

House Study Bill 513 - Introduced

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

A BILL FOR

1 An Act relating to elections administration with respect to the
2 address confidentiality program, satellite absentee voting,
3 and the conduct of school district elections.
4 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 53.10, subsection 3, Code 2016, is amended
30 to read as follows:

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

1 Sec. 4. Section 53.11, subsection 4, Code 2016, is amended
2 to read as follows:

3 4. During the hours when absentee ballots are available at a
4 satellite absentee voting station, ~~electioneering shall not be~~
5 ~~allowed within the sight or hearing of voters at the satellite~~
6 absentee voting station is a polling place for purposes of
7 section 39A.4, subsection 1, paragraph "a".

8 Sec. 5. Section 275.1, subsection 1, paragraphs b and f,
9 Code 2016, are amended to read as follows:

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

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

21 Sec. 6. Section 275.41, subsection 3, Code 2016, is amended
22 to read as follows:

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

1 elect a member to create an odd number of members on the board,
2 the term of that member shall end at the organizational meeting
3 following the ~~third~~ second regular school election held after
4 the effective date.

5 Sec. 7. Section 279.6, subsection 1, paragraph a, Code 2016,
6 is amended to read as follows:

7 a. Except as provided in paragraph "b" and subsection
8 2, vacancies occurring among the officers or members of a
9 school board shall be filled by the board by appointment. A
10 person so appointed to fill a vacancy in an elective office
11 shall hold office until a successor is elected and qualified
12 pursuant to at the next regular school election, unless there
13 is an intervening special election for the school district, in
14 which event a successor shall be elected at the intervening
15 special election, in accordance with section 69.12. To fill
16 a vacancy occurring among the members of a school board, the
17 board shall publish notice in the manner prescribed by section
18 279.36, stating that the board intends to fill the vacancy
19 by appointment but that the electors of the school district
20 have the right to file a petition requiring that the vacancy
21 be filled by a special election conducted pursuant to section
22 279.7. The board may publish notice in advance if a member
23 of the board submits a resignation to take effect at a future
24 date. The board may make an appointment to fill the vacancy
25 after the notice is published or after the vacancy occurs,
26 whichever is later.

27 Sec. 8. Section 279.7, subsection 1, Code 2016, is amended
28 to read as follows:

29 1. If a vacancy or vacancies occur among the elective
30 officers or members of a school board and the remaining members
31 of the board have not filled the vacancy within thirty days
32 after the vacancy ~~becomes known by the secretary or the board~~
33 occurs or if a valid petition is submitted to the secretary
34 of the board pursuant to section 279.6, subsection 1, or
35 when the board is reduced below a quorum, the secretary of

1 the board, or if there is no secretary, the area education
2 agency administrator, shall call a special election in the
3 district, subdistrict, or subdistricts, as the case may be,
4 to fill the vacancy or vacancies. The county commissioner of
5 elections shall publish the notices required by law for special
6 elections, and the election shall be held not sooner than
7 thirty days nor later than forty days after the thirtieth day
8 following the day the vacancy ~~becomes known by the secretary or~~
9 ~~the board~~ occurs. If the secretary fails for more than three
10 days to call an election, the administrator shall call it.

11 EXPLANATION

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

14 This bill relates to elections administration with respect
15 to the address confidentiality program administered by the
16 secretary of state, to satellite absentee voting, and to the
17 conduct of school district elections.

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

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

1 door of a building affording access to a hallway, corridor,
2 stairway, or other means of reaching the room where the polls
3 are held. The bill provides that a satellite absentee voting
4 station and an absentee voting site at a county commissioner of
5 elections office are also polling places for purposes of Code
6 section 39A.4, subsection 1.

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

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