive compensation at a rate  
50 9 established by the board of supervisors, which shall be not  
50 10 less than three dollars and fifty cents per hour the minimum  
50 11 wage established in section 91D.1, subsection 1, paragraph  
50 12 "b", while engaged in the discharge of their duties and shall  
50 13 be reimbursed for actual and necessary travel expense at a  
50 14 rate determined by the board of supervisors, except that  
50 15 persons who have advised the commissioner prior to their  
50 16 appointment to the election board that they are willing to  
50 17 serve without pay at elections conducted for any school  
50 18 district or a city of three thousand five hundred or less  
50 19 population, shall receive no compensation for service at those  
50 20 elections. Compensation shall be paid to members of election  
50 21 boards only after the vote has been canvassed and it has been  
50 22 determined in the course of the canvass that the election  
50 23 record certificate has been properly executed by the election  
50 24 board.

50 25 Sec. 92. Section 49.21, Code 2007, is amended to read as  
50 26 follows:

50 27 49.21 POLLING PLACES == ACCESSIBILITY == SIGNS.

50 28 1. It is the responsibility of the commissioner to  
50 29 designate a polling place for each precinct in the county.  
50 30 Each polling place designated shall be accessible to persons  
50 31 with disabilities. However, if the commissioner is unable to  
50 32 provide an accessible polling place for a precinct, the  
50 33 commissioner shall apply for a temporary waiver of the  
50 34 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.

58 9 DIVISION VII

58 10 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.

59 14 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 5403SV 82  
65 18 sc/nh/8