

CHAPTER 1039

RESIDENCY REQUIREMENTS FOR ELECTIONS

S. F. 665

AN ACT relating to residency requirements for elections; compensation and training of election workers; the use of voters' oaths; affidavits, and declarations; the qualification and certification of candidates of nonparty political organizations; voter registration; the use of serial numbers on applications for absentee ballots and ballot envelopes; absentee ballots for servicemen; the prohibition of the solicitation and notarization of absentee ballots by governmental employees; the time of election filings; calling district conventions after resignation of candidates; polling places; the resignation of candidates; and administration of the election laws by the secretary of state.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. For the purposes of any general election in which
2 votes are to be cast for the office of president of the United States or
3 electors for president, any resident of Iowa who has moved to another
4 state shall be presumed to be and remain a resident of Iowa and a
5 resident of the county and precinct of which he was a resident imme-
6 diately preceding such move, until he meets the residence require-
7 ments for electors in the place to which he has moved; but such pre-
8 sumption shall not continue for more than one year after such move.
9 However, if he is eligible to vote he shall be permitted to vote only
10 for the offices of president and vice-president of the United States or
11 electors for said offices. He shall vote by absentee ballot and shall
12 make an application indicating that he is eligible only for a presi-
13 dential and vice-presidential ballot. The secretary of state shall pre-
14 scribe the form of application and ballot. The county auditor shall
15 cause such applications and ballots to be printed and furnished.

1 SEC. 2. For the purposes of any general election or primary elec-
2 tion in which votes are to be cast for any state or federal office, any
3 resident of Iowa who has moved to a different county or precinct
4 within the state shall be presumed to be and remain a resident of the
5 county and precinct of which he was a resident immediately preceding
6 such move, until he meets the residence requirements for electors in
7 the place to which he has moved.

1 SEC. 3. For the purposes of any school election, any resident of
2 Iowa who remains a resident of the same school district but who has
3 moved to a different county or precinct shall be presumed to be and
4 remain a resident of the county and precinct of which he was a resi-
5 dent immediately preceding such move, until he meets the residence
6 requirements for electors in the place to which he has moved.

1 SEC. 4. For the purposes of any city or town election, any resi-
2 dent of Iowa who remains a resident of the same city or town but
3 who has moved to a different precinct shall be presumed to be and
4 remain a resident of the precinct of which he was a resident immedi-
5 ately preceding such move, until he meets the residence requirements
6 for electors in the place to which he has moved.

1 SEC. 5. For the purposes of any special election or other election
2 which is not governed by sections one (1) through four (4), inclusive,

3 of this Act, any resident of Iowa who remains a resident of the area
4 or territory within which such election is conducted but who has
5 moved to a different county or precinct shall be presumed to be and
6 remain a resident of the county and precinct of which he was a resi-
7 dent immediately preceding such move, until he meets the residence
8 requirements for electors in the place to which he has moved.

1 SEC. 6. The secretary of state shall prescribe reasonable rules
2 and regulations for the administration and implementation of the elec-
3 tion laws of this state. Chapter seventeen A (17A) of the Code shall
4 apply to the rules. All public officials and election workers shall com-
5 ply with and aid in the implementation of the rules.

1 SEC. 7. Section forty-three point thirty-two (43.32), Code 1966,
2 is hereby amended by striking from line five (5) the words "one dol-
3 lar" and inserting in lieu thereof the words "two dollars".

1 SEC. 8. Section forty-three point thirty-four (43.34), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line three (3) the word "candidates" and in-
4 serting in lieu thereof the word "voters".

5 2. By striking from lines three (3) and four (4) the words "for
6 the different offices".

1 SEC. 9. Section forty-three point forty-four (43.44), Code 1966,
2 is hereby amended by striking all of such section after the comma in
3 line nine (9) and inserting in lieu thereof the following:

4 "such person shall sign an affidavit which shall be in substantially
5 the following form:

6 CHANGE OF PARTY AFFILIATION

7 I do solemnly swear or affirm that I have in good faith changed my
8 party affiliation to and desire to be a member of the
9 party.

10
Signature of Voter

11
Address

12 Approved:
13
Judge or Clerk of Election

14 If such person signs the affidavit, he shall be given a ballot of such
15 political party and the clerks of the primary election shall change his
16 enrollment of party affiliation accordingly."

1 SEC. 10. Section forty-three point fifty-nine (43.59), subsection
2 two (2), Code 1966, is hereby amended by striking from line three (3)
3 the word "forty" and inserting in lieu thereof the word "sixty-five".

1 SEC. 11. Section forty-three point seventy-three (43.73)*, Code
2 1966, is hereby amended by striking from line one (1) the word
3 "forty-five" and inserting in lieu thereof the word "fifty-five".

1 SEC. 12. Section forty-three point one hundred one (43.101), sub-
2 section four (4), Code 1966, is hereby amended by striking from line
3 three (3) the word "forty" and inserting in lieu thereof the word
4 "sixty-five".

*See also ch. 1036, §1.

1 SEC. 13. Section forty-four point one (44.1), Code 1966, is hereby
2 amended as follows:

3 1. By striking from line thirteen (13) the word "fifty" and insert-
4 ing in lieu thereof the words "two hundred fifty".

5 2. By striking from line fourteen (14) the word "ten" and inserting
6 in lieu thereof the word "twenty-five".

1 SEC. 14. Section forty-four point three (44.3), Code 1966, is here-
2 by amended by adding at the end thereof the following new subsec-
3 tion:

4 "The name and address of each delegate or voter in attendance at
5 a convention or caucus where a nomination is made for a state elec-
6 tive office."

1 SEC. 15. Section forty-seven point nineteen (47.19), Code 1966, is
2 hereby repealed and the following enacted in lieu thereof:

3 "Each applicant for registration shall sign the following affidavit:

4 APPLICATION FOR REGISTRATION

5 I do solemnly swear or affirm that I am a resident of the
6 precinct, ward or township, city or town of
7, county of, Iowa.

8 I have been a resident of the state of Iowa for at least six months,
9 of said county for at least sixty days, and of said precinct for at least
10 ten days. I am lawfully eligible to vote in said state, county, and
11 precinct.

12 If applicant had a prior address outside this county the following
13 information is required: My prior address was in
14 county, state of

15 I am affiliated with the party.

16 Being duly sworn, I will fully and truly answer all questions asked
17 of me with regard to my name, place of residence, date and place of
18 birth, qualifications as a voter, and my right to register and vote
19 under the laws of this state.

20 I understand that any false statement in this declaration is a crim-
21 inal offense punishable as provided by law.

22
23 Signature of Applicant
.....
Address"

1 SEC. 16. Section forty-seven point twenty (47.20), Code 1966, is
2 hereby amended by striking from lines one (1) and two (2) the words
3 "administration of said oath" and inserting in lieu thereof the words
4 "signing of the affidavit".

1 SEC. 17. Section forty-seven point thirty-three (47.33), subsec-
2 tion five (5), Code 1966, is hereby amended by striking from line one
3 (1) the words "freeholder who is a".

1 SEC. 18. Section forty-seven point thirty-four (47.34), Code 1966,
2 is hereby amended by striking from lines three (3) and four (4) the
3 word "freeholder" and inserting in lieu thereof the words "registered
4 voter".

1 SEC. 19. Section forty-eight point eleven (48.11), Code 1966, is
2 hereby amended as follows:

3 1. By striking from line fourteen (14) the words "oath or".

4 2. By striking lines fifteen (15) through eighteen (18), inclusive,
5 and inserting in lieu thereof the following:

6 "APPLICATION FOR REGISTRATION
7 I do solemnly swear or affirm that I am a resident of the
8 precinct, ward or township, city or town of
9, county of, Iowa.
10 I have been a resident of the state of Iowa for at least six months, of
11 said county for at least sixty days, and of said precinct for at least
12 ten days. I am lawfully eligible to vote in said state, county, and
13 precinct.

14 If applicant had a prior address outside this county the following
15 information is required: My prior address was in
16 county, state of

17 I am affiliated with the party.

18 Being duly sworn, I will fully and truly answer all questions asked
19 of me with regard to my name, place of residence, date and place of
20 birth, qualifications as a voter, and my right to register and vote
21 under the laws of this state.

22 I understand that any false statement in this declaration is a crim-
23 inal offense punishable as provided by law.

24

Signature of Applicant

25

Address"

1 SEC. 20. Section forty-eight point fifteen (48.15), Code 1966, is
2 hereby amended by striking lines four (4) through eight (8), inclu-
3 sive, and inserting in lieu thereof the following:

4 "registration. The commissioner of registration shall immediately
5 give five days notice of a hearing by registered or certified mail to
6 the challenger and the person challenged. If the person challenged
7 fails to appear, his name shall be removed from the registration list.
8 However, if the person challenged notifies the commissioner prior to
9 the date set for the hearing that he is unable to appear on the date
10 specified, the commissioner may reschedule the hearing. At such hear-
11 ing the commissioner shall hear such evidence as he deems to have
12 probative value. The person challenged shall be required to sign an
13 affidavit as provided in section nineteen (19) of this Act and may
14 then be questioned concerning his voting residence and qualifications.
15 In all cases the commissioner shall decide the".

1 SEC. 21. Section forty-eight point twenty-one (48.21)*, Code 1966,
2 is hereby amended by striking lines one (1) through nineteen (19), in-
3 clusive, and inserting in lieu thereof the following:

4 "In municipalities having permanent registration for elections,
5 before any person desiring to vote receives a ballot from the judge
6 or is permitted to enter the voting machine, he shall sign a voter's
7 declaration of eligibility as provided in section forty-nine point sev-
8 enty-seven (49.77) of the Code as amended by section twenty-nine
9 (29) of this Act, except that the voter's declaration shall also include
10 the following statement:

11 'I am lawfully registered in said precinct and county under the

*See also ch. 1037, §6.

12 Iowa permanent registration law.'

13 The voter's declaration of eligibility shall constitute a certificate
14 of registration for the purposes of this chapter provided he has other-
15 wise complied with section forty-nine point seventy-eight (49.78)
16 of the Code."

1 SEC. 22. Section forty-eight point twenty-seven (48.27), Code
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "The commissioner of registration shall appoint at least six per-
4 sons for each ten thousand inhabitants, or major fraction thereof,
5 within his jurisdiction as mobile deputy registrars. An equal number
6 of these appointees shall be appointed from lists supplied for that
7 purpose from the county chairmen of the two political parties polling
8 the highest vote in the jurisdiction in the last preceding general elec-
9 tion. Said list of appointees as submitted to the commissioner of
10 registration shall be made available to the party chairmen of the
11 two parties receiving the highest votes at the preceding election for
12 secretary of state. Mobile deputy registrars are authorized to se-
13 cure registration of eligible voters anywhere in the jurisdiction of the
14 commissioner of registration and shall make such reports of new
15 registrations and changes as the commissioner of registration requests
16 and shall take an oath of office administered by the commissioner of
17 registration. Mobile deputy registrars shall be appointed before the
18 first of August preceding any general election and the appointments
19 shall expire when registration closes for that election. Mobile deputy
20 registrars shall serve without compensation from any source. The
21 commissioner of registration shall furnish to each mobile deputy reg-
22 istrar proper registration forms which shall be numbered and ac-
23 counted for by the mobile deputy registrar to the commissioner of
24 registration. There shall be provided on said form a space for the
25 signature of the mobile deputy registrar who shall sign same and iden-
26 tify himself with appropriate identity papers or badge provided by the
27 commissioner of registration in the presence of the voter and a copy of
28 said voter registration form shall be given to the voter as a receipt
29 of the fact that he is duly registered. The mobile deputy registrar
30 shall be a person of known good character who has reached the age
31 of majority and who is familiar with the registration laws of the state
32 and shall be trained by the commissioner of registration in a manner
33 he deems adequate. It shall be unlawful for any mobile deputy regis-
34 trar or any registrar to refuse to register any eligible voter and any
35 such refusal is a criminal offense punishable as provided by law. The
36 mobile deputy registrar must be a resident of the county wherein he
37 is appointed. It shall be the duty of the secretary of state to desig-
38 nate a suitable voter registration form for the purpose of this section.
39 A list of the persons registered under this section shall be made avail-
40 able weekly to the county chairman of each of the two major political
41 parties for the purpose of challenge."

1 SEC. 23. Section forty-nine point twenty (49.20), Code 1966, is
2 hereby amended as follows:

3 1. By striking from line two (2) the words "one dollar" and insert-
4 ing in lieu thereof the words "two dollars".

5 2. By striking from line four (4) the word "seven" and inserting
6 in lieu thereof the word "ten".

1 SEC. 24. Section forty-nine point twenty-one (49.21), Code 1966,
2 is hereby amended by adding at the end thereof the following new
3 paragraphs:

4 "Upon the application of the county auditor or the township trust-
5 ees, the authority which has control of any buildings or grounds sup-
6 ported by taxation under the laws of this state shall make available
7 the necessary space therein for the purpose of holding elections, with-
8 out charge for the use thereof.

9 Except as otherwise provided by law, the polling place in each pre-
10 cinct in the state shall be located in a central location if a building is
11 available. However, first consideration shall be given to the use of
12 public buildings supported by taxation."

1 SEC. 25. Section forty-nine point twenty-five (49.25), Code 1966,
2 is hereby amended as follows:

- 3 1. By striking all of subsections one (1) and two (2).
- 4 2. By striking from subsection six (6), line two (2), the word
5 "sixty" and inserting in lieu thereof the words "four hundred".
- 6 3. By consecutively renumbering the remaining subsections.

1 SEC. 26. Section forty-nine point twenty-seven (49.27), Code 1966,
2 is hereby amended by striking from lines eleven (11) and twelve (12)
3 the words "administer an oath to any person and to examine him
4 under oath" and inserting in lieu thereof the words "require any
5 person to sign an affidavit which shall be substantially in the form set
6 out in section twenty-nine (29) of this Act and such judges may ex-
7 amine such person".

1 SEC. 27. Section forty-nine point sixty-eight (49.68), Code 1966,
2 is hereby amended as follows:

- 3 1. By striking from line one (1) the words "attorney general" and
4 inserting in lieu thereof the words "secretary of state with the ap-
5 proval of the attorney general".
- 6 2. By striking from lines three (3) and four (4) the words ", and
7 deliver such instructions to the secretary of state".

1 SEC. 28. Section forty-nine point seventy-three (49.73), Code 1966,
2 is hereby amended as follows:

- 3 1. By striking from line three (3) the words "in the forenoon" and
4 inserting in lieu thereof the words "a.m."
- 5 2. By striking from line five (5) the words "in the forenoon" and
6 inserting in lieu thereof the words "a.m."
- 7 3. By striking from line nine (9) the words "in the evening." and
8 inserting in lieu thereof the words "p.m."

1 SEC. 29. Section forty-nine point seventy-seven (49.77), Code
2 1966, is hereby amended by striking all of such section after the word
3 "name" in line five (5) and inserting in lieu thereof the following:

4 "and address to the judges, and shall sign a voter's declaration
5 provided by the judges of the election, in substantially the following
6 form:

7 VOTER'S DECLARATION OF ELIGIBILITY

8 I do solemnly swear or affirm that I am a resident of the
9 precinct, ward or township, city or town of
10, county of, Iowa.

11 I have been a resident of the state of Iowa for at least six months,
 12 of said county for at least sixty days, and of said precinct for at
 13 least ten days. I am lawfully eligible to vote in said precinct and
 14 county in the election to be held on.....
 15, 19..... I have not voted and will not vote in any
 16 other precinct in said election.

17 (For primary election only:) I am affiliated with the
 18 party.

19 I understand that any false statement in this declaration is a crim-
 20 inal offense punishable as provided by law.

21
 Signature of Voter

22
 Address

23 Approved:

24
 Judge or Clerk of the Election

25 In precincts where the judges of the election are furnished compu-
 26 terized registration lists, the person desiring to vote, except a per-
 27 son legally blind, shall also provide some form of identification upon
 28 which the signature or mark of such person appears. If identification
 29 is established to the satisfaction of the judges of the election, the
 30 person may then be allowed to vote.

31 If the voter has no identification, his identity may be attested to
 32 by a judge of the election.

33 All voters' declarations may then be seen by the challengers of each
 34 political party, at the request of such challengers."

1 SEC. 30. Section forty-nine point seventy-eight (49.78), Code 1966,
 2 is hereby repealed and the following enacted in lieu thereof:

3 "In precincts where registration is required, if such name is found
 4 on the register of voters by the officer having charge thereof, the
 5 voter shall sign a voter's declaration as provided in sections forty-
 6 eight point twenty-one (48.21) and forty-nine point seventy-seven
 7 (49.77) of the Code and provided to the voters by the judges of the
 8 election. In precincts where the judges of the election are furnished
 9 with computerized voter registration lists, the person desiring to vote,
 10 except a person legally blind, shall then provide some form of identi-
 11 fication upon which the signature or mark of such person appears. If
 12 identification is established to the satisfaction of the judges of the
 13 election, the person may then be allowed to vote.

14 If the voter has no identification, his identity may be attested to
 15 by a judge of the election.

16 All voters' declarations may then be seen by the challengers of each
 17 political party, at the request of such challengers.

18 In precincts where chapter forty-eight (48) of the Code is applica-
 19 ble, if the name of the person desiring to vote is not found on the
 20 register of voters, his ballot shall not be received until he shall have
 21 complied with the law prescribing the manner and conditions of voting
 22 under sections forty-eight point eleven (48.11) and forty-eight point
 23 twelve (48.12) of the Code."

1 SEC. 31. Section forty-nine point eighty (49.80), Code 1966, is
 2 hereby amended by inserting in line three (3) after the comma the

3 words "require such person to sign an affidavit as set forth in section
4 twenty-nine (29) of this Act,".

1 SEC. 32. Section forty-nine point eighty-one (49.81), Code 1966,
2 is hereby amended by striking lines seven (7) through seventeen (17),
3 inclusive, and inserting in lieu thereof the following:

4 "The following affidavit and such person shall read and sign the
5 same:

6 I do solemnly swear or affirm that I am a citizen of the United
7 States, a resident of Iowa for six months, a resident of this county
8 for sixty days, and a resident of this precinct for ten days next pre-
9 ceding this election, and that I am at least twenty-one years of age,
10 and I have not voted in this election. I am lawfully eligible to vote
11 in Iowa and in this county and precinct.

12 I understand that any false statement in this declaration is a crimi-
13 nal offense punishable as provided by law.

14

Signature of Voter

15

Address

16 If such person signs the affidavit and is examined by the judges
17 concerning his qualifications, his vote shall then be received unless
18 further challenged."

1 SEC. 33. Section forty-nine point eighty-six (49.86), Code 1966,
2 is hereby amended by striking from lines three (3) and four (4) the
3 words "retiring from within the guardrail" and inserting in lieu there-
4 of the words "entering the voting booth".

1 SEC. 34. Section forty-nine point eighty-eight (49.88), Code 1966,
2 is hereby repealed and the following enacted in lieu thereof:

3 "No more than one person shall be allowed to occupy any voting
4 booth at any time. No person shall occupy such booth for more than
5 three minutes to cast his ballot in precincts using voting machines,
6 nor for more than three minutes in precincts using paper ballots.
7 Nothing in this section shall prohibit assistance to voters under sec-
8 tion forty-nine point ninety (49.90) of the Code."

1 SEC. 35. Section forty-nine point one hundred seventeen (49.117),
2 Code 1966, is hereby amended by striking from line five (5) the words
3 "fifty cents" and inserting in lieu thereof the words "two dollars".

1 SEC. 36. Chapter forty-nine (49), Code 1966, is hereby amended
2 by adding thereto the following new sections:

3 1. "The courthouse of each county shall remain open on election
4 day."

5 2. "It shall be the duty of the county auditor to conduct, not less
6 than seven days before each primary and general election, a training
7 course of not more than two hours for all election personnel. Such
8 personnel shall include judges, clerks, special police, constables, and
9 any other persons who will be employed in or around the polling places
10 on election day."

11 3. "All election personnel attending such training course shall be
12 paid for attending such course for a period not to exceed two hours.
13 The wages shall be two dollars per hour and payment for attendance

14 shall be made at the time that payment is made for duties performed
15 on election day."

16 4. "It shall be the duty of the secretary of state to provide a train-
17 ing manual and such additional materials as may be necessary to all
18 county auditors for conducting the training course by April 15, 1971."

19 5. "It shall be the duty of each county auditor or city or town
20 clerk to determine that all voting machines are operational and func-
21 tioning properly and that all materials necessary for the conduct of
22 the election are in his possession and are correct. Such auditor or
23 city or town clerk shall verify such facts on the forms provided by
24 the secretary of state and shall send such completed forms by regis-
25 tered mail to the secretary of state not less than forty-eight hours
26 before the election."

1 SEC. 37. Section fifty-two point seventeen (52.17), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line six (6) the words "and at least three feet
4 from the guardrail,".

5 2. By striking all of such section after the period in line seven (7).

1 SEC. 38. Section fifty-two point eighteen (52.18), Code 1966, is
2 hereby amended as follows:

3 1. By striking from line three (3) the words "pass within the
4 guardrail" and inserting in lieu thereof the words "enter the voting
5 machine booth".

6 2. By striking from lines five (5) and six (6) the words "pass with-
7 in the guardrail" and inserting in lieu thereof the words "enter the
8 voting machine booth".

9 3. By striking from lines twelve (12) and thirteen (13) the words
10 "one minute" and inserting in lieu thereof the words "three minutes".

1 SEC. 39. Section fifty-three point four (53.4), Code 1966, is hereby
2 amended by inserting at the end thereof the following:

3 "It shall be the duty of such auditor or clerk to keep a list of all
4 applications mailed. The list shall contain the name of the applicant,
5 the serial number on the application so mailed, and the date on which
6 such application was mailed."

1 SEC. 40. Section fifty-three point five (53.5), Code 1966, is hereby
2 amended by adding at the end thereof the following:

3 "All applications for absentee ballots shall have a serial number
4 affixed thereto."

1 SEC. 41. Section fifty-three point nine (53.9), Code 1966, is hereby
2 amended by adding at the end thereof the following new paragraph:

3 "Before mailing such official ballot or ballots, the auditor or clerk
4 shall record the number appearing on the ballot envelope."

1 SEC. 42. Section fifty-three point ten (53.10), Code 1966, is hereby
2 amended by adding at the end thereof the following:

3 "The auditor shall record the name of the applicant, along with the
4 serial number appearing on the application and ballot envelope, prior
5 to the time such application and ballot are mailed."

1 SEC. 43. Section fifty-three point eleven (53.11), Code 1966, is
2 hereby amended by adding at the end thereof the following:

3 "Such officer shall record the numbers appearing on the application
4 and ballot envelope along with the name of the qualified voter."

1 SEC. 44. Section fifty-three point twelve (53.12), Code 1966, is
2 hereby amended by inserting in line seven (7) after the word "title,"
3 the words "a serial number corresponding to such number appearing
4 on the application,".

1 SEC. 45. Section fifty-three point eighteen (53.18), Code 1966, is
2 hereby amended by inserting in line two (2) after the word "once"
3 the words "record the number appearing on the application and ballot
4 envelope and time of receipt of such ballot and".

1 SEC. 46. Section fifty-three point twenty (53.20), Code 1966, is
2 hereby amended by inserting in line three (3) after the word "once"
3 the words "record the number appearing on the application and ballot
4 envelope and the time of receipt of such ballot and".

1 SEC. 47. Section fifty-three point forty-five (53.45), Code 1966,
2 is hereby amended by striking from line nine (9) the word and figure
3 "March 15" and inserting in lieu thereof the words "February first".

1 SEC. 48. Section fifty-three point forty-nine (53.49), Code 1966,
2 is hereby amended by adding the following new paragraph:

3 "However, citizens of the United States temporarily residing out-
4 side the territorial limits of the United States and the District of
5 Columbia and their spouses and dependents when residing with or
6 accompanying them shall be accorded the privilege of absentee voting
7 in the same manner as members of the armed forces."

1 SEC. 49. Chapter fifty-three (53), Code 1966, is hereby amended
2 by adding the following new sections:

3 1. "All applications for an absentee ballot and all ballot envelopes
4 shall have a serial number affixed thereto. Such numbers shall be
5 affixed in such manner and in such place as prescribed by the secre-
6 tary of state. Such numbers shall be affixed when the applications
7 and ballot envelopes are printed."

8 2. "It shall be the duty of each auditor or city or town clerk to
9 keep on file, at all times, a list of all serial numbers appearing on the
10 applications and ballot envelopes received by such auditor or city
11 or town clerk. When such applications and ballot envelopes are mailed
12 or delivered, such auditor or city or town clerk shall record the name
13 of the absentee voter to whom such application and ballot envelope
14 is mailed or delivered and the date of such mailing or delivery. The
15 auditor or city or town clerk shall record the date of receipt of such
16 application and ballot envelope.

17 Such lists shall be public records open to inspection as provided by
18 law."

19 3. "It shall be unlawful for any employee of the state or any politi-
20 cal subdivision thereof to solicit any application or request for appli-
21 cation for an absentee ballot, or to administer an oath or take an
22 affidavit in connection with any absentee ballot. However, any such
23 employee may administer such oath and take such affidavit in con-
24 nection with an absentee ballot which is cast by the voter in person
25 in the office where such employee is employed in accordance with

26 section fifty-three point eleven (53.11) of the Code. This section shall
27 not apply to any elected official.”

28 4. “Wherever used in this Act or in chapter fifty-three (53) of the
29 Code, the words ‘absentee ballot’ include any ballot authorized by
30 chapter fifty-three (53) of the Code.”

1 SEC. 50. Chapter fifty-three (53), Code 1966, is hereby amended
2 by adding thereto the following new section:

3 “The county chairmen of the two political parties receiving the
4 highest number of votes cast in the last general election for secretary
5 of state may designate one person, each, to enter jointly, hospitals or
6 nursing homes to vote those individuals desiring to vote who have
7 entered the facility not more than five days prior to the date set for
8 the election. The county chairmen shall notify the county auditor of
9 the name and address of the person so designated, and the auditor
10 shall deliver ballots and ballot envelopes to the persons so designated
11 for which they shall sign a receipt and return all materials to the
12 auditor.

13 The persons so designated shall assist persons confined in hospitals
14 or nursing homes by providing ballots to the persons so confined and
15 receiving voted ballots in sealed envelopes for delivery to the county
16 auditor properly notarized. The persons so designated shall not in-
17 fluence any person to whom he delivers a ballot nor shall he know
18 how such ballot is marked unless witnessed by both representatives.”

1 SEC. 51. Section fifty-seven point one (57.1), Code 1966, is hereby
2 amended by inserting in line five (5) after the word “office,” the
3 words “to the office of senator or representative in Congress,”.

1 SEC. 52. Section fifty-nine point one (59.1), Code 1966, is hereby
2 repealed and the following enacted in lieu thereof:

3 “The contestant for a seat in either branch of the General Assem-
4 bly shall, prior to twenty days before the first day of the next session,
5 serve on the incumbent a statement of notice of contest which shall
6 allege a fact or facts, believed true by the contestant which, if true,
7 would alter the outcome of the election.”

1 SEC. 53. Section sixty point one (60.1), Code 1966, is hereby
2 amended by inserting in line three (3) after the word “electors” the
3 words “or for the office of senator or representative in Congress”.

4 Section sixty point one (60.1), Code 1966, is hereby further
5 amended by striking from line six (6) the words “not interested,”.

1 SEC. 54. Section sixty point six (60.6), Code 1966, is hereby
2 amended as follows:

3 1. By striking from lines three (3) and four (4) the words “of
4 presidential elector,”.

5 2. By striking from line ten (10) the words “as an elector”.

1 SEC. 55. Section three hundred sixty-three point twenty-one
2 (363.21), Code 1966, is hereby repealed.

1 SEC. 56. Chapter sixty (60), Code 1966, is hereby amended by
2 adding a new section as follows:

3 “The contestant shall file in the office of the clerk of the supreme

4 court a bond, with security to be approved by the clerk of the supreme
 5 court, in such amount as shall be set by the presiding judge of the
 6 court, conditional to pay all costs in case the election be confirmed or
 7 the contest dismissed. The presiding judge shall further set the date
 8 upon which the required bond shall be filed. If the required bond is
 9 not filed by the date set, the contest shall stand dismissed by opera-
 10 tion of law."

1 SEC. 57. Section forty-three point eighty-three (43.83), Code 1966,
 2 as amended by House File one thousand twenty (1020), passed by
 3 the Sixty-third General Assembly, Second Session, is hereby further
 4 amended by inserting in line seven (7) after the word "committee"
 5 the words "not less than twenty-five days prior to the date set for the
 6 special election. In the event the special election is to fill a vacancy
 7 in the General Assembly while it is in session or within forty-five
 8 days of the convening of any session, the time limit herein provided
 9 shall not apply."

1 SEC. 58. Section forty-three point eighty-seven (43.87), Code
 2 1966, is hereby amended by inserting at the end thereof the following
 3 new paragraph:

4 "Nominations occasioned by a vacancy in an office shall be filled not
 5 less than twenty-five days prior to the date set for the special election.
 6 In the event the special election is to fill a vacancy in the General
 7 Assembly while it is in session or within forty-five days of the con-
 8 vening of any session, the time limit herein provided shall not apply."

1 SEC. 59. Section forty-three point eighty-eight (43.88), Code 1966,
 2 is hereby amended as follows:

3 1. By striking from lines two (2) and three (3) the words "made
 4 in case of vacancies, and nominations".

5 2. By inserting at the end thereof the following new paragraph:
 6 "Nominations made to fill vacancies at a special election shall be
 7 certified to the proper official not less than twenty days prior to the
 8 date set for the special election. In the event the special election is
 9 to fill a vacancy in the General Assembly while it is in session or
 10 within forty-five days of the convening of any session, the time limit
 11 herein provided shall not apply."

1 SEC. 60. Section sixty-nine point fourteen (69.14), Code 1966, is
 2 hereby amended as follows:

3 1. By striking from line seven (7) the word "such".

4 2. By striking lines eight (8) and nine (9) and inserting in lieu
 5 thereof the words " , not later than five days from the date the vacancy
 6 exists, a special election, giving not less than forty days notice of such
 7 election. In the event the special election is to fill a vacancy in the
 8 General Assembly while it is in session or within forty-five days of
 9 the convening of any session, the time limit herein provided shall not
 10 apply and the governor shall order such special election at the earliest
 11 practical time, giving at least ten days notice thereof."

1 SEC. 61. House File one thousand twenty (1020)*, section seven
 2 (7), Acts of the Sixty-third General Assembly, Second Session, which
 3 repealed and reenacted section forty-three point eighty-four (43.84),

*Chapter 1034.

4 Code 1966, is hereby amended by inserting after the period at the
 5 end of the first numbered paragraph the following new sentences:
 6 "Nominations made to fill vacancies at a special election by the
 7 central committee shall be made not less than twenty-five days prior
 8 to the date set for the special election. In the event the special elec-
 9 tion is to fill a vacancy in the General Assembly while it is in session
 10 or within forty-five days of the convening of any session, the time
 11 limit herein provided shall not apply."

Approved May 11, 1970.

CHAPTER 1040
 ELECTION RETURNS
 S. F. 340

AN ACT relating to election returns.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section fifty point sixteen (50.16), Code 1966, is here-
 2 by amended as follows:

3 1. By striking from line one (1) the words "A return" and insert-
 4 ing in lieu thereof the words "The tally list".

5 2. By striking from lines two (2) and three (3) the words "words
 6 written at length" and inserting in lieu thereof the words "legibly
 7 printed numerals".

8 3. By striking from line seven (7) the word "return" and inserting
 9 in lieu thereof the words "tally list".

10 4. By striking from line seventeen (17) the word "return" and
 11 inserting in lieu thereof the words "tally list".

1 SEC. 2. Section fifty point seventeen (50.17), Code 1966, is here-
 2 by amended by striking from line three (3) the word "return" and
 3 inserting in lieu thereof the words "tally list".

1 SEC. 3. Section fifty point twenty (50.20), Code 1966, is hereby
 2 amended by striking from line five (5) the word "returns" and in-
 3 serting in lieu thereof the words "tally lists".

1 SEC. 4. Section fifty point twenty-one (50.21), Code 1966, is here-
 2 by amended by striking from line one (1) the word "returns" and
 3 inserting in lieu thereof the words "tally lists".

1 SEC. 5. Section fifty point twenty-three (50.23), is hereby amend-
 2 ed as follows:

3 1. By striking from lines three (3) and four (4) the word "returns"
 4 and inserting in lieu thereof the words "tally lists".

5 2. By striking from line five (5) the word "returns" and inserting
 6 in lieu thereof the words "tally lists".

1 SEC. 6. Section fifty point twenty-four (50.24), Code 1966, is
 2 hereby amended by striking from line four (4) the word "returns"
 3 and inserting in lieu thereof the words "tally lists".