

House Study Bill 22 - Introduced

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

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 city office, and
8 authorizing certain cities to conduct city elections by
9 absentee ballot, and including effective date provisions.
10 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 48A.5, subsection 2, paragraph c, Code 2013,
5 is amended to read as follows:

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

18 Sec. 8. Section 48A.14, subsection 1, paragraph b, Code
19 2013, is amended to read as follows:

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

22 Sec. 9. Section 48A.23, subsection 1, Code 2013, is amended
23 to read as follows:

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

29 Sec. 10. Section 48A.26, subsection 9, Code 2013, is amended
30 to read as follows:

31 9. When a person who is at least seventeen ~~and one-half~~
32 years of age but less than eighteen years of age registers
33 to vote, the commissioner shall maintain a record of the
34 registration so as to clearly indicate that it will not take
35 effect until the registrant's eighteenth birthday and that the

1 person is registered and qualifies to vote at any election held
2 on or after that date.

3 Sec. 11. Section 48A.31, Code 2013, is amended to read as
4 follows:

5 **48A.31 Deceased persons record.**

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

20 Sec. 12. Section 49.11, subsection 3, paragraph b,
21 subparagraph (3), Code 2013, is amended to read as follows:

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

29 Sec. 13. NEW SECTION. **49.123A Training sites —**
30 **availability — accessibility.**

31 For a period of thirty days prior to each scheduled election,
32 and upon the application of the commissioner, the authority
33 which has control of any buildings or grounds supported by
34 taxation under the laws of this state shall make available
35 the necessary space therein for the purpose of conducting

1 training courses relating to the election and offered by the
2 commissioner for precinct election officials and other election
3 personnel, without charge for the use of such buildings
4 or grounds. Training courses scheduled and conducted at
5 buildings or grounds selected by the commissioner pursuant to
6 this section shall not interfere with previously scheduled
7 events at such buildings or grounds. The commissioner shall
8 only schedule and conduct training courses at buildings or
9 grounds that are accessible to and functional for persons with
10 disabilities.

11 Sec. 14. Section 53.8, subsection 1, Code 2013, is amended
12 to read as follows:

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

30 Sec. 15. Section 53.10, subsection 1, Code 2013, is amended
31 to read as follows:

32 1. Not more than forty days before the date of the primary
33 election or the general election, the commissioner shall
34 provide facilities for absentee voting in person at the
35 commissioner's office. This service shall also be provided for

1 other elections as soon as the ballots are ready, but in no
2 case shall absentee ballots be available for absentee voting in
3 person more than forty days before an election.

4 Sec. 16. Section 53.11, subsection 1, paragraph a, Code
5 2013, is amended to read as follows:

6 a. Satellite absentee voting stations may be established
7 no sooner than the fortieth day before an election throughout
8 the cities and county at the direction of the commissioner
9 and shall be established upon the commissioner's receipt
10 of a petition signed by not less than one hundred eligible
11 electors requesting that a satellite absentee voting station
12 be established at a location to be described on the petition
13 of the jurisdiction where the requested satellite absentee
14 voting station is located. However, if a special election
15 is scheduled in the county on a date that falls between
16 the date of the regular city election and the date of the
17 city runoff election, the commissioner is not required to
18 establish a satellite absentee voting station for the city
19 runoff election. The petition shall be on a form prescribed
20 by the state commissioner. The petition form shall include
21 a space to identify the location of the requested satellite
22 absentee voting station, the name, address, and telephone
23 contact information for the person circulating the petition,
24 and the name or number of the precinct in which the station is
25 requested to be located. The petition shall also include space
26 for the petitioner's signature, residential address, including
27 house number and street, date on which the petition is signed
28 by the petitioner, and a statement that the petitioners are
29 residents of the jurisdiction conducting the election for
30 which the satellite absentee voting station is requested.
31 The commissioner shall reject signatures on petitions if
32 any information required pursuant to this paragraph is not
33 included on the petition. Each petitioner is limited to
34 signing one satellite absentee voting station petition for
35 each election. Duplicate signatures on the same or subsequent

1 satellite absentee voting petitions for a particular election
2 shall not be counted. The commissioner shall post notice of
3 petitions received, including the location of the requested
4 satellite absentee voting station and the name or number of the
5 precinct in which the station is requested to be located, on
6 the county's internet site, if any, and at the commissioner's
7 office.

8 Sec. 17. Section 53.11, subsection 1, Code 2013, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. c. Objections to a petition requesting
11 establishment of a satellite absentee voting station may be
12 filed with the commissioner no later than the second day
13 following the petition filing deadline set forth in subsection
14 2. When objections are filed, notice shall immediately be
15 given to the person identified on the petition as the person
16 circulating the petition. The notice shall be sent to the
17 address provided on the petition by such person, and the
18 notice shall include the time and place of the hearing at
19 which the objections will be considered. The hearing shall
20 be held not later than one week after the objection is filed.
21 The objection process in section 44.7 shall be followed for
22 objections filed pursuant to this section.

23 Sec. 18. Section 260C.15, subsection 3, Code 2013, is
24 amended to read as follows:

25 3. Nomination papers on behalf of candidates for member of
26 the board of directors of a merged area shall be filed with
27 ~~the secretary of the board~~ county commissioner of elections
28 responsible under section 47.2 for conducting elections held
29 for the merged area not earlier than sixty-four days nor later
30 than 5:00 p.m. on the fortieth day prior to the election at
31 which members of the board are to be elected. ~~On the day~~
32 ~~following~~ No later than the last day on which nomination
33 petitions can be filed, and no later than 5:00 p.m. on that
34 day, ~~the secretary of the board~~ shall deliver ~~all nomination~~
35 ~~petitions so filed, together with~~ the text of any public

1 measure being submitted by the board of directors to the
2 electorate, to the county commissioner of elections ~~who is~~
3 responsible under section 47.2 for conducting elections held
4 for the merged area. That commissioner shall certify the names
5 of candidates, and the text and summary of any public measure
6 being submitted to the electorate, to all county commissioners
7 of elections in the merged area by the thirty-fifth day prior
8 to the election.

9 Sec. 19. Section 260C.15, subsection 4, paragraph b, Code
10 2013, is amended to read as follows:

11 b. The objection must be filed with the ~~secretary of the~~
12 board county commissioner of elections responsible under
13 section 47.2 for conducting elections held for the merged area
14 at least thirty-five days before the day of the election at
15 which members of the board are elected. When objections are
16 filed, notice shall immediately be given to the candidate
17 affected, addressed to the candidate's place of residence as
18 given on the candidate's affidavit, stating that objections
19 have been made to the legal sufficiency of the petition or to
20 the eligibility of the candidate, and also stating the time and
21 place the objections will be considered. The ~~board secretary~~
22 county commissioner shall also attempt to notify the candidate
23 by telephone if the candidate provided a telephone number on
24 the candidate's affidavit.

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

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

33 Sec. 21. Section 275.25, subsection 1, paragraph b, Code
34 2013, is amended to read as follows:

35 b. The election shall be conducted as provided in section

1 277.3, and nomination petitions shall be filed pursuant to
2 section 277.4, except as otherwise provided in this subsection.
3 Nomination petitions shall be filed with the ~~secretary of the~~
4 ~~board of~~ county commissioner of elections responsible under
5 section 47.2 for conducting elections held for the existing
6 school district in which the candidate resides not less than
7 twenty-eight days before the date set for the special school
8 election. The ~~secretary of the board~~ commissioner, or the
9 ~~secretary's~~ commissioner's designee, shall be present in the
10 ~~secretary's~~ commissioner's office until 5:00 p.m. on the final
11 day to file the nomination papers. The nomination papers shall
12 be delivered to the commissioner no later than 5:00 p.m. on the
13 twenty-seventh day before the election.

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

16 1. Nomination papers for all candidates for election
17 to office in each school district shall be filed with the
18 ~~secretary of the school board~~ county commissioner of elections
19 responsible under section 47.2 for conducting elections held
20 for the school district not more than sixty-four days, nor less
21 than forty days before the election. Nomination petitions
22 shall be filed not later than 5:00 p.m. on the last day for
23 filing. ~~If the school board secretary is not readily available~~
24 ~~during normal office hours, the secretary may designate a~~
25 ~~full-time employee of the school district who is ordinarily~~
26 ~~available to accept nomination papers under this section.~~ On
27 the final date for filing nomination papers the office of the
28 ~~school secretary~~ county commissioner shall remain open until
29 5:00 p.m.

30 3. The ~~secretary of the school board~~ county commissioner
31 shall accept the petition for filing if on its face it appears
32 to have the requisite number of signatures and if it is timely
33 filed. The ~~secretary of the school board~~ county commissioner
34 shall note upon each petition and affidavit accepted for filing
35 the date and time that the petition was filed. The secretary

1 of the school board shall deliver ~~all nomination petitions,~~
2 ~~together with~~ the complete text of any public measure being
3 submitted by the board to the electorate, to the county
4 commissioner of elections ~~on the day following~~ no later than
5 the last day on which nomination petitions can be filed, and
6 not later than 5:00 p.m. on that day.

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

13 Sec. 23. Section 277.5, Code 2013, is amended to read as
14 follows:

15 **277.5 Objections to nominations.**

16 1. Objections to the legal sufficiency of a nomination
17 petition or to the eligibility of a candidate may be filed by
18 any person who would have the right to vote for a candidate for
19 the office in question. The objection must be filed with the
20 ~~secretary of the school board~~ county commissioner of elections
21 responsible under section 47.2 for conducting elections held
22 for the school district at least thirty-five days before
23 the day of the school election. When objections are filed
24 notice shall forthwith be given to the candidate affected,
25 addressed to the candidate's place of residence as given on the
26 candidate's affidavit, stating that objections have been made
27 to the legal sufficiency of the petition or to the eligibility
28 of the candidate, and also stating the time and place the
29 objections will be considered.

30 2. Objections shall be considered not later than two working
31 days following the receipt of the objections by the president
32 of the school board, the secretary of the school board, and
33 one additional member of the school board chosen by ballot.
34 If objections have been filed to the nominations of either of
35 those school officials, that official shall not pass on the

1 objection. The official's place shall be filled by a member
2 of the school board against whom no objection exists. The
3 replacement shall be chosen by ballot.

4 Sec. 24. Section 277.7, Code 2013, is amended to read as
5 follows:

6 **277.7 Petitions for public measures.**

7 1. A petition filed with the school board to request an
8 election on a public measure shall be examined before it is
9 accepted for filing. If the petition appears valid on its face
10 it shall be accepted for filing. If it lacks the required
11 number of signatures it shall be returned to the petitioners.

12 2. Petitions which have been accepted for filing are valid
13 unless written objections are filed. Objections must be filed
14 with the secretary of the school board within five working days
15 after the petition was filed. The objection process in section
16 277.5, subsection 2, shall be followed for objections filed
17 pursuant to this section.

18 Sec. 25. Section 280.9A, subsection 3, Code 2013, is amended
19 to read as follows:

20 3. At least twice during each school year, the board of
21 directors of each local public school district operating a
22 high school and the authorities in charge of each accredited
23 nonpublic school operating a high school shall offer the
24 opportunity to register to vote to each student who is at least
25 seventeen ~~and one-half~~ years of age, as required by section
26 48A.23.

27 Sec. 26. Section 372.13, subsection 2, paragraph a, Code
28 2013, is amended to read as follows:

29 a. (1) By appointment by the remaining members of the
30 council, except that if the remaining members do not constitute
31 a quorum of the full membership, paragraph "b" shall be
32 followed. The appointment shall be for the period until the
33 next pending election as defined in section 69.12, and shall
34 be made within forty days after the vacancy occurs. If the
35 council fails to make an appointment within forty days as

1 required by this subsection, the city clerk shall give notice
2 of the vacancy to the county commissioner and the county
3 commissioner shall call a special election to fill the vacancy
4 at the earliest practicable date but no fewer than thirty-two
5 days after the notice is received by the county commissioner.

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

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

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

35 ~~(3)~~ (c) For a city with a population of more than fifty

1 thousand, at least two thousand signatures or at least the
2 number of signatures equal to ten percent of the voters who
3 voted for candidates for the office at the preceding regular
4 election at which the office was on the ballot, whichever
5 number is fewer.

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

15 Sec. 27. Section 376.1, Code 2013, is amended to read as
16 follows:

17 **376.1 City election held — absentee ballot elections**
18 **authorized.**

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

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

32 3. a. The council of a city with a population of two
33 hundred or less according to the most recent federal decennial
34 census may adopt an ordinance providing that elections be
35 conducted by absentee ballot. If the city council adopts

1 such an ordinance, the clerk shall notify the commissioner
2 of elections of the adoption of the ordinance, and the
3 commissioner shall mail an absentee ballot application form
4 by forwardable mail to each registered voter within the city
5 who is on active status pursuant to section 48A.37 no fewer
6 than twenty-five days before each regular city election or
7 special election for the city. The commissioner shall also
8 enclose a postage paid return envelope and a notice in the form
9 prescribed by the state commissioner informing the voter that
10 voting in person on election day will also be available at the
11 commissioner's office during the time the polls are open. The
12 commissioner may designate one additional site as an election
13 day polling place for a city that adopts an ordinance pursuant
14 to this subsection. The location of the additional polling
15 place shall be included in the notice to the voter.

16 b. The additional polling place designated under this
17 subsection is subject to the requirements of section 49.21
18 relating to accessibility to persons with disabilities
19 and relating to the posting of signs. The location of the
20 additional polling place shall be published by the county
21 commissioner of elections as required by section 49.53.

22 c. The provisions of chapter 53, insofar as applicable,
23 shall apply to absentee ballot elections authorized under this
24 subsection.

25 Sec. 28. Section 376.4, subsection 1, paragraph a, Code
26 2013, is amended to read as follows:

27 a. An eligible elector of a city may become a candidate
28 for an elective city office by filing with the ~~city clerk~~
29 county commissioner of elections responsible under section 47.2
30 for conducting elections held for the city a valid petition
31 requesting that the elector's name be placed on the ballot
32 for that office. The petition must be filed not more than
33 seventy-one days and not less than forty-seven days before the
34 date of the election, and must be signed by eligible electors
35 equal in number to at least two percent of those who voted to

1 fill the same office at the last regular city election, but not
2 less than ten persons. However, for those cities which may be
3 required to hold a primary election, the petition must be filed
4 not more than eighty-five days and not less than sixty-eight
5 days before the date of the regular city election. Nomination
6 petitions shall be filed not later than 5:00 p.m. on the last
7 day for filing.

8 Sec. 29. Section 376.4, subsections 3, 4, and 5, Code 2013,
9 are amended to read as follows:

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

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

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

28 5A. The city clerk shall deliver ~~all nomination papers~~
29 ~~together with~~ the text of any public measure being submitted by
30 the city council to the electorate to the county commissioner
31 of elections ~~on the day following~~ no later than the last day
32 on which nomination petitions can be filed, and not later than
33 5:00 p.m. on that day.

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

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

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

1 shall be held with the remaining candidates who have the
2 highest number of votes to the extent of twice the number of
3 unfilled positions.

4 5. In a city in which the council has chosen a runoff
5 election, if no person was declared elected for an office, all
6 persons who received write-in votes shall execute an affidavit
7 in substantially the form required by section 45.3 and file it
8 with the county commissioner of elections ~~or the city clerk~~ not
9 later than 5:00 p.m. on the day following the canvass of votes.
10 If any person who received write-in votes fails to file the
11 affidavit, the county commissioner of elections shall disregard
12 the write-in votes cast for that person. The abstract of votes
13 shall be amended to note which of the write-in candidates
14 failed to file the affidavit. A runoff election shall be held
15 with the remaining candidates who have the highest number of
16 votes to the extent of twice the number of unfilled positions.

17 Sec. 31. Section 602.8102, subsection 15, Code 2013, is
18 amended to read as follows:

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

26 Sec. 32. REPEAL. Section 53.14, Code 2013, is repealed.

27 Sec. 33. EFFECTIVE DATE. The following provision or
28 provisions of this Act take effect January 1, 2014:

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

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

33 3. The section of this Act amending section 48A.23,
34 subsection 1.

35 4. The section of this Act amending section 48A.26,

1 subsection 9.

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

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

5 7. The section of this Act amending section 602.8102,
6 subsection 15.

7

EXPLANATION

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

10 The bill requires that the county commissioner of
11 registration accept completed voter registration forms from
12 registrants who are at least 17 years of age. Current law
13 requires the county commissioner of registration to accept such
14 forms from registrants who are at least 17 and one-half years
15 of age. These provisions of the bill take effect January 1,
16 2014.

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

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

32 The bill provides that the county commissioner of elections
33 shall not mail an absentee ballot to a person who is included
34 within the term "armed forces of the United States" as defined
35 in Code section 53.37 sooner than 50 days before any election.

1 The bill retains the provision that absentee ballots shall
2 be made available for voting in person at the commissioner's
3 office not more than 40 days before an election.

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

8 The bill further provides that satellite absentee voting
9 stations shall not be established sooner than 40 days before
10 an election. The bill requires that a petition for the
11 establishment of a satellite absentee voting station be on a
12 form prescribed by the state commissioner of elections, and
13 as provided in the bill. The bill provides that a county
14 commissioner of elections is only required to accept one
15 valid petition for each precinct in each election. The bill
16 requires at a minimum that the county commissioner honor the
17 first valid petition for a satellite absentee voting station
18 if more than one petition is filed for a station in the same
19 precinct for the same election. The bill requires that
20 the commissioner accept an additional valid petition if the
21 commissioner determines operation of such a voting station
22 to be impracticable at the location described in the earlier
23 filed petition. The commissioner is required to post notice of
24 received petitions on the county's internet site, if any, and
25 at the commissioner's office.

26 The bill provides that any objection to a petition
27 requesting a satellite absentee voting station shall be filed
28 with the county commissioner no later than two days following
29 the petition filing deadline. The county commissioner is
30 required to provide notice to the person circulating the
31 petition upon the filing of such an objection.

32 The bill requires that nomination petitions and affidavits
33 of candidacy of candidates for member of the board of
34 directors of a merged area, objections to such nominations,
35 and withdrawals of such nominations be filed with the county

1 commissioner of elections responsible for conducting elections
2 for the merged area, rather than with the secretary of the
3 board. The bill also requires the county commissioner,
4 rather than the secretary of the board, to attempt to notify
5 the candidate by telephone if an objection is filed if the
6 candidate provided a telephone number.

7 The bill requires that nomination petitions and affidavits
8 of candidacy for a school district elected office, withdrawals
9 of such nominations, and objections to nominations be filed
10 with the county commissioner of elections responsible for
11 conducting elections for the school district. Current
12 law requires that such nomination papers, withdrawals, and
13 objections be filed with the secretary of the school board.

14 Under current law, the remaining members of a city council
15 may fill a vacancy on the council by appointment or by special
16 election. If by appointment, the appointment must be made
17 within 40 days after the vacancy occurs. The bill requires
18 the city clerk to notify the county commissioner of elections
19 if the council fails to make such an appointment within the
20 required 40 days. Upon receipt of such notice, the county
21 commissioner of elections shall call a special election to fill
22 the vacancy at the earliest practicable date, but no sooner
23 than 32 days after receiving such notice.

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

1 polling place. The bill allows the county commissioner to
2 designate one additional election day polling place for such
3 cities.

4 The bill further requires that nomination petitions and
5 affidavits of candidacy for elective city office, withdrawals
6 of such nominations, and objections to nominations be filed
7 with the county commissioner of elections responsible for
8 conducting elections for the city.