

House File 134 - Introduced

HOUSE FILE 134

BY HUNTER, OLSON, JACOBY,
ANDERSON, KRESSIG, CAHILL,
WILBURN, STAED, WINCKLER,
and MASCHER

A BILL FOR

1 An Act relating to straight party voting, and including
2 applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 49.37, Code 2021, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **49.37 Arrangement of ballot.**

4 1. For general elections, and for other elections in which
5 more than one partisan office will be filled, the first section
6 of the ballot shall be for straight party voting.

7 a. Each political party or organization which has
8 nominated candidates for more than one office shall be listed.
9 Instructions to the voter for straight party or organization
10 voting shall be in substantially the following form:

11 To vote for all candidates from a single party or
12 organization, mark the voting target next to the party or
13 organization name. Not all parties or organizations have
14 nominated candidates for all offices. Marking a straight party
15 or organization vote does not include votes for nonpartisan
16 offices, judges, or questions.

17 b. Political parties and nonparty political organizations
18 which have nominated candidates for only one office shall
19 be listed below the other political organizations under the
20 following heading:

21 Other Political Organizations. The following organizations
22 have nominated candidates for only one office:

23 c. Offices shall be arranged in groups. Partisan offices,
24 nonpartisan offices, judges, and public measures shall be
25 separated by a distinct line appearing on the ballot.

26 2. The commissioner shall arrange the ballot in conformity
27 with the certificate issued by the state commissioner under
28 section 43.73, in that the names of the respective candidates
29 for each political party shall appear in the order they
30 appeared on the certificate, above or to the left of the
31 nonparty political organization candidates.

32 3. The commissioner shall arrange the partisan county
33 offices on the ballot with the board of supervisors first,
34 followed by the other county offices in the same sequence in
35 which they appear in section 39.17. Nonpartisan offices shall

1 be listed after partisan offices.

2 Sec. 2. Section 49.57, subsection 2, Code 2021, is amended
3 to read as follows:

4 2. In the area of the general election ballot for straight
5 party voting, the party or organization names shall be printed
6 in upper case and lower case letters using a uniform font size
7 for each political party or nonparty political organization.
8 The font size shall not be less than twelve point type. After
9 the name of each candidate for a partisan office the name of
10 the candidate's political party shall be printed in at least
11 six point type. The names of political parties and nonparty
12 political organizations may be abbreviated on the remainder of
13 the ballot if both the full name and the abbreviation appear in
14 the voter instruction area and "Straight Party" areas of the
15 ballot.

16 Sec. 3. NEW SECTION. 49.94 **How to mark a straight ticket.**

17 If all the candidates for whom a voter desires to vote in any
18 election other than the primary election were nominated by the
19 same political party or nonparty political organization, and
20 the voter desires to vote for all candidates nominated by that
21 political party or organization, the voter may do so in any one
22 of the following ways:

23 1. The voter may mark the voting target next to the name of
24 the political party or nonparty political organization in the
25 straight party or organization section of the ballot without
26 marking any voting target next to the name of a candidate
27 nominated by the party or organization.

28 2. The voter may mark the voting target next to the name
29 of the political party or nonparty political organization in
30 the straight party or organization section of the ballot and
31 also mark any or all of the voting targets next to the names of
32 candidates nominated by that party or organization.

33 Sec. 4. NEW SECTION. 49.95 **Voting part of ticket only.**

34 If all the candidates for whom the voter desires to vote were
35 nominated by the same political party or nonparty political

1 organization but the voter does not desire to vote for all of
2 the candidates nominated by the party or organization, the
3 voter shall mark the voting target next to the name of each
4 candidate for whom the voter desires to vote without marking
5 the target next to the name of the party or organization in the
6 straight party or organization section of the ballot.

7 **Sec. 5. NEW SECTION. 49.96 Offices with more than one**
8 **person to be elected.**

9 Where more than one person is to be elected to the same
10 office at the same election, and all of the candidates for
11 that office for whom the voter desires to vote were nominated
12 by the political party or nonparty political organization for
13 which the voter has marked a straight party or organization
14 vote, the voter need not otherwise indicate the vote for that
15 office. However, if a voter who has marked a straight party
16 or organization ticket also marks the voting targets next to
17 the names of one or more candidates for any office, only the
18 votes cast separately for individual candidates for that office
19 shall be counted. If the voter wishes to vote for candidates
20 who were nominated by different political parties or nonparty
21 political organizations, the voter must mark the voting target
22 for each candidate the voter has chosen, whether or not the
23 voter has also marked a straight party or organization vote.

24 **Sec. 6. NEW SECTION. 49.97 How to mark a mixed ticket.**

25 If all candidates for whom a voter desires to vote were not
26 nominated by the same political party or nonparty political
27 organization, the voter may indicate the candidates of
28 the voter's choice by marking the ballot in any one of the
29 following ways:

30 1. The voter may mark a straight party or organization
31 vote for the party or nonparty political organization which
32 nominated some of the candidates for whom the voter desires
33 to vote and vote for candidates of other parties or nonparty
34 political organizations by marking the voting targets next to
35 their names.

1 2. The voter may vote for each candidate separately without
2 marking any straight party or organization vote.

3 Sec. 7. Section 49.98, Code 2021, is amended to read as
4 follows:

5 **49.98 Counting ballots.**

6 The ballots shall be counted according to the voters' marks
7 on them as provided in sections 49.92 and ~~49.93~~ through 49.97,
8 and not otherwise. If, for any reason, it is impossible
9 to determine from a ballot, as marked, the choice of the
10 voter for any office, the vote for that office shall not be
11 counted. When there is a conflict between a straight party or
12 organization vote for one political party or nonparty political
13 organization and the vote cast by marking the voting target
14 next to the name of a candidate for another political party or
15 nonparty political organization on the ballot, the mark next
16 to the name of the candidate shall be held to control, and the
17 straight party or organization vote in that case shall not
18 apply as to that office. A ballot shall be rejected if the
19 voter used a mark to identify the voter's ballot. The For each
20 voting system, the state commissioner shall, by rule adopted
21 pursuant to chapter 17A, develop uniform definitions of what
22 constitutes a vote.

23 Sec. 8. APPLICABILITY. This Act applies to elections held
24 on or after the effective date of this Act.

25 EXPLANATION

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

28 This bill relates to straight party voting. The bill allows
29 a voter to vote for all candidates of a single party that has
30 multiple candidates on a ballot by marking a voting target on
31 the first section of the ballot. In cases where more than one
32 person is being elected to a single office, the voter must
33 mark each candidate for whom the voter desires to vote if the
34 candidates do not all belong to the party for which the voter
35 cast a straight party vote. If there is a conflict between

1 a straight party vote and a vote for a candidate not of that
2 party, the vote for the individual controls.

3 The bill applies to elections held on or after the effective
4 date of the bill.