

CHAPTER 98
ELECTION PROCEDURES
H. F. 713

AN ACT relating to the election laws.

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

1 SECTION 1. Section forty-four point one (44.1), Code 1971, is
2 amended as follows:

3 44.1 **Political nonparty organizations.** Any convention or caucus of
4 qualified electors representing a political organization which is not a
5 political party as defined by law, may, for the state, or for any division
6 or municipality thereof, or for any county, or for any subdivision
7 thereof, for which such convention or caucus is held, make one nomi-
8 nation of a candidate for each office to be filled therein at the general
9 election. Provided that to qualify for any nomination made for a
10 statewide elective office by such a political organization shall require,
11 *in attendance*, a minimum of two hundred fifty qualified electors with
12 at least one elector from each of twenty-five counties. *To qualify for*
13 *any nomination made for a United States representative shall require,*
14 *in attendance, a minimum of fifty qualified electors who are residents*
15 *of the congressional district with at least one from each of at least*
16 *one-half of the counties of the congressional district. To qualify for*
17 *any nomination made for the general assembly shall require, in*
18 *attendance, a minimum of ten qualified electors who are residents of*
19 *the district with at least one from one-half of the voting precincts in*
20 *the district. The names of all delegates in attendance at such conven-*
21 *tion or caucus and such fact shall be certified to the secretary of state*
22 *together with the other certification requirements of this chapter.*

1 SEC. 2. Section forty-four point three (44.3), subsection eight
2 (8), Code 1971, is amended as follows:

3 8. The name and address of each delegate or voter in attendance
4 at a convention or caucus where a nomination is made [for a state
5 elective office].

1 SEC. 3. Section forty-eight point six (48.6), Code 1971, is amended
2 by striking the section and inserting in lieu thereof the following:

3 48.6 **Form of records.** The form of the registration records shall
4 be substantially as set forth in this section. The commissioner of
5 registration shall provide suitable forms for the purpose of registra-
6 tion. The forms shall be large enough to contain the necessary infor-
7 mation required in legible writing. The registration form shall require
8 the following information to be provided:

9 1. The name of the applicant, giving surname and Christian names
10 in full. Whenever any change of name shall occur due to marriage,
11 or divorce, or otherwise, the registrant shall not be allowed to vote
12 until the registrant has reregistered, and after such reregistration the
13 previous registration record shall be removed from the files.

14 2. Residence, giving name and number of the street, avenue, or
15 other location of the dwelling, and such additional clear and definite
16 description as may be necessary to give the exact residence of the
17 applicant. Post office box numbers shall not be used unless no other

- 18 method of identifying the residence exists for the community.
 19 3. Date of birth.
 20 4. Sex.
 21 5. Term of residence in the United States, in the state, in the
 22 county.
 23 6. Ward, precinct, school district, and such other districts in which
 24 the registrant resides which are empowered to call special elections.
 25 7. Place of birth. If the registrant is not native-born he shall give
 26 the date of his naturalization or of the parent through whom he claims
 27 naturalization, and the place of court, and any other information
 28 necessary to establish citizenship.
 29 8. Last previous address if the registrant has resided at his present
 30 address for less than five years.
 31 9. Party affiliation. No party affiliation need be stated if the reg-
 32 istrant declines to make such statement.
 33 10. The affidavit described in Section 8 of this Act.
 34 11. An expressed authorization to cancel all other registrations to
 35 vote.
 36 12. The social security number of the registrant, if available.
 37 13. The signature of registrant.

1 SEC. 4. Section forty-eight point seven (48.7), Code 1971, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

4 **48.7 Change of address notice.** Change of address notice shall be
 5 provided for the use of any registered voter moving to a new location.
 6 Change of address notice shall provide space for the previous address
 7 of the voter, the address of the exact location to which he is moving,
 8 and his signature. Any written notification from the voter containing
 9 the required information and signature shall be sufficient to validate
 10 his registration. If the commissioner of registration receives written
 11 notification of change of address from any registered voter and the
 12 notification does not contain the required information, the commis-
 13 sioner shall immediately mail to the voter at his last known address
 14 notice that his registration is defective. Upon receipt of any valid
 15 change of address notice received not later than ten days before any
 16 election, the commissioner of registration shall make entry of any
 17 change on the original and duplicate registration lists and the voter
 18 shall be qualified to vote in the new election precinct.

1 SEC. 5. Section forty-eight point eight (48.8), Code 1971, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

4 **48.8 Election register.** The commissioner shall compile and shall
 5 deliver to the judges of election in each precinct the duplicate regis-
 6 tration list of the voters in that precinct, which shall be known as
 7 the election register. The election register shall contain the name and
 8 address of every registered voter in that election precinct, indexed
 9 alphabetically by surname, together with a space following each name
 10 in which shall be recorded the words "voted" or "not voted", the date,
 11 and if a primary election, the party, as the case may be. A space
 12 shall also be provided for remarks in which shall be recorded any
 13 challenges, affidavits or other information as may be required. The
 14 entry of the words "voted" or "not voted", challenge, affidavit, or

15 other information, shall be made by the judges of election immediately
 16 after approving the declaration of eligibility. Duplicate registration
 17 lists may be prepared by electrical, mechanical or similar data process-
 18 ing methods. When the election register is prepared by data process-
 19 ing methods, symbols may be used for all entries required by this
 20 section, providing a legend explaining all such symbols is printed
 21 upon each page of the election register.

1 SEC. 6. Section forty-eight point nine (48.9), Code 1971, is
 2 amended by striking unnumbered paragraph three (3) and inserting
 3 in lieu thereof the following:

4 "Upon the return by the post office of any such notice, the com-
 5 missioner of registration shall, and at other times may, direct an
 6 authorized clerk to verify the name and address of any voter, and
 7 if the voter is found to have moved from the address as recorded
 8 on the original registration list, the commissioner shall cause the
 9 voter's name to be removed from the active registration list."

1 SEC. 7. Section forty-eight point ten (48.10), Code 1971, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

4 **48.10 Deceased persons—record.** It is the mandatory duty of
 5 each local registrar and deputy registrar of vital statistics to provide
 6 the commissioner of registration of his city or county, as the case
 7 may be, with a certified list of the names and last known addresses,
 8 and social security numbers and dates of birth, if known, of all
 9 persons eighteen years of age or over who have died in his county.
 10 Such lists shall be delivered by the tenth day of each month. The
 11 commissioner of registration, shall, upon receipt of such report, ex-
 12 amine the original registration list and shall remove therefrom, to
 13 an inactive file, the registration records of all registered persons certi-
 14 fied by the local registrar or deputy registrar of vital statistics as
 15 deceased.

1 SEC. 8. Section forty-eight point eleven (48.11), Code 1971, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

4 **48.11 Time and method of registration.** The commissioner of
 5 registration or any authorized deputy or clerk working for him or
 6 under his direction and control, shall, up to and including the tenth
 7 day next preceding any election, receive the application for registra-
 8 tion of all qualified voters as shall personally appear before him, or
 9 any other person authorized to register voters, who will be entitled
 10 to vote on the day of the next known election to be held in the regis-
 11 trant's precinct after the day of registration. An affidavit in substan-
 12 tially the following form shall be executed by the registrant during
 13 the process of registration:

14 "I do solemnly swear or affirm, under penalty of law, that I have
 15 been a resident of the state of Iowa for at least six months, of said
 16 county for at least sixty days, and of said precinct for at least ten
 17 days, that I am lawfully eligible to vote in said state, county, and
 18 precinct, and that all of the information which I have given upon
 19 this voter registration record is true and complete, and I hereby
 20 authorize the cancellation of any and all of my previous registrations
 21 to vote in this or any other place."

22 If any application form is used, it may be merged with and made
 23 an integral part of the registration record, or may be incorporated by
 24 reference or otherwise made a part of the registration record, and
 25 need not retain a separate identity. No data need appear upon any
 26 merged application and registration record more than once.

27 Upon being sworn, the applicant shall answer such questions as
 28 are required, as hereinbefore set forth, and the clerk shall fill out
 29 the form which the applicant shall sign, and he shall not be required
 30 to register again for any election; provided, however, that failure
 31 to vote at least once in four calendar years wherein elections are
 32 held shall operate as a challenge and shall require the applicant to
 33 reregister. In case a qualified voter is unable to write his name, he
 34 shall be required to make a cross, which shall be certified by the
 35 signing of the name of the applicant by the registration clerk taking
 36 the application. A qualified voter who is unable to sign his name
 37 shall not be permitted to mail or hand in removal notices as is in
 38 this chapter provided, but must appear in person to secure a removal
 39 of his name to his new voting precinct.

1 SEC. 9. Section forty-eight point twelve (48.12), Code 1971, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

4 48.12 **Disabled or absent voters.** Any person entitled to register
 5 who is permanently disabled by sickness or otherwise, or who will be
 6 absent from the election precinct until after the next succeeding elec-
 7 tion, may apply in writing to the commissioner of registration, who
 8 shall forward to such person the necessary forms for permanent regis-
 9 tration, which shall be executed before a notary public by the appli-
 10 cant and returned to the commissioner of registration. If a form is
 11 properly executed and shows that the voter is duly qualified, and is
 12 returned during the period when registrants are allowed to register
 13 in person, then the applicant's name shall be placed on the registration
 14 list.

1 SEC. 10. Section forty-eight point twenty-two (48.22), Code 1971,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 48.22 **Permissive adoption.** The city council of any city having a
 5 population of two thousand or more or the board of supervisors of any
 6 other county having a population under fifty thousand in which regis-
 7 tration of voters is not required, may, by ordinance or resolution,
 8 adopt the plan for registration provided in this chapter. Also, any
 9 county may, by resolution by the board of supervisors, require regis-
 10 tration of voters in any township having a population of fifteen hun-
 11 dred or more. When the city council of any such city or the board
 12 of supervisors of any such county adopts an ordinance or resolution
 13 establishing such plan, all the provisions of this chapter shall apply
 14 to such city or county.

1 SEC. 11. Chapter forty-seven (47), Code 1971, is repealed.

1 SEC. 12. Section forty-nine point nine (49.9) is amended as fol-
 2 lows:

3 49.9 **Proper place of voting.** No person shall vote in any precinct
 4 but that of his residence [except as provided in section 363.21].

1 SEC. 13. Section forty-nine point seventy-three (49.73), Code
2 1971, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **49.73 Time of opening and closing polls.** At all elections in pre-
5 cincts in which permanent registration is not required the polls shall
6 be opened at eight o'clock a.m. At all elections in precincts in which
7 permanent registration is required the polls shall be opened at seven
8 o'clock a.m., or in each case as soon thereafter as vacancies in the places
9 of judges or clerks of election have been filled. In all cases the polling
10 places shall be closed at eight o'clock p.m.

1 SEC. 14. Section forty-nine point eighty-one (49.81), Code 1971, is
2 amended by adding the following new paragraph:

3 "This section shall not apply to precincts in which permanent regis-
4 tration is required."

1 SEC. 15. Section forty-nine point eighty-three (49.83), Code 1971,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **49.83 Names to be entered on pollbook or election register.** In
5 precincts in which permanent registration is not required the name of
6 each person, when a ballot is delivered to him, shall be entered by each
7 of the clerks of election in the pollbook kept by him in the place pro-
8 vided therefor. In precincts in which permanent registration is re-
9 quired, the name of each voter shall be marked on the election register
10 by a clerk of election when the voter's declaration of eligibility has been
11 approved by the judges of election.

1 SEC. 16. Section forty-nine point one hundred twenty-four
2 (49.124), Code 1971, is amended as follows:

3 **49.124 Training course by auditor.** It shall be the duty of the
4 county auditor to conduct, not less than [seven] *three* days before
5 each primary and general election, a training course of not more than
6 two hours for all election personnel. Such personnel shall include
7 judges, clerks, special police, constables, and any other persons who
8 will be employed in or around the polling places on election day.

1 SEC. 17. Every citizen of the United States of the age of twenty-
2 one years, who shall have been a resident of this state for six months
3 next preceding the election, and of the county in which he claims his
4 vote sixty days, and of the precinct in which he claims his vote ten
5 days, shall be entitled to vote, subject to chapter forty-eight (48), if
6 applicable, and chapter forty-nine (49), at all elections which may
7 now or hereafter be authorized by law and held on or before July 1,
8 1972. Provided that persons eighteen years of age or over and under
9 twenty-one years of age who satisfy the above residency requirements
10 may vote in any election for federal offices. This section shall be
11 printed in the session laws only, and shall not be made a permanent
12 part of the Code of Iowa.

1 SEC. 18. Section fifty-three point thirty-eight (53.38), Code 1971,
2 is amended as follows:

3 **53.38 Affidavit constitutes registration.** Whenever registration is
4 required in order to vote at either the primary election or general

5 election, in the case of voters in the armed forces of the United States,
6 the affidavit upon the ballot envelope of such voter, otherwise qualified,
7 shall constitute a sufficient registration, [whether the] *if* registration
8 is required [be] under the provisions of [chapter 47 or] chapter 48.

1 SEC. 19. Section fifty-three point twenty-eight (53.28), Code 1971,
2 is hereby amended as follows:

3 **53.28 Affidavit envelope constitutes registration.** The affidavit
4 upon the ballot envelope shall constitute a sufficient registration of
5 the voter [in precincts where registration is required] *except in pre-*
6 *cinets where permanent registration is required.*

1 SEC. 20. Section forty-eight point twenty (48.20), Code 1971, is
2 repealed.

1 SEC. 21. Section forty-nine point four (49.4), unnumbered para-
2 graph two (2), Code 1971, as amended by House File one hundred
3 nineteen (119),* section one (1), of the Sixty-fourth General Assem-
4 bly, First Session, is amended as follows:

5 No election precinct shall have a total population in excess of three
6 thousand *five hundred*, as shown by the most recent federal decennial
7 census. Where a civil township, or the portion of a civil township
8 outside the corporate limits of any or all cities and towns located
9 wholly or partially within the boundaries of such township, is divided
10 into two or more election precincts, the populations of each such pre-
11 cinct shall be as nearly equal as possible within the limitations of
12 availability of suitable polling places and of reliable data on the popu-
13 lations of various parts of such township, and the boundaries of each
14 precinct so established shall follow the boundaries of areas for which
15 official population figures are available from the most recent federal
16 decennial census. Every precinct shall be contained wholly within an
17 existing legislative district as established by law, and where an un-
18 avoidable conflict arises between this requirement and the requirement
19 that the populations of any two precincts shall be as nearly equal as
20 possible, the requirement that each precinct shall be contained wholly
21 within an existing legislative district shall take precedence. The
22 board of supervisors shall make any changes necessary to comply with
23 this section no earlier than July first and not later than December
24 thirty-first of each year immediately following a year in which the
25 federal decennial census is taken, unless the general assembly by
26 joint resolution establishes different dates for such compliance. Any
27 or all of the publications required by section 49.11 may be made after
28 December thirty-first if necessary.

1 SEC. 22. Section forty-nine point five (49.5), unnumbered para-
2 graph two (2) and subsection one (1), Code 1971, as amended by
3 House File one hundred nineteen (119),* section two (2), of the Sixty-
4 fourth General Assembly, First Session, are amended as follows:

5 Election precincts shall be of as nearly equal population as possible
6 within the limitations of reliable data on the populations of various
7 parts of such city, and the boundaries of each precinct shall follow
8 the boundaries of areas for which official population figures are

9 available from the most recent federal decennial census. Every pre-
 10 cinct shall be contained wholly within an existing legislative district.
 11 No election precinct shall have a total population in excess of three
 12 thousand *five hundred*, as shown by the most recent federal decennial
 13 census, except that:

14 1. If in any area of the city it is not possible to devise a con-
 15 tiguous precinct having a population of less than three thousand *five*
 16 *hundred* by the most recent federal decennial census, because one or
 17 more of the smallest population units for which census data are avail-
 18 able are composed of noncontiguous territory, the city council may
 19 utilize other reliable and documented indicators of population dis-
 20 tribution in establishing precincts within that area.

1 SEC. 23. Section forty-nine point six (49.6), Code 1971, as
 2 amended by House File one hundred nineteen (119),* section three
 3 (3), of the Sixty-fourth General Assembly, First Session, is amended
 4 as follows:

5 **49.6 Power to combine township and city precincts.** The board of
 6 supervisors and the council of any town or city of less than thirty-five
 7 hundred inhabitants, not including the inmates of any state institu-
 8 tion, may combine any part of the township outside of such city with
 9 any or all the wards or precincts thereof as one election precinct, or
 10 change or abolish such precinct. No precinct so created shall have a
 11 total population in excess of three thousand *five hundred*, as shown by
 12 the most recent federal decennial census.

Approved June 30, 1971.

*Ch. 99, §§1-3.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

CHAPTER 99†

ELECTION PRECINCTS

H. F. 119

AN ACT relating to election precincts.

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

1 SECTION 1. Section forty-nine point four (49.4), Code 1971, is
 2 amended as follows:

3 **49.4 Change in precincts by supervisors — size limitation.** The
 4 board of supervisors may divide a township, or part thereof, into two
 5 or more precincts, or change or abolish such division. The board of
 6 supervisors may also combine two or more contiguous townships into
 7 one election precinct, subject to the provisions of this section. An
 8 order establishing precincts shall define their boundaries.

9 No election precinct shall have a total population in excess of three
 10 thousand,* as shown by the most recent federal decennial census.
 11 Where a civil township, or the portion of a civil township outside the
 12 corporate limits of any or all cities and towns located wholly or par-
 13 tially within the boundaries of such township, is divided into two or
 14 more election precincts, the populations of each such precinct shall be
 15 as nearly equal as possible within the limitations of availability of
 16 suitable polling places and of reliable data on the populations of vari-
 17 ous parts of such township, and the boundaries of each precinct so

*Amended by ch. 98, §21.

†See Editor's note, page iii.