

House File 520 - Introduced

HOUSE FILE 520
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 22)

A BILL FOR

1 An Act relating to the policy administration of election
2 and voter registration laws by the secretary of state,
3 including the voter registration age, absentee voting, the
4 provision of training space for election personnel, the
5 candidate nomination filing requirements for merged area,
6 school district, and city elections and related filing
7 requirements, the filling of vacancies in certain city,
8 county, and school district offices, and authorizing certain
9 cities to conduct city elections by absentee ballot, and
10 including effective date provisions.
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 44.4, subsection 1, Code 2013, is amended
2 to read as follows:

3 1. Nominations made pursuant to this chapter and chapter
4 45 which are required to be filed in the office of the state
5 commissioner shall be filed in that office not more than
6 ninety-nine days nor later than 5:00 p.m. on the eighty-first
7 day before the date of the general election to be held in
8 November. Nominations made for a special election called
9 pursuant to section 69.14 shall be filed by 5:00 p.m. not less
10 than twenty-five days before the date of an election called
11 upon at least forty days' notice and not less than fourteen
12 days before the date of an election called upon at least
13 eighteen days' notice. Nominations made for a special election
14 called pursuant to section 69.14A shall be filed by 5:00 p.m.
15 not less than twenty-five days before the date of the election.
16 Nominations made pursuant to this chapter and chapter 45 which
17 are required to be filed in the office of the commissioner
18 shall be filed in that office not more than ninety-two days
19 nor later than 5:00 p.m. on the sixty-ninth day before the
20 date of the general election. Nominations made pursuant to
21 this chapter or chapter 45 for city office shall be filed not
22 more than seventy-two days nor later than 5:00 p.m. on the
23 forty-seventh day before the city election with the ~~city clerk~~
24 county commissioner of elections responsible under section 47.2
25 for conducting elections held for the city, who shall process
26 them as provided by law.

27 Sec. 2. Section 44.4, subsection 2, paragraph a,
28 subparagraphs (2) and (3), Code 2013, are amended to read as
29 follows:

30 (2) Those filed with the commissioner, not less than
31 sixty-four days before the date of the election, except as
32 provided in subparagraph (3).

33 (3) Those filed with the ~~city clerk~~ commissioner for an
34 elective city office, at least forty-two days before the
35 regularly scheduled or special city election. However, for

1 those cities that may be required to hold a primary election,
2 at least sixty-three days before the regularly scheduled or
3 special city election.

4 Sec. 3. Section 44.7, Code 2013, is amended to read as
5 follows:

6 **44.7 Hearing before commissioner.**

7 ~~Objections~~ Except as otherwise provided in section 44.8,
8 objections filed with the commissioner shall be considered by
9 the county auditor, county treasurer, and county attorney,
10 and a majority decision shall be final; ~~but.~~ However, if the
11 objection is to the certificate of nomination of one or more
12 of the above named county officers, the officer or officers
13 objected to shall not pass upon the objection, but their places
14 shall be filled, respectively, by the chairperson of the board
15 of supervisors, the sheriff, and the county recorder.

16 Sec. 4. Section 44.8, Code 2013, is amended to read as
17 follows:

18 **44.8 Hearing before mayor.**

19 1. Objections filed with the city clerk pursuant to
20 section 362.4 or with the commissioner for an elective city
21 office shall be considered by the mayor and clerk and one
22 member of the council chosen by the council by ballot, and
23 a majority decision shall be final; ~~but.~~ However, if the
24 objection is to the certificate of nomination of either of
25 those city officials, that official shall not pass upon ~~said~~
26 the objection, but the official's place shall be filled by a
27 member of the council against whom no such objection exists,
28 chosen as above provided.

29 2. The hearing shall be held within twenty-four hours of the
30 receipt of the objection if a primary election must be held for
31 the office sought by the candidate against whom the objection
32 has been filed.

33 Sec. 5. Section 44.9, subsections 2, 3, 5, and 6, Code 2013,
34 are amended to read as follows:

35 2. In the office of the proper commissioner, at least

1 sixty-four days before the date of the election, except as
2 otherwise provided in subsections 3, 5, and 6.

3 3. In the office of the proper ~~school board secretary~~
4 commissioner, at least thirty-five days before the day of a
5 regularly scheduled school election.

6 5. In the office of the proper commissioner ~~or school board~~
7 ~~secretary~~ in case of a special election to fill vacancies in an
8 elective school board office, at least twenty-five days before
9 the day of election.

10 6. In the office of the proper ~~city clerk~~ commissioner, at
11 least forty-two days before the regularly scheduled or special
12 city election. However, for those cities that may be required
13 to hold a primary election, at least sixty-three days before a
14 regularly scheduled or special city election.

15 Sec. 6. Section 44.11, Code 2013, is amended to read as
16 follows:

17 **44.11 Vacancies filled.**

18 If a candidate named under this chapter withdraws before the
19 deadline established in section 44.9, declines a nomination,
20 or dies before election day, or if a certificate of nomination
21 is held insufficient or inoperative by the officer with whom
22 it is required to be filed, or in case any objection made
23 to a certificate of nomination, or to the eligibility of any
24 candidate named in the certificate, is sustained by the board
25 appointed to determine such questions, the vacancy or vacancies
26 may be filled by the convention, or caucus, or in such manner
27 as such convention or caucus has previously provided. The
28 vacancy or vacancies shall be filled not less than seventy-four
29 days before the election in the case of nominations required to
30 be filed with the state commissioner, not less than sixty-four
31 days before the election in the case of nominations required
32 to be filed with the commissioner, not less than thirty-five
33 days before the election in the case of nominations required
34 to be filed in with the ~~office of the school board secretary~~
35 commissioner for school board elections, and not less than

1 forty-two days before the election in the case of nominations
2 required to be filed with the ~~city clerk~~ commissioner for city
3 elections.

4 Sec. 7. Section 47.2, Code 2013, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 3A. The county commissioner shall post
7 notice of all elections filings received for county elections,
8 city elections, and school elections on the county's internet
9 site, if any, and at the county commissioner's office.

10 Sec. 8. Section 48A.5, subsection 2, paragraph c, Code 2013,
11 is amended to read as follows:

12 c. Be at least eighteen years of age. Completed
13 registration forms shall be accepted from registrants who
14 are at least seventeen ~~and one-half~~ years of age; ~~however.~~
15 However, the registration shall not be effective until the
16 registrant reaches the age of eighteen. The commissioner of
17 registration shall ensure that the birth date shown on the
18 registration form is at least seventeen ~~and one-half~~ years
19 earlier than the date the registration is processed. A
20 registrant who is at least seventeen ~~and one-half~~ years of age
21 and who will be eighteen by the date of a pending election is
22 a registered voter for the pending election for purposes of
23 chapter 53.

24 Sec. 9. Section 48A.14, subsection 1, paragraph b, Code
25 2013, is amended to read as follows:

26 b. The challenged registrant is less than seventeen ~~and~~
27 ~~one-half~~ years of age.

28 Sec. 10. Section 48A.23, subsection 1, Code 2013, is amended
29 to read as follows:

30 1. At least twice during each school year, the board of
31 directors of each school district operating a high school and
32 the authorities in charge of each accredited nonpublic school
33 shall offer the opportunity to register to vote to each student
34 who is at least seventeen ~~and one-half~~ years of age.

35 Sec. 11. Section 48A.26, subsection 9, Code 2013, is amended

1 to read as follows:

2 9. When a person who is at least seventeen ~~and one-half~~
3 years of age but less than eighteen years of age registers
4 to vote, the commissioner shall maintain a record of the
5 registration so as to clearly indicate that it will not take
6 effect until the registrant's eighteenth birthday and that the
7 person is registered and qualifies to vote at any election held
8 on or after that date.

9 Sec. 12. Section 48A.31, Code 2013, is amended to read as
10 follows:

11 **48A.31 Deceased persons record.**

12 The state registrar of vital statistics shall transmit
13 or cause to be transmitted to the state registrar of voters,
14 once each calendar quarter, a certified list of all persons
15 seventeen ~~and one-half~~ years of age and older in the state
16 whose deaths have been reported to the bureau of vital records
17 of the Iowa department of public health since the previous list
18 of decedents was certified to the state registrar of voters.
19 The list shall be submitted according to the specifications
20 of the state registrar of voters. The commissioner shall, in
21 the month following the end of a calendar quarter, run the
22 statewide voter registration system's matching program to
23 determine whether a listed decedent was registered to vote in
24 the county and shall immediately cancel the registration of any
25 person named on the list of decedents.

26 Sec. 13. Section 49.11, subsection 3, paragraph b,
27 subparagraph (3), Code 2013, is amended to read as follows:

28 (3) A voting center designated under this subsection is
29 subject to the requirements of section 49.21 relating to
30 accessibility to persons ~~who are elderly and persons~~ with
31 disabilities and relating to the posting of signs. The
32 location of each voting center shall be published by the county
33 commissioner of elections in the same manner as the location of
34 polling places is required to be published.

35 Sec. 14. NEW SECTION. **49.123A Training sites —**

1 **availability — accessibility.**

2 For a period of thirty days prior to each scheduled election,
3 and upon the application of the commissioner, the authority
4 which has control of any buildings or grounds supported by
5 taxation under the laws of this state shall make available
6 the necessary space therein for the purpose of conducting
7 training courses relating to the election and offered by the
8 commissioner for precinct election officials and other election
9 personnel, without charge for the use of such buildings
10 or grounds. Training courses scheduled and conducted at
11 buildings or grounds selected by the commissioner pursuant to
12 this section shall not interfere with previously scheduled
13 events at such buildings or grounds. The commissioner shall
14 only schedule and conduct training courses at buildings or
15 grounds that are accessible to and functional for persons with
16 disabilities.

17 Sec. 15. Section 53.8, subsection 1, Code 2013, is amended
18 to read as follows:

19 1. Upon receipt of an application for an absentee ballot
20 meeting the requirements of section 53.2 and immediately after
21 the absentee ballots are printed but in no case sooner than
22 the fiftieth day before any election for an absentee ballot
23 to be mailed to a person described in section 53.37, the
24 commissioner shall mail an absentee ballot to the applicant
25 within twenty-four hours, except as otherwise provided in
26 subsection 3. The absentee ballot shall be enclosed in an
27 unsealed envelope bearing a serial number and affidavit. The
28 absentee ballot and unsealed envelope shall be enclosed in or
29 with a return envelope marked postage paid which bears the same
30 serial number as the unsealed envelope. The absentee ballot,
31 unsealed envelope, and return envelope shall be enclosed in
32 a third envelope to be sent to the registered voter. If the
33 ballot cannot be folded so that all of the votes cast on the
34 ballot will be hidden, the commissioner shall also enclose a
35 secrecy envelope with the absentee ballot.

1 Sec. 16. Section 53.10, subsection 1, Code 2013, is amended
2 to read as follows:

3 1. Not more than forty days before the date of the primary
4 election or the general election, the commissioner shall
5 provide facilities for absentee voting in person at the
6 commissioner's office. This service shall also be provided for
7 other elections as soon as the ballots are ready, but in no
8 case shall absentee ballots be available for absentee voting in
9 person more than forty days before an election.

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

12 (1) The appointment shall be for the period until the next
13 pending election as defined in section 69.12, and shall be
14 made within ~~forty~~ sixty days after the vacancy occurs. If the
15 committee of county officers designated to fill the vacancy
16 chooses to proceed under this paragraph, the committee shall
17 publish notice in the manner prescribed by section 331.305
18 stating that the committee intends to fill the vacancy by
19 appointment but that the electors of the district or county,
20 as the case may be, have the right to file a petition requiring
21 that the vacancy be filled by special election. The committee
22 may publish notice in advance if an elected official submits
23 a resignation to take effect at a future date. The committee
24 may make an appointment to fill the vacancy after the notice is
25 published or after the vacancy occurs, whichever is later. A
26 person appointed to an office under this subsection shall have
27 actually resided in the county which the appointee represents
28 sixty days prior to appointment. If the committee of county
29 officers designated to fill the vacancy in section 69.8 fails
30 to make an appointment within sixty days as required by this
31 subparagraph (1), the county commissioner of elections shall
32 call a special election to fill the vacancy at the earliest
33 practicable date but not later than thirty-two days after the
34 sixtieth day following the day the vacancy occurred.

35 Sec. 18. Section 260C.15, subsection 3, Code 2013, is

1 amended to read as follows:

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

21 Sec. 19. Section 260C.15, subsection 4, paragraph b, Code
22 2013, is amended to read as follows:

23 b. The objection must be filed with the ~~secretary of the~~
24 ~~board~~ county commissioner of elections responsible under
25 section 47.2 for conducting elections held for the merged area
26 at least thirty-five days before the day of the election at
27 which members of the board are elected. When objections are
28 filed, notice shall immediately be given to the candidate
29 affected, addressed to the candidate's place of residence as
30 given on the candidate's affidavit, stating that objections
31 have been made to the legal sufficiency of the petition or to
32 the eligibility of the candidate, and also stating the time and
33 place the objections will be considered. The ~~board secretary~~
34 county commissioner shall also attempt to notify the candidate
35 by telephone if the candidate provided a telephone number on

1 the candidate's affidavit.

2 Sec. 20. Section 260C.15, Code 2013, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 4A. A candidate nominated under this
5 section may withdraw the candidate's nomination by a written
6 request filed with the county commissioner of elections
7 responsible under section 47.2 for conducting elections held
8 for the merged area at least thirty-five days before the day of
9 the election at which members of the board are elected.

10 Sec. 21. Section 275.25, subsection 1, paragraph b, Code
11 2013, is amended to read as follows:

12 b. The election shall be conducted as provided in section
13 277.3, and nomination petitions shall be filed pursuant to
14 section 277.4, except as otherwise provided in this subsection.
15 Nomination petitions shall be filed with the ~~secretary of the~~
16 ~~board of~~ county commissioner of elections responsible under
17 section 47.2 for conducting elections held for the existing
18 school district in which the candidate resides not less than
19 twenty-eight days before the date set for the special school
20 election. The ~~secretary of the board~~ commissioner, or the
21 ~~secretary's~~ commissioner's designee, shall be present in the
22 ~~secretary's~~ commissioner's office until 5:00 p.m. on the final
23 day to file the nomination papers. The nomination papers shall
24 be delivered to the commissioner no later than 5:00 p.m. on the
25 twenty-seventh day before the election.

26 Sec. 22. Section 277.4, subsections 1, 3, and 4, Code 2013,
27 are amended to read as follows:

28 1. Nomination papers for all candidates for election
29 to office in each school district shall be filed with the
30 ~~secretary of the school board~~ county commissioner of elections
31 responsible under section 47.2 for conducting elections held
32 for the school district not more than sixty-four days, nor less
33 than forty days before the election. Nomination petitions
34 shall be filed not later than 5:00 p.m. on the last day for
35 filing. ~~If the school board secretary is not readily available~~

1 ~~during normal office hours, the secretary may designate a~~
2 ~~full-time employee of the school district who is ordinarily~~
3 ~~available to accept nomination papers under this section.~~ On
4 the final date for filing nomination papers the office of the
5 school secretary county commissioner shall remain open until
6 5:00 p.m.

7 3. ~~The secretary of the school board~~ county commissioner
8 shall accept the petition for filing if on its face it appears
9 to have the requisite number of signatures and if it is timely
10 filed. ~~The secretary of the school board~~ county commissioner
11 shall note upon each petition and affidavit accepted for filing
12 the date and time that the petition was filed. The secretary
13 of the school board shall deliver ~~all nomination petitions,~~
14 ~~together with~~ the complete text of any public measure being
15 submitted by the board to the electorate, to the county
16 commissioner of elections ~~on the day following~~ no later than
17 the last day on which nomination petitions can be filed, and
18 not later than 5:00 p.m. on that day.

19 4. Any person on whose behalf nomination petitions have been
20 filed under this section may withdraw as a candidate by filing
21 a signed statement to that effect with the secretary county
22 commissioner of elections responsible under section 47.2 for
23 conducting elections held for the school district at any time
24 prior to 5:00 p.m. on the thirty-fifth day before the election.

25 Sec. 23. Section 277.5, Code 2013, is amended to read as
26 follows:

27 **277.5 Objections to nominations.**

28 1. Objections to the legal sufficiency of a nomination
29 petition or to the eligibility of a candidate may be filed by
30 any person who would have the right to vote for a candidate for
31 the office in question. The objection must be filed with the
32 ~~secretary of the school board~~ county commissioner of elections
33 responsible under section 47.2 for conducting elections held
34 for the school district at least thirty-five days before
35 the day of the school election. When objections are filed

1 notice shall forthwith be given to the candidate affected,
2 addressed to the candidate's place of residence as given on the
3 candidate's affidavit, stating that objections have been made
4 to the legal sufficiency of the petition or to the eligibility
5 of the candidate, and also stating the time and place the
6 objections will be considered.

7 2. Objections shall be considered not later than two working
8 days following the receipt of the objections by the president
9 of the school board, the secretary of the school board, and
10 one additional member of the school board chosen by ballot.
11 If objections have been filed to the nominations of either of
12 those school officials, that official shall not pass on the
13 objection. The official's place shall be filled by a member
14 of the school board against whom no objection exists. The
15 replacement shall be chosen by ballot.

16 Sec. 24. Section 277.7, Code 2013, is amended to read as
17 follows:

18 **277.7 Petitions for public measures.**

19 1. A petition filed with the school board to request an
20 election on a public measure shall be examined before it is
21 accepted for filing. If the petition appears valid on its face
22 it shall be accepted for filing. If it lacks the required
23 number of signatures it shall be returned to the petitioners.

24 2. Petitions which have been accepted for filing are valid
25 unless written objections are filed. Objections must be filed
26 with the secretary of the school board within five working days
27 after the petition was filed. The objection process in section
28 277.5, subsection 2, shall be followed for objections filed
29 pursuant to this section.

30 Sec. 25. Section 279.7, subsection 1, Code 2013, is amended
31 to read as follows:

32 1. If a vacancy or vacancies occur among the elective
33 officers or members of a school board and the remaining members
34 of the board have not filled the vacancy within ~~thirty~~ sixty
35 days after the vacancy becomes known by the secretary or

1 the board, or when the board is reduced below a quorum, the
2 secretary of the board, or if there is no secretary, the area
3 education agency administrator, shall call a special election
4 in the district, subdistrict, or subdistricts, as the case may
5 be, to fill the vacancy or vacancies. The county commissioner
6 of elections shall publish the notices required by law for
7 special elections, and the election shall be held not sooner
8 than thirty days nor later than forty days after the ~~thirtieth~~
9 sixtieth day following the day the vacancy becomes known by the
10 secretary or the board. If the secretary fails for more than
11 three days to call an election, the administrator shall call
12 it.

13 Sec. 26. Section 280.9A, subsection 3, Code 2013, is amended
14 to read as follows:

15 3. At least twice during each school year, the board of
16 directors of each local public school district operating a
17 high school and the authorities in charge of each accredited
18 nonpublic school operating a high school shall offer the
19 opportunity to register to vote to each student who is at least
20 seventeen ~~and one-half~~ years of age, as required by section
21 48A.23.

22 Sec. 27. Section 372.13, subsection 2, paragraph a, Code
23 2013, is amended to read as follows:

24 a. (1) By appointment by the remaining members of the
25 council, except that if the remaining members do not constitute
26 a quorum of the full membership, paragraph "b" shall be
27 followed. The appointment shall be for the period until the
28 next pending election as defined in section 69.12, and shall
29 be made within ~~forty~~ sixty days after the vacancy occurs. If
30 the council fails to make an appointment within sixty days
31 as required by this subsection, the city clerk shall give
32 notice of the vacancy to the county commissioner and the county
33 commissioner shall call a special election to fill the vacancy
34 at the earliest practicable date but no fewer than thirty-two
35 days after the notice is received by the county commissioner.

1 (2) If the council chooses to proceed under this paragraph,
2 it shall publish notice in the manner prescribed by section
3 362.3, stating that the council intends to fill the vacancy
4 by appointment but that the electors of the city or ward, as
5 the case may be, have the right to file a petition requiring
6 that the vacancy be filled by a special election. The council
7 may publish notice in advance if an elected official submits
8 a resignation to take effect at a future date. The council
9 may make an appointment to fill the vacancy after the notice
10 is published or after the vacancy occurs, whichever is later.
11 However, if within fourteen days after publication of the
12 notice or within fourteen days after the appointment is made,
13 there is filed with the city clerk a petition which requests a
14 special election to fill the vacancy, an appointment to fill
15 the vacancy is temporary and the council shall call a special
16 election to fill the vacancy permanently, under paragraph "b".
17 The number of signatures of eligible electors of a city for a
18 valid petition shall be determined as follows:

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

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

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

1 ~~(4)~~ (d) The minimum number of signatures for a valid
2 petition pursuant to ~~subparagraphs (1)~~ subparagraph divisions
3 (a) through (3) ~~(c)~~ shall not be fewer than ten. In
4 determining the minimum number of signatures required, if at
5 the last preceding election more than one position was to be
6 filled for the office in which the vacancy exists, the number
7 of voters who voted for candidates for the office shall be
8 determined by dividing the total number of votes cast for the
9 office by the number of seats to be filled.

10 Sec. 28. Section 376.1, Code 2013, is amended to read as
11 follows:

12 **376.1 City election held — absentee ballot elections**
13 **authorized.**

14 1. A city shall hold a regular city election on the first
15 Tuesday after the first Monday in November of each odd-numbered
16 year. A city shall hold regular, special, primary, or runoff
17 city elections as provided by state law.

18 2. The mayor or council shall give notice of any special
19 election to the county commissioner of elections. The county
20 commissioner of elections shall publish notice of any city
21 election and conduct the election pursuant to the provisions of
22 chapters 39 to 53, except as otherwise specifically provided
23 in chapters 362 to 392. The results of any election shall be
24 canvassed by the county board of supervisors and certified
25 by the county commissioner of elections to the mayor and the
26 council of the city for which the election is held.

27 3. a. The council of a city with a population of two
28 hundred or less according to the most recent federal decennial
29 census may adopt an ordinance providing that elections be
30 conducted by absentee ballot. If the city council adopts
31 such an ordinance, the clerk shall notify the commissioner
32 of elections of the adoption of the ordinance, and the
33 commissioner shall mail an absentee ballot application form
34 by forwardable mail to each registered voter within the city
35 who is on active status pursuant to section 48A.37 no fewer

1 than twenty-five days before each regular city election or
2 special election for the city. The commissioner shall also
3 enclose a postage paid return envelope and a notice in the form
4 prescribed by the state commissioner informing the voter that
5 voting in person on election day will also be available at the
6 commissioner's office during the time the polls are open. The
7 commissioner may designate one additional site as an election
8 day polling place for a city that adopts an ordinance pursuant
9 to this subsection. The location of the additional polling
10 place shall be included in the notice to the voter.

11 b. The additional polling place designated under this
12 subsection is subject to the requirements of section 49.21
13 relating to accessibility to persons with disabilities
14 and relating to the posting of signs. The location of the
15 additional polling place shall be published by the county
16 commissioner of elections as required by section 49.53.

17 c. The provisions of chapter 53, insofar as applicable,
18 shall apply to absentee ballot elections authorized under this
19 subsection.

20 Sec. 29. Section 376.4, subsection 1, paragraph a, Code
21 2013, is amended to read as follows:

22 a. An eligible elector of a city may become a candidate
23 for an elective city office by filing with the ~~city clerk~~
24 county commissioner of elections responsible under section 47.2
25 for conducting elections held for the city a valid petition
26 requesting that the elector's name be placed on the ballot
27 for that office. The petition must be filed not more than
28 seventy-one days and not less than forty-seven days before the
29 date of the election, and must be signed by eligible electors
30 equal in number to at least two percent of those who voted to
31 fill the same office at the last regular city election, but not
32 less than ten persons. However, for those cities which may be
33 required to hold a primary election, the petition must be filed
34 not more than eighty-five days and not less than sixty-eight
35 days before the date of the regular city election. Nomination

1 petitions shall be filed not later than 5:00 p.m. on the last
2 day for filing.

3 Sec. 30. Section 376.4, subsections 3, 4, and 5, Code 2013,
4 are amended to read as follows:

5 3. ~~If the city clerk is not readily available during normal~~
6 ~~office hours, the city clerk shall designate other employees or~~
7 ~~officials of the city who are ordinarily available to accept~~
8 ~~nomination papers under this section.~~ On the final date for
9 filing nomination papers the office of the ~~city clerk~~ county
10 commissioner shall remain open until 5:00 p.m.

11 4. The ~~city clerk~~ county commissioner shall review each
12 petition and affidavit of candidacy for completeness following
13 the standards in section 45.5 and shall accept the petition
14 for filing if on its face it appears to have the requisite
15 number of signatures and if it is timely filed. The ~~city~~
16 ~~clerk~~ county commissioner shall note upon each petition and
17 affidavit accepted for filing the date and time that they were
18 filed. The ~~clerk~~ county commissioner shall return any rejected
19 nomination papers to the person on whose behalf the nomination
20 papers were filed.

21 5. Nomination papers filed with the ~~city clerk~~ county
22 commissioner shall be available for public inspection.

23 5A. The city clerk shall deliver ~~all nomination papers~~
24 ~~together with~~ the text of any public measure being submitted by
25 the city council to the electorate to the county commissioner
26 of elections ~~on the day following~~ no later than the last day
27 on which nomination petitions can be filed, and not later than
28 5:00 p.m. on that day.

29 Sec. 31. Section 376.11, subsections 3, 4, and 5, Code 2013,
30 are amended to read as follows:

31 3. In city primary elections any person who receives
32 write-in votes shall execute an affidavit in substantially the
33 form required by section 45.3, and file it with the county
34 commissioner of elections ~~or the city clerk~~ not later than 5:00
35 p.m. on the day after the canvass of the primary election.

1 If any person who received write-in votes fails to file the
2 affidavit at the time required, the county commissioner shall
3 disregard the write-in votes cast for that person. A notation
4 shall be made on the abstract of votes showing which persons
5 who received write-in votes filed affidavits. The total number
6 of votes cast for each office on the ballot shall be amended by
7 subtracting the write-in votes of those candidates who failed
8 to file the affidavit. It is not necessary for a candidate
9 whose name was printed upon the ballot to file an affidavit.
10 Of the remaining candidates, those who receive the highest
11 number of votes to the extent of twice the number of unfilled
12 positions shall be placed on the ballot for the regular city
13 election as candidates for that office.

14 4. In cities in which the city council has chosen a runoff
15 election in lieu of a primary, if a person who was elected
16 by write-in votes chooses not to accept the office by filing
17 a resignation notice with the ~~city clerk~~ or commissioner of
18 elections not later than 5:00 p.m. on the day following the
19 canvass, all remaining persons who received write-in votes and
20 who wish to be considered candidates for the runoff election
21 shall execute an affidavit in substantially the form required
22 by section 45.3 and file it with the county commissioner ~~or~~
23 ~~the city clerk~~ not later than 5:00 p.m. of the fourth day
24 following the canvass. If a person receiving write-in votes
25 fails to file the affidavit at the time required, the county
26 commissioner of elections shall disregard the write-in votes
27 cast for that person. The abstract of votes shall be amended
28 to show that the person who was declared elected declined the
29 office and a notation shall be made next to the names of those
30 persons who did not file the affidavit. A runoff election
31 shall be held with the remaining candidates who have the
32 highest number of votes to the extent of twice the number of
33 unfilled positions.

34 5. In a city in which the council has chosen a runoff
35 election, if no person was declared elected for an office, all

1 persons who received write-in votes shall execute an affidavit
2 in substantially the form required by section 45.3 and file it
3 with the county commissioner of elections ~~or the city clerk~~ not
4 later than 5:00 p.m. on the day following the canvass of votes.
5 If any person who received write-in votes fails to file the
6 affidavit, the county commissioner of elections shall disregard
7 the write-in votes cast for that person. The abstract of votes
8 shall be amended to note which of the write-in candidates
9 failed to file the affidavit. A runoff election shall be held
10 with the remaining candidates who have the highest number of
11 votes to the extent of twice the number of unfilled positions.

12 Sec. 32. Section 602.8102, subsection 15, Code 2013, is
13 amended to read as follows:

14 15. Monthly, notify the county commissioner of registration
15 and the state registrar of voters of persons seventeen ~~and~~
16 ~~one-half~~ years of age and older who have been convicted of a
17 felony during the preceding calendar month or persons who at
18 any time during the preceding calendar month have been legally
19 declared to be a person who is incompetent to vote as that term
20 is defined in section 48A.2.

21 Sec. 33. REPEAL. Section 53.14, Code 2013, is repealed.

22 Sec. 34. EFFECTIVE DATE. The following provision or
23 provisions of this Act take effect January 1, 2014:

24 1. The section of this Act amending section 48A.5,
25 subsection 2, paragraph "c".

26 2. The section of this Act amending section 48A.14,
27 subsection 1, paragraph "b".

28 3. The section of this Act amending section 48A.23,
29 subsection 1.

30 4. The section of this Act amending section 48A.26,
31 subsection 9.

32 5. The section of this Act amending section 48A.31.

33 6. The section of this Act amending section 280.9A,
34 subsection 3.

35 7. The section of this Act amending section 602.8102,

1 subsection 15.

2

EXPLANATION

3 This bill relates to the policy administration of the
4 election and voter registration laws by the secretary of state.

5 The bill requires that the county commissioner of elections
6 post notice of all elections filings received for county, city,
7 and school elections.

8 The bill requires that the county commissioner of
9 registration accept completed voter registration forms from
10 registrants who are at least 17 years of age. Current law
11 requires the county commissioner of registration to accept such
12 forms from registrants who are at least 17 and one-half years
13 of age. These provisions of the bill take effect January 1,
14 2014.

15 In 2008, Code section 49.21, relating to designation of
16 polling places, eliminated language regarding accessibility to
17 elderly persons and retained language regarding accessibility
18 to persons with disabilities. The bill strikes the same
19 language referring to accessibility to elderly persons at
20 voting centers, to conform with Code section 49.21.

21 The bill requires that any authority supported by taxation
22 under the laws of Iowa make space available for the training
23 of precinct election officials and other election personnel
24 upon the application of the county commissioner of elections.
25 The bill requires that the commissioner only schedule and
26 conduct such training courses at locations that are accessible
27 to and functional for persons with disabilities and that such
28 courses not interfere with previously scheduled events at those
29 locations.

30 The bill provides that the county commissioner of elections
31 shall not mail an absentee ballot to a person who is included
32 within the term "armed forces of the United States" as defined
33 in Code section 53.37 sooner than 50 days before any election.
34 The bill retains the provision that absentee ballots shall
35 be made available for voting in person at the commissioner's

1 office not more than 40 days before an election.

2 The bill repeals a Code section that requires a voter's
3 party affiliation be designated in the voter affidavit on the
4 unsealed affidavit envelope if the enclosed ballot is a primary
5 election ballot.

6 The bill requires that nomination petitions and affidavits
7 of candidacy of candidates for member of the board of
8 directors of a merged area, objections to such nominations,
9 and withdrawals of such nominations be filed with the county
10 commissioner of elections responsible for conducting elections
11 for the merged area, rather than with the secretary of the
12 board. The bill also requires the county commissioner,
13 rather than the secretary of the board, to attempt to notify
14 the candidate by telephone if an objection is filed if the
15 candidate provided a telephone number.

16 The bill requires that nomination petitions and affidavits
17 of candidacy for a school district elected office, withdrawals
18 of such nominations, and objections to nominations be filed
19 with the county commissioner of elections responsible for
20 conducting elections for the school district. Current
21 law requires that such nomination papers, withdrawals, and
22 objections be filed with the secretary of the school board.

23 Under current law, a committee of county officers may fill a
24 vacancy on the council by appointment or by special election.
25 If by appointment, the appointment must be made within 40
26 days after the vacancy occurs. The bill requires that such
27 appointments be made within 60 days. If such an appointment is
28 not made within 60 days, the county commissioner of elections
29 shall call a special election to fill the vacancy at the
30 earliest practicable date, but no sooner than 32 days after the
31 vacancy occurred.

32 Under current law, the remaining members of a school board
33 are required to fill a vacancy on the board by appointment.
34 The appointment must be made within 30 days after the vacancy
35 occurs, and if the appointment is not made, the secretary of

1 the board or the area education agency administration shall
2 call a special election to fill the vacancy. The bill requires
3 that such appointments be made within 60 days.

4 Under current law, the remaining members of a city council
5 may fill a vacancy on the council by appointment or by special
6 election. If by appointment, the appointment must be made
7 within 40 days after the vacancy occurs. The bill requires
8 that such appointments be made within 60 days and that the
9 city clerk notify the county commissioner of elections if the
10 council fails to make such an appointment within 60 days. Upon
11 receipt of such notice, the county commissioner of elections
12 shall call a special election to fill the vacancy at the
13 earliest practicable date, but no sooner than 32 days after
14 receiving such notice.

15 The bill allows cities with populations of 200 or less to
16 adopt an ordinance providing that city elections be conducted
17 by absentee ballot. The bill requires the county commissioner
18 of elections responsible for conducting elections for such a
19 city to mail an absentee ballot application form by forwardable
20 mail to each active status registered voter within the city
21 no fewer than 25 days before each regular city election or
22 special election for that city. The bill requires that the
23 county commissioner of elections also enclose a postage paid
24 return envelope and a notice that in-person voting will also
25 be available at the county commissioner's office on the day of
26 the election and, if applicable, the location of the additional
27 polling place. The bill allows the county commissioner to
28 designate one additional election day polling place for such
29 cities.

30 The bill further requires that nomination petitions and
31 affidavits of candidacy for elective city office, withdrawals
32 of such nominations, and objections to nominations be filed
33 with the county commissioner of elections responsible for
34 conducting elections for the city.