

Senate Study Bill 1237 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act relating to the conduct of elections, including
2 nominations and procedures for proposed amendments to the
3 Iowa Constitution, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.2, subsection 4, paragraph a, Code
2 2021, is amended to read as follows:

3 a. For a county, in an odd-numbered year, the first Tuesday
4 in March, the second Tuesday in September, or the first Tuesday
5 after the first Monday in November. For a county, in an
6 even-numbered year, the first Tuesday in March, ~~or~~ the second
7 Tuesday in September, or the first Tuesday after the first
8 Monday in November.

9 Sec. 2. Section 39.4, Code 2021, is amended to read as
10 follows:

11 **39.4 Proclamation concerning revision of Constitution.**

12 1. In the years in which the Constitution requires, or at
13 other times when the general assembly by law provides for, a
14 vote on the question of calling a convention and revising the
15 Constitution, the governor shall at least sixty days before the
16 general election issue a proclamation directing that at the
17 general election there be proposed to the people the following
18 question:

19 Shall there be a convention to revise the Constitution, and
20 propose amendment or amendments to same?

21 2. The question proposed pursuant to this section shall be
22 considered a public measure for the purposes of sections 49.43
23 through 49.47.

24 Sec. 3. Section 39.11, Code 2021, is amended to read as
25 follows:

26 **39.11 More than one office prohibited.**

27 1. Statewide elected officials and members of the general
28 assembly shall not hold more than one elective office at a
29 time. All other elected officials shall not hold more than
30 one elective office at the same level of government at a time.
31 This section does not apply to the following offices: county
32 agricultural extension council or soil and water conservation
33 district commission.

34 2. Notwithstanding subsection 1, an elected official may
35 hold a second elective office if not more than thirty days

1 remain in the term of the first office and the elected official
2 did not seek reelection for the first office in the most recent
3 election.

4 Sec. 4. Section 39.12, Code 2021, is amended to read as
5 follows:

6 **39.12 Failure to vacate.**

7 An elected official who has been elected to another elective
8 office to which [section 39.11](#) applies shall choose only one
9 office in which to serve unless otherwise permitted pursuant
10 to section 39.11, subsection 2. The official shall resign
11 from all but one of the offices to which [section 39.11](#) applies
12 before the beginning of the term of the office to which the
13 person was most recently elected unless otherwise permitted
14 pursuant to section 39.11, subsection 2. Failure to submit the
15 required resignation will result in a vacancy in ~~all~~ the first
16 elective offices office to which the person was elected.

17 Sec. 5. Section 43.11, subsection 1, Code 2021, is amended
18 to read as follows:

19 1. For an elective county office, in the office of the
20 county commissioner not earlier than ninety-two days nor later
21 than 5:00 p.m. on the ~~sixty-ninth~~ seventy-fourth day before the
22 day fixed for holding the primary election.

23 Sec. 6. Section 43.16, subsection 2, paragraph b, Code 2021,
24 is amended to read as follows:

25 *b.* A person who has filed nomination papers with the
26 commissioner may withdraw as a candidate not later than the
27 ~~sixty-seventh~~ sixty-ninth day before the primary election by
28 notifying the commissioner in writing.

29 Sec. 7. Section 43.23, Code 2021, is amended to read as
30 follows:

31 **43.23 Death or withdrawal of primary candidate.**

32 1. If a person who has filed nomination papers with the
33 state commissioner as a candidate in a primary election dies
34 or withdraws up to the seventy-sixth day before the primary
35 election, the appropriate convention or central committee of

1 that person's political party may designate one ~~additional~~
2 primary election candidate for the nomination that person
3 was seeking, if the designation is submitted to the state
4 commissioner in writing by 5:00 p.m. on the seventy-first day
5 before the date of the primary election. The name of any
6 candidate so submitted shall be included in the appropriate
7 certificate or certificates furnished by the state commissioner
8 under [section 43.22](#).

9 2. If a person who has filed nomination papers with the
10 commissioner as a candidate in a primary election dies or
11 withdraws up to the ~~sixty-seventh~~ sixty-ninth day before
12 the primary election, the appropriate convention or central
13 committee of that person's political party may designate one
14 ~~additional~~ primary election candidate for the nomination
15 that person was seeking, if the designation is submitted to
16 the commissioner in writing by 5:00 p.m. on the ~~sixty-third~~
17 sixty-fourth day before the primary election. The name of
18 any candidate so submitted shall be placed on the appropriate
19 ballot or ballots by the commissioner.

20 Sec. 8. Section 43.24, subsection 1, paragraph a, Code 2021,
21 is amended to read as follows:

22 a. Objections to the legal sufficiency of a nomination
23 petition or certificate of nomination filed or issued under
24 this chapter or to the eligibility of a candidate may be filed
25 in writing by any person who would have the right to vote for
26 the candidate for the office in question. Objections relating
27 to incorrect or incomplete information for information that is
28 required under section 43.14 or 43.18 shall be sustained.

29 Sec. 9. Section 43.24, subsection 1, paragraph b,
30 subparagraph (2), Code 2021, is amended to read as follows:

31 (2) Those filed with the commissioner, not less than
32 ~~sixty-four~~ sixty-seven days before the date of the election,
33 or for certificates of nomination filed under [section 43.23](#),
34 not less than ~~sixty-two~~ sixty-three days before the date of the
35 election.

1 Sec. 10. Section 43.78, subsection 2, Code 2021, is amended
2 to read as follows:

3 2. The name of any candidate designated to fill a vacancy
4 on the general election ballot in accordance with subsection
5 1, paragraph "a", "b", or "c" shall be submitted in writing
6 to the state commissioner not later than 5:00 p.m. on the
7 ~~seventy-third~~ seventy-sixth day before the date of the general
8 election.

9 Sec. 11. Section 43.79, Code 2021, is amended to read as
10 follows:

11 **43.79 Death of candidate after time for withdrawal.**

12 The death of a candidate nominated as provided by law for
13 any office to be filled at a general election, during the
14 period beginning on the eighty-first day before the general
15 election, in the case of any candidate whose nomination papers
16 were filed with the state commissioner, or beginning on the
17 ~~seventy-third~~ seventy-fourth day before the general election,
18 in the case of any candidate whose nomination papers were filed
19 with the commissioner, and ending ~~on the last day before at~~
20 the time the polls close on the day of the general election
21 shall not operate to remove the deceased candidate's name from
22 the general election ballot. If the deceased candidate was
23 seeking the office of senator or representative in the Congress
24 of the United States, governor, attorney general, senator or
25 representative in the general assembly or county supervisor,
26 section 49.58 shall control. If the deceased candidate was
27 seeking any other office, and as a result of the candidate's
28 death a vacancy is subsequently found to exist, the vacancy
29 shall be filled as provided by [chapter 69](#).

30 Sec. 12. Section 44.4, subsection 2, paragraph a,
31 subparagraphs (1) and (2), Code 2021, are amended to read as
32 follows:

33 (1) Those filed with the state commissioner, not less than
34 ~~sixty-eight~~ seventy-four days before the first Tuesday after
35 the first Monday in June in each even-numbered year, or for

1 certificates of nomination filed under subsection 1, paragraph
2 "b", not less than seventy-four days before the date of the
3 election.

4 (2) Those filed with the commissioner, not less than
5 ~~sixty-four~~ sixty-seven days before the ~~date of the election~~
6 first Tuesday after the first Monday in June in each
7 even-numbered year, except as provided in subparagraph (3).

8 Sec. 13. Section 44.6, Code 2021, is amended to read as
9 follows:

10 **44.6 Hearing before state commissioner.**

11 Objections filed with the state commissioner shall be
12 considered by the secretary of state and auditor of state and
13 attorney general, and a majority decision shall be final; but
14 if the objection is to the certificate of nomination of one
15 or more of the above named officers, said officer or officers
16 so objected to shall not pass upon the same, but their places
17 shall be filled, respectively, by the treasurer of state,
18 the governor, and the secretary of agriculture. Objections
19 relating to incorrect or incomplete information for information
20 that is required under section 44.3 shall be sustained.

21 Sec. 14. Section 44.7, Code 2021, is amended to read as
22 follows:

23 **44.7 Hearing before commissioner.**

24 Except as otherwise provided in [section 44.8](#), objections
25 filed with the commissioner shall be considered by the county
26 auditor, county treasurer, and county attorney, and a majority
27 decision shall be final. However, if the objection is to the
28 certificate of nomination of one or more of the above named
29 county officers, the officer or officers objected to shall not
30 pass upon the objection, but their places shall be filled,
31 respectively, by the chairperson of the board of supervisors,
32 the sheriff, and the county recorder. Objections relating to
33 incorrect or incomplete information for information that is
34 required under section 44.3 shall be sustained.

35 Sec. 15. Section 44.8, Code 2021, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 3. Objections relating to incorrect or
3 incomplete information for information that is required under
4 section 44.3 shall be sustained.

5 Sec. 16. Section 44.9, subsections 1 and 2, Code 2021, are
6 amended to read as follows:

7 1. In the office of the state commissioner, at least
8 ~~sixty-eight~~ eighty-one days before the date of the election,
9 or for withdrawals of nominations filed under section 44.4,
10 subsection 1, paragraph "b", at least seventy-six days before
11 the date of election.

12 2. In the office of the appropriate commissioner, at least
13 ~~sixty-four~~ seventy-four days before the date of the election,
14 except as otherwise provided in [subsection 6](#).

15 Sec. 17. Section 44.11, Code 2021, is amended to read as
16 follows:

17 **44.11 Vacancies filled.**

18 If a candidate named under [this chapter](#) withdraws or dies
19 before the deadline established in [section 44.9](#), declines a
20 nomination, ~~or dies before election day~~, or if a certificate of
21 nomination is held insufficient or inoperative by the officer
22 with whom it is required to be filed, or in case any objection
23 made to a certificate of nomination, or to the eligibility
24 of any candidate named in the certificate, is sustained by
25 the board appointed to determine such questions, the vacancy
26 or vacancies may be filled by the convention, or caucus, or
27 in such manner as such convention or caucus has previously
28 provided. The vacancy or vacancies shall be filled not less
29 than ~~seventy-four~~ seventy-six days before the election in
30 the case of nominations required to be filed with the state
31 commissioner or not less than seventy-one days for nominations
32 filed under section 44.4, subsection 1, paragraph "b", not less
33 than ~~sixty-four~~ sixty-nine days before the election in the case
34 of nominations required to be filed with the commissioner, not
35 less than forty-two days before the election in the case of

1 nominations required to be filed in the office of the school
2 board secretary, and not less than forty-two days before the
3 election in the case of nominations required to be filed with
4 the commissioner for city elections.

5 Sec. 18. Section 48A.30, subsection 1, paragraph a, Code
6 2021, is amended to read as follows:

7 a. The registered voter dies. For the purposes of this
8 subsection, the commissioner may accept as evidence of death a
9 notice from the state registrar of vital statistics forwarded
10 by the state registrar of voters, a notice from the federal
11 social security administration, a written statement from a
12 person related to the registered voter within the second degree
13 of consanguinity or first degree of affinity, an obituary
14 in a newspaper or that appears on the internet site of a
15 funeral establishment licensed under [chapter 156](#) or by the
16 proper authority of another state, a written statement from an
17 election official or personal representative of the registered
18 voter's estate, or a notice from the county recorder of the
19 county where the registered voter died.

20 Sec. 19. Section 49.31, subsection 2, paragraph c, Code
21 2021, is amended to read as follows:

22 c. On the general election ballot the names of candidates
23 for the nonpartisan offices listed in [section 39.21](#) shall
24 be arranged by drawing lots for position. The commissioner
25 shall hold the drawing on the ~~first business day following the~~
26 ~~deadline for filing of nomination certificates or petitions~~
27 ~~with the commissioner for the general election pursuant to~~
28 [section 44.4](#) sixty-eighth day prior to the first Tuesday after
29 the first Monday in November. If a candidate withdraws, dies,
30 or is removed from the ballot after the ballot position of
31 names has been determined, such candidate's name shall be
32 removed from the ballot, and the order of the remaining names
33 shall not be changed.

34 Sec. 20. NEW SECTION. **49.42B Form of official ballot —**
35 **candidates for president and vice president.**

1 When candidates for president and vice president of the
2 United States appear on the ballot, the following statement
3 shall appear directly above the section of the ballot listing
4 such candidates:

5 [A ballot cast for the named candidates for president and vice
6 president of the United States is considered to be cast for
7 the slate of presidential electors nominated by the political
8 party, nonparty political organization, or independent
9 candidate.]

10 Sec. 21. Section 49.43, subsection 2, Code 2021, is amended
11 to read as follows:

12 2. Constitutional amendments and other public measures ~~may~~
13 shall be summarized by the commissioner as provided in sections
14 49.44 and 52.25.

15 Sec. 22. Section 49.44, subsection 1, Code 2021, is amended
16 to read as follows:

17 1. When a proposed constitutional amendment or other public
18 measure to be decided by the voters of the entire state is to
19 be voted upon, the state commissioner shall prepare a written
20 summary of the amendment or measure including the number of
21 the amendment or statewide public measure assigned by the
22 state commissioner. The summary shall be printed immediately
23 preceding the text of the proposed amendment or measure on the
24 paper ballot or optical scan ballot referred to in section
25 49.43. If the complete text of the proposed amendment or
26 public measure will not fit on the ballot it shall be posted
27 inside the voting booth. A copy of the full text shall be
28 included with any absentee ballots.

29 Sec. 23. NEW SECTION. **49.47A Public measures —**
30 **notification.**

31 1. For a public measure that is to approve the issuance of
32 a bond, the county commissioner shall mail notification to all
33 registered voters eligible to vote on the public measure not
34 later than twenty days before the election. The notification
35 shall also be posted prominently in the county commissioner's

1 office and on the internet site of the county commissioner
2 beginning twenty days before the election and remaining until
3 the time the polls close.

4 2. A notification sent or posted pursuant to this section
5 shall include the current property tax levy, which shall
6 immediately follow the proposed levy, and the term of the bond.
7 The notification shall also include the average increase or
8 decrease in the property tax burden of an average home in each
9 county, as well as the average of such averages if the proposed
10 levy will impact homes in more than one county, according to
11 data provided by the United States census bureau.

12 3. Costs for a notification sent or posted pursuant to this
13 section may be charged to the entity requesting the public
14 measure.

15 Sec. 24. Section 49.53, subsection 1, Code 2021, is amended
16 to read as follows:

17 1. The commissioner shall not less than four nor more than
18 twenty days before the day of each election, except those for
19 which different publication requirements are prescribed by law,
20 publish notice of the election. The notice shall ~~contain a~~
21 ~~facsimile of the portion of the ballot containing the first~~
22 ~~rotation as prescribed by [section 49.31, subsection 2](#), and~~
23 ~~shall show list~~ the names of all candidates or nominees and the
24 office each seeks, and all public questions, to be voted upon
25 at the election. ~~The sample ballot published as a part of the~~
26 ~~notice may at the discretion of the commissioner be reduced in~~
27 ~~size relative to the actual ballot but such reduction shall~~
28 ~~not cause upper case letters appearing in candidates' names or~~
29 ~~in summaries of public measures on the published sample ballot~~
30 ~~to be less than nine point type.~~ The notice shall also state
31 the date of the election, the hours the polls will be open,
32 that each voter is required to provide identification at the
33 polling place before the voter can receive and cast a ballot,
34 the location of each polling place at which voting is to occur
35 in the election, and the names of the precincts voting at each

1 polling place, ~~but the statement need not set forth any fact~~
2 ~~which is apparent from the portion of the ballot appearing as~~
3 ~~a part of the same notice.~~ The notice shall include the full
4 text of all public measures to be voted upon at the election.
5 The notice may contain one or more facsimiles of the portion
6 of the ballot containing the first rotation as prescribed by
7 section 49.31, subsection 2.

8 Sec. 25. Section 49.57, subsection 6, Code 2021, is amended
9 to read as follows:

10 6. A portion of the ballot shall include the words "Official
11 ballot", the unique identification number or name assigned by
12 the commissioner to the ballot style, the date of the election,
13 and the ~~impression or likeness of the county seal of the county~~
14 of the commissioner who has caused the ballot to be printed
15 pursuant to [section 49.51](#).

16 Sec. 26. Section 49.58, subsection 1, Code 2021, is amended
17 to read as follows:

18 1. If any candidate nominated by a political party,
19 as defined in [section 43.2](#), for the office of senator or
20 representative in the Congress of the United States, governor,
21 attorney general, or senator or representative in the general
22 assembly dies during the period beginning on the ~~eighty-eighth~~
23 eighty-first day and ending at the time the polls close on the
24 ~~last day before~~ of the general election, or if any candidate
25 so nominated for the office of county supervisor dies during
26 the period beginning on the ~~seventy-third~~ seventy-fourth day
27 and ending at the time the polls close on the ~~last day before~~
28 of the general election, the vote cast at the general election
29 for that office shall not be canvassed as would otherwise be
30 required by [chapter 50](#). Instead, a special election shall be
31 held on the first Tuesday after the second Monday in December,
32 for the purpose of electing a person to fill that office.

33 Sec. 27. Section 49.75, Code 2021, is amended to read as
34 follows:

35 **49.75 Oath.**

1 Before opening the polls, each of the board members shall
2 take the following oath:

3 I, A. B., do solemnly swear or affirm that I will
4 impartially, and to the best of my knowledge and ability,
5 perform the duties of precinct election official of this
6 election, and will studiously endeavor to prevent fraud,
7 deceit, and abuse in conducting the election.

8 I understand that as a precinct election official, I have
9 access to certain information that is considered confidential
10 and is protected under Code chapters 22, 39A, 48A, and 715C.
11 Due to this protected status, I agree to only release this
12 information in accordance with Iowa law.

13 Additionally, I understand that the prohibition on sharing
14 confidential information extends before and after the hours
15 that my assigned polling place is open.

16 Sec. 28. Section 49.78, subsection 4, Code 2021, is amended
17 to read as follows:

18 4. A person who is registered to vote but is unable
19 to present a form of identification under [subsection 2](#) or
20 3 may establish identity and residency in the precinct by
21 written oath of a person who is also registered to vote in
22 the precinct. Before signing an oath under this subsection,
23 the attesting registered voter shall present to the precinct
24 election official proof of the voter's identity as provided
25 in subsection 2 or 3. The attesting registered voter's oath
26 shall attest to the stated identity of the person wishing to
27 vote and that the person is a current resident of the precinct.
28 The oath must be signed by the attesting registered voter in
29 the presence of the appropriate precinct election official.
30 A registered voter who has signed two oaths on election day
31 attesting to a person's identity and residency as provided in
32 this subsection is prohibited from signing any further oaths as
33 provided in [this subsection](#) on that day.

34 Sec. 29. Section 49A.6, Code 2021, is amended to read as
35 follows:

1 **49A.6 Certification — sample ballot.**

2 The state commissioner of elections shall, not less than
3 ~~sixty-nine~~ sixty-three days preceding any election at which a
4 constitutional amendment or public measure is to be submitted
5 to a vote of the entire people of the state, transmit to the
6 county commissioner of elections of each county a certified
7 copy of the amendment or measure and a sample of the ballot to
8 be used in such cases, prepared in accordance with law.

9 Sec. 30. Section 50.11, subsection 1, Code 2021, is amended
10 to read as follows:

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 may, at the request of the commissioner who is conducting
19 the election, communicate the election results by telephone
20 ~~or~~ and shall deliver the election results in person pursuant
21 to section 50.14 to the commissioner who is conducting the
22 election immediately upon completion of the canvass.

23 Sec. 31. Section 50.12, Code 2021, is amended to read as
24 follows:

25 **50.12 Return and preservation of ballots.**

26 Immediately after making the proclamation, and before
27 separating, the board members of each precinct in which votes
28 have been received by paper ballot shall enclose in an envelope
29 or other container all ballots which have been counted by them,
30 except those endorsed "Rejected as double", "Defective", or
31 "Objected to", and securely seal the envelope. The signatures
32 of all board members of the precinct shall be placed across
33 the seal or the opening of the container so that it cannot
34 be opened without breaking the seal. The precinct election
35 officials, or a precinct election official not delivering

1 election results in person pursuant to section 50.14, shall
2 return all the ballots to the commissioner on the night of the
3 election, ~~who~~ and the commissioner shall carefully preserve
4 them for six months. Ballots from elections for federal
5 offices shall be preserved for twenty-two months. The sealed
6 packages containing voted ballots shall be opened only for
7 an official recount authorized by section 50.48, 50.49, or
8 50.50, for an election contest held pursuant to chapters 57
9 through 62, to conduct an audit pursuant to section 50.51, or
10 to destroy the ballots pursuant to section 50.19.

11 **Sec. 32. NEW SECTION. 50.14 Return of results.**

12 When election results are delivered in person to the
13 commissioner who is conducting the election, the printed
14 results and memory device of the voting equipment shall be
15 returned to the commissioner on election night by two precinct
16 election officials who shall be of different political parties
17 in the case of a partisan election. The printed results and
18 memory device shall be returned in a securely sealed envelope
19 with the signatures of all board members of the precinct placed
20 across the seal so that the envelope cannot be opened without
21 breaking the seal.

22 **Sec. 33. Section 50.17, Code 2021, is amended to read as**
23 **follows:**

24 **50.17 Return of election register.**

25 The precinct election register prepared for each election,
26 together with the ballots to be returned pursuant to section
27 50.12, if any, and the signed and attested tally list, shall be
28 delivered to the commissioner by one of the precinct election
29 officials ~~by noon of the day following the election~~ who does
30 not deliver the election results in person pursuant to section
31 50.14.

32 **Sec. 34. Section 50.23, Code 2021, is amended to read as**
33 **follows:**

34 **50.23 Messengers for missing tally lists.**

35 The commissioner shall send messengers for all tally lists

1 not received in the commissioner's office ~~by noon of the day~~
2 ~~following the election~~ on the night of the election. The
3 expense of securing such tally lists shall be paid by the
4 county.

5 Sec. 35. Section 50.24, subsection 2, Code 2021, is amended
6 to read as follows:

7 2. Upon convening, the board shall open and canvass the
8 tally lists and shall prepare abstracts stating the number of
9 votes cast in the county, or in that portion of the county
10 in which the election was held, for each office and on each
11 question on the ballot for the election. The board shall
12 contact the chairperson of the special precinct board before
13 adjourning and include in the canvass any write-in votes
14 tallied and recorded by the special precinct board or any
15 absentee ballots which were received after the polls closed in
16 accordance with [section 53.17](#) and which were canvassed by the
17 special precinct board after election day. The abstract shall
18 further indicate the name of each person who received votes for
19 each office on the ballot, and the number of votes each person
20 named received for that office, and the number of votes for and
21 against each question submitted to the voters at the election.
22 The votes of all write-in candidates who each received less
23 than five percent of the votes cast for an office or who
24 each received fewer than ten votes and was not determined to
25 be elected shall be reported collectively under the heading
26 "scattering".

27 Sec. 36. Section 50.51, subsection 5, Code 2021, is amended
28 to read as follows:

29 5. In advance of ~~any~~ all other ~~election~~ elections, the state
30 commissioner ~~may~~ shall order an audit of the election in the
31 manner provided in [this section](#).

32 Sec. 37. Section 53.17A, Code 2021, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 4. The state commissioner shall by February
35 26, 2024, include on the state commissioner's internet site

1 an application through which a voter can track the voter's
2 absentee ballot request form and absentee ballot. The
3 application shall provide all of the following information:

4 a. Whether the voter returned a ballot in person, by mail,
5 or by voting in person at a satellite location.

6 b. The date the absentee ballot request form was received by
7 the county commissioner.

8 c. The date the absentee ballot was mailed or given to the
9 voter.

10 d. The date the absentee ballot was received by the county
11 commissioner.

12 e. The date the county commissioner opened the outer
13 envelope.

14 f. Whether there is a problem with the absentee ballot
15 request form or absentee ballot that requires correction by the
16 voter, along with instructions for the voter to contact the
17 county commissioner as soon as possible to resolve the issue.

18 Sec. 38. Section 53.49, Code 2021, is amended to read as
19 follows:

20 **53.49 Applicable to armed forces and other citizens.**

21 The provisions of [this subchapter](#) as to absent voting shall
22 apply only to absent voters in the armed forces of the United
23 States as defined for the purpose of absentee voting in section
24 53.37. The provisions of sections 53.1 through ~~53.34~~ 53.33
25 shall apply to all other voters not members of the armed forces
26 of the United States.

27 Sec. 39. Section 54.9, Code 2021, is amended to read as
28 follows:

29 **54.9 Compensation.**

30 The electors shall each receive a compensation of
31 ~~five dollars~~ one-half of the federal general services
32 administration's per diem rate for the relevant date and
33 location for every day's attendance, and the same mileage as
34 members of the general assembly which shall be paid from funds
35 not otherwise appropriated from the general fund of the state.

1 Sec. 40. Section 99F.7, subsection 11, paragraph a, Code
2 2021, is amended to read as follows:

3 a. A license to conduct gambling games in a county shall
4 be issued only if the county electorate approves the conduct
5 of the gambling games as provided in [this subsection](#). The
6 board of supervisors, upon receipt of a valid petition meeting
7 the requirements of [section 331.306](#), and subject to the
8 requirements of paragraph "e", shall direct the commissioner of
9 elections to submit to the registered voters of the county a
10 proposition to approve or disapprove the conduct of gambling
11 games in the county. The proposition shall be submitted at an
12 election held on a date specified in section 39.2, subsection
13 4, paragraph "a". ~~To be submitted at a general election, the~~
14 ~~petition must be received by the board of supervisors at least~~
15 ~~five working days before the last day for candidates for county~~
16 ~~offices to file nomination papers for the general election~~
17 ~~pursuant to [section 44.4](#).~~ If a majority of the county voters
18 voting on the proposition favor the conduct of gambling games,
19 the commission may issue one or more licenses as provided in
20 this chapter. If a majority of the county voters voting on
21 the proposition do not favor the conduct of gambling games, a
22 license to conduct gambling games in the county shall not be
23 issued.

24 Sec. 41. Section 277.4, subsection 4, Code 2021, is amended
25 to read as follows:

26 4. Any person on whose behalf nomination petitions have
27 been filed under [this section](#) may withdraw as a candidate by
28 filing a signed statement to that effect with the secretary at
29 ~~any time prior to 5:00 p.m. on the thirty-fifth day before the~~
30 ~~election~~ consistent with section 44.9, subsection 5.

31 Sec. 42. Section 331.552, subsection 4, Code 2021, is
32 amended to read as follows:

33 4. a. Keep the official county seal provided by the county.
34 The official seal shall be an impression seal on the face of
35 which shall appear the name of the county, the word "county",

1 which may be abbreviated, and the word "Iowa". A county shall
2 have only one official county seal.

3 b. Notwithstanding paragraph "a", the county commissioner
4 of elections may use a facsimile of the official county seal
5 or a modified facsimile of the official county seal for the
6 purposes of election duties set forth in sections 43.36 and
7 49.51, and section 49.57, subsection 6. If modified, the
8 county seal shall contain the name of the county, the word
9 "county", which may be abbreviated, the word "auditor", which
10 may be abbreviated, and the word "Iowa".

11 Sec. 43. Section 347.25, subsection 1, Code 2021, is amended
12 to read as follows:

13 1. The election of hospital trustees whose offices are
14 established by [this chapter](#) or [chapter 145A](#) or [347A](#) shall
15 take place at the general election on ballots which shall
16 not reflect a nominee's political affiliation. Nomination
17 shall be made by petition in accordance with [chapter 45](#). The
18 petition form shall be furnished by the county commissioner
19 of elections, shall be signed by fifty eligible electors of
20 the county, and shall be filed with the county commissioner
21 of elections at least sixty-nine days before the date of
22 the election. A plurality is sufficient to elect hospital
23 trustees.

24 Sec. 44. Section 376.5, Code 2021, is amended to read as
25 follows:

26 **376.5 Publication of ballot.**

27 ~~Notice containing a copy of the ballot for each regular,~~
28 ~~special, primary, or runoff city election must~~ shall be
29 published by the county commissioner of elections as provided
30 in [section 362.3](#), except that notice of a regular, primary, or
31 runoff election may be published not less than four days before
32 the date of the election. The published notice ~~must contain~~
33 list the names of all candidates, and may not contain any party
34 designations. The published notice ~~must contain~~ include any
35 question to be submitted to the voters. The notice may contain

1 one or more facsimiles of the portion of the ballot containing
2 the first arrangement of candidates as prescribed by section
3 49.31, subsection 2.

4 Sec. 45. REPEAL. Sections 43.80, 49A.10, 49A.11, and 53.34,
5 Code 2021, are repealed.

6 Sec. 46. REPEAL. 2017 Iowa Acts, chapter 155, section 1,
7 is repealed.

8 Sec. 47. EFFECTIVE DATE.

9 1. Except as otherwise provided, this Act, being deemed of
10 immediate importance, takes effect upon enactment.

11 2. The following take effect January 1, 2022:

12 a. The section of this Act amending section 43.11,
13 subsection 1.

14 b. The section of this Act amending section 43.16,
15 subsection 2, paragraph "b".

16 c. The section of this Act amending section 43.24,
17 subsection 1, paragraph "b", subparagraph (2).

18 d. The section of this Act amending section 43.78,
19 subsection 2.

20 e. The section of this Act amending section 43.79.

21 f. The section of this Act amending section 44.4, subsection
22 2, paragraph "a", subparagraphs (1) and (2).

23 g. The section of this Act amending section 44.9,
24 subsections 1 and 2.

25 h. The section of this Act amending section 44.11.

26 i. The section of this Act amending section 49.58,
27 subsection 1.

28 j. The section of this Act amending section 50.51,
29 subsection 5.

30 EXPLANATION

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

33 This bill is related to the conduct of elections. The bill
34 adds the first Tuesday after the first Monday in November of an
35 even-numbered year as an available date for a county to hold a

1 special election on a public measure.

2 The bill requires a question of whether a convention should
3 be called to revise the Iowa constitution, which is required
4 by the Constitution of the State of Iowa to be submitted every
5 decade, to be treated the same as a public measure on a ballot.

6 The bill allows an elected official to be elected to and
7 simultaneously serve in a second office if there is not more
8 than thirty days remaining in the term of the first office
9 and the official has not sought reelection in the most recent
10 election to the first office.

11 The bill provides that if a person is elected to multiple
12 incompatible elective offices and the person does not resign
13 from all but one of the elective offices, there shall be a
14 vacancy in the first office to which the person was elected.
15 Under current law, a vacancy occurs in all of the offices to
16 which the person was elected.

17 The bill changes the deadline for the filing and withdrawal
18 of nomination papers for primary elections, as well as the
19 filing of objections to the nominations of candidates. The
20 bill requires objections to the form of nomination papers or
21 the affidavit of candidacy to be sustained. The bill also
22 changes the timeline for the replacement of a candidate who
23 withdraws from a primary or general election or dies.

24 The bill allows a county commissioner of registration to
25 cancel a voter's registration if the commissioner receives
26 notice of the voter's death from the federal social security
27 administration.

28 The bill sets the date for the drawing of lots for the
29 arrangement of candidates on a nonpartisan ballot to the 68th
30 day prior to the first Tuesday after the first Monday in
31 November.

32 The bill requires a ballot for president and vice president
33 of the United States to disclose that a vote for such
34 candidates is a vote for the slate of electors selected by the
35 organization nominating such candidates.

1 The bill requires constitutional amendments and public
2 measures to be summarized by the state commissioner of
3 elections. Current law allows the commissioner to summarize
4 constitutional amendments and public measures.

5 The bill requires the text of a proposed constitutional
6 amendment to be posted inside the voting booth if the entire
7 amendment will not fit on the ballot.

8 For an election for a public measure to approve the
9 issuance of a bond, the bill requires the county commissioner
10 of elections to send notification to all voters eligible
11 to vote on the measure not later than 20 days before the
12 election and to post the notification in the office of the
13 county commissioner and on the internet site of the county
14 commissioner. The notification must include information about
15 impacts of the proposed bond. The bill allows the costs of
16 such a notification to be charged to the entity requesting the
17 public measure.

18 The bill changes the deadline by the which the state
19 commissioner of elections must transfer to county commissioners
20 of elections certified copies of proposed constitutional
21 amendments and public measures from 69 days preceding an
22 election to 63 days preceding an election.

23 Not less than 4 nor more than 20 days before an election,
24 the bill requires the county commissioner of elections to
25 publish notice of the election containing a list of candidates
26 and public measures to be voted upon. The bill allows the
27 notice to contain a facsimile of the portion of the ballot
28 containing the rotation of candidates. Current law requires
29 the notification to include such a facsimile.

30 The bill adds provisions regarding the safeguarding of
31 confidential information to the oath taken by precinct election
32 officials.

33 The bill requires a voter who is attesting to the
34 identity of a registered voter who is unable to produce voter
35 identification to first provide proof of the attesting voter's

1 identity.

2 The bill alters the requirements for the return of election
3 results to the county commissioner of elections. If election
4 results are communicated to the county commissioner in person,
5 the bill requires two precinct election officials to return the
6 election results and the memory device used by voting equipment
7 to the county commissioner in a sealed envelope signed by each
8 precinct election official on the night of the election. The
9 two precinct election officials shall be of different political
10 parties in the case of a partisan election. The bill requires
11 a third precinct election official to return the ballots and
12 election register to the county commissioner. The bill also
13 requires ballots to be returned to the county commissioner on
14 the night of the election. The bill allows election results
15 to be returned by telephone only at the request of the county
16 commissioner.

17 The bill requires a county board of supervisors to report
18 write-in candidates who received fewer than 10 votes and were
19 not elected under the collective heading "scattering" when
20 canvassing votes after an election.

21 The bill requires the state commissioner of elections to
22 order election audits prior to all elections other than general
23 elections. This provision of the bill takes effect January 1,
24 2022.

25 The bill requires the state commissioner of elections to
26 develop an internet application to allow a voter to track the
27 voter's absentee ballot request form and absentee ballot by
28 February 26, 2024. The application must also inform a voter
29 of an error in the voter's application or ballot that requires
30 correction by the voter.

31 The bill changes the compensation rate for presidential
32 electors from \$5 per day of attendance to one-half of the
33 relevant federal general services administration per diem rate.

34 The bill removes a special deadline for the receipt of
35 petitions for ballot propositions to approve the conduct of

1 gambling games in a county. The bill requires such petitions
2 to be submitted as required for other petitions.

3 The bill changes the withdrawal deadline for candidates for
4 school district office from 35 days before the election to 25
5 days before the election.

6 The bill prohibits a county from having more than one
7 official seal. However, the bill allows a county commissioner
8 of elections to use a facsimile or modified facsimile of a
9 county seal for the purposes of election duties, provided that
10 a modified facsimile contain the words "county" and "auditor",
11 which may be abbreviated, and the word "Iowa".

12 The bill requires a nomination petition for a hospital
13 trustee to be filed with the county commissioner of elections
14 at least 69 days before the date of the election.

15 The bill repeals a Code section relating to vacancies in
16 nominations of presidential electors. The bill also repeals
17 a provision of law making the willful false swearing of an
18 affidavit a fraudulent practice. The bill repeals a Code
19 section authorizing a taxpayer to file a suit to test the
20 legality of a proposed constitutional amendment and a Code
21 section relating to the parties in such a suit.

22 The bill repeals a section of 2017 Iowa Acts, chapter 155,
23 that was not codified and is inconsistent with current law.

24 The bill includes an effective date of January 1, 2022, for
25 sections of the division relating to ballot vacancies. The
26 other provisions of the bill take effect upon enactment except
27 as otherwise noted.