

House File 246 - Introduced

HOUSE FILE 246
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 21)

A BILL FOR

1 An Act relating to the technical administration of election and
2 voter registration laws, including by making modifications
3 to certain filing deadlines, preservation of certain
4 records, elections to fill certain vacancies in office,
5 absentee voting, voting systems, and ballot summaries.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 43.16, Code 2013, is amended to read as
2 follows:

3 **43.16 Return of papers, additions not allowed.**

4 1. After a nomination paper has been filed, it shall not
5 be returned to the person who has filed the paper, nor shall
6 any signature or other information be added to the nomination
7 paper.

8 2. a. A person who has filed nomination petitions with the
9 state commissioner may withdraw as a candidate not later than
10 5:00 p.m. on the seventy-sixth day before the primary election
11 by notifying the state commissioner in writing.

12 b. A person who has filed nomination papers with the
13 commissioner may withdraw as a candidate not later than 5:00
14 p.m. on the sixty-seventh day before the primary election by
15 notifying the commissioner in writing.

16 3. The name of a candidate who has withdrawn or died at a
17 time in accordance with this section shall be omitted from the
18 certificate furnished by the state commissioner under section
19 43.22 and omitted from the primary election ballot.

20 Sec. 2. Section 43.23, Code 2013, is amended to read as
21 follows:

22 **43.23 Death or withdrawal of primary candidate.**

23 1. If a person who has filed nomination papers with the
24 state commissioner as a candidate in a primary election dies
25 or withdraws ~~up to~~ before 5:00 p.m. on the seventy-sixth
26 day before the primary election, the appropriate convention
27 or central committee of that person's political party may
28 designate one additional primary election candidate for the
29 nomination that person was seeking, if the designation is
30 submitted to the state commissioner in writing by 5:00 p.m. on
31 the seventy-first day before the date of the primary election.
32 The name of any candidate so submitted shall be included in the
33 appropriate certificate or certificates furnished by the state
34 commissioner under section 43.22.

35 2. If a person who has filed nomination papers with the

1 commissioner as a candidate in a primary election dies or
2 withdraws ~~up to~~ before 5:00 p.m. on the sixty-seventh day
3 before the primary election, the appropriate convention
4 or central committee of that person's political party may
5 designate one additional primary election candidate for the
6 nomination that person was seeking, if the designation is
7 submitted to the commissioner in writing by 5:00 p.m. on the
8 sixty-third day before the primary election. The name of any
9 candidate so submitted shall be placed on the appropriate
10 ballot or ballots by the commissioner.

11 Sec. 3. Section 43.24, subsection 1, paragraph b, Code 2013,
12 is amended by adding the following new subparagraph:

13 NEW SUBPARAGRAPH. (03) Objections to nominations to fill
14 vacancies in the office of representative in Congress at a
15 special election held under section 69.14 shall be filed with
16 the state commissioner not less than sixty days prior to the
17 date set for the special election.

18 Sec. 4. Section 43.24, subsection 1, paragraph b,
19 subparagraph (3), Code 2013, is amended to read as follows:

20 (3) Objections to nominations to fill vacancies in the
21 general assembly at a special election held under section
22 69.14, under which the forty-day notice of election provision
23 applies, shall be filed with the state commissioner not less
24 than fifteen days prior to the date set for the special
25 election. If the forty-day notice provision does not apply,
26 objections to nominations to fill vacancies in the general
27 assembly at a special election held under section 69.14 may be
28 filed any time prior to the date set for the special election.

29 Sec. 5. Section 43.24, subsection 1, Code 2013, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. c. Objections filed pursuant to this section
32 shall be filed no later than 5:00 p.m. on the final date for
33 filing.

34 Sec. 6. Section 43.24, subsection 2, paragraph b, Code 2013,
35 is amended to read as follows:

1 *b.* If an objection is filed to a nomination to fill
2 a vacancy in the general assembly at a special election
3 held under section 69.14, under which the forty-day notice
4 of election provision of section 69.14 does not apply,
5 notice of the objection shall be made to the candidate by
6 the state commissioner as soon as practicable. Under this
7 paragraph, failure to notify a candidate of an objection to the
8 candidate's nomination prior to the date set for the special
9 election does not invalidate the hearing conducted under
10 subsection 3. The hearing to an objection shall proceed as
11 quickly as possible to expedite the special election.

12 Sec. 7. Section 43.72, Code 2013, is amended to read as
13 follows:

14 **43.72 State returns filed and preserved.**

15 When the canvass is concluded, the board shall deliver
16 the original abstract returns to the state commissioner, who
17 shall file the returns in the state commissioner's office and
18 preserve the abstracts of the canvass of the state board and
19 certificates attached thereto. The state commissioner may
20 preserve the abstracts and certificates attached thereto in an
21 electronic format.

22 Sec. 8. Section 43.88, Code 2013, is amended to read as
23 follows:

24 **43.88 Certification of nominations.**

25 1. Nominations made by state, district, and county
26 conventions, shall, under the name, place of residence, and
27 post office address of the nominee, and the office to which
28 nominated, and the name of the political party making the
29 nomination, be forthwith certified to the proper officer by
30 the chairperson and secretary of the convention, or by the
31 committee, as the case may be, and if such certificate is
32 received in time, the names of such nominees shall be printed
33 on the official ballot the same as if the nomination had been
34 made in the primary election.

35 2. Nominations made to fill vacancies in the office of

1 representative in Congress shall be certified to the state
2 commissioner not less than sixty-two days prior to the date set
3 for the special election. Nominations made to fill vacancies
4 in other offices to which this chapter applies at a special
5 election shall be certified to the proper official not less
6 than twenty-five days prior to the date set for the special
7 election. In the event the special election is to fill a
8 vacancy in the general assembly while it is in session or
9 within forty-five days of the convening of any session, the
10 nomination shall be certified not less than fourteen days
11 before the date of the special election.

12 3. Nominations certified to the proper official under this
13 section shall be accompanied by an affidavit executed by the
14 nominee in substantially the form required by section 43.67.

15 Sec. 9. Section 44.4, subsection 1, Code 2013, is amended
16 to read as follows:

17 1. Nominations made pursuant to this chapter and chapter
18 45 which are required to be filed in the office of the state
19 commissioner shall be filed in that office not more than
20 ninety-nine days nor later than 5:00 p.m. on the eighty-first
21 day before the date of the general election to be held in
22 November. Nominations made for a special election called
23 pursuant to section 69.14 to fill vacancies in the general
24 assembly shall be filed by 5:00 p.m. not less than twenty-five
25 days before the date of an election called upon at least
26 forty days' notice and not less than fourteen days before
27 the date of an election called upon at least eighteen days'
28 notice. Nominations made to fill vacancies in the office of
29 representatives in Congress at a special election shall be
30 certified to the state commissioner not less than sixty-two
31 days prior to the date set for the special election.
32 Nominations made for a special election called pursuant to
33 section 69.14A shall be filed by 5:00 p.m. not less than
34 twenty-five days before the date of the election. Nominations
35 made pursuant to this chapter and chapter 45 which are required

1 to be filed in the office of the commissioner shall be filed
2 in that office not more than ninety-two days nor later than
3 5:00 p.m. on the sixty-ninth day before the date of the general
4 election. Nominations made pursuant to this chapter or chapter
5 45 for city office shall be filed not more than seventy-two
6 days nor later than 5:00 p.m. on the forty-seventh day before
7 the city election with the city clerk, who shall process them
8 as provided by law.

9 Sec. 10. Section 44.4, subsection 2, paragraph a, Code 2013,
10 is amended by adding the following new subparagraphs:

11 NEW SUBPARAGRAPH. (03) Objections to nominations to fill
12 a vacancy in the office of representative in Congress at a
13 special election held under section 69.14 shall be filed with
14 the state commissioner not less than sixty days prior to the
15 date set for the special election.

16 NEW SUBPARAGRAPH. (003) Objections to nominations to
17 fill a vacancy in the general assembly at a special election
18 held under section 69.14, under which the forty-day notice
19 of election provision applies, shall be filed with the state
20 commissioner not less than fifteen days prior to the date set
21 for the special election. If the forty-day notice provision
22 does not apply, objections to nominations to fill vacancies at
23 a special election held under section 69.14 may be filed no
24 later than the day before the special election.

25 Sec. 11. Section 48A.30, subsection 1, paragraph a, Code
26 2013, is amended to read as follows:

27 a. The registered voter dies. For the purposes of this
28 subsection, the commissioner may accept as evidence of death a
29 notice from the state registrar of vital statistics forwarded
30 by the state registrar of voters, a written statement from a
31 member of the registered voter's household, an obituary in a
32 newspaper, an obituary posted on a funeral home internet site,
33 a written statement from an election official, or a notice from
34 the county recorder of the county where the registered voter
35 died.

1 Sec. 12. Section 48A.32, Code 2013, is amended to read as
2 follows:

3 **48A.32 Destruction or removal of canceled voter registration**
4 **records.**

5 Twenty-two months after the next general election following
6 the cancellation of a person's voter registration or twenty-two
7 months after receipt of an incomplete voter registration
8 application, the commissioner may destroy all records of that
9 person's registration, including electronic records. At the
10 discretion of the commissioner, canceled records may be donated
11 to a historical society if all confidential information has
12 been removed from the records.

13 Sec. 13. Section 49.45, Code 2013, is amended to read as
14 follows:

15 **49.45 General form of ballot.**

16 Ballots referred to in section 49.43 shall be ~~substantially~~
17 in one of the following ~~form~~ forms:

18 Shall the following amendment to the Constitution (or public
19 measure) be adopted?

20 Yes

21 No

22 (Here insert the summary, if it is for a constitutional
23 amendment or statewide public measure, and in full the proposed
24 constitutional amendment or public measure. The number
25 assigned by the state commissioner or the letter assigned
26 by the county commissioner shall be included on the ballot
27 centered above the question, "Shall the following amendment to
28 the Constitution [or public measure] be adopted?".)

29 Shall the following amendment to the Constitution (or public
30 measure) be adopted?

31 (Here insert the summary, if it is for a constitutional
32 amendment or statewide public measure, and in full the proposed
33 constitutional amendment or public measure. The number
34 assigned by the state commissioner or the letter assigned
35 by the county commissioner shall be included on the ballot

1 centered above the question, "Shall the following amendment to
2 the Constitution [or public measure] be adopted?".)

3 Yes

4 No

5 Sec. 14. Section 50.15A, Code 2013, is amended to read as
6 follows:

7 **50.15A Unofficial results of voting —~~general election only.~~**

8 1. In order to provide the public with an early source
9 of election results before the official canvass of votes,
10 the state commissioner of elections, in cooperation with
11 the commissioners of elections, shall conduct an unofficial
12 canvass of election results following the closing of the
13 polls on the day of a primary election, general election,
14 or special election under section 69.14. The unofficial
15 canvass shall report election results for national offices,
16 statewide offices, the office of state representative, the
17 office of state senator, and other offices or public measures
18 at the discretion of the state commissioner of elections.
19 The unofficial canvass shall also report the total number of
20 ballots cast at the primary election, general election, or
21 special election under section 69.14.

22 2. a. After the polls close on election day for a primary
23 election, general election, or special election under section
24 69.14, the commissioner of elections shall periodically provide
25 election results to the state commissioner of elections as
26 the precincts in the county report election results to the
27 commissioner pursuant to section 50.11. If the commissioner
28 has access to the vote tabulating software necessary to produce
29 the election results in an electronic format, the commissioner
30 shall provide the election results required by this section in
31 an electronic format. If the commissioner determines that all
32 precincts will not report election results before the office is
33 closed, the commissioner shall report the most complete results
34 available prior to leaving the office at the time the office is
35 closed as provided in section 50.11. The commissioner shall

1 specify the number of precincts included in the report to the
2 state commissioner of elections.

3 *b.* The state commissioner of elections shall tabulate
4 unofficial election results as the results are received from
5 the commissioners of elections and shall periodically make the
6 reports of the results available to the public.

7 3. Before the day of the primary election, general election,
8 or special election under section 69.14, the state commissioner
9 of elections shall provide a form and instructions for
10 reporting unofficial election results pursuant to this section.

11 Sec. 15. Section 50.48, subsection 1, paragraph b, Code
12 2013, is amended to read as follows:

13 *b.* Immediately upon receipt of a request for a recount,
14 the commissioner shall send a copy of the request to the
15 apparent winner by certified mail. The commissioner shall
16 also attempt to contact the apparent winner by telephone.
17 If the apparent winner cannot be reached within four days,
18 the chairperson of the political party or organization which
19 nominated the apparent winner shall be contacted or, in the
20 case of an election for a nonpartisan office, the entity or
21 officer responsible for making an appointment to fill a vacancy
22 in the office shall be contacted and shall act on behalf of the
23 apparent winner, if necessary. ~~For~~ On behalf of candidates for
24 partisan state or federal offices, the chairperson of the state
25 party shall be contacted. ~~For~~ On behalf of candidates for
26 partisan county offices, the county chairperson of the party
27 shall be contacted.

28 Sec. 16. Section 52.5, subsection 2, Code 2013, is amended
29 to read as follows:

30 2. The state commissioner shall formulate, with the advice
31 and assistance of the examiners, and adopt rules governing the
32 testing and examination of any optical scan voting system by
33 the board of examiners. The rules shall prescribe the method
34 to be used in determining whether the system is suitable for
35 use within the state and performance standards for voting

1 equipment in use within the state. The rules shall provide
 2 that all optical scan voting systems approved for use by the
 3 examiners after April 9, 2003, shall meet voting systems
 4 performance and test standards, as adopted ~~by the federal~~
 5 ~~election commission on April 30, 2002, and pursuant to the~~
 6 provisions of or as deemed adopted by Pub. L. No. 107-252,
 7 § 222. The rules shall include standards for determining when
 8 recertification is necessary following modifications to the
 9 equipment or to the programs used in tabulating votes, and a
 10 procedure for rescinding certification if a system is found
 11 not to comply with performance standards adopted by the state
 12 commissioner.

13 Sec. 17. Section 53.18, subsection 2, Code 2013, is amended
 14 to read as follows:

15 2. If the commissioner receives the return envelope
 16 containing the completed absentee ballot by 5:00 p.m. on the
 17 Saturday before the election for general and primary elections
 18 and by 5:00 p.m. on the Friday before the election for all
 19 other elections, the commissioner shall open the envelope to
 20 review the affidavit for completeness. If the affidavit is
 21 incomplete, the commissioner shall, within twenty-four hours of
 22 the time the envelope was received, notify the voter of that
 23 fact and that the voter may complete the affidavit in person
 24 at the office of the commissioner by 5:00 p.m. on the day
 25 before the election, or in the case of an election at which the
 26 polls open at noon on election day, by 10:00 a.m. on the date
 27 of the election, vote a replacement ballot in the manner and
 28 within the time period provided in subsection 3, or appear at
 29 the voter's precinct polling place on election day and cast a
 30 ballot in accordance with section 53.19, subsection 3.

31 Sec. 18. Section 53.30, Code 2013, is amended to read as
 32 follows:

33 **53.30 Ballots, ballot envelopes, and other information**
 34 **preserved.**

35 At the conclusion of each meeting of the absentee and special

1 voter's precinct board, the board shall securely seal all
2 ballots counted by them in the manner prescribed in section
3 50.12. The ballot envelopes, including the envelope having the
4 registered voter's affidavit on it, the return envelope, and
5 secrecy envelope ~~bearing the signatures of precinct election~~
6 ~~officials~~, as required by section 53.23, shall be preserved.
7 All applications for absentee ballots, ballots rejected without
8 being opened, absentee ballot logs, and any other documents
9 pertaining to the absentee ballot process shall be preserved
10 until such time as the documents may be destroyed pursuant to
11 section 50.19.

12 Sec. 19. Section 53.39, subsection 2, Code 2013, is amended
13 to read as follows:

14 2. All official ballots to be voted by qualified absent
15 voters in the armed forces of the United States at the primary
16 election, and the general election, and special elections for
17 representative in Congress shall be printed prior to forty-five
18 days before the respective elections and shall be available for
19 transmittal to such qualified voters in the armed forces of the
20 United States at least forty-five days before the respective
21 elections. The provisions of this chapter apply to absent
22 voting by qualified voters in the armed forces of the United
23 States except as modified by the provisions of this division.

24 Sec. 20. Section 53.40, subsection 2, Code 2013, is amended
25 to read as follows:

26 2. The commissioner shall immediately ~~on~~ after the ballots
27 are available and no later than the forty-fifth day prior to
28 the ~~particular~~ primary election, general election, or special
29 election for representative in Congress transmit ballots to
30 the voter by mail or otherwise, postage prepaid, as directed
31 by the state commissioner, requests for which are in the
32 commissioner's hands at that time, and thereafter so transmit
33 ballots immediately upon receipt of requests. A request for
34 ballot for the primary election which does not state the party
35 affiliation of the voter making the request is void and of no

1 effect. A request which does not show that the person for whom
2 a ballot is requested will be a qualified voter in the precinct
3 in which the ballot is to be cast on the day of the election for
4 which the ballot is requested, shall not be honored. However,
5 a request which states the age and the city, including street
6 address, and county where the voter resides is sufficient to
7 show that the person is a qualified voter. A request by the
8 voter containing substantially the information required is
9 sufficient.

10 Sec. 21. Section 53.47, Code 2013, is amended to read as
11 follows:

12 **53.47 Materials furnished by ~~department of administrative~~**
13 **services state commissioner.**

14 1. In order to establish uniformity in size, weight
15 and other characteristics of the ballot and facilitate its
16 distribution and return, the ~~department of administrative~~
17 ~~services shall upon direction of the~~ state commissioner
18 shall purchase any material needed for any special ballots,
19 envelopes, and other printed matter, and sell any such
20 materials to the several counties of the state at cost plus
21 handling and transportation costs.

22 2. There is hereby appropriated to the ~~department of~~
23 ~~administrative services~~ state commissioner from the general
24 fund of the state such sums as may be necessary to purchase
25 any materials provided for herein. The proceeds from sale of
26 such materials to counties shall be turned into the general
27 fund of the state upon receipt of same by the ~~department of~~
28 ~~administrative services~~ state commissioner.

29 Sec. 22. Section 69.14, Code 2013, is amended to read as
30 follows:

31 **69.14 Special election to fill vacancies.**

32 A special election to fill a vacancy shall be held for a
33 representative in Congress, or senator or representative in the
34 general assembly, when the body in which such vacancy exists is
35 in session, or will convene prior to the next general election.

1 ~~and the~~. The governor shall order, not later than five days
2 from the date the vacancy exists, a special election, giving
3 not less than seventy-six days' notice of such election to
4 fill a vacancy in the office of representative in Congress or
5 forty days' notice of such election to fill a vacancy in the
6 office of senator or representative in the general assembly.
7 In the event the special election is to fill a vacancy in the
8 general assembly while it is in session or within forty-five
9 days of the convening of any session, the time limit provided
10 in this section shall not apply and the governor shall order
11 such special election at the earliest practical time, giving
12 at least eighteen days' notice of the special election. Any
13 special election called under this section must be held on
14 a Tuesday and shall not be held on the same day as a school
15 election within the district.

16 Sec. 23. Section 69.14A, subsection 1, paragraph a,
17 subparagraph (1), Code 2013, is amended to read as follows:

18 (1) The appointment shall be for the period until the next
19 pending election as defined in section 69.12, and shall be
20 made within ~~forty~~ sixty days after the vacancy occurs. If the
21 committee of county officers designated to fill the vacancy
22 chooses to proceed under this paragraph, the committee shall
23 publish notice in the manner prescribed by section 331.305
24 stating that the committee intends to fill the vacancy by
25 appointment but that the electors of the district or county,
26 as the case may be, have the right to file a petition requiring
27 that the vacancy be filled by special election. The committee
28 may publish notice in advance if an elected official submits
29 a resignation to take effect at a future date. The committee
30 may make an appointment to fill the vacancy after the notice is
31 published or after the vacancy occurs, whichever is later. A
32 person appointed to an office under this subsection shall have
33 actually resided in the county which the appointee represents
34 sixty days prior to appointment.

35 Sec. 24. Section 69.14A, subsection 2, paragraph a,

1 subparagraph (1), Code 2013, is amended to read as follows:

2 (1) The appointment shall be for the period until the next
3 pending election as defined in section 69.12, and shall be made
4 within ~~forty~~ sixty days after the vacancy occurs. If the board
5 of supervisors chooses to proceed under this paragraph, the
6 board shall publish notice in the manner prescribed by section
7 331.305 stating that the board intends to fill the vacancy
8 by appointment but that the electors of the county have the
9 right to file a petition requiring that the vacancy be filled
10 by special election. The board may publish notice in advance
11 if an elected official submits a resignation to take effect
12 at a future date. The board may make an appointment to fill
13 the vacancy after the notice is published or after the vacancy
14 occurs, whichever is later. A person appointed to an office
15 under this subsection, except for a county attorney, shall have
16 actually resided in the county which the appointee represents
17 sixty days prior to appointment. A person appointed to the
18 office of county attorney shall be a resident of the county at
19 the time of appointment.

20 Sec. 25. Section 372.13, subsection 2, paragraph a, Code
21 2013, is amended to read as follows:

22 a. (1) By appointment by the remaining members of the
23 council, except that if the remaining members do not constitute
24 a quorum of the full membership, paragraph "b" shall be
25 followed. The appointment shall be made within sixty days
26 after the vacancy occurs and shall be for the period until the
27 next pending election as defined in section 69.12, and shall
28 be made within forty days after the vacancy occurs regular
29 city election described in section 376.1, unless there is an
30 intervening special election in that city, in which event the
31 election for the office shall be placed on the ballot at such
32 special election.

33 (2) If the council chooses to proceed under this paragraph,
34 it shall publish notice in the manner prescribed by section
35 362.3, stating that the council intends to fill the vacancy

1 by appointment but that the electors of the city or ward, as
2 the case may be, have the right to file a petition requiring
3 that the vacancy be filled by a special election. The council
4 may publish notice in advance if an elected official submits
5 a resignation to take effect at a future date. The council
6 may make an appointment to fill the vacancy after the notice
7 is published or after the vacancy occurs, whichever is later.
8 However, if within fourteen days after publication of the
9 notice or within fourteen days after the appointment is made,
10 there is filed with the city clerk a petition which requests a
11 special election to fill the vacancy, an appointment to fill
12 the vacancy is temporary and the council shall call a special
13 election to fill the vacancy permanently, under paragraph "b".
14 The number of signatures of eligible electors of a city for a
15 valid petition shall be determined as follows:

16 ~~(1)~~ (a) For a city with a population of ten thousand or
17 less, at least two hundred signatures or at least the number of
18 signatures equal to fifteen percent of the voters who voted for
19 candidates for the office at the preceding regular election at
20 which the office was on the ballot, whichever number is fewer.

21 ~~(2)~~ (b) For a city with a population of more than ten
22 thousand but not more than fifty thousand, at least one
23 thousand signatures or at least the number of signatures equal
24 to fifteen percent of the voters who voted for candidates for
25 the office at the preceding regular election at which the
26 office was on the ballot, whichever number is fewer.

27 ~~(3)~~ (c) For a city with a population of more than fifty
28 thousand, at least two thousand signatures or at least the
29 number of signatures equal to ten percent of the voters who
30 voted for candidates for the office at the preceding regular
31 election at which the office was on the ballot, whichever
32 number is fewer.

33 ~~(4)~~ (d) The minimum number of signatures for a valid
34 petition pursuant to ~~subparagraphs (1) subparagraph divisions~~
35 (a) through (c) shall not be fewer than ten. In

1 determining the minimum number of signatures required, if at
2 the last preceding election more than one position was to be
3 filled for the office in which the vacancy exists, the number
4 of voters who voted for candidates for the office shall be
5 determined by dividing the total number of votes cast for the
6 office by the number of seats to be filled.

7 Sec. 26. EFFECTIVE UPON ENACTMENT. The following
8 provision or provisions of this Act, being deemed of immediate
9 importance, take effect upon enactment:

10 1. The section of this Act amending section 43.24,
11 subsection 1, paragraph "b".

12 2. The section of this Act amending section 43.24,
13 subsection 2, paragraph "b".

14 3. The section of this Act amending section 43.88.

15 4. The section of this Act amending section 44.4, subsection
16 1.

17 5. The section of this Act amending section 44.4, subsection
18 2, paragraph "a".

19 6. The section of this Act amending section 53.39,
20 subsection 2.

21 7. The section of this Act amending section 53.40,
22 subsection 2.

23 8. The section of this Act amending section 69.14.

24 EXPLANATION

25 This bill relates to the technical administration of
26 election and voter registration laws generally.

27 The bill amends Code section 43.16, relating to withdrawal
28 of a primary election candidate, and Code section 43.23,
29 relating to replacement of a primary election candidate who
30 has withdrawn or died, to add the clock time of 5:00 p.m. to
31 the current deadline dates. The bill also amends Code section
32 43.24, relating to filing objections to primary election
33 nominations, to add the clock time of 5:00 p.m. to the current
34 deadline dates.

35 The bill amends Code section 43.72 to specify that the state

1 commissioner of elections has the authority to electronically
2 preserve certain abstracts and certificates from primary
3 elections.

4 The bill amends Code section 48A.30 to provide that in
5 canceling the registration of a registered voter, a county
6 commissioner of elections may accept an obituary posted on a
7 funeral home internet site as evidence of death.

8 The bill amends Code section 48A.32 to allow a county
9 commissioner of elections, following receipt of a person's
10 incomplete voter registration application, to destroy all
11 records and electronic records of that person's registration 22
12 months after the next general election. The Code section is
13 also amended to specify that a county commissioner of elections
14 may destroy the electronic records of canceled registrations.

15 The bill amends Code section 49.45 to allow ballots for
16 constitutional amendments and other public measures to be
17 published in one of two forms.

18 The bill amends Code section 50.15A to require that a
19 county commissioner of elections provide unofficial election
20 results to the state commissioner of elections for, and that
21 the state commissioner provide certain materials to the county
22 commissioners in advance of, all primary elections and special
23 elections to fill vacancies in the general assembly or office
24 of representative in Congress. Current law already requires
25 that county commissioners provide such results and materials
26 for general elections. The bill also requires that for a
27 primary election, general election, or special election to fill
28 vacancies in the general assembly or office of representative
29 in Congress, a county commissioner of elections provide the
30 state commissioner of elections with election results in an
31 electronic format if the county commissioner has access to the
32 vote tabulating software necessary to produce the results in an
33 electronic format.

34 The bill amends Code section 50.48 to require that in the
35 case of a recount of an election for a nonpartisan office, if

1 the apparent winner cannot be reached within four days after
2 receipt of a request for a recount, the county commissioner of
3 elections shall contact the entity or officer responsible for
4 making an appointment to a vacancy in the nonpartisan office.

5 The bill amends Code section 52.5, relating to the testing
6 and examination of voting equipment, to remove a reference to
7 specific performing and test standards adopted by the federal
8 election commission on April 30, 2002, but to maintain a
9 reference to the adoption of such standards pursuant to Pub.
10 L. No. 107-252, § 222.

11 The bill amends Code section 53.18 which requires that
12 a county commissioner of elections notify a voter that the
13 voter is allowed the opportunity to complete an affidavit,
14 if the affidavit that accompanies the absentee ballot is
15 incomplete, within 24 hours of the county commissioner
16 receiving the absentee ballot. The bill requires that the
17 county commissioner notify such a voter by 10:00 a.m. on the
18 date of the election in the case of an election at which the
19 polls open at noon.

20 The bill amends Code section 53.30 to remove a reference to
21 a requirement that precinct election officials sign the secrecy
22 envelopes that are included with absentee ballots. That
23 requirement was repealed in 2008.

24 The bill amends Code section 53.47, relating to military
25 and overseas voters, to require that the state commissioner
26 of elections purchase any materials needed for any special
27 ballots, envelopes, and other printed materials, and sell such
28 materials to the several counties of the state. Current law
29 requires that the department of administrative services conduct
30 these functions at the direction of the state commissioner of
31 elections. The bill also directs general funds appropriated
32 for these purposes to the state commissioner of elections
33 instead of to the department of administrative services.

34 In order to comply with the provisions of the 2009 Military
35 and Overseas Voter Empowerment Act, the bill amends Code

1 section 69.14 to provide that for vacancies in the office
2 of representative in Congress the governor shall give not
3 less than 76 days' notice, rather than 40 days' notice, of
4 the special election to fill the vacancy. The bill makes
5 corresponding changes to Code section 43.24, relating to
6 deadlines for filing objections, and to Code section 43.88,
7 relating to the deadline for filing nomination petitions. The
8 bill makes corresponding changes to Code section 44.4, relating
9 to deadlines for nominations made by nonparty political
10 organizations to fill a vacancy for representatives in Congress
11 or the general assembly and objections to those nominations.
12 The bill also makes corresponding amendments to Code sections
13 53.39 and 53.40 to add special elections for representative in
14 Congress to provisions relating to availability of ballots for
15 qualified voters in the armed forces. These provisions of the
16 bill take effect upon enactment.

17 The bill requires that certain appointments for elective
18 county and city office be made within 60 days of a vacancy
19 occurring in the elective office. The bill requires that if
20 a vacancy in an elective city office is filled by appointment
21 of the remaining members of the city council, that such
22 appointment be for the period until the next general election
23 for a city, as described in the bill, or the next regular city
24 election, as defined in statute. If, however, there is an
25 intervening special election in that city, then the election
26 for the office shall be placed on the ballot at the special
27 election.