

House File 2406 - Introduced

HOUSE FILE 2406
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 541)

A BILL FOR

1 An Act relating to school corporations and cities by changing
2 the date of the election of directors of local school
3 districts, merged areas, and area education agency boards,
4 by providing for the combined administration of regular
5 and special school and city elections, by requiring city
6 office nomination papers be filed with the city clerk, and
7 including effective date and applicability and transition
8 provisions.

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

DIVISION I

ELECTION DAY FOR REGULAR SCHOOL ELECTIONS

1
2
3 Section 1. Section 39.2, subsection 4, paragraph c, Code
4 2016, is amended to read as follows:

5 c. For a school district or merged area, in the odd-numbered
6 year, the first Tuesday in ~~February~~ March, the first Tuesday in
7 ~~April~~ May, the ~~last~~ first Tuesday in ~~June~~ August, or the ~~second~~
8 first Tuesday after the first Monday in ~~September~~ November.

9 For a school district or merged area, in the even-numbered
10 year, the first Tuesday in ~~February~~ March, the first Tuesday
11 in ~~April~~ May, the ~~second~~ first Tuesday in ~~September~~ August, or
12 the first Tuesday in December.

13 Sec. 2. Section 260C.12, subsection 1, Code 2016, is amended
14 to read as follows:

15 1. The board of directors of the merged area shall organize
16 at the first regular meeting in ~~October~~ December following the
17 regular school election. Organization of the board shall be
18 effected by the election of a president and other officers from
19 the board membership as board members determine. The board
20 of directors shall appoint a secretary and a treasurer who
21 shall each give bond as prescribed in [section 291.2](#) and who
22 shall each receive the salary determined by the board. The
23 secretary and treasurer shall perform duties under [chapter 291](#)
24 and additional duties the board of directors deems necessary.
25 However, the board may appoint one person to serve as the
26 secretary and treasurer. If one person serves as the secretary
27 and treasurer, only one bond is necessary for that person. The
28 frequency of meetings other than organizational meetings shall
29 be as determined by the board of directors but the president
30 or a majority of the members may call a special meeting at any
31 time.

32 Sec. 3. Section 260C.13, subsection 1, Code 2016, is amended
33 to read as follows:

34 1. The board of a merged area may change the number of
35 directors on the board and shall make corresponding changes

1 in the boundaries of director districts. Changes shall be
2 completed not later than ~~June~~ August 1 of the year of the
3 regular school election. As soon as possible after adoption
4 of the boundary changes, notice of changes in the director
5 district boundaries shall be submitted by the merged area to
6 the county commissioner of elections in all counties included
7 in whole or in part in the merged area.

8 Sec. 4. Section 273.8, subsection 2, paragraphs a and b,
9 Code 2016, are amended to read as follows:

10 a. Notice of the election shall be published by the area
11 education agency administrator not later than ~~July~~ September 15
12 of the odd-numbered year in at least one newspaper of general
13 circulation in the director district. The cost of publication
14 shall be paid by the area education agency.

15 b. A candidate for election to the area education agency
16 board shall file a statement of candidacy with the area
17 education agency secretary not later than ~~August~~ October 15 of
18 the odd-numbered year, on forms prescribed by the department
19 of education. The statement of candidacy shall include the
20 candidate's name, address, and school district. The list of
21 candidates shall be sent by the secretary of the area education
22 agency in ballot form by certified mail to the presidents of
23 the boards of directors of all school districts within the
24 director district not later than ~~September~~ November 1. In
25 order for the ballot to be counted, the ballot must be received
26 in the secretary's office by the end of the normal business
27 day on ~~September~~ November 30 or be clearly postmarked by an
28 officially authorized postal service not later than ~~September~~
29 November 29 and received by the secretary not later than noon
30 on the first Monday following ~~September~~ November 30.

31 Sec. 5. Section 273.8, subsection 4, paragraph a, Code 2016,
32 is amended to read as follows:

33 a. The board of directors of each area education agency
34 shall meet and organize at the first regular meeting in ~~October~~
35 December following the regular school election at a suitable

1 place designated by the president. Directors whose terms
2 commence at the organizational meeting shall qualify by taking
3 the oath of office required by [section 277.28](#) at or before the
4 organizational meeting.

5 Sec. 6. Section 273.8, subsection 6, Code 2016, is amended
6 to read as follows:

7 6. *Change in directors.* The board of an area education
8 agency may change the number of directors on the board and
9 shall make corresponding changes in the boundaries of director
10 districts. Changes shall be completed not later than ~~July~~
11 September 1 of a ~~fiscal~~ the odd-numbered year for the director
12 district conventions to be held the following ~~September~~
13 November.

14 Sec. 7. Section 277.1, Code 2016, is amended to read as
15 follows:

16 **277.1 Regular election.**

17 The regular election shall be held biennially on the ~~second~~
18 first Tuesday after the first Monday in ~~September~~ November of
19 each odd-numbered year in each school district for the election
20 of officers of the district and merged area and for the purpose
21 of submitting to the voters any matter authorized by law.

22 Sec. 8. Section 277.20, Code 2016, is amended to read as
23 follows:

24 **277.20 Canvassing returns.**

25 1. ~~On the next Friday after~~ After the regular school
26 election, the county board of supervisors shall canvass the
27 returns made to the county commissioner of elections from
28 the several precinct polling places and the absentee ballot
29 counting board, ascertain the result of the voting with regard
30 to every matter voted upon and cause a record to be made
31 thereof, all as required by [section 50.24](#). Special elections
32 held in school districts shall be canvassed at the time and in
33 the manner required by that section. The board shall declare
34 the results of the voting for members of boards of directors of
35 school corporations nominated pursuant to [section 277.4](#), and

1 the commissioner shall at once issue a certificate of election
2 to each person declared elected. The board shall also declare
3 the results of the voting on any public question submitted to
4 the voters of a single school district, and the commissioner
5 shall certify the result as required by [section 50.27](#).

6 2. The abstracts of the votes cast for members of the board
7 of directors of any merged area, and of the votes cast on any
8 public question submitted to the voters of any merged area,
9 shall be promptly certified by the commissioner to the county
10 commissioner of elections who is responsible under [section 47.2](#)
11 for conducting the elections held for that merged area.

12 Sec. 9. EFFECTIVE DATE. This division of this Act takes
13 effect July 1, 2017.

14 Sec. 10. APPLICABILITY.

15 1. This division of this Act applies to regular school
16 elections held on or after November 7, 2017, and to the terms
17 of office of directors of local school districts, merged areas,
18 and area education agencies commencing on or after that date.

19 2. Under this division of this Act, the regular school
20 elections previously scheduled to be held in September
21 2017 shall be held in November 2017, and all such elections
22 previously scheduled to be held in September 2019 shall be held
23 in November 2019.

24 DIVISION II

25 COMBINED ADMINISTRATION OF CITY AND SCHOOL ELECTIONS

26 Sec. 11. Section 39.2, subsection 1, paragraph b, Code 2016,
27 is amended to read as follows:

28 *b.* A special election shall not be held in conjunction with
29 the primary election. ~~A special election shall not be held in~~
30 ~~conjunction with a school election unless the special election~~
31 ~~is for a school district or community college.~~ A special
32 election shall not be held in conjunction with a regularly
33 scheduled or special city primary or city runoff election.

34 Sec. 12. Section 39.2, subsection 2, Code 2016, is amended
35 to read as follows:

1 2. Except as otherwise provided in subsection 1, a special
2 election may be held on the same day as a regularly scheduled
3 election if the two elections are not in conflict within the
4 meaning of section 47.6, subsection 2. A special election
5 may be held on the same day as a regularly scheduled election
6 with which it does so conflict if the commissioner who is
7 responsible for conducting the elections concludes that to do
8 so will cause no undue difficulties, except that a special
9 election for a city, school district, or merged area shall not
10 be scheduled to coincide with the general election.

11 Sec. 13. Section 39.2, subsection 4, paragraph b, Code 2016,
12 is amended to read as follows:

13 b. ~~For a city, on the day of the general election, on the~~
14 ~~day of the regular city election, on the date of a special~~
15 ~~election held to fill a vacancy in the same city, or on in~~
16 the odd-numbered year, the first Tuesday in March, the first
17 Tuesday in May, or the first Tuesday in August of each year, or
18 the first Tuesday after the first Monday in November. For a
19 city, in the even-numbered year, the first Tuesday in March,
20 the first Tuesday in May, the first Tuesday in August, or the
21 first Tuesday in December.

22 Sec. 14. Section 44.4, subsection 1, Code 2016, is amended
23 to read as follows:

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

1 not less than twenty-five days before the date of the election.
2 Nominations made pursuant to [this chapter](#) and [chapter 45](#) which
3 are required to be filed in the office of the commissioner
4 shall be filed in that office not more than ninety-two days
5 nor later than 5:00 p.m. on the sixty-ninth day before the
6 date of the general election. Nominations made pursuant to
7 this chapter or [chapter 45](#) for city office shall be filed not
8 more than seventy-two days nor later than 5:00 p.m. on the
9 forty-seventh day before the city election with the ~~county~~
10 ~~commissioner of elections responsible under [section 47.2](#) for~~
11 ~~conducting elections held for the city~~ clerk, who shall process
12 them as provided by law.

13 Sec. 15. Section 44.4, subsection 2, paragraph a,
14 subparagraphs (2) and (3), Code 2016, are amended to read as
15 follows:

16 (2) Those filed with the commissioner, not less than
17 sixty-four days before the date of the election, ~~except as~~
18 ~~provided in subparagraph (3).~~

19 (3) Those filed with the ~~commissioner for an elective city~~
20 ~~office~~ clerk, at least forty-two days before the regularly
21 scheduled or special city election. However, for those cities
22 that may be required to hold a primary election, at least
23 sixty-three days before the regularly scheduled or special city
24 election.

25 Sec. 16. Section 44.7, Code 2016, is amended to read as
26 follows:

27 **44.7 Hearing before commissioner.**

28 ~~Except as otherwise provided in [section 44.8](#),~~ objections
29 Objections filed with the commissioner shall be considered by
30 the county auditor, county treasurer, and county attorney, and
31 a majority decision shall be final. However, if the objection
32 is to the certificate of nomination of one or more of the
33 above named county officers, the officer or officers objected
34 to shall not pass upon the objection, but their places shall
35 be filled, respectively, by the chairperson of the board of

1 supervisors, the sheriff, and the county recorder.

2 Sec. 17. Section 44.8, subsection 1, Code 2016, is amended
3 to read as follows:

4 1. Objections filed with the city clerk ~~pursuant to~~
5 ~~section 362.4~~ or with the commissioner for an elective city
6 office shall be considered by the mayor and clerk and one
7 member of the council chosen by the council by ballot, and a
8 majority decision shall be final. However, if the objection
9 is to the certificate of nomination of either of those city
10 officials, that official shall not pass upon the objection,
11 but the official's place shall be filled by a member of the
12 council against whom no such objection exists, chosen as above
13 provided.

14 Sec. 18. Section 44.9, subsections 2, 3, and 6, Code 2016,
15 are amended to read as follows:

16 2. In the office of the proper commissioner, at least
17 sixty-four days before the date of the election, ~~except as~~
18 ~~otherwise provided in subsection 6.~~

19 3. In the office of the proper school board secretary, at
20 least ~~thirty-five~~ forty-two days before the day of a regularly
21 scheduled school election.

22 6. In the office of the proper ~~commissioner~~ city clerk, at
23 least forty-two days before the regularly scheduled or special
24 city election. However, for those cities that may be required
25 to hold a primary election, at least sixty-three days before a
26 regularly scheduled or special city election.

27 Sec. 19. Section 44.11, Code 2016, is amended to read as
28 follows:

29 **44.11 Vacancies filled.**

30 If a candidate named under this chapter withdraws before the
31 deadline established in section 44.9, declines a nomination,
32 or dies before election day, or if a certificate of nomination
33 is held insufficient or inoperative by the officer with whom
34 it is required to be filed, or in case any objection made
35 to a certificate of nomination, or to the eligibility of any

1 candidate named in the certificate, is sustained by the board
2 appointed to determine such questions, the vacancy or vacancies
3 may be filled by the convention, or caucus, or in such manner
4 as such convention or caucus has previously provided. The
5 vacancy or vacancies shall be filled not less than seventy-four
6 days before the election in the case of nominations required
7 to be filed with the state commissioner, not less than
8 sixty-four days before the election in the case of nominations
9 required to be filed with the commissioner, not less than
10 ~~thirty-five~~ forty-two days before the election in the case of
11 nominations required to be filed in the office of the school
12 board secretary, and not less than forty-two days before the
13 election in the case of nominations required to be filed with
14 the ~~commissioner for city elections~~ clerk.

15 Sec. 20. Section 47.2, subsection 2, Code 2016, is amended
16 to read as follows:

17 2. When an election is to be held as required by law or
18 is called by a political subdivision of the state and the
19 political subdivision is located in more than one county, the
20 county commissioner of elections of each of those counties
21 shall conduct that election within the commissioner's county.
22 However, the commissioner for the county having the greatest
23 taxable base within the political subdivision shall conduct
24 that election serve as the controlling commissioner for
25 the election. The controlling commissioner shall receive
26 all nomination papers and public measures for the political
27 subdivision. By the forty-first day prior to the election, the
28 controlling commissioner shall certify the names of candidates
29 and the text and summary of any public measure being submitted
30 to the electorate to all county commissioners of elections
31 required to conduct elections for the political subdivision.
32 The county commissioners of elections of the other counties
33 in which the political subdivision is located shall cooperate
34 with the county controlling ~~commissioner of elections who is~~
35 ~~conducting the election.~~

1 Sec. 21. Section 47.6, subsection 2, Code 2016, is amended
2 to read as follows:

3 2. For the purpose of **this section**, a conflict between
4 two elections exists only when ~~one of the elections would~~
5 ~~require use of precinct boundaries which differ from those~~
6 ~~to be used for the other election, or when~~ some but not all
7 of the registered voters of any precinct would be entitled
8 to vote in one of the elections and all of the registered
9 voters of the same precinct would be entitled to vote in
10 the other election. Nothing in **this subsection** shall deny
11 a commissioner discretionary authority to approve holding a
12 special election on the same date as another election, even
13 though the two elections may be defined as being in conflict,
14 if the commissioner concludes that to do so will cause no undue
15 difficulties.

16 Sec. 22. Section 49.9, Code 2016, is amended to read as
17 follows:

18 **49.9 Proper place of voting.**

19 Except as provided in **section 49.11, subsection 3**, paragraph
20 **"b"**, and as required by the designation of a commissioner
21 pursuant to section 49.21, subsection 1, a person shall not
22 vote in any precinct but that of the person's residence.

23 Sec. 23. Section 49.21, subsection 1, Code 2016, is amended
24 to read as follows:

25 1. a. It is the responsibility of the commissioner to
26 designate a polling place for each precinct in the county.
27 Notwithstanding any provision of law to the contrary, for
28 city and school elections the commissioner shall, whenever
29 practicable, designate polling places so that an eligible
30 elector will be assigned to vote at the same polling place
31 at which the eligible elector would be assigned to vote at
32 the general election. However, if a city does not have a
33 polling place designated for the general election precinct, the
34 commissioner may designate an additional polling place for the
35 precinct in that city.

1 b. Each polling place designated shall be accessible to
2 persons with disabilities. However, if the commissioner is
3 unable to provide an accessible polling place for a precinct,
4 the commissioner shall apply for a temporary waiver of the
5 accessibility requirement. The state commissioner shall adopt
6 rules in accordance with **chapter 17A** prescribing standards
7 for determining whether a polling place is accessible and the
8 process for applying for a temporary waiver of accessibility.

9 Sec. 24. Section 49.30, Code 2016, is amended to read as
10 follows:

11 **49.30 All candidates and issues on one ballot — exceptions.**

12 1. All constitutional amendments, all public measures, and
13 the names of all candidates, other than presidential electors,
14 to be voted for in each election precinct, shall be printed on
15 one ballot, except that separate ballots are authorized when it
16 is not possible to include all offices and public measures on a
17 single ballot. In the event that it is not possible to include
18 all offices and public measures on a single ballot, separate
19 ballots may be provided for nonpartisan offices, judges, or
20 public measures.

21 2. If printed on the same ballot, the offices of political
22 subdivisions shall, if applicable, be printed in the following
23 order:

24 a. Those of a county.

25 b. Those of a city.

26 c. Those of a school district.

27 d. Those of a merged area.

28 e. Those of any other political subdivision.

29 3. If printed on the same ballot, the public measures of
30 political subdivisions shall be printed in the same order as
31 provided for offices of the political subdivisions.

32 Sec. 25. Section 49.31, subsection 2, paragraph b, Code
33 2016, is amended to read as follows:

34 b. The commissioner shall then arrange the surnames of each
35 political party's candidates for each office to which two or

1 more persons are to be elected at large alphabetically for
2 the respective offices for the first precinct on the list;
3 thereafter, for each political party and for each succeeding
4 precinct, the names appearing first for the respective offices
5 in the last preceding precinct shall be placed last, so that
6 the names that were second before the change shall be first
7 after the change. The commissioner may also rotate the names
8 of candidates of a political party in the reverse order of that
9 provided in [this subsection](#) or alternate the rotation so that
10 the candidates of different parties shall not be paired as they
11 proceed through the rotation. ~~The procedure for arrangement~~
12 ~~of names on ballots provided in [this section](#) shall likewise be~~
13 ~~substantially followed in elections in political subdivisions~~
14 ~~of less than a county.~~

15 Sec. 26. Section 49.31, subsection 2, Code 2016, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. *d.* On the regular and special city election
18 and school election ballots the names of candidates for city,
19 school district, and merged area offices shall be arranged
20 by drawing lots for position. The commissioner shall hold
21 the drawing on the second business day following the deadline
22 for filing of nomination papers or petitions under sections
23 260C.15, 277.4, and 376.4. If a candidate withdraws, dies, or
24 is removed from the ballot after the ballot position of names
25 has been determined, such candidate's name shall be removed
26 from the ballot, and the order of the remaining names shall not
27 be changed.

28 Sec. 27. Section 49.31, subsection 3, Code 2016, is amended
29 to read as follows:

30 3. ~~The~~ Except as otherwise provided in subsection 2,
31 paragraph "d", the ballots for any ~~city elections, school~~
32 ~~elections,~~ special election, or any other election at which
33 any office is to be filled on a nonpartisan basis and the
34 statutes governing the office to be filled are silent as to the
35 arrangement of names on the ballot, shall contain the names of

1 all nominees or candidates arranged in alphabetical order by
2 surname under the heading of the office to be filled. When a
3 ~~city election, school election,~~ special election, or any other
4 election at which an office is to be filled on a nonpartisan
5 basis, is held under this subsection in more than one precinct,
6 the candidates' names shall be rotated on the ballot from
7 precinct to precinct in the manner prescribed by subsection
8 2 unless there are no more candidates for an office than the
9 number of persons to be elected to that office.

10 Sec. 28. Section 49.41, subsection 1, paragraph a, Code
11 2016, is amended to read as follows:

12 a. A person shall not be a candidate for more than one
13 office to be filled at the same election, except that a person
14 may be a candidate for a city office and school board office at
15 the same election. A person who has been nominated for more
16 than one office and is prohibited from being a candidate for
17 more than one office shall file a written notice declaring the
18 office for which the person wishes to appear on the ballot.

19 Sec. 29. Section 49.51, Code 2016, is amended to read as
20 follows:

21 **49.51 Commissioner to control printing.**

22 The commissioner shall have charge of the printing of the
23 ballots to be used for any election held in the county, unless
24 the commissioner delegates that authority as permitted by this
25 section. ~~The commissioner may delegate this authority only~~
26 ~~to another commissioner who is responsible under section 47.2~~
27 ~~for conducting the elections held for a political subdivision~~
28 ~~which lies in more than one county, and only with respect to~~
29 ~~printing of ballots containing only public questions or the~~
30 ~~names of candidates to be voted upon by the registered voters~~
31 ~~of that political subdivision.~~ Only one facsimile signature,
32 that of the commissioner under whose direction the ballot is
33 printed, shall appear on the ballot. It is the duty of the
34 commissioner to insure that the arrangement of any ballots
35 printed under the commissioner's direction conforms to all

1 applicable requirements of [this chapter](#).

2 Sec. 30. Section 49.73, subsection 1, paragraphs a and b,
3 Code 2016, are amended by striking the paragraphs.

4 Sec. 31. Section 49.73, subsection 2, Code 2016, is amended
5 to read as follows:

6 ~~2. The commissioner shall not shorten voting hours for any~~
7 ~~election if there is filed in the commissioner's office, at~~
8 ~~least twenty five days before the election, a petition signed~~
9 ~~by at least fifty eligible electors of the school district~~
10 ~~or city, as the case may be, requesting that the polls be~~
11 ~~opened not later than 7:00 a.m. All polling places where the~~
12 ~~candidates of or any public question submitted by any one~~
13 ~~political subdivision are being voted upon shall be opened at~~
14 ~~the same hour, except that this requirement shall not apply~~
15 ~~to merged areas established under [chapter 260C](#). The hours~~
16 ~~at which the respective precinct polling places are to open~~
17 ~~shall not be changed after publication of the notice required~~
18 ~~by [section 49.53](#). The polling places shall be closed at 9:00~~
19 ~~p.m. for state primary and general elections and other partisan~~
20 ~~elections, and for any other election held concurrently~~
21 ~~therewith, and at 8:00 p.m. for all other elections.~~

22 Sec. 32. Section 50.11, Code 2016, is amended to read as
23 follows:

24 **50.11 Proclamation of result.**

25 1. When the canvass is completed one of the precinct
26 election officials shall publicly announce the total number of
27 votes received by each of the persons voted for, the office for
28 which the person is designated, as announced by the designated
29 tally keepers, and the number of votes for, and the number of
30 votes against, any proposition which shall have been submitted
31 to a vote of the people. A precinct election official shall
32 communicate the election results by telephone or in person to
33 the commissioner who is conducting the election immediately
34 upon completion of the canvass.

35 2. Election results may be transmitted electronically from

1 voting equipment to the commissioner's office only after the
2 precinct election officials have produced a written report of
3 the election results. The devices used for the electronic
4 transmission of election results shall be approved for use
5 by the board of examiners pursuant to [section 52.41](#). The
6 state commissioner of elections shall adopt rules establishing
7 procedures for the electronic transmission of election results.

8 3. The commissioner shall remain on duty until such
9 information is communicated to the commissioner from each
10 polling place in the commissioner's county. For an election
11 for a political subdivision that is located in more than one
12 county, the commissioner shall, if applicable, communicate that
13 county's election results for the political subdivision to
14 the controlling commissioner for that political subdivision,
15 under section 47.2 and the controlling commissioner shall
16 remain on duty until such information is communicated to
17 the controlling commissioner from each commissioner for the
18 political subdivision.

19 Sec. 33. Section 50.24, Code 2016, is amended by adding the
20 following new subsections:

21 NEW SUBSECTION. 3A. For a regular or special city election
22 or a city runoff election, if the city is located in more than
23 one county, the controlling commissioner for that city under
24 section 47.2 shall conduct a second canvass on the second
25 Monday or Tuesday after the day of the election. However, if a
26 recount is requested pursuant to section 50.48, the controlling
27 commissioner shall conduct the second canvass within two
28 business days after the conclusion of the recount proceedings.
29 Each commissioner conducting a canvass for the city pursuant
30 to subsection 1 shall transmit abstracts for the offices and
31 public measures of that city to the controlling commissioner
32 for that city, along with individual tallies for each write-in
33 candidate. At the second canvass, the county board of
34 supervisors of the county of the controlling commissioner shall
35 canvass the abstracts received pursuant to this subsection and

1 shall prepare a combined city abstract stating the number of
2 votes cast in the city for each office and on each question on
3 the ballot for the city election. The combined city abstract
4 shall further indicate the name of each person who received
5 votes for each office on the ballot, the number of votes each
6 person named received for that office, and the number of votes
7 for and against each question submitted to the voters at the
8 election. The votes of all write-in candidates who each
9 received less than five percent of the total votes cast in the
10 city for an office shall be reported collectively under the
11 heading "scattering".

12 NEW SUBSECTION. 3B. a. For a regular or special school
13 election, if the school district is located in more than one
14 county, the controlling commissioner for that school district
15 under section 47.2 shall conduct a second canvass on the second
16 Monday or Tuesday after the day of election. However, if a
17 recount is requested pursuant to section 50.48, the controlling
18 commissioner shall conduct the second canvass within two
19 business days after the conclusion of the recount proceedings.
20 Each commissioner conducting a canvass for the school district
21 pursuant to subsection 1 shall transmit abstracts for the
22 offices and public measures of that school district to the
23 controlling commissioner for that school district, along with
24 individual tallies for each write-in candidate. At the second
25 canvass the county board of supervisors of the controlling
26 county shall canvass the abstracts received pursuant to
27 this subsection and shall prepare a combined school district
28 abstract stating the number of votes cast in the school
29 district for each office and on each question on the ballot for
30 the school election. The combined school district abstract
31 shall further indicate the name of each person who received
32 votes for each office on the ballot, the number of votes each
33 person named received for that office, and the number of votes
34 for and against each question submitted to the voters at the
35 election. The votes of all write-in candidates who each

1 received less than five percent of the total votes cast in the
2 school district for an office shall be reported collectively
3 under the heading "scattering".

4 *b.* The second canvass of votes for a merged area shall be
5 conducted pursuant to section 260C.15, subsection 5, and each
6 commissioner conducting a canvass for the merged area pursuant
7 to subsection 1 shall transmit abstracts for the offices and
8 public measures of that school district to the controlling
9 commissioner for that merged area, along with individual
10 tallies for each write-in candidate.

11 Sec. 34. Section 50.48, subsection 1, paragraph a,
12 unnumbered paragraph 1, Code 2016, is amended to read as
13 follows:

14 The county board of canvassers shall order a recount of the
15 votes cast for a particular office or nomination in one or
16 more specified election precincts in that county if a written
17 request ~~therefor~~ for a recount is made not later than 5:00 p.m.
18 on the third day following the county board's canvass of the
19 election in question. For a city runoff election held pursuant
20 to section 376.9, the written request must be made not later
21 than 5:00 p.m. on the day following the county board's canvass
22 of the city runoff election. The request shall be filed with
23 the commissioner of that county, ~~or with the commissioner~~
24 ~~responsible for conducting the election if section 47.2,~~
25 ~~subsection 2, is applicable,~~ and shall be signed by either of
26 the following:

27 Sec. 35. Section 52.25, subsection 2, paragraph b, Code
28 2016, is amended to read as follows:

29 *b.* In the case of a public question to be voted on in
30 a political subdivision lying in more than one county, the
31 summary shall be worded by the controlling commissioner
32 ~~responsible~~ under section 47.2 for ~~conducting~~ that election.

33 Sec. 36. Section 53.40, subsection 1, paragraph a, Code
34 2016, is amended to read as follows:

35 *a.* A request in writing for a ballot may be made by any

1 member of the armed forces of the United States who is or
2 will be a qualified voter on the day of the election at which
3 the ballot is to be cast, at any time before the election.
4 Any member of the armed forces of the United States may
5 request ballots for all elections to be held during a calendar
6 year. The request may be made by using the federal postcard
7 application form and indicating that the applicant wishes to
8 receive ballots for all elections as permitted by state law.
9 If the applicant does not specify which elections the request
10 is for, the county commissioner shall send the applicant a
11 ballot for each federal election held after the application
12 is received until the end of the calendar year in which the
13 request is received. ~~If the applicant requests ballots for all~~
14 ~~elections to be held in a calendar year, the commissioner, if~~
15 ~~necessary, shall forward a copy of the absentee ballot request~~
16 ~~to other commissioners who are responsible under section 47.2,~~
17 ~~subsection 2, for conducting elections in which the applicant~~
18 ~~is eligible to vote.~~

19 Sec. 37. Section 260C.12, subsection 1, Code 2016, is
20 amended to read as follows:

21 1. The board of directors of the merged area shall organize
22 at the first regular meeting in ~~October~~ December following the
23 regular school election. Organization of the board shall be
24 effected by the election of a president and other officers from
25 the board membership as board members determine. The board
26 of directors shall appoint a secretary and a treasurer who
27 shall each give bond as prescribed in [section 291.2](#) and who
28 shall each receive the salary determined by the board. The
29 secretary and treasurer shall perform duties under [chapter 291](#)
30 and additional duties the board of directors deems necessary.
31 However, the board may appoint one person to serve as the
32 secretary and treasurer. If one person serves as the secretary
33 and treasurer, only one bond is necessary for that person. The
34 frequency of meetings other than organizational meetings shall
35 be as determined by the board of directors but the president

1 or a majority of the members may call a special meeting at any
2 time.

3 Sec. 38. Section 260C.15, subsection 3, Code 2016, is
4 amended to read as follows:

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

22 Sec. 39. Section 260C.15, subsection 4, paragraph b, Code
23 2016, is amended to read as follows:

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

1 Sec. 40. Section 260C.15, subsection 5, Code 2016, is
2 amended to read as follows:

3 5. The votes cast in the election shall be canvassed and
4 abstracts of the votes cast shall be certified as required by
5 section 277.20. In each county whose commissioner of elections
6 is ~~responsible~~ the controlling commissioner for a merged area
7 under section 47.2 ~~for conducting elections held for a merged~~
8 ~~area~~, the county board of supervisors shall convene on the
9 last Monday in ~~September~~ November or at the last regular board
10 meeting in ~~September~~ November, canvass the abstracts of votes
11 cast from each county in the merged area, and declare the
12 results of the voting. The commissioner shall at once issue
13 certificates of election to each person declared elected, and
14 shall certify to the merged area board in substantially the
15 manner prescribed by section 50.27 the result of the voting
16 on any public question submitted to the voters of the merged
17 area. Members elected to the board of directors of a merged
18 area shall qualify by taking the oath of office prescribed in
19 section 277.28.

20 Sec. 41. Section 260C.22, subsection 3, Code 2016, is
21 amended to read as follows:

22 3. A voted tax imposed under this section may be
23 discontinued, or its maximum rate increased, by petition and
24 election. Upon receipt of a petition containing the required
25 number of signatures, the board of directors of a merged area
26 shall direct the merged area's controlling county commissioner
27 of elections ~~responsible~~ under section 47.2 ~~for conducting~~
28 ~~elections in the merged area~~ to submit to the voters of
29 the merged area the question of whether to discontinue the
30 authority of the board of directors to impose the voted tax
31 under this section or to increase the maximum rate of the voted
32 tax, whichever is applicable. The petition must be signed by
33 eligible electors equal in number to not less than twenty-five
34 percent of the votes cast at the last preceding election
35 in the merged area where the question of the imposition of

1 the tax appeared on the ballot and received by the board of
 2 directors by June 1 of the year in which the election is to
 3 be held. The question shall be submitted at an election held
 4 on a date authorized for an election under [subsection 1](#),
 5 paragraph "a". If a majority of those voting on the question
 6 of discontinuance of the board of directors' authority to
 7 impose the tax favors discontinuance, the board shall not
 8 impose the tax for any fiscal year beginning after expiration
 9 of the period of time for imposing the tax approved at the last
 10 election under [subsection 1](#) or the period of time for imposing
 11 the tax established by resolution of the board under subsection
 12 2 that is in effect on the date the petition for the election is
 13 filed with the board, whichever is applicable, unless following
 14 discontinuance the voted tax is again authorized at election
 15 under [subsection 1](#). If the question of whether to discontinue
 16 the authority of the board of directors to impose the tax
 17 fails to gain approval at election, the question shall not be
 18 submitted to the voters of the merged area for a period of ten
 19 years following the date of the election. If a majority of
 20 those voting on the question to increase the maximum rate of
 21 the voted tax favors the proposed increase, the new maximum
 22 rate shall apply to fiscal years beginning after the date of
 23 the election.

24 Sec. 42. Section 260C.28, subsection 3, paragraph c, Code
 25 2016, is amended to read as follows:

26 *c.* The additional tax authorized under [subsection 2](#) may
 27 be discontinued by petition and election. Upon receipt of a
 28 petition containing the required number of signatures, the
 29 board of directors of a merged area shall direct the merged
 30 area's controlling county commissioner of elections ~~responsible~~
 31 ~~under [section 47.2](#) for conducting elections in the merged area~~
 32 to submit to the voters of the merged area the question of
 33 whether to discontinue the authority of the board of directors
 34 to impose the additional tax under [subsection 2](#). The petition
 35 must be signed by eligible electors equal in number to not

1 less than twenty-five percent of the votes cast at the last
2 preceding election in the merged area where the question of
3 the imposition of the additional tax appeared on the ballot.
4 The question shall be submitted at an election held on a date
5 specified in [section 39.2, subsection 4](#), paragraph "c". If
6 a majority of those voting on the question of discontinuance
7 of the board of directors' authority to impose the additional
8 tax favors discontinuance, the board shall not impose the
9 additional tax for any fiscal year beginning after the
10 expiration of the period of time for imposing the tax approved
11 at the last election under paragraph "a" or the period of time
12 for imposing the additional tax established by resolution of
13 the board under paragraph "b" that is in effect on the date the
14 petition for the election is filed with the board, whichever
15 is applicable, unless following discontinuance the additional
16 tax is again authorized at election under paragraph "a". If
17 the question of whether to discontinue the authority of the
18 board of directors to impose the additional tax fails to gain
19 approval at election, the question shall not be submitted
20 to the voters of the merged area for a period of ten years
21 following the date of the election.

22 Sec. 43. Section 273.8, subsection 4, paragraph a, Code
23 2016, is amended to read as follows:

24 a. The board of directors of each area education agency
25 shall meet and organize at the first regular meeting in ~~October~~
26 December following the regular school election at a suitable
27 place designated by the president. Directors whose terms
28 commence at the organizational meeting shall qualify by taking
29 the oath of office required by [section 277.28](#) at or before the
30 organizational meeting.

31 Sec. 44. Section 275.22, Code 2016, is amended to read as
32 follows:

33 **275.22 Canvass and return.**

34 ~~The precinct election officials shall count the ballots,~~
35 ~~and make return to and deposit the ballots with the county~~

1 ~~commissioner of elections, who shall enter the return of record~~
2 ~~in the commissioner's office. The election tally lists,~~
3 ~~including absentee ballots, shall be listed by individual~~
4 ~~school district. The canvass shall be conducted pursuant~~
5 ~~to section 50.24. The county commissioner of elections or~~
6 ~~controlling commissioner shall certify the results of the~~
7 election to the area education agency administrator. If the
8 majority of the votes cast by the registered voters is in favor
9 of the proposition, as provided in [section 275.20](#), a new school
10 corporation shall be organized. If the majority of votes cast
11 is opposed to the proposition, a new petition describing the
12 identical or similar boundaries shall not be filed for at least
13 six months from the date of the election. If territory is
14 excluded from the reorganized district, action pursuant to
15 section 274.37 shall be taken prior to the effective date of
16 reorganization. The secretary of the new school corporation
17 shall file a written description of the boundaries as provided
18 in [section 274.4](#).

19 Sec. 45. Section 277.4, subsection 1, Code 2016, is amended
20 to read as follows:

21 1. Nomination papers for all candidates for election
22 to office in each school district shall be filed with the
23 secretary of the school board not more than ~~sixty-four~~
24 seventy-one days, nor less than ~~forty~~ forty-seven days before
25 the election. Nomination petitions shall be filed not later
26 than 5:00 p.m. on the last day for filing. If the school
27 board secretary is not readily available during normal office
28 hours, the secretary may designate a full-time employee of
29 the school district who is ordinarily available to accept
30 nomination papers under [this section](#). On the final date for
31 filing nomination papers the office of the school secretary
32 shall remain open until 5:00 p.m.

33 Sec. 46. Section 277.5, Code 2016, 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 at least ~~thirty-five~~ forty-two
6 days before the day of the school election. When objections
7 are filed notice shall forthwith be given to the candidate
8 affected, addressed to the candidate's place of residence as
9 given on the candidate's affidavit, stating that objections
10 have been made to the legal sufficiency of the petition or to
11 the eligibility of the candidate, and also stating the time and
12 place the objections will be considered.

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

22 Sec. 47. Section 277.20, Code 2016, is amended to read as
23 follows:

24 **277.20 Canvassing returns.**

25 1. ~~On the next Friday after the regular school election, the~~
26 ~~county board of supervisors shall~~ The canvass the of returns
27 ~~made to the county commissioner of elections from the several~~
28 ~~precinct polling places and the absentee ballot counting~~
29 ~~board, ascertain the result of the voting with regard to every~~
30 ~~matter voted upon and cause a record to be made thereof as~~
31 ~~required by~~ shall be conducted pursuant to [section 50.24](#).
32 Special elections held in school districts shall be canvassed
33 at the time and in the manner required by that section. The
34 appropriate board of supervisors shall declare the results
35 of the voting for members of boards of directors of school

1 corporations nominated pursuant to [section 277.4](#), and the
2 appropriate commissioner of elections shall at once issue a
3 certificate of election to each person declared elected. The
4 appropriate board shall also declare the results of the voting
5 on any public question submitted to the voters of a single
6 school district, and the appropriate commissioner shall certify
7 the result as required by [section 50.27](#).

8 2. The abstracts of the votes cast for members of the board
9 of directors of any merged area, and of the votes cast on any
10 public question submitted to the voters of any merged area,
11 shall be promptly certified by the county commissioner of
12 elections to the merged area's controlling county commissioner
13 ~~of elections who is responsible under [section 47.2](#) for~~
14 ~~conducting the elections held for that merged area.~~

15 Sec. 48. Section 376.4, subsection 1, paragraph a, Code
16 2016, is amended to read as follows:

17 *a.* An eligible elector of a city may become a candidate for
18 an elective city office by filing with the ~~county commissioner~~
19 ~~of elections responsible under [section 47.2](#) for conducting~~
20 ~~elections held for the city~~ clerk a valid petition requesting
21 that the elector's name be placed on the ballot for that
22 office. The petition must be filed not more than seventy-one
23 days and not less than forty-seven days before the date of
24 the election, and must be signed by eligible electors equal
25 in number to at least two percent of those who voted to fill
26 the same office at the last regular city election, but not
27 less than ten persons. However, for those cities which may be
28 required to hold a primary election, the petition must be filed
29 not more than eighty-five days and not less than sixty-eight
30 days before the date of the regular city election. Nomination
31 petitions shall be filed not later than 5:00 p.m. on the last
32 day for filing.

33 Sec. 49. Section 376.4, subsections 3, 4, 5, and 6, Code
34 2016, are amended to read as follows:

35 3. If the city clerk is not readily available during normal

1 office hours, the city clerk shall designate other employees or
2 officials of the city who are ordinarily available to accept
3 nomination papers under this section. On the final date for
4 filing nomination papers the office of the ~~county commissioner~~
5 city clerk shall remain open until 5:00 p.m.

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

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

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

24 Sec. 50. Section 376.6, subsection 2, Code 2016, is amended
25 to read as follows:

26 2. Each city clerk shall certify to the city's controlling
27 commissioner of elections ~~responsible~~ under [section 47.2](#) ~~for~~
28 ~~conducting elections for that city~~ the type of nomination
29 process to be used for the city no later than ninety days
30 before the date of the regular city election. If the city has
31 by ordinance chosen a runoff election or has chosen to have
32 nominations made in the manner provided by [chapter 44](#) or [45](#),
33 or has repealed nomination provisions under those sections
34 in preference for the primary election method, a copy of the
35 city ordinance shall be attached. No changes in the method of

1 nomination to be used in a city shall be made after the clerk
2 has filed the certification with the commissioner, unless the
3 change will not take effect until after the next regular city
4 election.

5 Sec. 51. Section 376.9, subsection 2, Code 2016, is amended
6 to read as follows:

7 2. a. Runoff elections shall be held four weeks after the
8 date of the regular city election and shall be conducted in the
9 same manner as regular city elections, except that the county
10 board of supervisors required to canvass the vote of the runoff
11 election pursuant to section 50.24 shall meet to canvass the
12 vote on the Thursday following the runoff election.

13 b. For a city that is located in more than one county,
14 the county board of supervisors conducting the canvass under
15 paragraph "a" shall transmit abstracts for the offices and
16 public measures of that city, along with individual tallies for
17 each write-in candidate, to the city's controlling commissioner
18 under section 47.2 within twenty-four hours of completing the
19 canvass. The county board of supervisors of the county of the
20 controlling commissioner shall canvass the abstracts received
21 pursuant to this subsection on the first Monday or the first
22 Tuesday after the day of the runoff election and shall proceed
23 as otherwise provided in section 50.24, subsection 3A.

24 Sec. 52. REPEAL. Section 277.6, Code 2016, is repealed.

25 Sec. 53. EFFECTIVE DATE. This division of this Act takes
26 effect July 1, 2017.

27 DIVISION III

28 TRANSITION PROVISIONS

29 Sec. 54. TERM OF OFFICE — TRANSITION PROVISIONS.

30 1. Notwithstanding the provisions of section 260C.11
31 designating a term of four years for members of a board of
32 directors of a merged area, the term of office for a seat on a
33 board of directors filled at the regular school election held
34 on:

35 a. September 10, 2013, shall expire November 7, 2017.

1 the regular school elections previously scheduled to be held
2 in September 2017 shall be held in November 2017 and those
3 elections previously scheduled to be held in September 2019
4 shall be held in November 2019.

5 Division II of the bill provides for the combined
6 administration of city and school elections by changing
7 certain school filing, withdrawal, and objection deadlines
8 to mirror those of city elections. Under the division, a
9 county commissioner of elections (county auditor) is required,
10 whenever practicable, to designate polling places so that
11 eligible voters will be assigned to the same polling place for
12 general elections, city elections, and school elections. Under
13 the division, polling hours for city and school elections will
14 be from 7:00 a.m. until 8:00 p.m. Under the division, special
15 elections for cities, school districts, and merged areas can
16 not be scheduled to coincide with the general election.

17 For the regular school election, the division changes the
18 time period for filing nomination papers with the secretary
19 of the school board to not more than 71 days nor less than 47
20 days before the election. Under current law, the filing time
21 period is not more than 64 days nor less than 40 days before
22 the election. In addition, for school elections, the deadline
23 for filing a withdrawal of candidacy is changed from 35 days
24 to 42 days, and the deadline for filling a nomination vacancy
25 at convention or caucus is changed from 35 to 42 days before
26 the election.

27 Under current law, when a political subdivision is located
28 in more than one county, the county commissioner of elections
29 of the county having the greatest taxable base within the
30 political subdivision is required to conduct elections for
31 the political subdivision. Under the division, the county
32 commissioners of each of the counties where the political
33 subdivision is located are required to conduct the election
34 in the commissioner's county, but the division provides that
35 a controlling county commissioner be responsible for certain

1 election functions for those political subdivisions located
2 in more than one county. The designation of a controlling
3 county commissioner is based on the taxable base within the
4 political subdivision. Under the division, the controlling
5 commissioner is required to conduct a second canvass of city
6 and school elections for political subdivisions located in more
7 than one county. The division makes additional changes related
8 to the administration and conduct of canvasses and recounts for
9 regular and special city and school elections and city runoff
10 elections.

11 Under the division, certain duties of the county auditor
12 related to city elections are transferred to the city clerk.
13 The division also establishes an order for the appearance on
14 the ballot of political subdivision offices and ballot measures
15 and requires the drawing of lots for placement of names on
16 ballots for city and school elections. Under current law, the
17 names of such candidates are subject to rotation on ballots by
18 precinct. The division also specifies that a candidate's name
19 may appear on the ballot for both school and city office in the
20 same election. Division II takes effect July 1, 2017.

21 Division III of the bill includes transition provisions
22 related to the current terms of office for seats on boards
23 of directors for school districts, merged areas, and area
24 education agencies.