

Senate Study Bill 3062 - Introduced

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

A BILL FOR

1 An Act relating to the policy administration of election and
2 voter registration laws by the secretary of state, including
3 the voter registration age, absentee voting, certain posting
4 requirements, candidate nomination filing requirements for
5 merged area, school district, and city elections and related
6 filing requirements, the filling of vacancies in certain
7 city, county, and school district offices, and authorizing
8 certain cities to conduct city elections by absentee ballot,
9 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 2014, 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 2014, 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 2014, 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 2014, 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 2014,
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 2014, 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 2014, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 3A. The county commissioner shall post
7 notice of all filings received related to 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 2014,
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 2014, 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 2014, 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 2014, 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 2014, 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 69.14A, subsection 1, paragraph a,
27 subparagraph (1), Code 2014, is amended to read as follows:

28 (1) The appointment shall be for the period until the next
29 pending election as defined in section 69.12, and shall be
30 made within ~~forty~~ sixty days after the vacancy occurs. If the
31 committee of county officers designated to fill the vacancy
32 chooses to proceed under this paragraph, the committee shall
33 publish notice in the manner prescribed by section 331.305
34 stating that the committee intends to fill the vacancy by
35 appointment but that the electors of the district or county,

1 as the case may be, have the right to file a petition requiring
2 that the vacancy be filled by special election. The committee
3 may publish notice in advance if an elected official submits
4 a resignation to take effect at a future date. The committee
5 may make an appointment to fill the vacancy after the notice is
6 published or after the vacancy occurs, whichever is later. A
7 person appointed to an office under this subsection shall have
8 actually resided in the county which the appointee represents
9 sixty days prior to appointment. If the committee of county
10 officers designated to fill the vacancy in section 69.8 fails
11 to make an appointment within sixty days as required by this
12 subparagraph (1), the county commissioner of elections shall
13 call a special election to fill the vacancy at the earliest
14 practicable date but not later than thirty-two days after the
15 sixtieth day following the day the vacancy occurred.

16 Sec. 14. Section 260C.15, subsection 3, Code 2014, is
17 amended to read as follows:

18 3. Nomination papers on behalf of candidates for member of
19 the board of directors of a merged area shall be filed with
20 the ~~secretary of the board~~ county commissioner of elections
21 responsible under section 47.2 for conducting elections held
22 for the merged area not earlier than sixty-four days nor later
23 than 5:00 p.m. on the fortieth day prior to the election at
24 which members of the board are to be elected. ~~On the day~~
25 ~~following~~ No later than the last day on which nomination
26 petitions can be filed, and no later than 5:00 p.m. on that
27 day, the secretary of the board shall deliver ~~all nomination~~
28 ~~petitions so filed, together with~~ the text of any public
29 measure being submitted by the board of directors to the
30 electorate, to the county commissioner of elections ~~who is~~
31 responsible under section 47.2 for conducting elections held
32 for the merged area. That commissioner shall certify the names
33 of candidates, and the text and summary of any public measure
34 being submitted to the electorate, to all county commissioners
35 of elections in the merged area by the thirty-fifth day prior

1 to the election.

2 Sec. 15. Section 260C.15, subsection 4, paragraph b, Code
3 2014, is amended to read as follows:

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

18 Sec. 16. Section 275.25, subsection 1, paragraph b, Code
19 2014, is amended to read as follows:

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

34 Sec. 17. Section 277.4, subsections 1, 3, and 4, Code 2014,
35 are amended to read as follows:

1 1. Nomination papers for all candidates for election
2 to office in each school district shall be filed with the
3 ~~secretary of the school board~~ county commissioner of elections
4 responsible under section 47.2 for conducting elections held
5 for the school district not more than sixty-four days, nor less
6 than forty days before the election. Nomination petitions
7 shall be filed not later than 5:00 p.m. on the last day for
8 filing. ~~If the school board secretary is not readily available~~
9 ~~during normal office hours, the secretary may designate a~~
10 ~~full-time employee of the school district who is ordinarily~~
11 ~~available to accept nomination papers under this section.~~ On
12 the final date for filing nomination papers the office of the
13 ~~school secretary~~ county commissioner shall remain open until
14 5:00 p.m.

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

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

33 Sec. 18. Section 277.5, Code 2014, is amended to read as
34 follows:

35 **277.5 Objections to nominations.**

1 1. Objections to the legal sufficiency of a nomination
2 petition or to the eligibility of a candidate may be filed by
3 any person who would have the right to vote for a candidate for
4 the office in question. The objection must be filed with the
5 ~~secretary of the school board~~ county commissioner of elections
6 responsible under section 47.2 for conducting elections held
7 for the school district at least thirty-five days before
8 the day of the school election. When objections are filed
9 notice shall forthwith be given to the candidate affected,
10 addressed to the candidate's place of residence as given on the
11 candidate's affidavit, stating that objections have been made
12 to the legal sufficiency of the petition or to the eligibility
13 of the candidate, and also stating the time and place the
14 objections will be considered.

15 2. Objections shall be considered not later than two working
16 days following the receipt of the objections by the president
17 of the school board, the secretary of the school board, and
18 one additional member of the school board chosen by ballot.
19 If objections have been filed to the nominations of either of
20 those school officials, that official shall not pass on the
21 objection. The official's place shall be filled by a member
22 of the school board against whom no objection exists. The
23 replacement shall be chosen by ballot.

24 Sec. 19. Section 277.7, Code 2014, is amended to read as
25 follows:

26 **277.7 Petitions for public measures.**

27 1. A petition filed with the school board to request an
28 election on a public measure shall be examined before it is
29 accepted for filing. If the petition appears valid on its face
30 it shall be accepted for filing. If it lacks the required
31 number of signatures it shall be returned to the petitioners.

32 2. Petitions which have been accepted for filing are valid
33 unless written objections are filed. Objections must be filed
34 with the secretary of the school board within five working days
35 after the petition was filed. The objection process in section

1 277.5, subsection 2, shall be followed for objections filed
2 pursuant to this section.

3 Sec. 20. Section 279.7, subsection 1, Code 2014, is amended
4 to read as follows:

5 1. If a vacancy or vacancies occur among the elective
6 officers or members of a school board and the remaining members
7 of the board have not filled the vacancy within ~~thirty~~ sixty
8 days after the vacancy becomes known by the secretary or
9 the board, or when the board is reduced below a quorum, the
10 secretary of the board, or if there is no secretary, the area
11 education agency administrator, shall call a special election
12 in the district, subdistrict, or subdistricts, as the case may
13 be, to fill the vacancy or vacancies. The county commissioner
14 of elections shall publish the notices required by law for
15 special elections, and the election shall be held not sooner
16 than thirty days nor later than forty days after the ~~thirtieth~~
17 sixtieth day following the day the vacancy becomes known by the
18 secretary or the board. If the secretary fails for more than
19 three days to call an election, the administrator shall call
20 it.

21 Sec. 21. Section 280.9A, subsection 3, Code 2014, is amended
22 to read as follows:

23 3. At least twice during each school year, the board of
24 directors of each local public school district operating a
25 high school and the authorities in charge of each accredited
26 nonpublic school operating a high school shall offer the
27 opportunity to register to vote to each student who is at least
28 seventeen ~~and one-half~~ years of age, as required by section
29 48A.23.

30 Sec. 22. Section 372.13, subsection 2, paragraph a, Code
31 2014, is amended to read as follows:

32 a. (1) By appointment by the remaining members of the
33 council, except that if the remaining members do not constitute
34 a quorum of the full membership, paragraph "b" shall be
35 followed. The appointment shall be for the period until the

1 next pending election as defined in section 69.12, and shall be
2 made within ~~forty~~ sixty days after the vacancy occurs. If the
3 council fails to make an appointment within days as required
4 by this paragraph "a", the city clerk shall give notice of the
5 vacancy to the county commissioner and the county commissioner
6 shall call a special election to fill the vacancy at the
7 earliest practicable date but no fewer than thirty-two days
8 after the notice is received by the county commissioner.

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

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

32 ~~(2)~~ (b) For a city with a population of more than ten
33 thousand but not more than fifty thousand, at least one
34 thousand signatures or at least the number of signatures equal
35 to fifteen percent of the voters who voted for candidates for

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

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

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

18 Sec. 23. Section 376.1, Code 2014, is amended to read as
19 follows:

20 **376.1 City election held — absentee ballot elections**
21 **authorized.**

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

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

35 3. a. The council of a city with a population of two

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

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

25 c. The provisions of chapter 53, insofar as applicable,
26 shall apply to absentee ballot elections authorized under this
27 subsection.

28 Sec. 24. Section 376.4, subsection 1, paragraph a, Code
29 2014, is amended to read as follows:

30 a. An eligible elector of a city may become a candidate
31 for an elective city office by filing with the ~~city clerk~~
32 county commissioner of elections responsible under section 47.2
33 for conducting elections held for the city a valid petition
34 requesting that the elector's name be placed on the ballot
35 for that office. The petition must be filed not more than

1 seventy-one days and not less than forty-seven days before the
2 date of the election, and must be signed by eligible electors
3 equal in number to at least two percent of those who voted to
4 fill the same office at the last regular city election, but not
5 less than ten persons. However, for those cities which may be
6 required to hold a primary election, the petition must be filed
7 not more than eighty-five days and not less than sixty-eight
8 days before the date of the regular city election. Nomination
9 petitions shall be filed not later than 5:00 p.m. on the last
10 day for filing.

11 Sec. 25. Section 376.4, subsections 3, 4, and 5, Code 2014,
12 are amended to read as follows:

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

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

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

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

1 5:00 p.m. on that day.

2 Sec. 26. Section 376.11, subsections 3, 4, and 5, Code 2014,
3 are amended to read as follows:

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

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

1 to show that the person who was declared elected declined the
2 office and a notation shall be made next to the names of those
3 persons who did not file the affidavit. A runoff election
4 shall be held with the remaining candidates who have the
5 highest number of votes to the extent of twice the number of
6 unfilled positions.

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

20 Sec. 27. Section 602.8102, subsection 15, Code 2014, is
21 amended to read as follows:

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

29 Sec. 28. REPEAL. Section 53.14, Code 2014, is repealed.

30 Sec. 29. EFFECTIVE DATE. The following provision or
31 provisions of this Act take effect January 1, 2016:

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

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

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

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

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

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

8 7. The section of this Act amending section 602.8102,
9 subsection 15.

10

EXPLANATION

11
12

The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

13

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

15

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

18

The bill requires that the county commissioner of
registration accept completed voter registration forms from
registrants who are at least 17 years of age. Current law
requires the county commissioner of registration to accept such
forms from registrants who are at least 17 and one-half years
of age. These provisions of the bill take effect January 1,
2016.

25

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

29

The bill requires that nomination petitions and affidavits
of candidacy of candidates for member of the board of directors
of a merged area and objections to such nominations be filed
with the county commissioner of elections responsible for
conducting elections for the merged area, rather than with the
secretary of the board. The bill also requires the county
commissioner, rather than the secretary of the board, to

1 attempt to notify the candidate by telephone if an objection is
2 filed if the candidate provided a telephone number.

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

10 Under current law, a committee of county officers may fill a
11 vacancy on the council by appointment or by special election.
12 If by appointment, the appointment must be made within 40
13 days after the vacancy occurs. The bill requires that such
14 appointments be made within 60 days. If such an appointment is
15 not made within 60 days, the county commissioner of elections
16 shall call a special election to fill the vacancy at the
17 earliest practicable date, but no sooner than 32 days after the
18 vacancy occurred.

19 Under current law, the remaining members of a school board
20 are required to fill a vacancy on the board by appointment.
21 The appointment must be made within 30 days after the
22 vacancy becomes known, and if the appointment is not made,
23 the secretary of the board or the area education agency
24 administrator shall call a special election to fill the
25 vacancy. The bill requires that such appointments be made
26 within 60 days.

27 Under current law, the remaining members of a city council
28 may fill a vacancy on the council by appointment or by special
29 election. If by appointment, the appointment must be made
30 within 40 days after the vacancy occurs. The bill requires
31 that such appointments be made within 60 days and that the
32 city clerk notify the county commissioner of elections if the
33 council fails to make such an appointment within 60 days. Upon
34 receipt of such notice, the county commissioner of elections
35 shall call a special election to fill the vacancy at the

1 earliest practicable date, but no sooner than 32 days after
2 receiving such notice.

3 The bill allows cities with populations of 200 or less to
4 adopt an ordinance providing that city elections be conducted
5 by absentee ballot. The bill requires the county commissioner
6 of elections responsible for conducting elections for such a
7 city to mail an absentee ballot application form by forwardable
8 mail to each active status registered voter within the city
9 no fewer than 25 days before each regular city election or
10 special election for that city. The bill requires that the
11 county commissioner of elections also enclose a postage paid
12 return envelope and a notice that in-person voting will also
13 be available at the county commissioner's office on the day of
14 the election and, if applicable, the location of the additional
15 polling place. The bill allows the county commissioner to
16 designate one additional election day polling place for such
17 cities.

18 The bill further requires that nomination petitions and
19 affidavits of candidacy for elective city office, withdrawals
20 of such nominations, and objections to nominations be filed
21 with the county commissioner of elections responsible for
22 conducting elections for the city.