

# House File 793 - Reprinted

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 57)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the conduct of elections and voter  
2 registration by providing when candidates to fill county  
3 office vacancies are to be nominated at the primary election,  
4 relating to signature requirements on nomination petitions,  
5 requiring legislative council approval of certain expenditures  
6 for implementation of the Help America Vote Act, relating to  
7 use of substitute precinct election officials, relating to  
8 ballot printing requirements, modifying closing hours of the  
9 polls, modifying identification requirements at the polls,  
10 providing grounds for challenging a voter's qualifications,  
11 relating to preparation of tally lists, striking the authority  
12 of the state or county commissioner to issue a notice of a  
13 technical infraction, prohibiting candidates or incumbents  
14 from being observers when absentee ballots are counted,  
15 clarifying that certain confined persons may vote an absentee  
16 ballot in person at the commissioner's office, imposing a  
17 prohibition on absentee ballot couriers, prohibiting certain  
18 communications when absentee ballots are being counted,  
19 exempting military and overseas voters from the identification  
20 and verification requirements for mail voter registrants,  
21 relating to multiple requests for an absentee ballot for a  
22 military and overseas voter, relating to changes of address  
1 and replacement absentee ballots for military and overseas  
2 voters, exempting military and overseas voters from absentee  
3 ballot return restrictions, allowing certain military voters  
4 to return absentee ballots from within the United States,  
5 striking a requirement related to counting federal write-in  
6 ballots, relating to establishment of satellite, absentee  
7 voting stations, defining voter registration list, requiring  
8 identification of certain voter registrants, relating to  
9 signature requirements on voter registration applications,  
10 including the social security administration as a verification  
11 source for certain voter registration information, requiring  
12 verification of certain information on all voter registrations  
13 received by mail, specifying the county commissioner as the  
14 official responsible for voter registration verification,  
15 limiting the dates of special elections on public measures for  
16 certain political subdivisions and school corporations, and  
17 including effective and applicability date provisions.  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
19 HF 793  
20 sc/es/25

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1 1 DIVISION I  
1 2 GENERAL PROVISIONS RELATING  
1 3 TO CONDUCT OF ELECTIONS  
1 4 Section 1. Section 43.6, subsection 2, Code 2005, is  
1 5 amended to read as follows:  
1 6 2. When a vacancy occurs in the office of county  
1 7 supervisor or any of the offices listed in section 39.17 and  
1 8 more than seventy days remain in the term of office following  
1 9 the next general election, the office shall be filled for the  
1 10 balance of the unexpired term at that general election unless  
1 11 the vacancy has been filled by a special election called more  
1 12 than seventy=three days before the primary election. If the  
1 13 vacancy occurs more than seventy=three days before the primary  
1 14 election, political party candidates for that office at the  
1 15 next general election shall be nominated at the primary  
1 16 election. If an appointment to fill the vacancy in office is

1 17 made eighty-eight or more days before the primary election and  
1 18 a petition requesting a special election has not been received  
1 19 within fourteen days after the appointment is made, candidates  
1 20 for the office shall be nominated at the primary election.

1 21 Sec. 2. Section 43.14, Code 2005, is amended to read as  
1 22 follows:

1 23 43.14 FORM OF NOMINATION PAPERS.

1 24 1. Nomination papers shall include a petition and an  
1 25 affidavit of candidacy. All nomination petitions shall be  
1 26 eight and one-half by eleven inches in size and in  
1 27 substantially the form prescribed by the state commissioner of  
1 28 elections. They shall include or provide spaces for the  
1 29 following information:

1 30 a. A statement identifying the signers of the petition as  
1 31 eligible electors of the appropriate county or legislative  
1 32 district and of the state.

1 33 b. The name of the candidate nominated by the petition.

1 34 c. For nomination petitions for candidates for the general  
1 35 assembly, a statement that the residence of the candidate is  
2 1 within the appropriate legislative district, or if that is not  
2 2 true, that the candidate will reside there within sixty days  
2 3 before the election. For other offices, a statement of the  
2 4 name of the county where the candidate resides.

2 5 d. The political party with which the candidate is a  
2 6 registered voter.

2 7 e. The office sought by the candidate, including the  
2 8 district number, if any.

2 9 f. The date of the primary election for which the  
2 10 candidate is nominated.

2 11 2. Signatures on a petition page shall be counted only if  
2 12 the required information required in subsection 1 is written  
2 13 or printed at the top of the page. Nomination papers on  
2 14 behalf of candidates for seats in the general assembly need  
2 15 only designate the number of the senatorial or representative  
2 16 district, as appropriate, and not the county or counties, in  
2 17 which the candidate and the petitioners reside. A signature  
2 18 line shall not be counted if the line lacks the signature of  
2 19 the eligible elector and the signer's address and city. ~~The~~  
~~2 20 person examining the petition shall mark any deficiencies on~~  
~~2 21 the petition and affidavit. A signature line shall not be~~  
2 22 counted if the signer's address is outside the boundaries of  
2 23 the district.

2 24 ~~2. 3. The person examining the petition shall mark any~~  
2 25 ~~deficiencies on the petition and affidavit. Signed nomination~~

2 26 ~~petitions and the signed and notarized affidavit of candidacy~~  
2 27 ~~shall not be altered to correct deficiencies noted during~~  
2 28 ~~examination. If the nomination petition lacks a sufficient~~  
2 29 ~~number of acceptable signatures, the nomination petition shall~~  
2 30 ~~be rejected and shall be returned to the candidate.~~

2 31 4. The nomination papers shall be rejected if the  
2 32 affidavit lacks any of the following:

2 33 a. The candidate's name.

2 34 b. The name of the office sought, including the district,  
2 35 if any.

3 1 c. The political party name.

3 2 d. The signature of the candidate.

3 3 e. The signature of a notary public or other officer  
3 4 empowered to witness oaths.

3 5 5. The candidate may replace a deficient affidavit with a  
3 6 corrected affidavit only if the replacement affidavit is filed  
3 7 before the filing deadline. The candidate may resubmit a  
3 8 nomination petition that has been rejected by adding a  
3 9 sufficient number of pages or signatures to correct the  
3 10 deficiency. A nomination petition and affidavit filed to  
3 11 replace rejected nomination papers shall be filed together  
3 12 before the deadline for filing.

3 13 Sec. 3. Section 45.5, Code 2005, is amended to read as  
3 14 follows:

3 15 45.5 FORM OF NOMINATION PAPERS.

3 16 1. Nomination papers shall include a petition and an  
3 17 affidavit of candidacy. All nomination petitions shall be  
3 18 eight and one-half by eleven inches in size and shall be in  
3 19 substantially the form prescribed by the state commissioner of  
3 20 elections. They shall provide spaces for the following  
3 21 information:

3 22 a. A statement identifying the signers of the petition as  
3 23 eligible electors of the appropriate ward, city, county, or  
3 24 legislative district, or other district, and of the state of  
3 25 Iowa.

3 26 b. The name of the candidate nominated by the petition.

3 27 c. A statement that the candidate is or will be a resident

3 28 of the appropriate ward, city, county, school district, or  
3 29 legislative or other district as required by section 39.27.

3 30 d. The office sought by the candidate, including the  
3 31 district number, if any.

3 32 e. The name and date of the election for which the  
3 33 candidate is nominated.

3 34 2. Signatures on a petition page shall be counted only if  
3 35 the ~~required~~ information required in subsection 1 is written  
4 1 or printed at the top of the page. Nomination papers on  
4 2 behalf of candidates for seats in the general assembly need  
4 3 only designate the number of the senatorial or representative  
4 4 district, as appropriate, and not the county or counties, in  
4 5 which the candidate and the petitioners reside. A signature  
4 6 line in a nomination petition shall not be counted if the line  
4 7 lacks the signature of the eligible elector and the signer's  
4 8 address and city. ~~The person examining the petition shall~~  
~~4 9 mark any deficiencies on the petition. A signature line shall~~  
~~4 10 not be counted if the signer's address is outside the~~  
~~4 11 boundaries of the appropriate ward, city, county, legislative~~  
~~4 12 district, or other district.~~

4 13 ~~2.~~ 3. The pages of the petition shall be securely  
4 14 fastened together to form a single bundle. Nomination  
4 15 petitions that are not bound shall be returned without further  
4 16 examination. The state commissioner shall prescribe by rule  
4 17 the acceptable methods for binding nomination petitions.

4 18 ~~3.~~ 4. ~~The person examining the petition shall mark any~~  
~~4 19 deficiencies on the petition.~~ Signed nomination petitions and  
4 20 the signed and notarized affidavit of candidacy shall not be  
4 21 altered to correct deficiencies noted during the examination.  
4 22 If the nomination petition lacks a sufficient number of  
4 23 acceptable signatures, the nomination papers shall be rejected  
4 24 and returned to the candidate.

4 25 5. The nomination papers shall be rejected if the  
4 26 affidavit lacks any of the following:

4 27 a. The candidate's name.

4 28 b. The name of the office sought, including the district,  
4 29 if any.

4 30 c. The signature of the candidate.

4 31 d. The signature of a notary public or other officer  
4 32 empowered to witness oaths.

4 33 6. The candidate may replace a deficient affidavit with a  
4 34 corrected one only if the replacement is filed before the  
4 35 filing deadline. The candidate may resubmit a nomination  
5 1 petition that has been rejected by adding a sufficient number  
5 2 of pages or signatures to correct the deficiency. A  
5 3 nomination petition and affidavit filed to replace rejected  
5 4 nomination papers shall be filed together before the deadline  
5 5 for filing.

5 6 Sec. 4. Section 45.6, subsection 3, Code 2005, is amended  
5 7 to read as follows:

5 8 3. All signers, for all nominations, of each separate part  
5 9 of a nomination petition, shall reside in the appropriate  
5 10 ward, city, county, school district, ~~or~~ legislative district,  
5 11 or other district as required by section 45.1.

5 12 Sec. 5. Section 47.1, Code 2005, is amended by adding the  
5 13 following new subsection:

5 14 NEW SUBSECTION. 6. Any expenditure of public money by the  
5 15 state commissioner of elections, including a transfer of funds  
5 16 by the state commissioner to counties, for real or personal  
5 17 property, or for services, related to implementation of Pub.  
5 18 L. No. 107=252, which exceeds, in the aggregate, one hundred  
5 19 thousand dollars, shall first be approved by the legislative  
5 20 council.

5 21 Sec. 6. Section 47.7, Code 2005, is amended by adding the  
5 22 following new subsection:

5 23 NEW SUBSECTION. 3. Any expenditure of public money by the  
5 24 state registrar of voters or by the state voter registration  
5 25 commission, including a transfer of funds by the state  
5 26 registrar or by the state commission to counties, for real or  
5 27 personal property, or for services, related to implementation  
5 28 of Pub. L. No. 107=252, which exceeds, in the aggregate, one  
5 29 hundred thousand dollars, shall first be approved by the  
5 30 legislative council.

5 31 Sec. 7. Section 49.14, subsection 1, Code 2005, is amended  
5 32 to read as follows:

5 33 1. The commissioner may appoint substitute precinct  
5 34 election officials as alternates for election board members.

5 35 ~~A majority of the original election board members shall be~~

~~6 1 present at the precinct polling place at all times; at~~

~~6 2 partisan elections such majority shall include at least one~~

~~6 3 precinct election official from each political party. If the~~

~~6 4 chairperson leaves the polling place, the chairperson shall  
6 5 designate another member of the board to serve as chairperson  
6 6 until the chairperson returns. The responsibilities and  
6 7 duties of a precinct election official, other than the  
6 8 chairperson, present at the time the polling place was opened  
6 9 on the day of an election may be assumed at any later time  
6 10 that day by a substitute appointed as an alternate. The  
6 11 substitute shall serve either for the balance of that election  
6 12 day or for any shorter period of time the commissioner may  
6 13 designate. At partisan elections, a substitute precinct  
6 14 election official assuming the duties of a precinct election  
6 15 official shall be a member of the same political party as the  
6 16 precinct election official whose duties are being assumed.~~

6 17 Sec. 8. Section 49.57, subsections 2 and 3, Code 2005, are  
6 18 amended to read as follows:

6 19 2. In the area of the general election ballot for straight  
6 20 party voting, the party or organization names shall be printed  
6 21 in ~~capital upper case and lower case~~ letters ~~of using a~~  
6 22 uniform font size, ~~in~~ for each political party or nonparty  
6 23 political organization. The font size shall be not less than  
6 24 twelve point type. After the name of each candidate for a  
6 25 partisan office the name of the candidate's political party  
6 26 shall be printed in at least six point type. The names of  
6 27 political parties and nonparty political organizations may be  
6 28 abbreviated on the remainder of the ballot if both the full  
6 29 name and the abbreviation appear in the "Straight Party" and  
6 30 "Other Political Party" areas of the ballot.

6 31 3. The names of candidates shall be printed in ~~capital~~  
6 32 upper case and lower case letters, ~~of using a~~ uniform font  
6 33 size throughout the ballot, ~~in~~. The font size shall be not  
6 34 less than ten point type.

6 35 Sec. 9. Section 49.57, Code 2005, is amended by adding the  
7 1 following new subsection:

7 2 NEW SUBSECTION. 3A. In no case shall the font size for  
7 3 public measures, constitutional amendments, and constitutional  
7 4 convention questions, and summaries thereof, be less than ten  
7 5 point type.

7 6 Sec. 10. Section 49.73, subsection 2, Code 2005, is  
7 7 amended to read as follows:

7 8 2. The commissioner shall not shorten voting hours for any  
7 9 election if there is filed in the commissioner's office, at  
7 10 least twenty-five days before the election, a petition signed  
7 11 by at least fifty eligible electors of the school district or  
7 12 city, as the case may be, requesting that the polls be opened  
7 13 not later than seven o'clock a.m. All polling places where  
7 14 the candidates of or any public question submitted by any one  
7 15 political subdivision are being voted upon shall be opened at  
7 16 the same hour, except that this requirement shall not apply to  
7 17 merged areas established under chapter 260C. The hours at  
7 18 which the respective precinct polling places are to open shall  
7 19 not be changed after publication of the notice required by  
7 20 section 49.53. The polling places shall be closed at ~~nine~~  
7 21 eight o'clock ~~eight~~ p.m. for ~~state primary and general elections and~~  
7 22 ~~other partisan elections, and for any other election held~~  
7 23 ~~concurrently therewith, and at eight o'clock p.m. for all~~  
7 24 ~~other elections.~~

7 25 Sec. 11. Section 49.77, subsection 3, Code 2005, is  
7 26 amended to read as follows:

7 27 3. A precinct election official shall require any person  
7 28 whose name does not appear on the election register as an  
7 29 active voter to show identification to prove residency in the  
7 30 precinct. Specific documents which are acceptable forms of  
7 31 identification shall be prescribed by the state commissioner.

7 32 A precinct election official ~~may~~ shall require of the voter  
7 33 ~~unknown to the official,~~ identification upon which the voter's  
7 34 photograph and signature or mark appears. If identification  
7 35 is established to the satisfaction of the precinct election  
8 1 officials, the person may then be allowed to vote.

8 2 Sec. 12. Section 49.77, subsection 4, unnumbered paragraph  
8 3 1, Code 2005, is amended to read as follows:

8 4 A person whose name does not appear on the election  
8 5 register of the precinct in which that person claims the right  
8 6 to vote shall not be permitted to vote, unless the person  
8 7 affirms that the person is currently registered in the county  
8 8 and presents proof of identity ~~identification to prove~~  
8 9 residency in the precinct, or the commissioner informs the  
8 10 precinct election officials that an error has occurred and  
8 11 that the person is a registered voter of that precinct. If  
8 12 the commissioner finds no record of the person's registration  
8 13 but the person insists that the person is a registered voter  
8 14 of that precinct, the precinct election officials shall allow

8 15 the person to cast a ballot in the manner prescribed by  
8 16 section 49.81.

8 17 Sec. 13. Section 49.79, Code 2005, is amended to read as  
8 18 follows:

8 19 49.79 CHALLENGES.

8 20 1. Any person offering to vote may be challenged as  
8 21 unqualified by any precinct election official or registered  
8 22 voter. It is the duty of each official to challenge any  
8 23 person offering to vote whom the official knows or suspects is  
8 24 not duly qualified. A ballot shall be received from a voter  
8 25 who is challenged, but only in accordance with section 49.81.

8 26 2. A person may be challenged for any of the following  
8 27 reasons:

8 28 a. The challenged person is not a citizen of the United  
8 29 States.

8 30 b. The challenged person is less than eighteen years of  
8 31 age as of the date of the election at which the person is  
8 32 offering to vote.

8 33 c. The challenged person is not a resident at the address  
8 34 where the person is registered. However, a person who is  
8 35 reporting a change of address at the polls on election day  
9 1 pursuant to section 48A.27, subsection 2, paragraph "a",  
9 2 subparagraph (3) shall not be challenged for this reason.

9 3 d. The challenged person is not a resident of the precinct  
9 4 where the person is offering to vote.

9 5 e. The challenged person has falsified information on the  
9 6 person's registration form or on the person's declaration of  
9 7 eligibility.

9 8 f. The challenged person has been convicted of a felony,  
9 9 and the person's voting rights have not been restored.

9 10 g. The challenged person has been adjudged by a court of  
9 11 law to be a person who is incompetent to vote and no  
9 12 subsequent proceeding has reversed that finding.

9 13 Sec. 14. Section 50.16, Code 2005, is amended to read as  
9 14 follows:

9 15 50.16 TALLY LIST OF BOARD.

9 16 The tally list shall be prepared in writing by the election  
9 17 board giving, in legibly printed numerals, the total number of  
9 18 people who cast ballots in the precinct, the total number of  
9 19 ballots cast for each ~~officer~~ office, except those rejected,  
9 20 the name of each person voted for, and the number of votes  
9 21 given to each person for each different office. The tally  
9 22 list shall be signed by the precinct election officials, and  
9 23 be substantially as follows:

9 24 At an election at .... in .... township, or in ....  
9 25 precinct of .... city or township, in .... county, state of  
9 26 Iowa, on the ... day of .... A.D. ..., there were ... ballots  
9 27 cast for the office of .... of which  
9 28 (Candidate's name) ..... had .. votes.  
9 29 (Candidate's name) ..... had .. votes.  
9 30 (and in the same manner for any other officer).

9 31 A true tally list:

9 32 (Name) ..... Election Board  
9 33 (Name) ..... Members.  
9 34 (Name) .....

9 35 Attest:

10 1 (Name) ..... Designated  
10 2 (Name) ..... Tally Keepers.

10 3 Sec. 15. Section 52.25, unnumbered paragraph 2, Code 2005,  
10 4 is amended to read as follows:

10 5 The entire convention question, amendment, or public  
10 6 measure shall be printed and displayed prominently in at least  
10 7 four places within the voting precinct, and inside each voting  
10 8 booth, or on the left-hand side inside the curtain of each  
10 9 voting machine, the printing to be in conformity with the  
10 10 provisions of chapter 49. The question, amendment, or  
10 11 measure, and summaries thereof, shall be printed on the

10 12 special paper ballots or on the inserts used in the voting  
10 13 machines. In no case shall the font size be less than ten  
10 14 point type. The public measure shall be summarized by the

10 15 commissioner ~~and in the largest type possible printed on the~~  
10 16 ~~special paper ballots or inserts used in the voting machines,~~  
10 17 except that:

10 18 Sec. 16. Section 39A.6, Code 2005, is repealed.

10 19 Sec. 17. APPLICABILITY DATE. This division of this Act  
10 20 applies to elections held on or after January 1, 2006.

10 21 DIVISION II  
10 22 ABSENTEE VOTING

10 23 Sec. 18. Section 39A.4, subsection 1, paragraph c,  
10 24 subparagraph (10), Code 2005, is amended to read as follows:

10 25 (10) As an incumbent officeholder of, or a candidate for,

10 26 an office being voted for at the election in progress, serving  
10 27 as a member of a challenging committee or observer under  
10 28 section 49.104, subsection 2, 5, or 6, or section 53.23,  
10 29 subsection 4.

10 30 Sec. 19. Section 49.63, Code 2005, is amended to read as  
10 31 follows:

10 32 49.63 TIME OF PRINTING == INSPECTION AND CORRECTION.

10 33 Ballots shall be printed and in the possession of the  
10 34 commissioner in time to enable the commissioner to furnish  
10 35 ballots to absent voters as provided by sections 53.8, 53.10,  
11 1 and 53.11. The printed ballots shall be subject to the  
11 2 inspection of candidates and their agents. If mistakes are  
11 3 discovered, they shall be corrected without delay, in the  
11 4 manner provided in this chapter.

11 5 Sec. 20. Section 53.7, subsection 1, Code 2005, is amended  
11 6 to read as follows:

11 7 1. It shall be unlawful for any employee of the state or  
11 8 any employee of a political subdivision to solicit any  
11 9 application or request for application for an absentee ballot,  
11 10 or to take an affidavit in connection with any absentee ballot  
11 11 while the employee is on the employer's premises or otherwise  
11 12 in the course of employment. However, any such employee may  
11 13 take such affidavit in connection with an absentee ballot  
11 14 which is cast by the registered voter in person in the office  
11 15 where such employee is employed in accordance with section  
11 16 53.10 or 53.11. This subsection shall not apply to any  
11 17 elected official.

11 18 Sec. 21. Section 53.8, subsection 3, unnumbered paragraph  
11 19 3, Code 2005, is amended to read as follows:

11 20 Nothing in this subsection nor in section 53.22 shall be  
11 21 construed to prohibit a registered voter who is a hospital  
11 22 patient or resident of a health care facility, or who  
11 23 anticipates entering a hospital or health care facility before  
11 24 the date of a forthcoming election, from casting an absentee  
11 25 ballot in the manner prescribed by section 53.10 or 53.11.

11 26 Sec. 22. Section 53.11, subsection 1, Code 2005, is  
11 27 amended to read as follows:

11 28 1. ~~Satellite absentee voting stations may be established  
11 29 throughout the cities and county at the direction of the  
11 30 commissioner and shall be established upon receipt of a  
11 31 petition signed by not less than one hundred eligible electors  
11 32 requesting that a satellite absentee voting station be  
11 33 established at a location to be described on the petition. A  
11 34 satellite absentee voting station established by petition must  
11 35 be open at least one day for a minimum of six hours. A~~  
12 1 satellite absentee voting station established at the direction  
12 2 of the commissioner ~~or by petition~~ may remain open until five  
12 3 p.m. on the day before the election.

12 4 Sec. 23. Section 53.11, subsection 2, Code 2005, is  
12 5 amended by striking the subsection.

12 6 Sec. 24. Section 53.17, subsection 4, Code 2005, is  
12 7 amended by adding the following new paragraph:

12 8 NEW PARAGRAPH. ee. Notwithstanding section 53.15, an  
12 9 absentee ballot courier shall not assist the voter in  
12 10 completing an absentee ballot.

12 11 Sec. 25. Section 53.22, subsection 1, paragraph a,  
12 12 unnumbered paragraph 1, Code 2005, is amended to read as  
12 13 follows:

12 14 A registered voter who has applied for an absentee ballot,  
12 15 in a manner other than that prescribed by section 53.10 or  
12 16 53.11, and who is a resident or patient in a health care  
12 17 facility or hospital located in the county to which the  
12 18 application has been submitted shall be delivered the  
12 19 appropriate absentee ballot by two special precinct election  
12 20 officers, one of whom shall be a member of each of the  
12 21 political parties referred to in section 49.13, who shall be  
12 22 appointed by the commissioner from the election board panel  
12 23 for the special precinct established by section 53.20. The  
12 24 special precinct election officers shall be sworn in the  
12 25 manner provided by section 49.75 for election board members,  
12 26 shall receive compensation as provided in section 49.20 and  
12 27 shall perform their duties during the ten calendar days  
12 28 preceding the election and on election day if all ballots  
12 29 requested under section 53.8, subsection 3 have not previously  
12 30 been delivered and returned.

12 31 Sec. 26. Section 53.23, subsection 4, Code 2005, is  
12 32 amended to read as follows:

12 33 4. The room where members of the special precinct election  
12 34 board are engaged in counting absentee ballots during the  
12 35 hours the polls are open shall be policed so as to prevent any  
13 1 person other than those whose presence is authorized by this

13 2 subsection from obtaining information about the progress of  
13 3 the count. The only persons who may be admitted to that room  
13 4 are the members of the board, one challenger representing each  
13 5 political party, one observer representing any nonparty  
13 6 political organization or any candidate nominated by petition  
13 7 pursuant to chapter 45 or any other nonpartisan candidate in a  
13 8 city or school election appearing on the ballot of the  
13 9 election in progress, one observer representing persons  
13 10 supporting a public measure appearing on the ballot and one  
13 11 observer representing persons opposed to such measure, and the  
13 12 commissioner or the commissioner's designee. It shall be  
13 13 unlawful for any of these persons to communicate or attempt to  
13 14 communicate, directly or indirectly, information regarding the  
13 15 progress of the count, including the names of voters whose  
13 16 ballots have been rejected, at any time before the polls are  
13 17 closed.

13 18 Sec. 27. Section 53.37, Code 2005, is amended to read as  
13 19 follows:

13 20 53.37 DEFINITIONS.

13 21 1. This division is intended to implement the federal  
13 22 Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. }  
13 23 1973ff et seq.

13 24 2. The term "armed forces of the United States", as used  
13 25 in this division, shall mean the army, navy, marine corps,  
13 26 coast guard, and air force of the United States.

13 27 3. For the purpose of absentee voting only, there shall be  
13 28 included in the term "armed forces of the United States" the  
13 29 following:

13 30 ~~1-~~ a. Spouses and dependents of members of the armed  
13 31 forces while in active service.

13 32 ~~2-~~ b. Members of the merchant marine of the United States  
13 33 and their spouses and dependents.

13 34 ~~3-~~ c. Civilian employees of the United States in all  
13 35 categories serving outside the territorial limits of the  
14 1 several states of the United States and the District of  
14 2 Columbia and their spouses and dependents when residing with  
14 3 or accompanying them, whether or not the employee is subject  
14 4 to the civil service laws and the Classification Act of 1949,  
14 5 and whether or not paid from funds appropriated by the  
14 6 Congress.

14 7 ~~4-~~ d. Members of religious groups or welfare agencies  
14 8 assisting members of the armed forces, who are officially  
14 9 attached to and serving with the armed forces, and their  
14 10 spouses and dependents.

14 11 ~~5-~~ e. Citizens of the United States who do not fall under  
14 12 any of the categories described in subsections 1 to 4, but who  
14 13 are entitled to register and vote pursuant to section 48A.5,  
14 14 subsection 4.

14 15 4. For the purposes of this division, "qualified voter"  
14 16 means a person who is included within the term "armed forces  
14 17 of the United States" as described in this section, who would  
14 18 be qualified to register to vote under section 48A.5,  
14 19 subsection 2, except for residency, and who is not  
14 20 disqualified from registering to vote and voting under section  
14 21 48A.6.

14 22 Sec. 28. Section 53.38, Code 2005, is amended to read as  
14 23 follows:

14 24 53.38 WHAT CONSTITUTES REGISTRATION.

14 25 Whenever a ballot is requested pursuant to section 53.39 or  
14 26 53.45 on behalf of a voter in the armed forces of the United  
14 27 States, the affidavit upon the ballot envelope of such voter,  
14 28 if the voter is found to be an eligible elector of the county  
14 29 to which the ballot is submitted, shall constitute a  
14 30 sufficient registration under chapter 48A. A completed  
14 31 federal postcard registration and federal absentee ballot  
14 32 request form submitted by such eligible elector shall also  
14 33 constitute a sufficient registration under chapter 48A. The  
14 34 commissioner shall place the voter's name on the registration  
14 35 record as a registered voter if it does not already appear  
15 1 there. The identification requirements of section 48A.8 and  
15 2 the verification requirements of section 48A.25A do not apply  
15 3 to persons who register to vote under this division.

15 4 Sec. 29. Section 53.41, Code 2005, is amended to read as  
15 5 follows:

15 6 53.41 RECORDS BY COMMISSIONER == EXCESS REQUESTS OR  
15 7 BALLOTS.

15 8 The commissioner of each county shall establish and  
15 9 maintain a record of all requests for ballots which are made,  
15 10 and of all ballots transmitted, and the manner of transmittal,  
15 11 from and received in the commissioner's office under the  
15 12 provisions of this division.

15 13 PARAGRAPH DIVIDED. If more than one request for absent  
15 14 voter's ballot for a particular election is made to the  
15 15 commissioner before the ballots are ready to mail by or on  
15 16 behalf of a voter in the armed forces of the United States,  
15 17 the last request ~~first~~ received shall be honored, except that  
15 18 if one of the requests is made by the voter, ~~and a request on~~  
~~15 19 the voter's behalf has not been previously honored,~~ the  
15 20 request of the voter shall be honored in preference to a  
15 21 request made on the voter's behalf by another.

15 22 PARAGRAPH DIVIDED. Not more than one ballot shall be  
15 23 transmitted by the commissioner to any voter for a particular  
15 24 election unless after the ballot has been mailed the voter  
15 25 reports a change in the address to which the ballot should be  
15 26 sent. A ballot shall be mailed using a serial number that  
15 27 indicates that this is a replacement sent to an updated  
15 28 address. The original ballot shall be counted only if the  
15 29 replacement ballot does not arrive. If the commissioner  
15 30 receives more than one absent voter's ballot, provided for by  
15 31 this division, from or purporting to be from any one voter for  
15 32 a particular election, all of the ballots so received from or  
15 33 purporting to be from such voter are void, and the  
15 34 commissioner shall not deliver any of the ballots to the  
15 35 precinct election officials, but shall retain them in the  
16 1 commissioner's office, and preserve them for the period and  
16 2 under the conditions provided for in sections 50.12 through  
16 3 50.15 and section 50.19.

16 4 Sec. 30. Section 53.44, unnumbered paragraph 2, Code 2005,  
16 5 is amended to read as follows:

16 6 Absentee ballots issued under this division shall be  
16 7 returned ~~in the same manner either by mail by the voter or a~~  
~~16 8 person designated by the voter or by personal delivery by the~~  
~~16 9 voter or a person designated by the voter~~ and within the same  
16 10 time limits specified in section 53.17.

16 11 Sec. 31. Section 53.53, subsection 4, paragraph a, Code  
16 12 2005, is amended to read as follows:

16 13 a. The ballot was submitted from within the United States,  
16 14 unless the voter is a member of the armed forces of the United  
16 15 States, as described in section 53.37, subsection 2, on active  
16 16 duty and away from the voter's county of residence for  
16 17 purposes of serving on active duty.

16 18 Sec. 32. Section 53.53, subsection 4, paragraph b, Code  
16 19 2005, is amended by striking the paragraph.

16 20 Sec. 33. APPLICABILITY DATE. This division of this Act  
16 21 applies to elections held on or after January 1, 2006.

16 22 DIVISION III  
16 23 VOTER REGISTRATION

16 24 Sec. 34. Section 48A.2, Code 2005, is amended by adding  
16 25 the following new subsection:

16 26 NEW SUBSECTION. 6. "Voter registration list" means a  
16 27 compilation of voter registration records produced, upon  
16 28 request, from the electronic voter registration file or by  
16 29 viewing, upon request, the original, completed voter  
16 30 registration applications and forms.

16 31 Sec. 35. Section 48A.7, Code 2005, is amended to read as  
16 32 follows:

16 33 48A.7 REGISTRATION IN PERSON.

16 34 1. An eligible elector may register to vote by appearing  
16 35 personally and completing a voter registration form at the  
17 1 office of the commissioner in the county in which the person  
17 2 resides, at a motor vehicle driver's license station,  
17 3 including any county treasurer's office that is participating  
17 4 in county issuance of driver's licenses under chapter 321M, or  
17 5 at any voter registration agency. A separate registration  
17 6 form shall be signed by each individual registrant.

17 7 2. An eligible elector who registers to vote in person at  
17 8 the commissioner's office or at a satellite absentee voting  
17 9 station with the intent of requesting an absentee ballot to be  
17 10 voted at the commissioner's office or at the satellite  
17 11 absentee voting station immediately after registering to vote  
17 12 shall be required to provide a current and valid photo  
17 13 identification card or shall present to the election official  
17 14 one of the documents listed in section 48A.8, subsection 2,  
17 15 paragraphs "a" through "e". If the voter does not provide the  
17 16 required identification, the voter shall be permitted to cast  
17 17 a provisional ballot.

17 18 Sec. 36. Section 48A.11, subsection 8, Code 2005, is  
17 19 amended to read as follows:

17 20 8. A voter registration application lacking the  
17 21 registrant's name, sex, date of birth, or residence address or  
17 22 description shall not be processed. A voter registration  
17 23 application lacking the registrant's driver's license number,

17 24 Iowa nonoperator's identification card number, or the last  
17 25 four digits of the registrant's social security number shall  
17 26 not be processed. A voter registration application lacking  
17 27 the registrant's signature shall not be processed. A  
17 28 registrant whose registration is not processed pursuant to  
17 29 this subsection shall be notified pursuant to section 48A.26,  
17 30 subsection 3. A registrant who does not have an Iowa driver's  
17 31 license number, an Iowa nonoperator's identification number,  
17 32 or a social security number and who notifies the registrar of  
17 33 such shall be assigned a unique identifying number that shall  
17 34 serve to identify the registrant for voter registration  
17 35 purposes.

18 1 Sec. 37. Section 48A.25A, Code 2005, is amended to read as  
18 2 follows:

18 3 48A.25A VERIFICATION OF VOTER REGISTRATION INFORMATION.  
18 4 Upon receipt of ~~an~~ any application for voter registration  
18 5 by mail, the state registrar of voters shall compare the  
18 6 driver's license number, the Iowa nonoperator's identification  
18 7 card number, or the last four numerals of the social security  
18 8 number provided by the registrant with the records of the  
18 9 state department of transportation or the social security  
18 10 administration. To be verified, the voter registration record  
18 11 shall contain the same name, date of birth, and driver's  
18 12 license number or Iowa nonoperator's identification card  
18 13 number or whole or partial social security number as the  
18 14 records of the state department of transportation or social  
18 15 security administration. If the information cannot be  
18 16 verified, the application shall be rejected and the registrant  
18 17 shall be notified of the reason for the rejection. If the  
18 18 information can be verified, a record shall be made of the  
18 19 verification and the application shall be accepted.

18 20 The voter registration commission shall adopt rules in  
18 21 accordance with chapter 17A to provide procedures for  
18 22 processing registration applications if the ~~state department~~  
18 23 ~~of transportation does not,~~ applications cannot be verified  
18 24 before the close of registration for an election for which the  
18 25 voter registration otherwise would be effective, if verified,  
18 26 ~~provide a report that the information on the application has~~  
18 27 ~~matched or not matched the records of the department.~~

18 28 This section applies to all voter registration applications  
18 29 received by mail. This However, this section does not apply  
18 30 to mail registration applicants who are persons described in  
18 31 section 53.37 who are entitled to register to vote and to vote  
18 32 pursuant to section 48A.5, subsection 4.

18 33 Sec. 38. Section 49.81, subsection 1, Code 2005, is  
18 34 amended to read as follows:

18 35 1. A prospective voter who is prohibited under section  
19 1 48A.7, subsection 2, section 48A.8, subsection 4, section  
19 2 49.77, subsection 4, or section 49.80 from voting except under  
19 3 this section shall be notified by the appropriate precinct  
19 4 election official that the voter may cast a provisional  
19 5 ballot. If a booth meeting the requirement of section 49.25  
19 6 is not available at that polling place, the precinct election  
19 7 officials shall make alternative arrangements to insure the  
19 8 challenged voter the opportunity to vote in secret. The  
19 9 marked ballot, folded as required by section 49.84, shall be  
19 10 delivered to a precinct election official who shall  
19 11 immediately seal it in an envelope of the type prescribed by  
19 12 subsection 4. The sealed envelope shall be deposited in an  
19 13 envelope marked "provisional ballots" and shall be considered  
19 14 as having been cast in the special precinct established by  
19 15 section 53.20 for purposes of the postelection canvass.

19 16 Sec. 39. APPLICABILITY DATE. This division of this Act  
19 17 applies to elections held on or after January 1, 2006.

#### 19 18 DIVISION IV

#### 19 19 LOCAL GOVERNMENT SPECIAL ELECTIONS

19 20 Sec. 40. Section 39.2, Code 2005, is amended by adding the  
19 21 following new subsection:

19 22 NEW SUBSECTION. 4. Unless otherwise provided by law:

19 23 a. A county may hold a special election on public measures  
19 24 only on the day of the general election, on the day of the  
19 25 regular city election, on the first Tuesday in February, or on  
19 26 the second Tuesday in July.

19 27 b. A city may hold a special election on public measures  
19 28 only on the day of the general election, on the day of the  
19 29 regular city election, on the first Tuesday in February, or on  
19 30 the second Tuesday in July.

19 31 c. A school district or merged area may hold a special  
19 32 election on public measures only on the day of the regular  
19 33 school election, on the second Tuesday in January, on the  
19 34 second Tuesday in April, or on the second Tuesday in September

19 35 of each even-numbered year.

20 1 Sec. 41. Section 47.6, subsection 1, unnumbered paragraph  
20 2 1, Code 2005, is amended to read as follows:

20 3 The governing body of ~~any~~ a political subdivision which has  
20 4 authorized a special election to which section 39.2 ~~is,~~  
20 5 ~~subsections 1, 2, and 3, are applicable shall by written~~  
20 6 notice inform the commissioner who will be responsible for  
20 7 conducting the election of the proposed date of the special  
20 8 election. If a public measure will appear on the ballot at  
20 9 the special election the governing body shall submit the  
20 10 complete text of the public measure to the commissioner with  
20 11 the notice of the proposed date of the special election.

20 12 Sec. 42. Section 47.6, Code 2005, is amended by adding the  
20 13 following new subsection:

20 14 NEW SUBSECTION. 3. A city council or a county board of  
20 15 supervisors that has authorized a public measure to be  
20 16 submitted to the voters at a special election held pursuant to  
20 17 section 39.2, subsection 4, shall file the full text of the  
20 18 public measure with the commissioner no later than five p.m.  
20 19 on the forty-sixth day before the election. If there are  
20 20 vacancies in county offices to be filled at the special  
20 21 election, candidates shall file their nomination papers with  
20 22 the commissioner not later than five p.m. on the forty=  
20 23 seventh day before the election. Candidates for city offices  
20 24 to be filled at the special election shall file their  
20 25 nomination papers with the city clerk pursuant to the  
20 26 appropriate election calendar for the city.

20 27 Sec. 43. Section 69.12, subsection 1, paragraph a,  
20 28 subparagraph (4), Code 2005, is amended by striking the  
20 29 subparagraph.

20 30 Sec. 44. Section 99F.7, subsection 11, paragraph a, Code  
20 31 2005, is amended to read as follows:

20 32 a. A license to conduct gambling games on an excursion  
20 33 gambling boat in a county shall be issued only if the county  
20 34 electorate approves the conduct of the gambling games as  
20 35 provided in this subsection. The board of supervisors, upon  
21 1 receipt of a valid petition meeting the requirements of  
21 2 section 331.306, shall direct the commissioner of elections to  
21 3 submit to the registered voters of the county a proposition to  
21 4 approve or disapprove the conduct of gambling games on an  
21 5 excursion gambling boat in the county. The proposition shall  
21 6 be submitted at a general election or at a special election  
21 7 ~~called for that purpose.~~ To be submitted at a general  
21 8 election, the petition must be received by the board of  
21 9 supervisors at least five working days before the last day for  
21 10 candidates for county offices to file nomination papers for  
21 11 the general election pursuant to section 44.4. If a majority  
21 12 of the county voters voting on the proposition favor the  
21 13 conduct of gambling games, the commission may issue one or  
21 14 more licenses as provided in this chapter. If a majority of  
21 15 the county voters voting on the proposition do not favor the  
21 16 conduct of gambling games, a license to conduct gambling games  
21 17 in the county shall not be issued.

21 18 Sec. 45. Section 99F.7, subsection 11, paragraph c, Code  
21 19 2005, is amended to read as follows:

21 20 c. If a licensee of a pari-mutuel racetrack who held a  
21 21 valid license issued under chapter 99D as of January 1, 1994,  
21 22 requests a license to operate gambling games as provided in  
21 23 this chapter, the board of supervisors of a county in which  
21 24 the licensee of a pari-mutuel racetrack requests a license to  
21 25 operate gambling games shall submit to the county electorate a  
21 26 proposition to approve or disapprove the operation of gambling  
21 27 games at pari-mutuel racetracks at a special election ~~at the~~  
21 28 ~~earliest practicable time.~~ If the operation of gambling games  
21 29 at the pari-mutuel racetrack is not approved by a majority of  
21 30 the county electorate voting on the proposition at the  
21 31 election, the commission shall not issue a license to operate  
21 32 gambling games at the racetrack.

21 33 Sec. 46. Section 145A.7, Code 2005, is amended to read as  
21 34 follows:

21 35 145A.7 SPECIAL ELECTION.

22 1 When a protesting petition is received, the officials  
22 2 receiving the petition shall call a special election of all  
22 3 registered voters of that political subdivision ~~for the~~  
22 4 ~~purpose upon the question~~ of approving or rejecting the order  
22 5 setting out the proposed merger plan. The vote will be taken  
22 6 by ballot in the form provided by sections 49.43 to 49.47, and  
22 7 the election shall be initiated and held as provided in  
22 8 chapter 49. A majority vote of those registered voters voting  
22 9 at said special election shall be sufficient to approve the  
22 10 order and thus include the political subdivision within the

22 11 merged area.

22 12 Sec. 47. Section 257.18, subsection 2, unnumbered  
22 13 paragraph 1, Code 2005, is amended to read as follows:

22 14 If the board does not provide for an election and adopts a  
22 15 resolution to participate in the instructional support  
22 16 program, the district shall participate in the instructional  
22 17 support program unless within twenty-eight days following the  
22 18 action of the board, the secretary of the board receives a  
22 19 petition containing the required number of signatures, asking  
22 20 that ~~an election be called~~ the question to approve or  
22 21 disapprove the action of the board in adopting the  
22 22 instructional support program be submitted to the voters of  
22 23 the school district. The petition must be signed by eligible  
22 24 electors equal in number to not less than one hundred or  
22 25 thirty percent of the number of voters at the last preceding  
22 26 regular school election, whichever is greater. The board  
22 27 shall either rescind its action or direct the county  
22 28 commissioner of elections to submit the question to the  
22 29 registered voters of the school district at the next following  
22 30 regular school election or at a special election. If a  
22 31 majority of those voting on the question at the election  
22 32 favors disapproval of the action of the board, the district  
22 33 shall not participate in the instructional support program.  
22 34 If a majority of those voting on the question favors approval  
22 35 of the action, the board shall certify the results of the  
23 1 election to the department of management and the district  
23 2 shall participate in the program.

23 3 Sec. 48. Section 257.29, unnumbered paragraph 1, Code  
23 4 2005, is amended to read as follows:

23 5 An educational improvement program is established to  
23 6 provide additional funding for school districts in which the  
23 7 regular program district cost per pupil for a budget year is  
23 8 one hundred ten percent of the regular program state cost per  
23 9 pupil for the budget year and which have approved the use of  
23 10 the instructional support program established in section  
23 11 257.18. A board of directors that wishes to consider  
23 12 participating in the educational improvement program shall  
23 13 hold a hearing on the question of participation and the  
23 14 maximum percent of the regular program district cost of the  
23 15 district that will be used. The hearing shall be held in the  
23 16 manner provided in section 257.18 for the instructional  
23 17 support program. Following the hearing, the board may direct  
23 18 the county commissioner of elections to submit the question to  
23 19 the registered voters of the school district at the next  
23 20 following regular school election or at a special election  
23 21 ~~held not later than the following February 1~~. If a majority  
23 22 of those voting on the question favors participation in the  
23 23 program, the board shall adopt a resolution to participate and  
23 24 shall certify the results of the election to the department of  
23 25 management and the district shall participate in the program.  
23 26 If a majority of those voting on the question does not favor  
23 27 participation, the district shall not participate in the  
23 28 program.

23 29 Sec. 49. Section 275.18, unnumbered paragraph 1, Code  
23 30 2005, is amended to read as follows:

23 31 When the boundaries of the territory to be included in a  
23 32 proposed school corporation and the number and method of the  
23 33 election of the school directors of the proposed school  
23 34 corporation have been determined as provided in this chapter,  
23 35 the area education agency administrator with whom the petition  
24 1 is filed shall give written notice of the proposed date of the  
24 2 election to the county commissioner of elections of the county  
24 3 in the proposed school corporation which has the greatest  
24 4 taxable base. The proposed date shall be as soon as possible  
24 5 pursuant to section 39.2, subsections 1, ~~and~~ 2, ~~and~~ 4, and  
24 6 section 47.6, subsections 1 and 2, but not later than November  
24 7 30 of the calendar year prior to the calendar year in which  
24 8 the reorganization will take effect.

24 9 Sec. 50. Section 275.25, subsection 1, unnumbered  
24 10 paragraph 1, Code 2005, is amended to read as follows:

24 11 If the proposition to establish a new school district  
24 12 carries under the method provided in this chapter, the area  
24 13 education agency administrator with whom the petition was  
24 14 filed shall give written notice of a proposed date for a  
24 15 special election for directors of the newly formed school  
24 16 district to the commissioner of elections of the county in the  
24 17 district involved in the reorganization which has the greatest  
24 18 taxable base. The proposed date shall be as soon as possible  
24 19 pursuant to section 39.2, subsections 1, ~~and~~ 2, ~~and~~ 4, and  
24 20 section 47.6, subsections 1 and 2, but not later than the  
24 21 third Tuesday in January of the calendar year in which the

24 22 reorganization takes effect. The election shall be conducted  
24 23 as provided in section 277.3, and nomination petitions shall  
24 24 be filed pursuant to section 277.4, except as otherwise  
24 25 provided in this subsection. Nomination petitions shall be  
24 26 filed with the secretary of the board of the existing school  
24 27 district in which the candidate resides not less than twenty=  
24 28 eight days before the date set for the special school  
24 29 election. The secretary of the board, or the secretary's  
24 30 designee, shall be present in the secretary's office until  
24 31 five p.m. on the final day to file the nomination papers. The  
24 32 nomination papers shall be delivered to the commissioner no  
24 33 later than five p.m. on the twenty=seventh day before the  
24 34 election.

24 35 Sec. 51. Section 275.55, unnumbered paragraphs 1 and 2,  
25 1 Code 2005, are amended to read as follows:

25 2 The board of the school district shall call a special  
25 3 election to be held ~~not later than forty days~~ following the  
25 4 date of the final hearing on the dissolution proposal. The  
25 5 special election may be held at the same time as the regular  
25 6 school election. The proposition submitted to the voters  
25 7 residing in the school district at the special election shall  
25 8 describe each separate area to be attached to a contiguous  
25 9 school district and shall name the school district to which it  
25 10 will be attached. In addition to the description, a map may  
25 11 be included in the summary of the question on the ballot.

25 12 The board shall give written notice of the proposed date of  
25 13 the election to the county commissioner of elections. The  
25 14 proposed date shall be pursuant to section 39.2, subsections  
25 15 ~~1, and 2, and 4,~~ and section 47.6, subsections 1 and 2. The  
25 16 county commissioner of elections shall give notice of the  
25 17 election by one publication in the same newspaper in which the  
25 18 previous notice was published about the hearing, which  
25 19 publication shall not be less than four nor more than twenty  
25 20 days prior to the election.

25 21 Sec. 52. Section 277.2, Code 2005, is amended to read as  
25 22 follows:

25 23 277.2 SPECIAL ELECTION.

25 24 The board of directors in a school corporation may call a  
25 25 special election, on the dates specified in section 39.2,  
25 26 subsection 4, paragraph "c", at which the voters shall have  
25 27 the powers exercised at the regular election with reference to  
25 28 the sale of school property and the application to be made of  
25 29 the proceeds, the authorization of seven members on the board  
25 30 of directors, the authorization to establish or change the  
25 31 boundaries of director districts, and the authorization of a  
25 32 voter-approved physical plant and equipment levy or  
25 33 indebtedness, as provided by law.

25 34 Sec. 53. Section 300.2, unnumbered paragraph 1, Code 2005,  
25 35 is amended to read as follows:

26 1 The board of directors of a school district may, and upon  
26 2 receipt of a petition signed by eligible electors equal in  
26 3 number to at least twenty=five percent of the number of voters  
26 4 at the last preceding school election, shall, direct the  
26 5 county commissioner of elections to submit to the registered  
26 6 voters of the school district the question of whether to levy  
26 7 a tax of not to exceed thirteen and one-half cents per  
26 8 thousand dollars of assessed valuation for public educational  
26 9 and recreational activities authorized under this chapter. ~~if~~  
~~26 10 at the time of filing the petition, it is more than three~~  
~~26 11 months until the next regular school election, the board of~~  
~~26 12 directors shall submit the question at a special election~~  
~~26 13 within sixty days. Otherwise, the~~ The question shall be  
26 14 submitted at a special election or at the next regular school  
26 15 election.

26 16 Sec. 54. Section 330.17, unnumbered paragraph 1, Code  
26 17 2005, is amended to read as follows:

26 18 The council of any city or county which owns or acquires an  
26 19 airport may, and upon the council's receipt of a valid  
26 20 petition as provided in section 362.4, or receipt of a  
26 21 petition by the board of supervisors as provided in section  
26 22 331.306 shall, at a regular city election or a general  
26 23 election if one is to be held within seventy=four days from  
26 24 the filing of the petition, or otherwise at a special election  
26 25 ~~called for that purpose,~~ submit to the voters the question as  
26 26 to whether the management and control of the airport shall be  
26 27 placed in an airport commission. If a majority of the voters  
26 28 favors placing the management and control of the airport in an  
26 29 airport commission, the commission shall be established as  
26 30 provided in this chapter.

26 31 Sec. 55. Section 331.207, subsection 2, Code 2005, is  
26 32 amended to read as follows:

26 33 2. The petition shall be filed with the county  
26 34 commissioner by June 1 of an odd-numbered year, subject to  
26 35 subsection 6. The special election shall be held ~~within sixty~~  
~~27 1 days after the day the petition was received on the first~~  
~~27 2 special election date, pursuant to section 39.2, subsection 4,~~  
~~27 3 paragraph "a", following the filing of the petition.~~ Notice  
27 4 of the special election question shall be published once each  
27 5 week for three successive weeks in an official newspaper of  
27 6 the county, shall state the representation plans to be  
27 7 submitted to the electors, and shall state the date of the  
27 8 special election ~~which.~~ The date of the last publication of  
~~27 9 notice shall be held not less than five nor more than twenty~~  
27 10 days from the date of ~~last publication~~ the election.

27 11 Sec. 56. Section 346.27, subsection 10, unnumbered  
27 12 paragraph 1, Code 2005, is amended to read as follows:

27 13 After the incorporation of an authority, and before the  
27 14 sale of any issue of revenue bonds, except refunding bonds,  
27 15 the authority shall ~~call an election to decide~~ submit at a  
~~27 16 general or special election~~ the question of whether the  
27 17 authority shall issue and sell revenue bonds. The ballot  
27 18 shall state the amount of the bonds and the purposes for which  
27 19 the authority is incorporated. All registered voters of the  
27 20 county shall be entitled to vote on the question. ~~The~~  
~~27 21 question may be submitted at a general election or at a~~  
~~27 22 special election.~~ An affirmative vote of a majority of the  
27 23 votes cast on the question is required to authorize the  
27 24 issuance and sale of revenue bonds.

27 25 Sec. 57. Section 347.23, unnumbered paragraph 1, Code  
27 26 2005, is amended to read as follows:

27 27 Any hospital organized and existing as a city hospital may  
27 28 become a county hospital organized and managed as provided for  
27 29 in this chapter, upon a proposition for such purpose being  
27 30 submitted to and approved by a majority of the electors of  
27 31 both the city in which such hospital is located and of the  
27 32 county under whose management it is proposed that such  
27 33 hospital be placed, at any general or special election ~~called~~  
~~27 34 for such purpose.~~ The proposition shall be placed upon the

27 35 ballot by the board of supervisors when requested by a  
28 1 petition signed by eligible electors of the county equal in  
28 2 number to five percent of the votes cast for president of the  
28 3 United States or governor, as the case may be, at the last  
28 4 general election. ~~The proposition may be submitted at the~~  
~~28 5 next general election or at a special election called for that~~  
~~28 6 purpose.~~ Upon the approval of the proposition the hospital,  
28 7 its assets and liabilities, will become the property of the  
28 8 county and this chapter will govern its future management.  
28 9 The question shall be submitted in substantially the following  
28 10 form: "Shall the municipal hospital of ....., Iowa, be  
28 11 transferred to and become the property of, and be managed by  
28 12 the county of ....., Iowa?"

28 13 Sec. 58. Section 347.23A, subsection 1, Code 2005, is  
28 14 amended to read as follows:

28 15 1. A hospital established as a memorial hospital under  
28 16 chapter 37 or a county hospital supported by revenue bonds and  
28 17 organized under chapter 347A may become, in accordance with  
28 18 the provisions of this section, a county hospital organized  
28 19 and managed as provided for in this chapter. If the hospital  
28 20 is established by a city as a memorial hospital, the city must  
28 21 be located in the county which will own and manage the  
28 22 hospital. A proposition for the change must be submitted to  
28 23 and approved by a majority of the electors of the county which  
28 24 will own and manage the hospital as provided for in this  
28 25 chapter. In addition, if the hospital is a memorial hospital  
28 26 organized by a city under chapter 37, the proposition must  
28 27 also be approved by a majority of the electors of that city.  
28 28 The proposition may be submitted to the electors at any  
28 29 general or special election called by the county board of  
28 30 supervisors ~~for this purpose.~~

28 31 Sec. 59. Section 368.19, unnumbered paragraph 1, Code  
28 32 2005, is amended to read as follows:

28 33 The committee shall approve or disapprove the petition or  
28 34 plan as amended, within ninety days of the final hearing, and  
28 35 shall file its decision for record and promptly notify the  
29 1 parties to the proceeding of its decision. If a petition or  
29 2 plan is approved, the board shall ~~set a date not less than~~  
~~29 3 thirty days nor more than ninety days after approval for~~  
29 4 submit the proposal at a special election on the proposal and  
29 5 the county commissioner of elections shall conduct the  
29 6 election. In a case of incorporation or discontinuance,  
29 7 registered voters of the territory or city may vote, and the  
29 8 proposal is authorized if a majority of those voting approves

29 9 it. In a case of annexation or severance, registered voters  
29 10 of the territory and of the city may vote, and the proposal is  
29 11 authorized if a majority of the total number of persons voting  
29 12 approves it. In a case of consolidation, registered voters of  
29 13 each city to be consolidated may vote, and the proposal is  
29 14 authorized only if it receives a favorable majority vote in  
29 15 each city. The county commissioner of elections shall publish  
29 16 notice of the election as provided in section 49.53 and shall  
29 17 conduct the election in the same manner as other special city  
29 18 elections.

29 19 Sec. 60. Section 368.19, unnumbered paragraph 3, Code  
29 20 2005, is amended to read as follows:

29 21 An incorporation election shall be held not less than fifty  
29 22 days nor more than ninety days after approval of an

29 23 incorporation petition. The costs of an incorporation  
29 24 election shall be borne by the initiating petitioners if the  
29 25 election fails, but if the proposition is approved the cost  
29 26 shall become a charge of the new city.

29 27 Sec. 61. Section 372.2, subsection 2, unnumbered paragraph  
29 28 1, Code 2005, is amended to read as follows:

29 29 Within fifteen days after receiving a valid petition, the  
29 30 council shall publish notice of the date that a special city  
29 31 election will be held to determine whether the city shall  
29 32 change to a different form of government. The election date  
29 33 shall be ~~not more than sixty days after the publication as~~  
29 34 ~~specified in section 39.2, subsection 4, paragraph "b". If~~

29 35 ~~the next ensuing special election is more than sixty days~~  
30 1 ~~after the publication, the council shall publish another~~  
30 2 ~~notice fifteen days before the election.~~ The notice shall

30 3 include a statement that the filing of a petition for  
30 4 appointment of a home rule charter commission will delay the  
30 5 election until after the home rule charter commission has  
30 6 filed a proposed charter. Petition requirements and filing  
30 7 deadlines shall also be included in the notice.

30 8 Sec. 62. Section 372.3, Code 2005, is amended to read as  
30 9 follows:

30 10 372.3 HOME RULE CHARTER.

30 11 If a petition for appointment of a home rule charter com-  
30 12 mission is filed with the city clerk not more than ten days  
30 13 after the council has published the first notice announcing  
30 14 the date of the special election on adoption of another form  
30 15 of government, the special election shall not be held until  
30 16 the charter proposed by the home rule charter commission is  
30 17 filed. Both forms must be published as provided in section  
30 18 372.9 and submitted to the voters at the special election.

30 19 Sec. 63. Section 372.9, subsection 3, Code 2005, is  
30 20 amended to read as follows:

30 21 3. The proposed home rule charter must be submitted at a  
30 22 special city election on a date ~~selected by the mayor and~~  
30 23 ~~council specified in section 39.2, subsection 4, paragraph~~  
30 24 ~~"b", and in accordance with section 47.6. However, the date~~  
30 25 ~~of the election last publication must be not less than thirty~~  
30 26 ~~nor more than sixty days after before the last publication of~~  
30 27 ~~the proposed home rule charter election.~~

30 28 Sec. 64. Section 372.13, subsection 11, unnumbered  
30 29 paragraph 1, Code 2005, is amended to read as follows:

30 30 Council members shall be elected according to the council  
30 31 representation plans under sections 372.4 and 372.5. However,  
30 32 the council representation plan may be changed, by petition  
30 33 and election, to one of those described in this subsection.  
30 34 Upon receipt of a valid petition, as defined in section 362.4,  
30 35 requesting a change to a council representation plan, the  
31 1 council shall submit the question at a special city election  
31 2 ~~to be held within sixty days.~~ If a majority of the persons  
31 3 voting at the special election approves the changed plan, it  
31 4 becomes effective at the beginning of the term following the  
31 5 next regular city election. If a majority does not approve  
31 6 the changed plan, the council shall not submit another  
31 7 proposal to change a plan to the voters within the next two  
31 8 years.

31 9 Sec. 65. Section 376.2, unnumbered paragraph 2, Code 2005,  
31 10 is amended to read as follows:

31 11 Except as otherwise provided by state law or the city  
31 12 charter, terms for elective offices are two years. However,  
31 13 the term of an elective office may be changed to two or four  
31 14 years by petition and election. Upon receipt of a valid  
31 15 petition as defined in section 362.4, requesting that the term  
31 16 of an elective office be changed, the council shall submit the  
31 17 question at a special city election ~~to be held within sixty~~  
31 18 ~~days after the petition is received. The special election~~  
31 19 ~~shall be held more than ninety days before the regular city~~

~~31 20 election if the change shall go into effect at the next~~  
~~31 21 regular city election.~~ If a majority of the persons voting at  
31 22 the special election approves the changed term, it becomes  
31 23 effective at the beginning of the term following the next  
31 24 regular city election. If a majority does not approve the  
31 25 changed term, the council shall not submit the same proposal  
31 26 to the voters within the next four years.

31 27 Sec. 66. Section 384.26, subsection 2, unnumbered  
31 28 paragraph 1, Code 2005, is amended to read as follows:

31 29 Before the council may institute proceedings for the  
31 30 issuance of bonds for a general corporate purpose, it shall  
31 31 call a special ~~city~~ election to vote upon the question of  
31 32 issuing the bonds. At the election the proposition must be  
31 33 submitted in the following form:

31 34 Sec. 67. Section 423B.1, subsection 5, Code 2005, is  
31 35 amended to read as follows:

32 1 5. The county commissioner of elections shall submit the  
32 2 question of imposition of a local option tax at a state  
32 3 general election or at a special election ~~held at any time~~  
~~32 4 other than the time of a city regular election.~~ The election  
32 5 shall not be held sooner than sixty days after publication of  
32 6 notice of the ballot proposition. The ballot proposition  
32 7 shall specify the type and rate of tax and in the case of a  
32 8 vehicle tax the classes that will be exempt and in the case of  
32 9 a local sales and services tax the date it will be imposed  
32 10 which date shall not be earlier than ninety days following the  
32 11 election. The ballot proposition shall also specify the  
32 12 approximate amount of local option tax revenues that will be  
32 13 used for property tax relief and shall contain a statement as  
32 14 to the specific purpose or purposes for which the revenues  
32 15 shall otherwise be expended. If the county board of  
32 16 supervisors decides under subsection 6 to specify a date on  
32 17 which the local option sales and services tax shall  
32 18 automatically be repealed, the date of the repeal shall also  
32 19 be specified on the ballot. The rate of the vehicle tax shall  
32 20 be in increments of one dollar per vehicle as set by the  
32 21 petition seeking to impose the tax. The rate of a local sales  
32 22 and services tax shall not be more than one percent as set by  
32 23 the governing body. The state commissioner of elections shall  
32 24 establish by rule the form for the ballot proposition which  
32 25 form shall be uniform throughout the state.

32 26 Sec. 68. Section 423E.2, subsection 2, paragraph a, Code  
32 27 2005, is amended to read as follows:

32 28 a. Upon receipt by a county board of supervisors of a  
32 29 petition requesting imposition of a local sales and services  
32 30 tax for infrastructure purposes, signed by eligible electors  
32 31 of the whole county equal in number to five percent of the  
32 32 persons in the whole county who voted at the last preceding  
32 33 state general election, the board shall within thirty days  
32 34 direct the county commissioner of elections to submit the  
32 35 question of imposition of the tax to the registered voters of  
33 1 the whole county at the general election or at a special  
33 2 election.

33 3 Sec. 69. APPLICABILITY DATE. This division of this Act  
33 4 applies to elections held on or after January 1, 2006.

33 5 HF 793

33 6 sc:nh/es/25