

House File 166 - Introduced

HOUSE FILE 166

BY HIGHFILL

A BILL FOR

1 An Act relating to political subdivision elections 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, making changes to
6 the administration of elections for political subdivisions
7 located in more than one county, establishing requirements
8 for ballot arrangement and placement for political
9 subdivision offices, and including effective date and
10 applicability and transition provisions.

11 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 2017, 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 2017, 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 2017, 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 260C.15, subsection 5, Code 2017, is amended
9 to read as follows:

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

25 Sec. 5. Section 273.8, subsection 2, paragraphs a and b,
26 Code 2017, are amended to read as follows:

27 a. Notice of the election shall be published by the area
28 education agency administrator not later than ~~July~~ September 15
29 of the odd-numbered year in at least one newspaper of general
30 circulation in the director district. The cost of publication
31 shall be paid by the area education agency.

32 b. A candidate for election to the area education agency
33 board shall file a statement of candidacy with the area
34 education agency secretary not later than ~~August~~ October 15 of
35 the odd-numbered year, on forms prescribed by the department

1 of education. The statement of candidacy shall include the
2 candidate's name, address, and school district. The list of
3 candidates shall be sent by the secretary of the area education
4 agency in ballot form by certified mail to the presidents of
5 the boards of directors of all school districts within the
6 director district not later than ~~September~~ November 1. In
7 order for the ballot to be counted, the ballot must be received
8 in the secretary's office by the end of the normal business
9 day on ~~September~~ November 30 or be clearly postmarked by an
10 officially authorized postal service not later than ~~September~~
11 November 29 and received by the secretary not later than noon
12 on the first Monday following ~~September~~ November 30.

13 Sec. 6. Section 273.8, subsection 4, paragraph a, Code 2017,
14 is amended to read as follows:

15 a. The board of directors of each area education agency
16 shall meet and organize at the first regular meeting in ~~October~~
17 December following the regular school election at a suitable
18 place designated by the president. Directors whose terms
19 commence at the organizational meeting shall qualify by taking
20 the oath of office required by [section 277.28](#) at or before the
21 organizational meeting.

22 Sec. 7. Section 273.8, subsection 6, Code 2017, is amended
23 to read as follows:

24 6. *Change in directors.* The board of an area education
25 agency may change the number of directors on the board and
26 shall make corresponding changes in the boundaries of director
27 districts. Changes shall be completed not later than ~~July~~
28 September 1 of a ~~fiscal~~ the odd-numbered year for the director
29 district conventions to be held the following ~~September~~
30 November.

31 Sec. 8. Section 277.1, Code 2017, is amended to read as
32 follows:

33 **277.1 Regular election.**

34 The regular election shall be held biennially on the ~~second~~
35 first Tuesday after the first Monday in ~~September~~ November of

1 each odd-numbered year in each school district for the election
2 of officers of the district and merged area and for the purpose
3 of submitting to the voters any matter authorized by law.

4 Sec. 9. EFFECTIVE DATE. This division of this Act takes
5 effect July 1, 2019.

6 Sec. 10. APPLICABILITY.

7 1. This division of this Act applies to regular school
8 elections held on or after November 5, 2019, and to the terms
9 of office of directors of local school districts, merged areas,
10 and area education agencies commencing on or after that date.

11 2. Under this division of this Act, the regular school
12 elections previously scheduled to be held in September 2019
13 shall be held in November 2019.

14 DIVISION II

15 COMBINED ADMINISTRATION OF CITY AND SCHOOL ELECTIONS

16 Sec. 11. Section 39.2, subsection 1, paragraph b, Code 2017,
17 is amended to read as follows:

18 b. A special election shall not be held in conjunction with
19 the primary election. ~~A special election shall not be held in
20 conjunction with a school election unless the special election
21 is for a school district or community college.~~ A special
22 election shall not be held in conjunction with a regularly
23 scheduled or special city primary or city runoff election.

24 Sec. 12. Section 39.2, subsection 2, Code 2017, is amended
25 to read as follows:

26 2. Except as otherwise provided in [subsection 1](#), a special
27 election may be held on the same day as a regularly scheduled
28 election if the two elections are not in conflict within the
29 meaning of [section 47.6, subsection 2](#). A special election
30 may be held on the same day as a regularly scheduled election
31 with which it does so conflict if the commissioner who is
32 responsible for conducting the elections concludes that to do
33 so will cause no undue difficulties, except that a special
34 election for a city, school district, or merged area shall not
35 be scheduled to coincide with the general election.

1 Sec. 13. Section 39.2, subsection 4, paragraph b, Code 2017,
2 is amended to read as follows:

3 b. For a city, ~~on the day of the general election, on the~~
4 ~~day of the regular city election, on the date of a special~~
5 ~~election held to fill a vacancy in the same city, or on in~~
6 the odd-numbered year, the first Tuesday in March, the first
7 Tuesday in May, ~~or the first Tuesday in August of each year, or~~
8 the first Tuesday after the first Monday in November. For a
9 city, in the even-numbered year, the first Tuesday in March,
10 the first Tuesday in May, the first Tuesday in August, or the
11 first Tuesday in December.

12 Sec. 14. Section 44.11, Code 2017, is amended to read as
13 follows:

14 **44.11 Vacancies filled.**

15 If a candidate named under [this chapter](#) withdraws before the
16 deadline established in [section 44.9](#), declines a nomination,
17 or dies before election day, or if a certificate of nomination
18 is held insufficient or inoperative by the officer with whom
19 it is required to be filed, or in case any objection made
20 to a certificate of nomination, or to the eligibility of any
21 candidate named in the certificate, is sustained by the board
22 appointed to determine such questions, the vacancy or vacancies
23 may be filled by the convention, or caucus, or in such manner
24 as such convention or caucus has previously provided. The
25 vacancy or vacancies shall be filled not less than seventy-four
26 days before the election in the case of nominations required
27 to be filed with the state commissioner, not less than
28 sixty-four days before the election in the case of nominations
29 required to be filed with the commissioner, not less than
30 ~~thirty-five~~ forty-two days before the election in the case of
31 nominations required to be filed in the office of the school
32 board secretary, and not less than forty-two days before the
33 election in the case of nominations required to be filed with
34 the commissioner for city elections.

35 Sec. 15. Section 47.2, subsection 2, Code 2017, is amended

1 to read as follows:

2 2. When an election is to be held as required by law or
3 is called by a political subdivision of the state and the
4 political subdivision is located in more than one county, the
5 county commissioner of elections of each of those counties
6 shall conduct that election within the commissioner's county.
7 However, the commissioner for the county having the greatest
8 taxable base within the political subdivision shall ~~conduct~~
9 that election serve as the controlling commissioner for
10 the election. The controlling commissioner shall receive
11 all nomination papers and public measures for the political
12 subdivision. By the forty-first day prior to the election, the
13 controlling commissioner shall certify the names of candidates
14 and the text and summary of any public measure being submitted
15 to the electorate to all county commissioners of elections
16 required to conduct elections for the political subdivision.
17 The county commissioners of elections of the other counties
18 in which the political subdivision is located shall cooperate
19 with the county controlling commissioner of ~~elections who is~~
20 ~~conducting the election.~~

21 Sec. 16. Section 47.6, subsection 2, Code 2017, is amended
22 to read as follows:

23 2. For the purpose of **this section**, a conflict between
24 two elections exists only when ~~one of the elections would~~
25 ~~require use of precinct boundaries which differ from those~~
26 ~~to be used for the other election, or when some but not all~~
27 of the registered voters of any precinct would be entitled
28 to vote in one of the elections and all of the registered
29 voters of the same precinct would be entitled to vote in
30 the other election. Nothing in **this subsection** shall deny
31 a commissioner discretionary authority to approve holding a
32 special election on the same date as another election, even
33 though the two elections may be defined as being in conflict,
34 if the commissioner concludes that to do so will cause no undue
35 difficulties.

1 Sec. 17. Section 49.9, Code 2017, is amended to read as
2 follows:

3 **49.9 Proper place of voting.**

4 Except as provided in [section 49.11, subsection 3](#), paragraph
5 "b", and as required by the designation of a commissioner
6 pursuant to section 49.21, subsection 1, a person shall not
7 vote in any precinct but that of the person's residence.

8 Sec. 18. Section 49.21, subsection 1, Code 2017, is amended
9 to read as follows:

10 1. a. It is the responsibility of the commissioner to
11 designate a polling place for each precinct in the county.
12 Notwithstanding any provision of law to the contrary, for
13 city and school elections the commissioner shall, whenever
14 practicable, designate polling places so that an eligible
15 elector will be assigned to vote at the same polling place
16 at which the eligible elector would be assigned to vote at
17 the general election. However, if a city does not have a
18 polling place designated for the general election precinct, the
19 commissioner may designate an additional polling place for the
20 precinct in that city.

21 b. Each polling place designated shall be accessible to
22 persons with disabilities. However, if the commissioner is
23 unable to provide an accessible polling place for a precinct,
24 the commissioner shall apply for a temporary waiver of the
25 accessibility requirement. The state commissioner shall adopt
26 rules in accordance with [chapter 17A](#) prescribing standards
27 for determining whether a polling place is accessible and the
28 process for applying for a temporary waiver of accessibility.

29 Sec. 19. Section 49.30, Code 2017, is amended to read as
30 follows:

31 **49.30 All candidates and issues on one ballot — exceptions.**

32 1. All constitutional amendments, all public measures, and
33 the names of all candidates, other than presidential electors,
34 to be voted for in each election precinct, shall be printed on
35 one ballot, except that separate ballots are authorized when it

1 is not possible to include all offices and public measures on a
2 single ballot. In the event that it is not possible to include
3 all offices and public measures on a single ballot, separate
4 ballots may be provided for nonpartisan offices, judges, or
5 public measures.

6 2. If printed on the same ballot, the offices of political
7 subdivisions shall, if applicable, be printed in the following
8 order:

- 9 a. Those of a county.
10 b. Those of a city.
11 c. Those of a school district.
12 d. Those of a merged area.
13 e. Those of any other political subdivision.

14 3. If printed on the same ballot, the public measures of
15 political subdivisions shall be printed in the same order as
16 provided for offices of the political subdivisions.

17 Sec. 20. Section 49.31, subsection 2, paragraph b, Code
18 2017, is amended to read as follows:

19 *b.* The commissioner shall then arrange the surnames of each
20 political party's candidates for each office to which two or
21 more persons are to be elected at large alphabetically for
22 the respective offices for the first precinct on the list;
23 thereafter, for each political party and for each succeeding
24 precinct, the names appearing first for the respective offices
25 in the last preceding precinct shall be placed last, so that
26 the names that were second before the change shall be first
27 after the change. The commissioner may also rotate the names
28 of candidates of a political party in the reverse order of that
29 provided in [this subsection](#) or alternate the rotation so that
30 the candidates of different parties shall not be paired as they
31 proceed through the rotation. ~~The procedure for arrangement~~
32 ~~of names on ballots provided in [this section](#) shall likewise be~~
33 ~~substantially followed in elections in political subdivisions~~
34 ~~of less than a county.~~

35 Sec. 21. Section 49.31, subsection 2, Code 2017, is amended

1 by adding the following new paragraph:

2 NEW PARAGRAPH. *d.* On the regular and special city election
3 and school election ballots the names of candidates for city,
4 school district, and merged area offices shall be arranged
5 by drawing lots for position. The commissioner shall hold
6 the drawing on the second business day following the deadline
7 for filing of nomination papers or petitions under sections
8 260C.15, 277.4, and 376.4. If a candidate withdraws, dies, or
9 is removed from the ballot after the ballot position of names
10 has been determined, such candidate's name shall be removed
11 from the ballot, and the order of the remaining names shall not
12 be changed.

13 Sec. 22. Section 49.31, subsection 3, Code 2017, is amended
14 to read as follows:

15 3. The Except as otherwise provided in subsection 2,
16 paragraph "d", the ballots for any ~~city elections, school~~
17 ~~elections,~~ special election, or any other election at which
18 any office is to be filled on a nonpartisan basis and the
19 statutes governing the office to be filled are silent as to
20 the arrangement of names on the ballot, shall contain the
21 names of all nominees or candidates arranged in alphabetical
22 order by surname under the heading of the office to be filled.
23 ~~When~~ Except as otherwise provided in subsection 2, paragraph
24 "d", when a ~~city election, school election,~~ special election,
25 or any other election at which an office is to be filled on
26 a nonpartisan basis, is held in more than one precinct, the
27 candidates' names shall be rotated on the ballot from precinct
28 to precinct in the manner prescribed by [subsection 2](#) unless
29 there are no more candidates for an office than the number of
30 persons to be elected to that office.

31 Sec. 23. Section 49.41, subsection 1, paragraph a, Code
32 2017, is amended to read as follows:

33 *a.* A person shall not be a candidate for more than one
34 office to be filled at the same election, except that a person
35 may be a candidate for a city office and school board office at

1 the same election. A person who has been nominated for more
2 than one office and is prohibited from being a candidate for
3 more than one office shall file a written notice declaring the
4 office for which the person wishes to appear on the ballot.

5 Sec. 24. Section 49.51, Code 2017, is amended to read as
6 follows:

7 **49.51 Commissioner to control printing.**

8 The commissioner shall have charge of the printing of the
9 ballots to be used for any election held in the county, ~~unless~~
10 ~~the commissioner delegates that authority as permitted by this~~
11 ~~section. The commissioner may delegate this authority only~~
12 ~~to another commissioner who is responsible under section 47.2~~
13 ~~for conducting the elections held for a political subdivision~~
14 ~~which lies in more than one county, and only with respect to~~
15 ~~printing of ballots containing only public questions or the~~
16 ~~names of candidates to be voted upon by the registered voters~~
17 ~~of that political subdivision. Only one facsimile signature,~~
18 ~~that of the commissioner under whose direction the ballot is~~
19 ~~printed, shall appear on the ballot. It is the duty of the~~
20 ~~commissioner to insure that the arrangement of any ballots~~
21 ~~printed under the commissioner's direction conforms to all~~
22 ~~applicable requirements of [this chapter](#).~~

23 Sec. 25. Section 49.73, subsection 1, paragraphs a and b,
24 Code 2017, are amended by striking the paragraphs.

25 Sec. 26. Section 49.73, subsection 2, Code 2017, is amended
26 to read as follows:

27 2. ~~The commissioner shall not shorten voting hours for any~~
28 ~~election if there is filed in the commissioner's office, at~~
29 ~~least twenty-five days before the election, a petition signed~~
30 ~~by at least fifty eligible electors of the school district~~
31 ~~or city, as the case may be, requesting that the polls be~~
32 ~~opened not later than 7:00 a.m. All polling places where the~~
33 ~~candidates of or any public question submitted by any one~~
34 ~~political subdivision are being voted upon shall be opened at~~
35 ~~the same hour, except that this requirement shall not apply~~

1 ~~to merged areas established under chapter 260C.~~ The hours at
2 which the respective precinct polling places are to open shall
3 not be changed after publication of the notice required by
4 section 49.53. The polling places shall be closed at 9:00 p.m.
5 for state primary and general elections and other partisan
6 elections, and for any other election held concurrently
7 therewith, and at 8:00 p.m. for all other elections.

8 Sec. 27. Section 50.11, Code 2017, is amended to read as
9 follows:

10 **50.11 Proclamation of result.**

11 1. When the canvass is completed one of the precinct
12 election officials shall publicly announce the total number of
13 votes received by each of the persons voted for, the office for
14 which the person is designated, as announced by the designated
15 tally keepers, and the number of votes for, and the number of
16 votes against, any proposition which shall have been submitted
17 to a vote of the people. A precinct election official shall
18 communicate the election results by telephone or in person to
19 the commissioner who is conducting the election immediately
20 upon completion of the canvass.

21 2. Election results may be transmitted electronically from
22 voting equipment to the commissioner's office only after the
23 precinct election officials have produced a written report of
24 the election results. The devices used for the electronic
25 transmission of election results shall be approved for use
26 by the board of examiners pursuant to [section 52.41](#). The
27 state commissioner of elections shall adopt rules establishing
28 procedures for the electronic transmission of election results.

29 3. The commissioner shall remain on duty until such
30 information is communicated to the commissioner from each
31 polling place in the commissioner's county. For an election
32 for a political subdivision that is located in more than one
33 county, the commissioner shall, if applicable, communicate
34 that county's election results for the political subdivision
35 to the controlling commissioner for that political subdivision

1 under section 47.2, and the controlling commissioner shall
2 remain on duty until such information is communicated to
3 the controlling commissioner from each commissioner for the
4 political subdivision.

5 Sec. 28. Section 50.24, Code 2017, is amended by adding the
6 following new subsections:

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

33 NEW SUBSECTION. 3B. a. For a regular or special school
34 election, if the school district is located in more than one
35 county, the controlling commissioner for that school district

1 under section 47.2 shall conduct a second canvass on the second
2 Monday or Tuesday after the day of election. However, if a
3 recount is requested pursuant to section 50.48, the controlling
4 commissioner shall conduct the second canvass within two
5 business days after the conclusion of the recount proceedings.
6 Each commissioner conducting a canvass for the school district
7 pursuant to subsection 1 shall transmit abstracts for the
8 offices and public measures of that school district to the
9 controlling commissioner for that school district, along with
10 individual tallies for each write-in candidate. At the second
11 canvass the county board of supervisors of the controlling
12 county shall canvass the abstracts received pursuant to
13 this subsection and shall prepare a combined school district
14 abstract stating the number of votes cast in the school
15 district for each office and on each question on the ballot for
16 the school election. The combined school district abstract
17 shall further indicate the name of each person who received
18 votes for each office on the ballot, the number of votes each
19 person named received for that office, and the number of votes
20 for and against each question submitted to the voters at the
21 election. The votes of all write-in candidates who each
22 received less than five percent of the total votes cast in the
23 school district for an office shall be reported collectively
24 under the heading "scattering".

25 *b.* The second canvass of votes for a merged area shall be
26 conducted pursuant to section 260C.15, subsection 5, and each
27 commissioner conducting a canvass for the merged area pursuant
28 to subsection 1 shall transmit abstracts for the offices and
29 public measures of that school district to the controlling
30 commissioner for that merged area, along with individual
31 tallies for each write-in candidate.

32 Sec. 29. Section 50.48, subsection 1, paragraph a,
33 unnumbered paragraph 1, Code 2017, is amended to read as
34 follows:

35 The county board of canvassers shall order a recount of the

1 votes cast for a particular office or nomination in one or
2 more specified election precincts in that county if a written
3 request ~~therefor~~ for a recount is made not later than 5:00 p.m.
4 on the third day following the county board's canvass of the
5 election in question. For a city runoff election held pursuant
6 to section 376.9, the written request must be made not later
7 than 5:00 p.m. on the day following the county board's canvass
8 of the city runoff election. The request shall be filed with
9 the commissioner of that county, ~~or with the commissioner~~
10 ~~responsible for conducting the election if section 47.2,~~
11 ~~subsection 2, is applicable,~~ and shall be signed by either of
12 the following:

13 Sec. 30. Section 52.25, subsection 2, paragraph b, Code
14 2017, is amended to read as follows:

15 **b.** In the case of a public question to be voted on in
16 a political subdivision lying in more than one county, the
17 summary shall be worded by the controlling commissioner
18 ~~responsible~~ under [section 47.2](#) for ~~conducting~~ that election.

19 Sec. 31. Section 53.40, subsection 1, paragraph a, Code
20 2017, is amended to read as follows:

21 **a.** A request in writing for a ballot may be made by any
22 member of the armed forces of the United States who is or
23 will be a qualified voter on the day of the election at which
24 the ballot is to be cast, at any time before the election.
25 Any member of the armed forces of the United States may
26 request ballots for all elections to be held during a calendar
27 year. The request may be made by using the federal postcard
28 application form and indicating that the applicant wishes to
29 receive ballots for all elections as permitted by state law.
30 If the applicant does not specify which elections the request
31 is for, the county commissioner shall send the applicant a
32 ballot for each federal election held after the application
33 is received until the end of the calendar year in which the
34 request is received. ~~If the applicant requests ballots for all~~
35 ~~elections to be held in a calendar year, the commissioner, if~~

1 ~~necessary, shall forward a copy of the absentee ballot request~~
2 ~~to other commissioners who are responsible under section 47.2,~~
3 ~~subsection 2, for conducting elections in which the applicant~~
4 ~~is eligible to vote.~~

5 Sec. 32. Section 260C.15, subsection 3, Code 2017, is
6 amended to read as follows:

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

24 Sec. 33. Section 260C.15, subsection 4, paragraph b, Code
25 2017, is amended to read as follows:

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

1 by telephone if the candidate provided a telephone number on
2 the candidate's affidavit.

3 Sec. 34. Section 260C.15, subsection 5, Code 2017, is
4 amended to read as follows:

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

21 Sec. 35. Section 260C.22, subsection 3, Code 2017, is
22 amended to read as follows:

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

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

24 Sec. 36. Section 260C.28, subsection 3, paragraph c, Code
 25 2017, 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~~ each
 30 county commissioner of elections responsible under section
 31 47.2 for conducting elections in the merged area to submit
 32 to the voters of the merged area the question of whether
 33 to discontinue the authority of the board of directors to
 34 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. 37. Section 275.22, Code 2017, is amended to read as
 23 follows:

24 **275.22 Canvass and return.**

25 ~~The precinct election officials shall count the ballots,~~
 26 ~~and make return to and deposit the ballots with the county~~
 27 ~~commissioner of elections, who shall enter the return of record~~
 28 ~~in the commissioner's office. The election tally lists,~~
 29 ~~including absentee ballots, shall be listed by individual~~
 30 ~~school district. The canvass shall be conducted pursuant~~
 31 ~~to section 50.24. The county commissioner of elections or~~
 32 ~~controlling commissioner shall certify the results of the~~
 33 election to the area education agency administrator. If the
 34 majority of the votes cast by the registered voters is in favor
 35 of the proposition, as provided in [section 275.20](#), a new school

1 corporation shall be organized. If the majority of votes cast
2 is opposed to the proposition, a new petition describing the
3 identical or similar boundaries shall not be filed for at least
4 six months from the date of the election. If territory is
5 excluded from the reorganized district, action pursuant to
6 section 274.37 shall be taken prior to the effective date of
7 reorganization. The secretary of the new school corporation
8 shall file a written description of the boundaries as provided
9 in [section 274.4](#).

10 Sec. 38. Section 277.4, subsection 1, Code 2017, is amended
11 to read as follows:

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

24 Sec. 39. Section 277.5, Code 2017, is amended to read as
25 follows:

26 **277.5 Objections to nominations.**

27 1. Objections to the legal sufficiency of a nomination
28 petition or to the eligibility of a candidate may be filed by
29 any person who would have the right to vote for a candidate for
30 the office in question. The objection must be filed with the
31 secretary of the school board at least ~~thirty-five~~ forty-two
32 days before the day of the school election. When objections
33 are filed notice shall forthwith be given to the candidate
34 affected, addressed to the candidate's place of residence as
35 given on the candidate's affidavit, stating that objections

1 have been made to the legal sufficiency of the petition or to
2 the eligibility of the candidate, and also stating the time and
3 place the objections will be considered.

4 2. Objections shall be considered not later than two working
5 days following the receipt of the objections by the president
6 of the school board, the secretary of the school board, and
7 one additional member of the school board chosen by ballot.
8 If objections have been filed to the nominations of either of
9 those school officials, that official shall not pass on the
10 objection. The official's place shall be filled by a member
11 of the school board against whom no objection exists. The
12 replacement shall be chosen by ballot.

13 Sec. 40. Section 277.20, Code 2017, is amended to read as
14 follows:

15 **277.20 Canvassing returns.**

16 1. ~~On the next Friday after the regular school election, the~~
17 ~~county board of supervisors shall~~ The canvass the of returns
18 ~~made to the county commissioner of elections from the several~~
19 ~~precinct polling places and the absentee ballot counting board,~~
20 ~~ascertain the result of the voting with regard to every matter~~
21 ~~voted upon and cause a record to be made thereof as required~~
22 ~~by~~ shall be conducted pursuant to [section 50.24](#). Special
23 elections held in school districts shall be canvassed at the
24 time and in the manner required by ~~that~~ [section 50.24](#). The
25 appropriate board of supervisors shall declare the results
26 of the voting for members of boards of directors of school
27 corporations nominated pursuant to [section 277.4](#), and the
28 commissioner of elections or controlling commissioner for the
29 district shall at once issue a certificate of election to
30 each person declared elected. The appropriate board shall
31 also declare the results of the voting on any public question
32 submitted to the voters of a single school district, and the
33 commissioner or controlling commissioner shall certify the
34 result as required by [section 50.27](#).

35 2. The abstracts of the votes cast for members of the board

1 of directors of any merged area, and of the votes cast on any
2 public question submitted to the voters of any merged area,
3 shall be promptly certified by the county commissioner of
4 elections to the merged area's controlling county commissioner
5 ~~of elections who is responsible under section 47.2 for~~
6 ~~conducting the elections held for that merged area.~~

7 Sec. 41. Section 376.6, subsection 2, Code 2017, is amended
8 to read as follows:

9 2. Each city clerk shall certify to the city's controlling
10 commissioner of elections responsible under section 47.2 for
11 ~~conducting elections for that city~~ the type of nomination
12 process to be used for the city no later than ninety days
13 before the date of the regular city election. If the city has
14 by ordinance chosen a runoff election or has chosen to have
15 nominations made in the manner provided by chapter 44 or 45,
16 or has repealed nomination provisions under those sections
17 in preference for the primary election method, a copy of the
18 city ordinance shall be attached. No changes in the method of
19 nomination to be used in a city shall be made after the clerk
20 has filed the certification with the commissioner, unless the
21 change will not take effect until after the next regular city
22 election.

23 Sec. 42. Section 376.9, subsection 2, Code 2017, is amended
24 to read as follows:

25 2. a. Runoff elections shall be held four weeks after the
26 date of the regular city election and shall be conducted in the
27 same manner as regular city elections, except that the county
28 board of supervisors required to canvass the vote of the runoff
29 election pursuant to section 50.24 shall meet to canvass the
30 vote on the Thursday following the runoff election.

31 b. For a city that is located in more than one county,
32 the county board of supervisors conducting the canvass under
33 paragraph "a" shall transmit abstracts for the offices and
34 public measures of that city, along with individual tallies for
35 each write-in candidate, to the city's controlling commissioner

1 under section 47.2 within twenty-four hours of completing the
2 canvass. The county board of supervisors of the county of the
3 controlling commissioner shall canvass the abstracts received
4 pursuant to this subsection on the first Monday or the first
5 Tuesday after the day of the runoff election and shall proceed
6 as provided in section 50.24, subsection 3A.

7 Sec. 43. REPEAL. Section 277.6, Code 2017, is repealed.

8 Sec. 44. EFFECTIVE DATE. This division of this Act takes
9 effect July 1, 2019.

10 DIVISION III

11 TRANSITION PROVISIONS

12 Sec. 45. TERM OF OFFICE — TRANSITION PROVISIONS.

13 1. Notwithstanding the provisions of section 260C.11
14 designating a term of four years for members of a board of
15 directors of a merged area, the term of office for a seat on a
16 board of directors filled at the regular school election held
17 on:

18 a. September 8, 2015, shall expire November 5, 2019.

19 b. September 12, 2017, shall expire November 2, 2021.

20 2. Notwithstanding the provisions of section 273.8,
21 subsection 1, designating a term of four years for members of
22 a board of directors of an area education agency, the term of
23 office for a seat on a board of directors filled by election
24 in:

25 a. September 2015 shall expire November 30, 2019.

26 b. September 2017 shall expire November 30, 2021.

27 3. Notwithstanding the provisions of section 274.7
28 designating a term of four years for members of a board of
29 directors of a school district, the term of office for a seat
30 on a board of directors filled at the regular school election
31 held on:

32 a. September 8, 2015, shall expire November 5, 2019.

33 b. September 12, 2017, shall expire November 2, 2021.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill changes the date of regular school elections
3 for local school districts, merged areas, and area education
4 agencies and provides for combined administration of city and
5 school elections.

6 Division I of the bill moves the date of the regular school
7 election from the second Tuesday in September in odd-numbered
8 years to the first Tuesday after the first Monday in November
9 of odd-numbered years, which is also the date of the regular
10 city election. Because area education agency boards of
11 directors are elected at the director district conventions by
12 members of school boards, the division also changes the date
13 of their election from September to November. The division
14 also makes the dates of school district and merged area special
15 elections the same as the dates for special elections for
16 cities in division II of the bill.

17 Division I takes effect July 1, 2019, and applies to school
18 elections held on or after November 5, 2019.

19 Division II of the bill provides for the combined
20 administration of city and school elections by changing
21 certain school filing, withdrawal, and objection deadlines
22 to mirror those of city elections. Under the division, a
23 county commissioner of elections (county auditor) is required,
24 whenever practicable, to designate polling places so that
25 eligible voters will be assigned to the same polling place for
26 general elections, city elections, and school elections. Under
27 the division, polling hours for city and school elections will
28 be from 7:00 a.m. until 8:00 p.m. Under the division, special
29 elections for cities, school districts, and merged areas can
30 not be scheduled to coincide with the general election.

31 For the regular school election, the division changes the
32 time period for filing nomination papers with the secretary
33 of the school board to not more than 71 days nor less than 47
34 days before the election. Under current law, the filing time
35 period is not more than 64 days nor less than 40 days before

1 the election. In addition, for school elections, the deadline
2 for filing a withdrawal of candidacy is changed from 35 days
3 to 42 days, and the deadline for filling a nomination vacancy
4 at convention or caucus is changed from 35 to 42 days before
5 the election.

6 Under current law, when a political subdivision is located
7 in more than one county, the county commissioner of elections
8 of the county having the greatest taxable base within the
9 political subdivision is required to conduct elections for
10 the political subdivision. Under the division, the county
11 commissioners of each of the counties where the political
12 subdivision is located are required to conduct the election
13 in the commissioner's county, but the division provides that
14 a controlling county commissioner be responsible for certain
15 election functions for those political subdivisions located
16 in more than one county. The designation of a controlling
17 county commissioner is based on the taxable base within the
18 political subdivision. Under the division, the controlling
19 commissioner is required to conduct a second canvass of city
20 and school elections for political subdivisions located in more
21 than one county. The division makes additional changes related
22 to the administration and conduct of canvasses and recounts for
23 regular and special city and school elections and city runoff
24 elections.

25 The division also establishes an order for the appearance on
26 the ballot of political subdivision offices and ballot measures
27 and requires the drawing of lots for placement of names on
28 ballots for city and school elections. Under current law, the
29 names of such candidates are subject to rotation on ballots by
30 precinct. The division also specifies that a candidate's name
31 may appear on the ballot for both school and city office in the
32 same election. Division II takes effect July 1, 2019.

33 Division III of the bill includes transition provisions
34 related to the terms of office for seats on boards of directors
35 for school districts, merged areas, and area education

1 agencies.