

House Study Bill 668 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

1 An Act making technical changes to the laws relating to
2 elections and voter registration and including effective
3 date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 43.4, unnumbered paragraph 4, Code
2 Supplement 2009, is amended to read as follows:

3 Within ~~fourteen~~ sixty days after the date of the caucus
4 the county central committee shall certify to the county
5 commissioner the names of those elected as party committee
6 members and delegates to the county convention. The
7 commissioner shall retain precinct caucus records for
8 twenty-two months. In addition, within fourteen days after
9 the date of the precinct caucus, the chairperson of the county
10 central committee shall deliver to the county commissioner all
11 completed voter registration forms received at the caucus.

12 Sec. 2. Section 43.30, Code 2009, is amended by striking the
13 section and inserting in lieu thereof the following:

14 **43.30 Sample ballots.**

15 1. The commissioner shall prepare sample ballots for each
16 political party. The sample ballots shall be clearly marked as
17 sample ballots and shall be delivered to the precinct election
18 officials for posting in the polling place pursuant to section
19 49.71, subsection 2.

20 2. The commissioner shall make sample ballots available to
21 the public upon request. The sample ballots shall be clearly
22 marked as sample ballots. A reasonable fee may be charged for
23 printing costs if a person requests multiple copies of sample
24 ballots.

25 Sec. 3. Section 43.38, Code 2009, is amended to read as
26 follows:

27 **43.38 Voter confined to party ticket.**

28 The elector shall be allowed to vote for candidates for
29 nomination on the ballot of the party with which the elector is
30 registered as affiliated, and shall receive no other ballot.
31 The voter shall mark and return the ballot, ~~folded, to one of~~
32 ~~the precinct election officials who shall deposit it in the~~
33 ~~ballot box~~ in the manner provided in section 49.84.

34 Sec. 4. Section 43.39, Code 2009, is amended to read as
35 follows:

1 Date

2 Election board member Date

3 Sec. 6. Section 43.45, subsection 2, Code Supplement 2009,
4 is amended by striking the subsection.

5 Sec. 7. Section 43.46, Code 2009, is amended to read as
6 follows:

7 **43.46 Delivering returns.**

8 The precinct election officials shall deliver all election
9 supplies, by noon of the day after the close of the polls, to
10 the commissioner who shall carefully preserve them and deliver
11 the returns ~~and envelopes containing ballots,~~ in the condition
12 in which received except as is otherwise required by sections
13 50.20 to 50.22, to the county board of supervisors.

14 Sec. 8. Section 43.49, subsection 1, unnumbered paragraph
15 1, Code 2009, is amended to read as follows:

16 On the Monday or Tuesday following the primary election, the
17 board of supervisors shall meet, open, and canvass the returns
18 from each voting precinct in the county, and make abstracts
19 thereof, ~~stating in words written at length~~ the following:

20 Sec. 9. Section 43.49, subsection 1, paragraph c, Code 2009,
21 is amended to read as follows:

22 c. The votes of all write-in candidates who each received
23 less than ~~two~~ five percent of the votes cast for an office
24 reported collectively under the heading "scattering".

25 Sec. 10. Section 43.61, Code 2009, is amended to read as
26 follows:

27 **43.61 Returns filed and abstracts recorded.**

28 When the canvass is concluded, the board shall deliver the
29 original returns to the commissioner, who shall file the same
30 and ~~record~~ preserve each of the abstracts mentioned in section
31 43.60, ~~in the election book~~ pursuant to section 50.19.

32 Sec. 11. Section 43.72, Code 2009, is amended to read as
33 follows:

34 **43.72 State returns filed and recorded.**

35 When the canvass is concluded, the board shall deliver the

1 original abstract returns to the state commissioner, who shall
2 file the ~~same~~ returns in the state commissioner's office and
3 ~~record~~ preserve the abstracts of the canvass of the state board
4 and certificates attached thereto ~~in the book kept by the state~~
5 ~~commissioner known as the election book.~~ The commissioner may
6 preserve the abstracts and certificates attached thereto in an
7 electronic format.

8 Sec. 12. Section 47.6, subsection 1, paragraph a,
9 subparagraph (1), subparagraph division (b), Code Supplement
10 2009, is amended to read as follows:

11 (b) If the proposed date of the special election coincides
12 with the date of a regularly scheduled election or previously
13 scheduled special election, the notice shall be given no
14 later than 5:00 p.m. on the last day on which nomination
15 papers may be filed with the commissioner for the regularly
16 scheduled election or previously scheduled special election,
17 but in no case shall notice be less than thirty-two days
18 before the election. Otherwise, the notice shall be given at
19 least ~~thirty-two~~ forty-six days in advance of the date of the
20 proposed special election.

21 Sec. 13. Section 48A.5, subsection 2, paragraph c, Code
22 2009, is amended to read as follows:

23 c. Be at least eighteen years of age. Completed
24 registration forms shall be accepted from registrants who
25 are at least seventeen and one-half years of age; however,
26 the registration shall not be effective until the registrant
27 reaches the age of eighteen. The commissioner of registration
28 shall ensure that the birth date shown on the registration form
29 is at least seventeen and one-half years earlier than the date
30 the registration is processed. A registrant who is at least
31 seventeen and one-half years of age and who will be eighteen
32 by the date of a pending election is a registered voter for the
33 pending election for purposes of chapter 53.

34 Sec. 14. Section 48A.27, subsection 2, paragraph a,
35 subparagraph (1), Code Supplement 2009, is amended to read as

1 follows:

2 (1) A signed, written notice to the county commissioner in
3 person, by mail, by facsimile, or by electronic mail.

4 Sec. 15. Section 49.3, unnumbered paragraph 1, Code 2009,
5 is amended to read as follows:

6 Election precincts shall be drawn and named or numbered by
7 the county board of supervisors or the temporary county
8 redistricting commission in all unincorporated portions of
9 each county, and by the city council of each city in which it
10 is necessary or deemed advisable to establish more than one
11 precinct. Precincts established as provided by this chapter
12 shall be used for all elections, except where temporary merger
13 of established precincts is specifically permitted by law
14 for certain elections, and no political subdivision shall
15 concurrently maintain different sets of precincts for use in
16 different types of elections. Election precincts shall be
17 drawn so that:

18 Sec. 16. Section 49.13, subsection 2, Code Supplement 2009,
19 is amended to read as follows:

20 2. ~~To the extent necessary~~ For all elections in which
21 a partisan office is on the ballot, election boards shall
22 include members of the two political parties whose candidates
23 for president of the United States or for governor, as the
24 case may be, received the largest and next largest number of
25 votes in the county at the last general election. Election
26 boards may also include persons not members of either of these
27 parties. However, persons who are not members of either of
28 these political parties shall not comprise more than one-third
29 of the membership of an election board.

30 Sec. 17. Section 49.26, subsection 2, paragraph b, Code
31 Supplement 2009, is amended to read as follows:

32 b. If the commissioner concludes, pursuant to paragraph
33 "a", that voting will probably be so light as to make counting
34 of ballots by the precinct election officials less expensive
35 than preparation and use of automatic tabulating equipment,

1 paper ballots ~~shall~~ may be used. ~~The~~ If paper ballots are
2 used, the commissioner may shall use ballots and instructions
3 similar to those used when the ballots are counted by automatic
4 tabulating equipment.

5 Sec. 18. Section 49.30, Code 2009, is amended to read as
6 follows:

7 **49.30 All candidates and issues on one ballot — exceptions.**

8 All constitutional amendments, all public measures, and the
9 names of all candidates, other than presidential electors, to
10 be voted for in each election precinct, shall be printed on one
11 ballot, except that separate ballots are authorized ~~under the~~
12 ~~following circumstances:~~

13 ~~1. Where optical scan ballots are used, if when~~ it is not
14 possible to include all offices and public measures on a single
15 ballot~~,. In the event that it is not possible to include~~
16 all offices and public measures on a single ballot, separate
17 ballots may be provided for nonpartisan offices, judges, or
18 public measures.

19 ~~2. Where conventional paper ballots are used, separate~~
20 ~~paper ballots shall be used:~~

21 ~~a. For the election of township officers in precincts~~
22 ~~including both incorporated and unincorporated areas or more~~
23 ~~than one township.~~

24 ~~b. For public measures.~~

25 ~~c. For judges.~~

26 Sec. 19. Section 49.43, subsection 1, Code Supplement 2009,
27 is amended to read as follows:

28 1. If possible, all public measures and constitutional
29 amendments to be voted upon by an elector shall be included
30 on a single ballot which shall also include all offices to be
31 voted upon. However, if it is necessary, a separate ballot may
32 be used as provided in section 49.30, ~~subsection 1.~~

33 Sec. 20. Section 49.70, Code 2009, is amended to read as
34 follows:

35 **49.70 Precinct election officials furnished instructions.**

1 The commissioner shall cause copies of ~~each set of~~
2 instructions addressing the rights of voters and instructions
3 for voting to be printed in large, clear type, ~~under the~~
4 ~~heading of "Rights of Voters" and "Instructions for Voting", as~~
5 ~~applicable, and.~~ The commissioner shall furnish the precinct
6 election officials with a sufficient number of each set of
7 instructions as will enable them to comply with section 49.71.

8 Sec. 21. Section 49.77, subsection 1, paragraph a, Code
9 Supplement 2009, is amended to read as follows:

10 a. Any person desiring to vote shall sign a voter's
11 declaration provided by the officials, in substantially the
12 following form:

13 "VOTER'S DECLARATION
14 OF ELIGIBILITY

15 I do solemnly swear or affirm that I am a resident of
16 the precinct, ward or
17 township, city of, county
18 of....., Iowa.

19 I am a registered voter. I have not voted and will not vote
20 in any other precinct in said election.

21 I understand that any false statement in this declaration is
22 a criminal offense punishable as provided by law.

23

24 Signature of Voter

25

26 Address

27

28 Telephone (optional)

29 Approved:

30

31 Board Member"

32 Sec. 22. Section 49.77, subsection 2, Code Supplement 2009,
33 is amended to read as follows:

34 2. If the declaration of eligibility is not printed on each
35 page of the election register, any of those persons present

1 pursuant to section 49.104, subsection 2, 3, ~~or 5,~~ or 6, may
2 upon request view the signed declarations of eligibility and
3 may review the signed declarations on file so long as the
4 person does not interfere with the functions of the precinct
5 election officials. If the declaration of eligibility is
6 printed on the election register, voters shall also sign
7 a voter roster which the precinct election official shall
8 make available for viewing. Any of those persons present
9 pursuant to section 49.104, subsection 2, 3, ~~or 5,~~ or 6, may
10 upon request view the roster of those voters who have signed
11 declarations of eligibility, so long as the person does
12 not interfere with the functions of the precinct election
13 officials.

14 Sec. 23. Section 49.79, subsection 3, paragraph a, Code
15 2009, is amended to read as follows:

16 a. The state commissioner of elections shall prescribe
17 a form to be used ~~for~~ by a registered voter challenging a
18 prospective voter at the polls. A precinct election official
19 working at the precinct is not required to use the challenge
20 form. The challenge form shall include a space for the
21 challenger to provide the challenger's printed name, signature,
22 address, and telephone number. The challenge form shall also
23 contain the following statement signed by the challenger:

24 "I am a registered voter in (name of county) County, Iowa. I
25 swear or affirm that information contained in this challenge
26 is true. I understand that knowingly filing a challenge
27 containing false information is an aggravated misdemeanor."

28 Sec. 24. Section 50.19, Code 2009, is amended to read as
29 follows:

30 **50.19 Preservation and destruction of books.**

31 1. The commissioner may destroy precinct election
32 registers, the declarations of eligibility signed by voters,
33 and other material pertaining to any election in which federal
34 offices are not on the ballot, except the tally lists and
35 abstracts of votes which have not been electronically recorded,

1 six months after the election if a contest is not pending. If
2 a contest is pending all election materials shall be preserved
3 until final determination of the contest. Before destroying
4 the election registers and declarations of eligibility, the
5 commissioner shall prepare records as necessary to permit
6 compliance with chapter 48A, subchapter V. Nomination papers
7 for primary election candidates for state and county offices
8 shall be destroyed ten days before the general election, if a
9 contest is not pending.

10 2. Material pertaining to elections for federal offices,
11 including ballots, precinct election registers, declarations of
12 eligibility signed by voters, documents relating to absentee
13 ballots, and challenges of voters, shall be preserved for
14 twenty-two months after the election. If a contest is not
15 pending the materials may be destroyed at the end of the
16 retention period.

17 Sec. 25. Section 50.24, subsection 3, Code Supplement 2009,
18 is amended to read as follows:

19 3. The board shall certify an election canvass summary
20 report prepared by the commissioner. The election canvass
21 summary report shall include the results of the election,
22 including scatterings, overvotes, and undervotes, by precinct
23 for each contest and public measure that appeared on the ballot
24 of the election being canvassed. However, if paper ballots are
25 used pursuant to section 49.26, the election canvass summary
26 report shall not include overvotes and undervotes.

27 Sec. 26. Section 50.24, subsection 4, Code Supplement 2009,
28 is amended by striking the subsection.

29 Sec. 27. Section 50.30A, Code Supplement 2009, is amended
30 to read as follows:

31 **50.30A Election canvass summary forwarded to state**
32 **commissioner.**

33 The commissioner shall, within thirteen days after each
34 primary ~~and~~ election, general election, and special election
35 conducted pursuant to section 69.14, forward to the state

1 commissioner a true and exact copy of the election canvass
2 summary report certified by the county board of canvassers.

3 Sec. 28. Section 50.46, Code 2009, is amended to read as
4 follows:

5 **50.46 Special elections — canvass and certificate.**

6 When a special election has been held to fill a vacancy,
7 pursuant to section 69.14, the board of county canvassers
8 shall meet ~~at one o'clock in the afternoon of~~ no earlier than
9 1:00 p.m. on the second day after the election, and canvass
10 the votes cast at the election. If the second day after
11 the election is a public holiday, section 4.1, subsection
12 34, controls. The commissioner, as soon as the canvass is
13 completed, shall transmit to the state commissioner an abstract
14 of the votes so canvassed, and the state board, within five
15 days after receiving such abstracts, shall canvass the tally
16 lists. A certificate of election shall be issued by the county
17 or state board of canvassers, as in other cases. All the
18 provisions regulating elections, obtaining tally lists, and
19 canvass of votes at general elections, except as to time, shall
20 apply to special elections.

21 Sec. 29. Section 53.2, subsection 7, Code Supplement 2009,
22 is amended to read as follows:

23 7. A registered voter who has not moved from the county in
24 which the elector is registered to vote may submit a change
25 of name, telephone number, or address on the absentee ballot
26 application form when requesting an absentee ballot. The
27 commissioner may also update a voter's identification number,
28 as described in section 48A.11, subsection 1, paragraph "e",
29 if an identification number is provided on an absentee ballot
30 application. Upon receipt of a properly completed form, the
31 commissioner shall enter a notation of the change on the
32 registration records.

33 Sec. 30. Section 53.39, Code 2009, is amended to read as
34 follows:

35 **53.39 Request for ballot — when available.**

1 1. Section 53.2 does not apply in the case of a qualified
2 voter of the state of Iowa serving in the armed forces of the
3 United States. In any such case an application for ballot as
4 provided for in that section is not required and an absent
5 voter's ballot shall be sent or made available to any such
6 qualified voter upon a request as provided in this division.

7 2. All official ballots to be voted by qualified absent
8 voters in the armed forces of the United States at the primary
9 election and the general election shall be printed prior
10 to ~~forty~~ forty-five days before the respective elections
11 and shall be available for transmittal to such qualified
12 voters in the armed forces of the United States at least
13 ~~forty~~ forty-five days before the respective elections. The
14 provisions of this chapter apply to absent voting by qualified
15 voters in the armed forces of the United States except as
16 modified by the provisions of this division.

17 Sec. 31. Section 53.40, subsection 1, paragraph a, Code
18 Supplement 2009, is amended to read as follows:

19 a. A request in writing for a ballot may be made by any
20 member of the armed forces of the United States who is or will
21 be a qualified voter on the day of the election at which the
22 ballot is to be cast, at any time before the election. Any
23 member of the armed forces of the United States may request
24 ballots for all elections to be held ~~through the next two~~
25 ~~general elections~~ during a calendar year. The request may
26 be made by using the federal postcard application form and
27 indicating that the applicant wishes to receive ballots for
28 all elections as permitted by state law. ~~The~~ If the applicant
29 does not specify which elections the request is for, the county
30 commissioner shall send the applicant a ballot for each
31 federal election held after the application is received and
32 through the next two general elections until the end of the
33 calendar year in which the request is received. ~~The~~ If the
34 applicant requests ballots for all elections to be held in a
35 calendar year, the commissioner, if necessary, shall forward

1 a copy of the absentee ballot request to other commissioners
2 who are responsible under section 47.2, subsection 2, for
3 conducting elections in which the applicant is eligible to
4 vote.

5 Sec. 32. Section 53.40, subsection 2, Code Supplement 2009,
6 is amended to read as follows:

7 2. The commissioner shall immediately on the ~~fortieth~~
8 forty-fifth day prior to the particular election transmit
9 ballots to the voter by mail or otherwise, postage prepaid,
10 as directed by the state commissioner, requests for which
11 are in the commissioner's hands at that time, and thereafter
12 so transmit ballots immediately upon receipt of requests. A
13 request for ballot for the primary election which does not
14 state the party affiliation of the voter making the request is
15 void and of no effect. A request which does not show that the
16 person for whom a ballot is requested will be a qualified voter
17 in the precinct in which the ballot is to be cast on the day
18 of the election for which the ballot is requested, shall not
19 be honored. However, a request which states the age and the
20 city, including street address, ~~if any, or township,~~ and county
21 where the voter resides, ~~and which shows a sufficient period of~~
22 ~~residence,~~ is sufficient to show that the person is a qualified
23 voter. A request by the voter containing substantially the
24 information required is sufficient.

25 Sec. 33. Section 260C.13, subsection 2, Code 2009, is
26 amended to read as follows:

27 2. The board of the merged area shall redraw boundary lines
28 of director districts in the merged area after each federal
29 decennial census ~~to compensate for changes in population if~~
30 ~~changes in population have taken place.~~

31 Sec. 34. Section 260C.13, subsection 3, paragraph e, Code
32 2009, is amended to read as follows:

33 e. ~~Cities~~ A city shall not be divided into two or more
34 director districts unless the population of that portion of the
35 city that is within the merged area is greater than the ideal

1 size of a director district. Cities shall be divided into the
2 smallest number of director districts possible.

3 Sec. 35. Section 260C.15, subsection 3, Code Supplement
4 2009, is amended to read as follows:

5 3. Nomination papers ~~in~~ on behalf of candidates for
6 member of the board of directors of a merged area shall
7 be filed with the secretary of the board not earlier than
8 ~~sixty-five~~ sixty-four days nor later than ~~five o'clock~~
9 5:00 p.m. on the fortieth day prior to the election at which
10 members of the board are to be elected. ~~The~~ On the day
11 following the last day on which nomination petitions can be
12 filed, and no later than 5:00 p.m. on that day, the secretary
13 shall deliver all nomination petitions so filed, together with
14 the text of any public measure being submitted by the board
15 of directors to the electorate, to the county commissioner
16 of elections who is responsible under section 47.2 for
17 conducting elections held for the merged area, ~~not later than~~
18 ~~five o'clock p.m. on the day following the last day on which~~
19 ~~nomination petitions can be filed.~~ That commissioner shall
20 certify the names of candidates, and the text and summary of
21 any public measure being submitted to the electorate, to all
22 county commissioners of elections in the merged area by the
23 thirty-fifth day prior to the election.

24 Sec. 36. Section 275.23A, subsection 1, paragraph e, Code
25 2009, is amended to read as follows:

26 e. ~~Cities~~ A city shall not be divided into two or more
27 director districts unless the population of that portion of the
28 city that is within the school district is greater than the
29 ideal size of a director district. Cities shall be divided
30 into the smallest number of director districts possible.

31 Sec. 37. Section 275.37A, subsection 1, Code 2009, is
32 amended to read as follows:

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

1 *a.* If at the first election in the district there are four
2 terms expiring, ~~three~~ two directors shall be elected. At the
3 second election in that district, if three terms are expiring,
4 ~~two~~ three directors shall be elected.

5 *b.* If at the first election there are three terms expiring,
6 ~~two directors~~ one director shall be elected. At the second
7 election in that district, if four terms are expiring, three
8 directors shall be elected for a four-year term and one
9 director shall be elected for a two-year term.

10 Sec. 38. Section 277.4, Code 2009, is amended to read as
11 follows:

12 **277.4 Nominations required.**

13 1. Nomination papers for all candidates for election
14 to office in each school district shall be filed with the
15 secretary of the school board not more than sixty-four days,
16 nor less than forty days before the election. Nomination
17 petitions shall be filed not later than ~~five~~ 5:00 p.m. on the
18 last day for filing. If the school board secretary is not
19 readily available during normal office hours, the secretary
20 may designate a full-time employee of the school district who
21 is ordinarily available to accept nomination papers under
22 this section. On the final date for filing nomination papers
23 the office of the school secretary shall remain open until
24 ~~five~~ 5:00 p.m.

25 2. a. Each candidate shall be nominated by petition. If
26 the candidate is running for a seat in the district which is
27 voted for at-large, the petition must be signed by the greater
28 of at least ten eligible electors or a number of eligible
29 electors equal in number to not less than one percent of the
30 registered voters of the school district, which number need not
31 be more than fifty. If the candidate is running for a seat
32 which is voted for only by the voters of a director district,
33 the petition must be signed by the greater of at least ten
34 eligible electors of the director district or a number of
35 eligible electors equal in number to not less than one percent

1 of the registered voters in the director district, which number
2 need not be more than fifty.

3 b. Signers of nomination petitions shall include their
4 addresses and the date of signing, and must reside in the same
5 director district as the candidate if directors are elected
6 by the voters of a director district, rather than at-large.
7 A person may sign nomination petitions for more than one
8 candidate for the same office, and the signature is not invalid
9 solely because the person signed nomination petitions for
10 one or more other candidates for the office. The petition
11 shall be filed with the affidavit of the candidate being
12 nominated, stating the candidate's name, place of residence,
13 that such person is a candidate and is eligible for the office
14 the candidate seeks, and that if elected the candidate will
15 qualify for the office. The affidavit shall also state that
16 the candidate is aware that the candidate is disqualified from
17 holding office if the candidate has been convicted of a felony
18 or other infamous crime and the candidate's rights have not
19 been restored by the governor or by the president of the United
20 States.

21 3. The secretary of the school board shall accept the
22 petition for filing if on its face it appears to have the
23 requisite number of signatures and if it is timely filed. The
24 secretary of the school board shall note upon each petition
25 and affidavit accepted for filing the date and time that the
26 petition was filed. The secretary of the school board shall
27 deliver all nomination petitions, together with the complete
28 text of any public measure being submitted by the board to the
29 electorate, to the county commissioner of elections ~~not later~~
30 ~~than five o'clock p.m.~~ on the day following the last day on
31 which nomination petitions can be filed, and not later than
32 5:00 p.m. on that day.

33 4. Any person on whose behalf nomination petitions have
34 been filed under this section may withdraw as a candidate by
35 filing a signed statement to that effect with the secretary at

1 any time prior to ~~five o'clock~~ 5:00 p.m. on the thirty-fifth
2 day before the election.

3 Sec. 39. Section 279.1, Code 2009, is amended to read as
4 follows:

5 **279.1 Organization.**

6 1. The board of directors of each school corporation shall
7 meet and organize at the first regular meeting after the
8 canvass for the regular school election at some suitable place
9 to be designated by the secretary. Notice of the place and
10 hour of the meeting shall be given by the secretary to each
11 member and member-elect of the board.

12 2. Such organization shall be effected by the election of a
13 president from the members of the board to serve for one year,
14 and who shall be entitled to vote as a member.

15 Sec. 40. Section 279.7, Code 2009, is amended to read as
16 follows:

17 **279.7 Vacancies filled by special election — qualification**
18 **— tenure.**

19 1. If a vacancy or vacancies occur among the elective
20 officers or members of a school board and the remaining members
21 of the board have not filled the vacancy within thirty days
22 after the vacancy ~~occurs~~ becomes known by the secretary or
23 the board, or when the board is reduced below a quorum, the
24 secretary of the board, or if there is no secretary, the area
25 education agency administrator, shall call a special election
26 in the district, subdistrict, or subdistricts, as the case may
27 be, to fill the vacancy or vacancies. The county commissioner
28 of elections shall publish the notices required by law for
29 special elections, and the election shall be held not sooner
30 than thirty days nor later than forty days after the thirtieth
31 day following the ~~occurrence of~~ day the vacancy becomes known
32 by the secretary or the board. If the secretary fails for more
33 than three days to call an election, the administrator shall
34 call it.

35 2. ~~Any~~ An appointment by the board to fill any vacancy in an

1 elective office on or after the day notice has been given for
2 a special election to fill such vacancy as provided ~~herein~~ in
3 this section shall be null and void.

4 3. In ~~any~~ the case of a special election as provided
5 ~~herein~~ in this section to fill a vacancy occurring among the
6 elective officers or members of a school board before the
7 expiration of a full term, the person so elected shall qualify
8 within ten days thereafter in the manner required by section
9 277.28 and shall hold office for the residue of the unexpired
10 term and until a successor is elected, or appointed, and
11 qualified.

12 4. Nomination petitions shall be filed in the manner
13 provided in section 277.4, except that the petitions shall be
14 filed not less than twenty-five days before the date set for
15 the election.

16 Sec. 41. Section 279.33, Code 2009, is amended to read as
17 follows:

18 **279.33 Annual settlements.**

19 1. At a regular or special meeting held on or after August
20 31 of each year, and prior to the organizational meeting
21 held after the regular school election, the board of each
22 school corporation shall meet, examine the books of and settle
23 with the secretary and treasurer for the year ending on the
24 preceding June 30, and transact other business as necessary.
25 The treasurer at the time of settlement shall furnish the board
26 with a statement from each depository showing the balance then
27 on deposit in the depository. If the secretary or treasurer
28 fails to make proper reports for the settlement, the board
29 shall take action to obtain the balance information.

30 2. In the even-numbered year, the board shall, at the
31 meeting described in subsection 1, elect a president for a term
32 of one year.

33 Sec. 42. Section 298.2, subsection 4, paragraph a, Code
34 Supplement 2009, is amended to read as follows:

35 a. The board may on its own motion, and upon the written

1 request of not less than one hundred eligible electors or
2 thirty percent of the number of eligible electors voting
3 at the last regular school election, whichever is greater,
4 shall, direct the county commissioner of elections to provide
5 for submitting the proposition of levying the voter-approved
6 physical plant and equipment levy for a period of time
7 authorized by the voters in at the notice of election, not
8 to exceed ten years, ~~in the notice of the regular school~~
9 ~~election.~~ The election shall be held on a date specified in
10 section 39.2, subsection 4, paragraph "c". The proposition is
11 adopted if a majority of those voting on the proposition at the
12 election approves it. The voter-approved physical plant and
13 equipment levy shall be funded either by a physical plant and
14 equipment property tax or by a combination of a physical plant
15 and equipment property tax and a physical plant and equipment
16 income surtax, as determined by the board. However, if the
17 board intends to enter into a rental or lease arrangement under
18 section 279.26, or intends to enter into a loan agreement under
19 section 297.36, only a property tax shall be levied for those
20 purposes. Subject to the limitations of section 298.14, if
21 the board uses a combination of a physical plant and equipment
22 property tax and a physical plant and equipment surtax, for
23 each fiscal year the board shall determine the percent of
24 income surtax to be imposed expressed as full percentage
25 points, not to exceed twenty percent.

26 Sec. 43. Section 331.207, subsections 2 and 5, Code 2009,
27 are amended to read as follows:

28 2. The petition shall be filed with the county commissioner
29 by June 1 of an odd-numbered year, subject to subsection 6.
30 The special election shall be held ~~within sixty days after the~~
31 ~~day the petition was received~~ on the first Tuesday in August
32 of the odd-numbered year. Notice of the special election
33 shall be published once each week for three successive weeks
34 in an official newspaper of the county, shall state the
35 representation plans to be submitted to the electors, and shall

1 state the date of the special election ~~which shall be held not~~
2 ~~less than five nor more than twenty days from the date of last~~
3 ~~publication.~~ The last in the series of publications shall
4 occur not less than four nor more than twenty days before the
5 election.

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

16 Sec. 44. Section 331.425, subsection 4, Code Supplement
17 2009, is amended to read as follows:

18 4. The canvass shall be held ~~beginning at one o'clock~~ on the
19 second day ~~which~~ that is not a holiday following the special
20 levy election, and shall begin no earlier than 1:00 p.m. on
21 that day.

22 Sec. 45. Section 331.501, subsection 1, Code 2009, is
23 amended to read as follows:

24 1. The office of auditor is an elective office except that
25 if a vacancy occurs in the office, a successor shall be elected
26 or appointed to the unexpired term as provided in chapter 69.

27 Sec. 46. Section 331.551, subsection 1, Code 2009, is
28 amended to read as follows:

29 1. The office of treasurer is an elective office except that
30 if a vacancy occurs in the office, a successor shall be elected
31 or appointed to the unexpired term as provided in chapter 69.

32 Sec. 47. Section 331.601, subsection 1, Code 2009, is
33 amended to read as follows:

34 1. The office of recorder is an elective office except that
35 if a vacancy occurs in the office, a successor shall be elected

1 or appointed to the unexpired term as provided in chapter 69.

2 Sec. 48. Section 331.751, subsection 1, Code 2009, is
3 amended to read as follows:

4 1. The office of county attorney is an elective office
5 except that if a vacancy occurs in the office, a successor
6 shall be elected or appointed to the unexpired term as provided
7 in chapter 69.

8 Sec. 49. Section 357J.16, Code 2009, is amended to read as
9 follows:

10 **357J.16 Bonds in anticipation of revenue.**

11 A district may anticipate the collection of taxes by the
12 levy authorized in section 357J.10, and to carry out the
13 purposes of this chapter may issue bonds payable in not more
14 than ten equal installments with the rate of interest not
15 exceeding that permitted by chapter 74A. An indebtedness
16 shall not be incurred under this chapter until authorized by
17 an election. The election shall be conducted by the county
18 commissioner of elections pursuant to chapters 39 through 53.
19 The commission shall give the county commissioner of elections
20 ~~thirty-two~~ forty-six days' notice of the special election.

21 Sec. 50. Section 359.11, Code 2009, is amended to read as
22 follows:

23 **359.11 Officers to be elected.**

24 At ~~said the~~ the election there shall be elected ~~one trustee two~~
25 trustees for a term of two years, ~~one trustee for a term of~~
26 ~~three years,~~ and one trustee for a term of four years, and
27 ~~other officers as provided by law~~ one clerk for a term of four
28 years.

29 Sec. 51. Section 376.4, subsection 5, Code Supplement 2009,
30 is amended to read as follows:

31 5. Nomination papers filed with the city clerk shall be
32 available for public inspection. The city clerk shall deliver
33 all nomination papers together with the text of any public
34 measure being submitted by the city council to the electorate
35 to the county commissioner of elections ~~not later than 5:00~~

1 ~~p.m.~~ on the day following the last day on which nomination
2 petitions can be filed, and not later than 5:00 p.m. on that
3 day.

4 Sec. 52. Section 376.7, Code 2009, is amended to read as
5 follows:

6 **376.7 Date of primary.**

7 1. If a primary election is necessary, it shall be held
8 on the Tuesday four weeks before the date of the regular city
9 election. For each office on the ballot, a voter shall only
10 vote for the number of persons to be elected to that office at
11 the regular city election. The county board of supervisors
12 shall publicly canvass the tally lists of the vote cast in
13 the primary election, following the procedures prescribed in
14 section 50.24, at a meeting to be held ~~beginning at one o'clock~~
15 ~~in the afternoon~~ on the second day following the primary
16 election, and beginning no earlier than 1:00 p.m. on that day.

17 2. The names of those candidates who receive the highest
18 number of votes for each office on the primary election ballot,
19 to the extent of twice the number of unfilled positions, must
20 be placed on the ballot for the regular city election as
21 candidates for that office.

22 Sec. 53. Section 376.9, Code 2009, is amended to read as
23 follows:

24 **376.9 Runoff election.**

25 1. A runoff election may be held only for positions unfilled
26 because of failure of a sufficient number of candidates to
27 receive a majority vote in the regular city election. When a
28 council has chosen a runoff election in lieu of a primary, the
29 county board of supervisors shall publicly canvass the tally
30 lists of the vote cast in the regular city election, following
31 the procedures prescribed in section 50.24, at a meeting to be
32 held ~~beginning at one o'clock in the afternoon~~ on the second
33 day following the regular city election, and beginning no
34 earlier than 1:00 p.m. on that day. Candidates who do not
35 receive a majority of the votes cast for an office, but who

1 receive the highest number of votes cast for that office in the
2 regular city election, to the extent of twice the number of
3 unfilled positions, are candidates in the runoff election.

4 2. Runoff elections shall be held four weeks after the date
5 of the regular city election and shall be conducted in the same
6 manner as regular city elections.

7 3. Candidates in the runoff election who receive the highest
8 number of votes cast for each office on the ballot are elected
9 to the extent necessary to fill the positions open.

10 Sec. 54. Section 376.11, Code 2009, is amended to read as
11 follows:

12 **376.11 Write-in votes.**

13 1. Write-in votes are permitted to be cast in all elections
14 for city offices. A person who receives a sufficient number of
15 write-in votes to be elected to a city office shall be declared
16 the winner of the election. If the result is a tie vote, lots
17 shall be drawn pursuant to section 50.44. If a person who was
18 elected by write-in votes chooses not to serve in that office
19 the person shall submit a resignation in writing to the city
20 clerk not later than ~~five~~ 5:00 p.m. on the tenth day following
21 the canvass of the election. If a person who was elected by
22 write-in votes resigns at a later time, the office shall be
23 considered vacant at the end of the term and the council shall
24 fill the vacancy pursuant to the provisions of section 372.13,
25 subsection 2.

26 2. Except in cities where the council has chosen a runoff
27 election in lieu of a primary, following the resignation of
28 a person who was elected by write-in votes, the city clerk
29 shall notify the person who received the next highest number
30 of votes cast for the office that the person may assume the
31 office. If there is more than one person who received the
32 next highest number of votes cast for the office, lots shall
33 be drawn pursuant to section 50.44 to determine the person
34 who received the next highest number of votes. If the person
35 accepts the position, the person shall be considered the duly

1 elected officer unless, within ten days after the clerk has
2 given notice, a petition requesting a special election is filed
3 by eligible electors of the city equal in number to twenty-five
4 percent of the number of persons who voted for the office
5 at the election. If the person declines, the person shall
6 do so in writing to the city clerk within ten days and the
7 office shall be considered vacant at the end of the term. The
8 vacancy shall be filled pursuant to the provisions of section
9 372.13, subsection 2. If the council chooses to appoint, the
10 appointment may be made before the end of the current term.

11 3. In city primary elections any person who receives
12 write-in votes shall execute an affidavit in substantially the
13 form required by section 45.3, and file it with the county
14 commissioner of elections or the city clerk not later than
15 ~~five o'clock~~ 5:00 p.m. on the day after the canvass of the
16 primary election. If any person who received write-in votes
17 fails to file the affidavit at the time required, the county
18 commissioner shall disregard the write-in votes cast for
19 that person. A notation shall be made on the abstract of
20 votes showing which persons who received write-in votes filed
21 affidavits. The total number of votes cast for each office on
22 the ballot shall be amended by subtracting the write-in votes
23 of those candidates who failed to file the affidavit. It is
24 not necessary for a candidate whose name was printed upon the
25 ballot to file an affidavit. Of the remaining candidates,
26 those who receive the highest number of votes to the extent of
27 twice the number of unfilled positions shall be placed on the
28 ballot for the regular city election as candidates for that
29 office.

30 4. In cities in which the city council has chosen a runoff
31 election in lieu of a primary, if a person who was elected
32 by write-in votes chooses not to accept the office by filing
33 a resignation notice with the city clerk or commissioner of
34 elections not later than ~~five o'clock~~ 5:00 p.m. on the day
35 following the canvass, all remaining persons who received

1 write-in votes and who wish to be considered candidates for the
2 runoff election shall execute an affidavit in substantially
3 the form required by section 45.3 and file it with the
4 county commissioner or the city clerk not later than ~~five~~
5 ~~o'clock~~ 5:00 p.m. of the fourth day following the canvass. If
6 a person receiving write-in votes fails to file the affidavit
7 at the time required, the county commissioner of elections
8 shall disregard the write-in votes cast for that person. The
9 abstract of votes shall be amended to show that the person who
10 was declared elected declined the office and a notation shall
11 be made next to the names of those persons who did not file the
12 affidavit. A runoff election shall be held with the remaining
13 candidates who have the highest number of votes to the extent
14 of twice the number of unfilled positions.

15 5. In a city in which the council has chosen a runoff
16 election, if no person was declared elected for an office all
17 persons who received write-in votes shall execute an affidavit
18 in substantially the form required by section 45.3 and file it
19 with the county commissioner of elections or the city clerk
20 not later than ~~five o'clock~~ 5:00 p.m. on the day following
21 the canvass of votes. If any person who received write-in
22 votes fails to file the affidavit the county commissioner of
23 elections shall disregard the write-in votes cast for that
24 person. The abstract of votes shall be amended to note which
25 of the write-in candidates failed to file the affidavit. A
26 runoff election shall be held with the remaining candidates who
27 have the highest number of votes to the extent of twice the
28 number of unfilled positions.

29 Sec. 55. Section 384.12, subsection 20, paragraphs a and d,
30 Code Supplement 2009, are amended to read as follows:

31 a. The election may be held as specified in this subsection
32 if notice is given by the city council, not later than
33 ~~thirty-two~~ forty-six days before the first Tuesday in March,
34 to the county commissioner of elections that the election is
35 to be held.

1 d. The commissioner of elections conducting the election
2 shall notify the city officials and other county auditors where
3 applicable, of the results within two days of the canvass
4 which shall be held ~~beginning at one o'clock~~ on the second day
5 that is not a holiday following the special levy election, and
6 beginning no earlier than 1:00 p.m. on that day.

7 Sec. 56. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. The
8 sections of this Act amending sections 43.30, 43.38, 43.39,
9 43.45, 43.49, 43.61, 43.72, 47.6, 48A.5, 49.26, 49.70, 49.79,
10 53.2, 53.39, 53.40, 357J.16, and 384.12, being deemed of
11 immediate importance, take effect upon enactment and apply to
12 elections held on or after May 15, 2010.

13 EXPLANATION

14 This bill makes technical changes to the laws relating to
15 elections and voter registration.

16 Code section 43.4 is amended to change from 14 days to 60
17 days the time period by which certain information must be
18 certified by the county commissioner after a political party
19 precinct caucus.

20 Code section 43.30, relating to sample ballots for a primary
21 election, is amended to remove the requirement that the words
22 "sample ballot" be printed in red ink on the ballots and
23 instead requires only that the ballots be clearly marked as
24 sample ballots. The Code section is also amended to remove the
25 requirement that sample ballots contain the signature of the
26 county commissioner of elections.

27 Code section 43.38, relating to marking and returning
28 ballots, is amended to provide that primary election ballots
29 shall be marked and returned in the same manner as for other
30 elections.

31 Code section 43.39 is amended to delete an outmoded form of
32 expression.

33 The amendments to Code sections 43.30, 43.38, and 43.39 take
34 effect upon enactment.

35 Code sections 43.43 and 49.77 are amended to provide that it

1 is optional for a voter to include the voter's telephone number
2 on a declaration of eligibility signed by a voter.

3 Code section 43.45 is amended to remove a reference to the
4 use of conventional paper ballots in a primary election, which,
5 under current law, is no longer allowed. The amendment takes
6 effect upon enactment.

7 Code section 43.46 is amended to delete the requirement
8 that primary election ballots be delivered to the board of
9 supervisors during the canvass of the election.

10 Currently, a write-in candidate receiving less than 2
11 percent of the votes cast in a primary election is included
12 on the abstract of votes under the collective heading
13 "scattering". Code section 43.49 is amended to increase that
14 percentage threshold to less than 5 percent of the votes
15 received as is the case for write-in candidates for other
16 elections under Code section 50.24. The Code section is also
17 amended to strike the requirement that the abstract of votes
18 state its required information in "words written at length".
19 The amendment takes effect upon enactment.

20 Code sections 43.61 and 43.72, relating to preservation of
21 original returns and abstracts of votes for a primary election,
22 are amended to remove references to "election book" while
23 retaining the requirement that the information be preserved
24 by the applicable commissioner of elections. Code section
25 43.72 is further amended to authorize the state commissioner of
26 elections to preserve the abstracts in an electronic format.
27 The amendments to Code sections 43.61 and 43.72 take effect
28 upon enactment.

29 Code section 47.6 is amended to change the deadline for
30 cities, counties, and schools to deliver the full text of
31 a public measure to the county commissioner. The current
32 deadline of 32 days before the election is changed to 46 days
33 before the election. This change is also made to Code sections
34 357J.16 and 384.12, relating to emergency response districts
35 and a city's supplemental levy, respectively. The amendments

1 take effect upon enactment.

2 Code section 48A.5 is amended to specify that voter
3 registrants who will be 18 years of age by the date of a pending
4 election may request and cast an absentee ballot for that
5 election. The amendment takes effect upon enactment.

6 Code section 48A.27 is amended to require that changes to a
7 voter registration record be signed by the registered voter.
8 The Code section is further amended to provide that such change
9 may be submitted to the commissioner in person, by mail, by
10 facsimile, or by electronic mail.

11 Code section 49.3 is amended to add the requirement that
12 election precincts be named or numbered by the entity redrawing
13 the districts.

14 Code section 49.13 is amended to specify that political
15 party balance among precinct election officials is required for
16 elections in which a partisan office is on the ballot.

17 Code section 49.26 is amended to provide that the use of
18 conventional paper ballots at certain elections that the county
19 commissioner of elections has determined will have low voter
20 turnout is discretionary with the commissioner. Under current
21 law, if the county commissioner makes such a determination,
22 the use of conventional paper ballots is required. The Code
23 section is also amended to require the county commissioner,
24 when using conventional paper ballots in an election, to use
25 ballots and instructions similar to those used at elections
26 using automatic tabulating equipment (i.e., optical scan
27 equipment). The amendment takes effect upon enactment.

28 Code section 49.30 is amended to strike the requirement
29 that when conventional paper ballots are used for an election
30 separate ballots must be used for certain offices and public
31 measures. A conforming amendment is made to Code section
32 49.43.

33 Code section 49.70 is amended to strike the requirement that
34 instructions addressing the rights of voters be titled "Rights
35 of Voters", and that instructions relative to voting be titled

1 "Instructions for Voting". The amendment takes effect upon
2 enactment.

3 Code section 49.77 is amended to add to the list of persons
4 who may view the roster of voters who have signed declarations
5 of eligibility at the polling place those persons who have
6 filed a notice of intent to be present at the polling place as
7 an observer with an interest in a public measure on the ballot
8 if the election is not a primary or general election.

9 Code section 49.79 is amended to provide that a registered
10 voter, other than a precinct election official, challenging a
11 prospective voter must use the challenge form prescribed by the
12 state commissioner of elections. The amendment takes effect
13 upon enactment.

14 Code section 50.19 is amended to specify that both the tally
15 lists and the abstracts of votes shall be preserved by the
16 commissioner after an election if such records have not been
17 electronically recorded.

18 Code section 50.24 is amended to provide that the election
19 canvass summary prepared by the county commissioner shall not
20 include overvotes and undervotes if conventional paper ballots
21 are used in the election. The Code section is also amended
22 to strike the requirement that the board of supervisors, when
23 canvassing an election, prepare a certificate showing the total
24 number of people who cast ballots in the election.

25 Code section 50.30A is amended to require the county
26 commissioner to forward to the state commissioner of elections
27 a copy of the election canvass summary report within 13 days
28 of a special election to fill a vacancy in the office of
29 representative in the United States Congress or senator or
30 representative in the general assembly.

31 Code section 50.46 provides that when an election is to fill
32 a vacancy in the office of representative in the United States
33 Congress or senator or representative in the general assembly
34 the election shall be canvassed on the second day following the
35 election. The Code section is amended to provide that if the

1 second day after the election is a public holiday, then the
2 canvass will take place on the next following day that is not
3 a public holiday.

4 Code section 53.2 is amended to allow the county
5 commissioner to update a voter's identification number if the
6 voter includes it on an absentee ballot request. The amendment
7 takes effect upon enactment.

8 Code sections 53.39 and 53.40, relating to absentee voting
9 by overseas and military persons, are amended to conform to
10 changes in federal law relating to military voters. Code
11 section 53.39 is amended to provide that primary and general
12 election ballots mailed to overseas and military voters must be
13 printed and available for sending at least 45 days before the
14 respective elections. Code section 53.40 is amended to provide
15 that a written request for absentee ballots shall be for one
16 calendar year rather than two general election cycles. The
17 amendments to Code sections 53.39 and 53.40 take effect upon
18 enactment.

19 Code section 260C.13 is amended to provide that director
20 districts for a merged area board shall be drawn after each
21 federal decennial census regardless of whether changes in
22 population have taken place.

23 Code section 260C.13 is also amended to specify that a city
24 shall not be divided into two or more merged area director
25 districts unless the population of that portion of the city
26 within a merged area is greater than the ideal population
27 for the district. A corresponding amendment is made to Code
28 section 275.23A, relating to the drawing of boundaries for
29 school district director districts.

30 Code section 260C.15 changes from 65 days to 64 days the
31 deadline for filing nomination petitions for a candidate for a
32 member of a merged area board of directors.

33 Code section 275.37A is amended to change the transition
34 provisions when a school district changes its board of
35 directors representation from a seven-member board to a

1 five-member board.

2 Code section 277.4 is amended to conform language to Code
3 usage.

4 Code section 279.1 is amended to provide that the term
5 of president of a school district board of directors is for
6 one year. A corresponding amendment is made to Code section
7 279.33.

8 Code section 279.7, relating to vacancies on a school
9 district board of directors, is amended to provide that
10 deadlines for filling the vacancy begin running from the day
11 following the day the vacancy becomes known by the board or the
12 secretary, rather than the day the vacancy occurs.

13 Code section 298.2 is amended to specify that the
14 proposition to approve a physical plant and equipment levy
15 (PPEL) may be submitted on one of the special election dates
16 prescribed by law for schools.

17 Code section 331.207, relating to changes in county
18 supervisor representation plans, is amended to provide that
19 the special election on changing the plan shall be held on the
20 first Tuesday in August of the odd-numbered year, and if a
21 plan is approved that requires drawing supervisor districts,
22 districts shall be drawn no later than November 1 following the
23 election.

24 Code section 331.425 is amended to provide that the canvass
25 of a special county levy election or the canvass of an
26 election to approve a city supplemental levy shall be held no
27 earlier than 1:00 p.m. on the second day that is not a holiday
28 following the election. Currently, the canvassers are required
29 to meet at 1:00 p.m. on that day. A corresponding amendment is
30 made to Code section 384.12.

31 Code sections 331.501, 331.551, 331.601, and 331.751,
32 relating to the offices of county auditor, county treasurer,
33 county recorder, and county attorney, respectively, are amended
34 to specify that when a vacancy in office occurs, a successor
35 shall be elected or appointed as provided in Code chapter 69.

1 Code section 359.11 is amended to change the transition
2 provisions for election of township officers when a new
3 township is formed.

4 Code section 376.4 is amended to specify that nomination
5 petitions for city office may only be delivered by the city
6 clerk to the commissioner of elections on the day following the
7 deadline for filing nomination petitions with the city clerk.

8 Code section 376.7 is amended to specify that for each
9 office on a city primary election ballot, a voter may only vote
10 for the number of persons to be elected to that office at the
11 regular city election.

12 Code section 376.9 is amended to provide that the canvass of
13 a regular city election for a city that has a runoff election
14 shall be held no earlier than 1:00 p.m. on the second day
15 following the regular city election. Currently, the canvassers
16 are required to meet at 1:00 p.m. on that day.

17 Code section 376.11 is amended to specify that "the next
18 highest vote getter" in city elections in which there were
19 only write-in votes shall be determined by lot, as is already
20 provided in Code section 50.44.

21 The provisions of the bill that take effect upon enactment
22 apply to elections held on or after May 15, 2010.