

House File 2273 - Introduced

HOUSE FILE 2273
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 513)

A BILL FOR

1 An Act relating to elections administration with respect to the
2 address confidentiality program, the printing of ballots,
3 satellite absentee voting, and the conduct of school
4 district elections.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 9E.6, subsection 1, Code 2016, is amended
2 to read as follows:

3 1. a. A program participant who is an eligible elector
4 may register to vote with the state commissioner of elections,
5 pursuant to section 48A.8, subsection 1. The name, address,
6 and telephone number of a program participant shall not be
7 listed in the statewide voter registration system.

8 b. A program participant's voter registration shall not be
9 open to challenge under section 48A.14 based on participation
10 in the program and use of a designated address.

11 Sec. 2. Section 9E.6, Code 2016, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 3. a. An absentee ballot submitted by a
14 program participant shall not be subject to a challenge under
15 section 49.79 or 53.31 if the challenge is based on the voter's
16 participation in the program and use of a designated address.

17 b. In an election contested pursuant to chapter 57:

18 (1) The state commissioner of elections shall, upon
19 the written request of a party to the contest, certify the
20 eligibility of a program participant to vote or the validity
21 of a program participant's absentee ballot. A written request
22 submitted under this paragraph "b" must contain the voter
23 identification number affixed to the program participant's
24 absentee ballot.

25 (2) A deposition shall serve as testimony for a program
26 participant. A court or tribunal trying the contest shall
27 coordinate with the secretary to obtain a deposition from a
28 program participant.

29 Sec. 3. Section 43.27, Code 2016, is amended to read as
30 follows:

31 **43.27 Printing of ballots.**

32 The text printed on ballots of each political party shall
33 be printed in black ink, on separate sheets of paper, uniform
34 in quality, texture, and size, with the name of the political
35 party printed at the head of ~~said~~ the ballots, which ballots

1 shall be prepared by the commissioner in the same manner as for
2 the general election, except as in [this chapter](#) provided. The
3 commissioner may print the ballots for each political party
4 using a different color for each party. If colored paper is
5 used, all of the ballots for each separate party shall be
6 uniform in color.

7 Sec. 4. Section 52.28, Code 2016, is amended to read as
8 follows:

9 **52.28 Optical scan voting system ballot forms.**

10 The commissioner of each county in which the use of an
11 optical scan voting system in one or more precincts has been
12 authorized shall print text on optical scan ballots using
13 black ink on white paper and shall determine the arrangement
14 of candidates' names and public questions upon the ballot or
15 ballots used with the system. The ballot information shall
16 be arranged as required by [chapters 43](#) and [49](#), and by any
17 relevant provisions of any statutes which specify the form of
18 ballots for special elections, so far as possible within the
19 constraints of the physical characteristics of the optical scan
20 voting system in use in that county. The state commissioner
21 may adopt rules requiring a reasonable degree of uniformity
22 among counties in arrangement of optical scan voting system
23 ballots.

24 Sec. 5. Section 53.10, subsection 3, Code 2016, is amended
25 to read as follows:

26 3. During the hours when absentee ballots are available in
27 the office of the commissioner, ~~electioneering shall not be~~
28 ~~allowed within the sight or hearing of voters at the absentee~~
29 ~~voting site~~ is a polling place for purposes of section 39A.4,
30 subsection 1, paragraph "a".

31 Sec. 6. Section 53.11, subsection 4, Code 2016, is amended
32 to read as follows:

33 4. During the hours when absentee ballots are available at a
34 satellite absentee voting station, ~~electioneering shall not be~~
35 ~~allowed within the sight or hearing of voters at the satellite~~

1 absentee voting station is a polling place for purposes of
2 section 39A.4, subsection 1, paragraph "a".

3 Sec. 7. Section 275.1, subsection 1, paragraphs b and f,
4 Code 2016, are amended to read as follows:

5 *b. "Initial board"* means the board of a newly reorganized
6 district that is selected pursuant to [section 275.25](#) or [275.41](#)
7 and functions until the organizational meeting following the
8 ~~third~~ second regular school election held after the effective
9 date of the reorganization.

10 *f. "Regular board"* means the board of a reorganized district
11 that begins to function at the organizational meeting following
12 the ~~third~~ second regular school election held after the
13 effective date of the school reorganization, and is comprised
14 of members who were elected to the current terms or were
15 appointed to replace members who were elected.

16 Sec. 8. Section 275.41, subsection 3, Code 2016, is amended
17 to read as follows:

18 3. Prior to the effective date of the reorganization,
19 the initial board shall approve a plan that commences at the
20 first regular school election held after the effective date
21 of the merger and is completed at the ~~third~~ second regular
22 school election held after the effective date of the merger,
23 to replace the initial board with the regular board. If the
24 petition specifies a number of directors on the regular board
25 to be different from the number of directors on the initial
26 board, the plan shall provide that the number specified in
27 the petition for the regular board is in place by the time
28 the regular board is formed. The plan shall provide that as
29 nearly as possible one-half of the members of the board shall
30 be elected biennially, and if a special election was held to
31 elect a member to create an odd number of members on the board,
32 the term of that member shall end at the organizational meeting
33 following the ~~third~~ second regular school election held after
34 the effective date.

35 Sec. 9. Section 279.6, subsection 1, paragraph a, Code 2016,

1 is amended to read as follows:

2 *a.* Except as provided in paragraph “*b*” and subsection
3 2, vacancies occurring among the officers or members of a
4 school board shall be filled by the board by appointment. A
5 person so appointed to fill a vacancy in an elective office
6 shall hold office until a successor is elected and qualified
7 pursuant to at the next regular school election, unless there
8 is an intervening special election for the school district, in
9 which event a successor shall be elected at the intervening
10 special election, in accordance with section 69.12. To fill
11 a vacancy occurring among the members of a school board, the
12 board shall publish notice in the manner prescribed by section
13 279.36, stating that the board intends to fill the vacancy
14 by appointment but that the electors of the school district
15 have the right to file a petition requiring that the vacancy
16 be filled by a special election conducted pursuant to section
17 279.7. The board may publish notice in advance if a member
18 of the board submits a resignation to take effect at a future
19 date. The board may make an appointment to fill the vacancy
20 after the notice is published or after the vacancy occurs,
21 whichever is later.

22 Sec. 10. Section 279.7, subsection 1, Code 2016, is amended
23 to read as follows:

24 1. If a vacancy or vacancies occur among the elective
25 officers or members of a school board and the remaining members
26 of the board have not filled the vacancy within thirty days
27 after the vacancy ~~becomes known by the secretary or the board~~
28 occurs or if a valid petition is submitted to the secretary
29 of the board pursuant to [section 279.6, subsection 1](#), or
30 when the board is reduced below a quorum, the secretary of
31 the board, or if there is no secretary, the area education
32 agency administrator, shall call a special election in the
33 district, subdistrict, or subdistricts, as the case may be,
34 to fill the vacancy or vacancies. The county commissioner of
35 elections shall publish the notices required by law for special

1 elections, and the election shall be held not sooner than
2 thirty days nor later than forty days after the thirtieth day
3 following the day the vacancy ~~becomes known by the secretary or~~
4 ~~the board~~ occurs. If the secretary fails for more than three
5 days to call an election, the administrator shall call it.

6 EXPLANATION

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

9 This bill relates to elections administration with respect
10 to the address confidentiality program administered by the
11 secretary of state, to the printing of ballots, to satellite
12 absentee voting, and to the conduct of school district
13 elections.

14 Relating to the state's address confidentiality program, the
15 bill provides that a program participant's voter registration
16 is not subject to challenge based on participation in the
17 program and the use of a designated address nor is it allowed
18 to be the basis for challenges under Code sections 49.79
19 (election day voting) or 53.31 (absentee voting). In the case
20 of an election contest, the bill provides for the certification
21 of a program participant's eligibility to vote and the validity
22 of a program participant's absentee ballot. The bill also
23 provides that the deposition of a program participant shall
24 serve as testimony in a contested election.

25 Relating to the printing of ballots, the bill specifies that
26 text printed on ballots be in black ink.

27 Relating to satellite absentee voting, current law prohibits
28 electioneering within the sight or hearing of voters at the
29 satellite absentee voting station. Under current Code section
30 39A.4, subsection 1, electioneering and other specified
31 activity is prohibited on the premises of a polling place or
32 within 300 feet of an outside door of a building affording
33 access to a room where the polls are held, or of an outside
34 door of a building affording access to a hallway, corridor,
35 stairway, or other means of reaching the room where the polls

1 are held. The bill provides that a satellite absentee voting
2 station and an absentee voting site at a county commissioner of
3 elections office are also polling places for purposes of Code
4 section 39A.4, subsection 1.

5 Relating to school district elections, the bill requires
6 that a plan for school district reorganization be completed
7 at the second regular school election following the effective
8 date of the reorganization. Current law provides that
9 reorganization plans be commenced at the first regular school
10 election and be completed at the third regular school election.

11 Also relating to school elections, the bill provides that
12 when a school board vacancy occurs, that a person appointed to
13 fill the vacancy shall hold office until a successor is elected
14 and qualified at the next regular school election unless there
15 is an intervening special election. The bill also makes
16 terminology changes related to the timing required for calling
17 and holding a special election when a school board vacancy
18 occurs and a replacement has not been appointed.