

**Senate Study Bill 1008 - Introduced**

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

**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 39.3, subsection 7, Code 2013, is amended  
2 to read as follows:

3 7. "*General election*" means the biennial election for  
4 national or state officers, members of Congress and of the  
5 general assembly, county and township officers, and for the  
6 choice of other officers or the decision of questions as  
7 provided by law and, where applicable, includes the regular  
8 city election described in section 376.1.

9 Sec. 2. Section 43.16, Code 2013, is amended to read as  
10 follows:

11 **43.16 Return of papers, additions not allowed.**

12 1. After a nomination paper has been filed, it shall not  
13 be returned to the person who has filed the paper, nor shall  
14 any signature or other information be added to the nomination  
15 paper.

16 2. a. A person who has filed nomination petitions with the  
17 state commissioner may withdraw as a candidate not later than  
18 5:00 p.m. on the seventy-sixth day before the primary election  
19 by notifying the state commissioner in writing.

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

24 3. The name of a candidate who has withdrawn or died at a  
25 time in accordance with this section shall be omitted from the  
26 certificate furnished by the state commissioner under section  
27 43.22 and omitted from the primary election ballot.

28 Sec. 3. Section 43.23, Code 2013, is amended to read as  
29 follows:

30 **43.23 Death or withdrawal of primary candidate.**

31 1. If a person who has filed nomination papers with the  
32 state commissioner as a candidate in a primary election dies  
33 or withdraws ~~up to~~ before 5:00 p.m. on the seventy-sixth  
34 day before the primary election, the appropriate convention  
35 or central committee of that person's political party may

1 designate one additional primary election candidate for the  
2 nomination that person was seeking, if the designation is  
3 submitted to the state commissioner in writing by 5:00 p.m. on  
4 the seventy-first day before the date of the primary election.  
5 The name of any candidate so submitted shall be included in the  
6 appropriate certificate or certificates furnished by the state  
7 commissioner under section 43.22.

8 2. If a person who has filed nomination papers with the  
9 commissioner as a candidate in a primary election dies or  
10 withdraws ~~up to~~ before 5:00 p.m. on the sixty-seventh day  
11 before the primary election, the appropriate convention  
12 or central committee of that person's political party may  
13 designate one additional primary election candidate for the  
14 nomination that person was seeking, if the designation is  
15 submitted to the commissioner in writing by 5:00 p.m. on the  
16 sixty-third day before the primary election. The name of any  
17 candidate so submitted shall be placed on the appropriate  
18 ballot or ballots by the commissioner.

19 Sec. 4. Section 43.24, subsection 1, paragraph b, Code 2013,  
20 is amended by adding the following new subparagraph:

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

26 Sec. 5. Section 43.24, subsection 1, paragraph b,  
27 subparagraph (3), Code 2013, is amended to read as follows:

28 (3) Objections to nominations to fill vacancies in the  
29 general assembly at a special election held under section  
30 69.14, under which the forty-day notice of election provision  
31 applies, shall be filed with the state commissioner not less  
32 than fifteen days prior to the date set for the special  
33 election. If the forty-day notice provision does not apply,  
34 objections to nominations to fill vacancies in the general  
35 assembly at a special election held under section 69.14 may be

1 filed any time prior to the date set for the special election.

2 Sec. 6. Section 43.24, subsection 1, Code 2013, is amended  
3 by adding the following new paragraph:

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

7 Sec. 7. Section 43.24, subsection 2, paragraph b, Code 2013,  
8 is amended to read as follows:

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

20 Sec. 8. Section 43.72, Code 2013, is amended to read as  
21 follows:

22 **43.72 State returns filed and preserved.**

23 When the canvass is concluded, the board shall deliver  
24 the original abstract returns to the state commissioner, who  
25 shall file the returns in the state commissioner's office and  
26 preserve the abstracts of the canvass of the state board and  
27 certificates attached thereto. The state commissioner may  
28 preserve the abstracts and certificates attached thereto in an  
29 electronic format.

30 Sec. 9. Section 43.88, Code 2013, is amended to read as  
31 follows:

32 **43.88 Certification of nominations.**

33 1. Nominations made by state, district, and county  
34 conventions, shall, under the name, place of residence, and  
35 post office address of the nominee, and the office to which

1 nominated, and the name of the political party making the  
2 nomination, be forthwith certified to the proper officer by  
3 the chairperson and secretary of the convention, or by the  
4 committee, as the case may be, and if such certificate is  
5 received in time, the names of such nominees shall be printed  
6 on the official ballot the same as if the nomination had been  
7 made in the primary election.

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

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

23 Sec. 10. Section 44.4, subsection 1, Code 2013, is amended  
24 to read as follows:

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

1 notice. Nominations made to fill vacancies in the office of  
2 representatives in Congress at a special election shall be  
3 certified to the state commissioner not less than sixty-two  
4 days prior to the date set for the special election.

5 Nominations made for a special election called pursuant to  
6 section 69.14A shall be filed by 5:00 p.m. not less than  
7 twenty-five days before the date of the election. Nominations  
8 made pursuant to this chapter and chapter 45 which are required  
9 to be filed in the office of the commissioner shall be filed  
10 in that office not more than ninety-two days nor later than  
11 5:00 p.m. on the sixty-ninth day before the date of the general  
12 election. Nominations made pursuant to this chapter or chapter  
13 45 for city office shall be filed not more than seventy-two  
14 days nor later than 5:00 p.m. on the forty-seventh day before  
15 the city election with the city clerk, who shall process them  
16 as provided by law.

17 Sec. 11. Section 44.4, subsection 2, paragraph a, Code 2013,  
18 is amended by adding the following new subparagraphs:

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

24 NEW SUBPARAGRAPH. (003) Objections to nominations to  
25 fill a vacancy in the general assembly at a special election  
26 held under section 69.14, under which the forty-day notice  
27 of election provision applies, shall be filed with the state  
28 commissioner not less than fifteen days prior to the date set  
29 for the special election. If the forty-day notice provision  
30 does not apply, objections to nominations to fill vacancies at  
31 a special election held under section 69.14 may be filed no  
32 later than the day before the special election.

33 Sec. 12. Section 48A.30, subsection 1, paragraph a, Code  
34 2013, is amended to read as follows:

35 a. The registered voter dies. For the purposes of this

1 subsection, the commissioner may accept as evidence of death a  
2 notice from the state registrar of vital statistics forwarded  
3 by the state registrar of voters, a written statement from a  
4 member of the registered voter's household, an obituary in a  
5 newspaper, an obituary posted on a funeral home internet site,  
6 a written statement from an election official, or a notice from  
7 the county recorder of the county where the registered voter  
8 died.

9 Sec. 13. Section 48A.32, Code 2013, is amended to read as  
10 follows:

11 **48A.32 Destruction or removal of canceled voter registration**  
12 **records.**

13 Twenty-two months after the next general election following  
14 the cancellation of a person's voter registration or twenty-two  
15 months after receipt of an incomplete voter registration  
16 application, the commissioner may destroy all records of that  
17 person's registration, including electronic records. At the  
18 discretion of the commissioner, canceled records may be donated  
19 to a historical society if all confidential information has  
20 been removed from the records.

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

23 **49.45 General form of ballot.**

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

26 Shall the following amendment to the Constitution (or public  
27 measure) be adopted?

28  Yes

29  No

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

1 the Constitution [or public measure] be adopted?").)

2 Shall the following amendment to the Constitution (or public  
3 measure) be adopted?

4 (Here insert the summary, if it is for a constitutional  
5 amendment or statewide public measure, and in full the proposed  
6 constitutional amendment or public measure. The number  
7 assigned by the state commissioner or the letter assigned  
8 by the county commissioner shall be included on the ballot  
9 centered above the question, "Shall the following amendment to  
10 the Constitution [or public measure] be adopted?").)

11  Yes

12  No

13 Sec. 15. Section 50.15A, Code 2013, is amended to read as  
14 follows:

15 **50.15A Unofficial results of voting — ~~general election only.~~**

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

30 2. a. After the polls close on election day for a primary  
31 election, general election, or special election under section  
32 69.14, the commissioner of elections shall periodically provide  
33 election results to the state commissioner of elections as  
34 the precincts in the county report election results to the  
35 commissioner pursuant to section 50.11. If the commissioner



1 has access to the vote tabulating software necessary to produce  
2 the election results in an electronic format, the commissioner  
3 shall provide the election results required by this section in  
4 an electronic format. If the commissioner determines that all  
5 precincts will not report election results before the office is  
6 closed, the commissioner shall report the most complete results  
7 available prior to leaving the office at the time the office is  
8 closed as provided in section 50.11. The commissioner shall  
9 specify the number of precincts included in the report to the  
10 state commissioner of elections.

11 *b.* The state commissioner of elections shall tabulate  
12 unofficial election results as the results are received from  
13 the commissioners of elections and shall periodically make the  
14 reports of the results available to the public.

15 3. Before the day of the primary election, general election,  
16 or special election under section 69.14, the state commissioner  
17 of elections shall provide a form and instructions for  
18 reporting unofficial election results pursuant to this section.

19 Sec. 16. Section 50.48, subsection 1, paragraph b, Code  
20 2013, is amended to read as follows:

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

1     Sec. 17. Section 52.5, subsection 2, Code 2013, is amended  
2 to read as follows:

3     2. The state commissioner shall formulate, with the advice  
4 and assistance of the examiners, and adopt rules governing the  
5 testing and examination of any optical scan voting system by  
6 the board of examiners. The rules shall prescribe the method  
7 to be used in determining whether the system is suitable for  
8 use within the state and performance standards for voting  
9 equipment in use within the state. The rules shall provide  
10 that all optical scan voting systems approved for use by the  
11 examiners after April 9, 2003, shall meet voting systems  
12 performance and test standards, as adopted ~~by the federal~~  
13 ~~election commission on April 30, 2002, and~~ pursuant to the  
14 provisions of or as deemed adopted by Pub. L. No. 107-252,  
15 § 222. The rules shall include standards for determining when  
16 recertification is necessary following modifications to the  
17 equipment or to the programs used in tabulating votes, and a  
18 procedure for rescinding certification if a system is found  
19 not to comply with performance standards adopted by the state  
20 commissioner.

21     Sec. 18. Section 53.18, subsection 2, Code 2013, is amended  
22 to read as follows:

23     2. If the commissioner receives the return envelope  
24 containing the completed absentee ballot by 5:00 p.m. on the  
25 Saturday before the election for general and primary elections  
26 and by 5:00 p.m. on the Friday before the election for all  
27 other elections, the commissioner shall open the envelope to  
28 review the affidavit for completeness. If the affidavit is  
29 incomplete, the commissioner shall, within twenty-four hours of  
30 the time the envelope was received, notify the voter of that  
31 fact and that the voter may complete the affidavit in person  
32 at the office of the commissioner by 5:00 p.m. on the day  
33 before the election, or in the case of an election at which the  
34 polls open at noon on election day, by 10:00 a.m. on the date  
35 of the election, vote a replacement ballot in the manner and

1 within the time period provided in subsection 3, or appear at  
2 the voter's precinct polling place on election day and cast a  
3 ballot in accordance with section 53.19, subsection 3.

4 Sec. 19. Section 53.30, Code 2013, is amended to read as  
5 follows:

6 **53.30 Ballots, ballot envelopes, and other information**  
7 **preserved.**

8 At the conclusion of each meeting of the absentee and special  
9 voter's precinct board, the board shall securely seal all  
10 ballots counted by them in the manner prescribed in section  
11 50.12. The ballot envelopes, including the envelope having the  
12 registered voter's affidavit on it, the return envelope, and  
13 secrecy envelope ~~bearing the signatures of precinct election~~  
14 ~~officials~~, as required by section 53.23, shall be preserved.  
15 All applications for absentee ballots, ballots rejected without  
16 being opened, absentee ballot logs, and any other documents  
17 pertaining to the absentee ballot process shall be preserved  
18 until such time as the documents may be destroyed pursuant to  
19 section 50.19.

20 Sec. 20. Section 53.39, subsection 2, Code 2013, is amended  
21 to read as follows:

22 2. All official ballots to be voted by qualified absent  
23 voters in the armed forces of the United States at the primary  
24 election, and the general election, and special elections for  
25 representative in Congress shall be printed prior to forty-five  
26 days before the respective elections and shall be available for  
27 transmittal to such qualified voters in the armed forces of the  
28 United States at least forty-five days before the respective  
29 elections. The provisions of this chapter apply to absent  
30 voting by qualified voters in the armed forces of the United  
31 States except as modified by the provisions of this division.

32 Sec. 21. Section 53.40, subsection 2, Code 2013, is amended  
33 to read as follows:

34 2. The commissioner shall immediately ~~on~~ after the ballots  
35 are available and no later than the forty-fifth day prior to

1 the ~~particular~~ primary election, general election, or special  
2 election for representative in Congress transmit ballots to  
3 the voter by mail or otherwise, postage prepaid, as directed  
4 by the state commissioner, requests for which are in the  
5 commissioner's hands at that time, and thereafter so transmit  
6 ballots immediately upon receipt of requests. A request for  
7 ballot for the primary election which does not state the party  
8 affiliation of the voter making the request is void and of no  
9 effect. A request which does not show that the person for whom  
10 a ballot is requested will be a qualified voter in the precinct  
11 in which the ballot is to be cast on the day of the election for  
12 which the ballot is requested, shall not be honored. However,  
13 a request which states the age and the city, including street  
14 address, and county where the voter resides is sufficient to  
15 show that the person is a qualified voter. A request by the  
16 voter containing substantially the information required is  
17 sufficient.

18 Sec. 22. Section 53.47, Code 2013, is amended to read as  
19 follows:

20 **53.47 Materials furnished by ~~department of administrative~~**  
21 **services state commissioner.**

22 1. In order to establish uniformity in size, weight  
23 and other characteristics of the ballot and facilitate its  
24 distribution and return, the ~~department of administrative~~  
25 ~~services shall upon direction of the state commissioner~~  
26 shall purchase any material needed for any special ballots,  
27 envelopes, and other printed matter, and sell any such  
28 materials to the several counties of the state at cost plus  
29 handling and transportation costs.

30 2. There is hereby appropriated to the ~~department of~~  
31 ~~administrative services state commissioner~~ from the general  
32 fund of the state such sums as may be necessary to purchase  
33 any materials provided for herein. The proceeds from sale of  
34 such materials to counties shall be turned into the general  
35 fund of the state upon receipt of same by the ~~department of~~

1 ~~administrative services~~ state commissioner.

2 Sec. 23. Section 69.14, Code 2013, is amended to read as  
3 follows:

4 **69.14 Special election to fill vacancies.**

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

24 Sec. 24. Section 372.13, subsection 2, paragraph a, Code  
25 2013, is amended to read as follows:

26 a. (1) By appointment by the remaining members of the  
27 council, except that if the remaining members do not constitute  
28 a quorum of the full membership, paragraph "b" shall be  
29 followed. The appointment shall be made within forty days  
30 after the vacancy occurs and shall be for the period until the  
31 next pending election as defined in section 69.12, and shall  
32 be made within forty days after the vacancy occurs general  
33 election for a city as described in section 39.3, subsection 7,  
34 or the regular city election described in section 376.1, unless  
35 there is an intervening special election in that city, in which

1 event the election for the office shall be placed on the ballot  
2 at such special election.

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

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

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

32 ~~(3)~~ (c) For a city with a population of more than fifty  
33 thousand, at least two thousand signatures or at least the  
34 number of signatures equal to ten percent of the voters who  
35 voted for candidates for the office at the preceding regular

1 election at which the office was on the ballot, whichever  
2 number is fewer.

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

12 Sec. 25. EFFECTIVE UPON ENACTMENT. The following  
13 provision or provisions of this Act, being deemed of immediate  
14 importance, take effect upon enactment:

15 1. The section of this Act amending section 43.24,  
16 subsection 1, paragraph "b".

17 2. The section of this Act amending section 43.24,  
18 subsection 2, paragraph "b".

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

20 4. The section of this Act amending section 44.4, subsection  
21 1.

22 5. The section of this Act amending section 44.4, subsection  
23 2, paragraph "a".

24 6. The section of this Act amending section 53.39,  
25 subsection 2.

26 7. The section of this Act amending section 53.40,  
27 subsection 2.

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

29 EXPLANATION

30 This bill relates to the technical administration of  
31 election and voter registration laws generally.

32 The bill amends the definition of "general election" to  
33 include certain regular city elections, where applicable.

34 The bill amends Code section 43.16, relating to withdrawal  
35 of a primary election candidate, and Code section 43.23,

1 relating to replacement of a primary election candidate who  
2 has withdrawn or died, to add the clock time of 5:00 p.m. to  
3 the current deadline dates. The bill also amends Code section  
4 43.24, relating to filing objections to primary election  
5 nominations, to add the clock time of 5:00 p.m. to the current  
6 deadline dates.

7 The bill amends Code section 43.72 to specify that the state  
8 commissioner of elections has the authority to electronically  
9 preserve certain abstracts and certificates from primary  
10 elections.

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

15 The bill amends Code section 48A.32 to allow a county  
16 commissioner of elections, following receipt of a person's  
17 incomplete voter registration application, to destroy all  
18 records and electronic records of that person's registration 22  
19 months after the next general election. The Code section is  
20 also amended to specify that a county commissioner of elections  
21 may destroy the electronic records of canceled registrations.

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

25 The bill amends Code section 50.15A to require that a  
26 county commissioner of elections provide unofficial election  
27 results to the state commissioner of elections for, and that  
28 the state commissioner provide certain materials to the county  
29 commissioners in advance of, all primary elections and special  
30 elections to fill vacancies in the general assembly or office  
31 of representative in Congress. Current law already requires  
32 that county commissioners provide such results and materials  
33 for general elections. The bill also requires that for a  
34 primary election, general election, or special election to fill  
35 vacancies in the general assembly or office of representative



1 in Congress, a county commissioner of elections provide the  
2 state commissioner of elections with election results in an  
3 electronic format if the county commissioner has access to the  
4 vote tabulating software necessary to produce the results in an  
5 electronic format.

6 The bill amends Code section 50.48 to require that in the  
7 case of a recount of an election for a nonpartisan office, if  
8 the apparent winner cannot be reached within four days after  
9 receipt of a request for a recount, the county commissioner of  
10 elections shall contact the entity or officer responsible for  
11 making an appointment to a vacancy in the nonpartisan office.

12 The bill amends Code section 52.5, relating to the testing  
13 and examination of voting equipment, to remove a reference to  
14 specific performing and test standards adopted by the federal  
15 election commission on April 30, 2002, but to maintain a  
16 reference to the adoption of such standards pursuant to Pub.  
17 L. No. 107-252, § 222.

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

27 The bill amends Code section 53.30 to remove a reference to  
28 a requirement that precinct election officials sign the secrecy  
29 envelopes that are included with absentee ballots. That  
30 requirement was repealed in 2008.

31 The bill amends Code section 53.47, relating to military  
32 and overseas voters, to require that the state commissioner  
33 of elections purchase any materials needed for any special  
34 ballots, envelopes, and other printed materials, and sell such  
35 materials to the several counties of the state. Current law

1 requires that the department of administrative services conduct  
2 these functions at the direction of the state commissioner of  
3 elections. The bill also directs general funds appropriated  
4 for these purposes to the state commissioner of elections  
5 instead of to the department of administrative services.

6 In order to comply with the provisions of the 2009 Military  
7 and Overseas Voter Empowerment Act, the bill amends Code  
8 section 69.14 to provide that for vacancies in the office  
9 of representative in Congress the governor shall give not  
10 less than 76 days' notice, rather than 40 days' notice, of  
11 the special election to fill the vacancy. The bill makes  
12 corresponding changes to Code section 43.24, relating to  
13 deadlines for filing objections, and to Code section 43.88,  
14 relating to the deadline for filing nomination petitions. The  
15 bill makes corresponding changes to Code section 44.4, relating  
16 to deadlines for nominations made by nonparty political  
17 organizations to fill a vacancy for representatives in Congress  
18 or the general assembly and objections to those nominations.  
19 The bill also makes corresponding amendments to Code sections  
20 53.39 and 53.40 to add special elections for representative in  
21 Congress to provisions relating to availability of ballots for  
22 qualified voters in the armed forces. These provisions of the  
23 bill take effect upon enactment.

24 The bill requires that if a vacancy in an elective city  
25 office is filled by appointment of the remaining members of the  
26 city council, that such appointment be for the period until the  
27 next general election for a city, as described in the bill, or  
28 the next regular city election, as defined in statute. If,  
29 however, there is an intervening special election in that city,  
30 then the election for the office shall be placed on the ballot  
31 at the special election.