

3 be legal and valid notwithstanding the fact that a candidate filing the  
 4 same describes the legislative district from which he is seeking office  
 5 by a number other than that assigned to the new district by the  
 6 supreme court.

1 SEC. 21. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Mus-  
 3 catine Journal, a newspaper published in Muscatine, Iowa, and in  
 4 Times-Democrat, a newspaper published in Davenport, Iowa.

Approved March 31, 1972.

I hereby certify that the foregoing Act, House File 1265, was published in The Musca-  
 tine Journal, Muscatine, Iowa, April 7, 1972, and in the Times-Democrat, Davenport,  
 Iowa, April 10, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1025

### ELECTION LAWS

H. F. 1147

AN ACT relating to the election laws and providing penalties for violations thereof.

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

1 SECTION 1. **State commissioner of elections.** The secretary of  
 2 state is designated as the state commissioner of elections and shall  
 3 supervise the activities of the county commissioners of elections.  
 4 There is established within the office of the secretary of state a divi-  
 5 sion of elections which shall be under the direction of the state com-  
 6 missioner of elections. The state commissioner of elections may  
 7 appoint a person to be in charge of the division of elections who shall  
 8 perform such duties as may be assigned to him by the state commis-  
 9 sioner of elections. The state commissioner of elections shall prescribe  
 10 uniform election practices and procedures and shall prescribe the  
 11 necessary forms required for voter registration and the conduct of  
 12 elections. The state commissioner of elections may adopt rules and  
 13 regulations, pursuant to chapter seventeen A (17A) of the Code, to  
 14 carry out the provisions of this section.

1 SEC. 2. **County commissioner of elections.** The county auditor of  
 2 each county is designated as the county commissioner of elections in  
 3 each county. The county commissioner of elections shall conduct voter  
 4 registration pursuant to chapter forty-eight (48) of the Code and  
 5 conduct all elections within the county. All election and registration  
 6 duties prior to the effective date of this Act imposed upon other public  
 7 officials within the county are transferred to the county commissioner  
 8 of elections. All of the present records of registration, precinct books,  
 9 and all other documents and papers pertaining to the registration of  
 10 electors or those electors who are currently registered that are upon  
 11 the effective date of this Act, in the care, custody, and control of a  
 12 city subject to the provisions of chapter forty-eight (48) of the Code

13 shall be under the jurisdiction of the county commissioner of regis-  
 14 tration who shall designate the location of such records. Such records  
 15 that establish that an elector is currently registered and all precinct  
 16 pollbooks shall be valid, and may be used by the county commissioner  
 17 of registration in all subsequent elections as provided in this Act.  
 18 An elector who is validly registered to vote upon the effective date of  
 19 this Act, shall remain so registered and shall be entitled to vote in all  
 20 subsequent elections as provided in this Act.

21 If a political subdivision is located in more than one county, the  
 22 county commissioner of elections of the county having the greatest  
 23 taxable base within the political subdivision shall conduct the election.  
 24 The county commissioners of elections of the other counties in which  
 25 the political subdivision is located shall cooperate with the county  
 26 commissioner of elections who is conducting the election.

1 SEC. 3. **Election expenses.** The costs of conducting a special elec-  
 2 tion, general election, and the primary election held prior to the gen-  
 3 eral election shall be paid by the county.

4 The cost of conducting other elections shall be paid by the political  
 5 subdivision for which the election is held. The county commissioner  
 6 of elections shall certify to the county board of supervisors a state-  
 7 ment of cost for an election. The cost shall be assessed by the county  
 8 board of supervisors against the political subdivision for which the  
 9 election was held.

10 Costs of registration shall not be charged as a part of the election  
 11 costs.

1 SEC. 4. **Voter qualifications.**

2 1. Every citizen of the United States of the age of eighteen years  
 3 of age or older is presumed to have a residence some place in the  
 4 United States for the purpose of voting for president and vice presi-  
 5 dent of the United States.

6 2. Every citizen of the United States of the age of eighteen years  
 7 or older who shall have been a resident of this state for thirty days  
 8 next preceding the election shall be entitled to vote, subject to the  
 9 provisions of chapter forty-eight (48), if applicable, and chapter  
 10 forty-nine (49) of the Code, at all elections which may now or here-  
 11 after be authorized by law.

12 3. Every qualified voter of the state of the age of eighteen years  
 13 or older shall have only one voting residence some place in this state  
 14 or any other state for the purposes of voting in any given election.

15 4. A person's residence, for voting purposes only, is the place which  
 16 he maintains as\* his home with the intent to remain there permanently  
 17 or for a definite or an indefinite or undeterminable length of time.

18 If a person who meets the above requirements moves to a new resi-  
 19 dence, within or without the state, and does not meet the voter resi-  
 20 dency requirements at his new residence, he may vote at his former  
 21 place of residence in Iowa until he meets the voter residency require-  
 22 ments of his new residence.

1 SEC. 5. Section forty-three point eleven (43.11), subsection one  
 2 (1), Code 1971, is amended to read as follows:

\*According to enrolled Act.

3 1. For an elective county office, in the office of the county ~~auditor~~  
 4 *commissioner of elections* at least fifty-five days prior to the day  
 5 fixed for holding the primary election.

1 SEC. 6. Section forty-three point eleven (43.11), Code 1971, is  
 2 amended by striking subsection three (3).

1 SEC. 7. Section forty-three point twenty-six (43.26), Code 1971,  
 2 is amended by striking the section and inserting in lieu thereof the  
 3 following:

4 43.26 **Ballot—form.** The official primary election ballot shall be  
 5 prepared, arranged, and printed substantially in the following form:

6 PRIMARY ELECTION BALLOT

7 (Name of Party)

8 of

9 ..... Township or Precinct, ..... Ward, City or Town of  
 10 ....., County of ....., State of Iowa.

11 Primary election held on the ..... day of June, 19.....

12 FOR UNITED STATES SENATOR

13 (Vote for one.)

14 ..... Sally K. Brown

15 ..... J. R. Wayne

16 ..... .....

17 FOR UNITED STATES REPRESENTATIVE

18 (Vote for one.)

19 ..... Betty Williams

20 ..... William Sanders

21 ..... .....

22 FOR GOVERNOR

23 (Vote for one.)

24 ..... Patricia Collins

25 ..... William Longley

26 ..... .....

27 (Followed by other elective state and district officers in order.)

28 FOR COUNTY AUDITOR

29 (Vote for one.)

30 ..... Gladys Strong

31 ..... Robert Thompson

32 ..... .....

33 (Followed by other elective county officers in order.)

34 FOR TOWNSHIP CLERK

35 (Vote for one.)

36 ..... Dolores Black

37 ..... John Raymond

38 ..... .....

39 FOR TOWNSHIP TRUSTEES

40 (Vote for two.)

41 ..... Margaret Jones

42 ..... William Jones

43 ..... H. S. Wilson

44 ..... .....

1 SEC. 8. Section forty-three point twenty-nine (43.29), subsection  
2 one (1), Code 1971, is amended to read as follows:

3 1. The county ~~auditor~~ *commissioner of elections* shall, prior to the  
4 day of primary election, publish a list of candidates for each political  
5 party to be voted for at such election, except township, city or town  
6 officers. Such publication shall be, as near as may be, in the form in  
7 which such candidates will appear on the official ballot, with the names  
8 of the candidates arranged alphabetically. Such publication shall be  
9 in not less than two newspapers within the county, representing, if  
10 possible, the political parties which cast at the preceding general elec-  
11 tion the largest and the next largest number of votes.

1 SEC. 9. Section forty-three point one hundred twenty (43.120),  
2 subsection four (4), Code 1971, is amended by striking the subsection  
3 and inserting in lieu thereof the following:

4 4. Willfully voting or offering to vote at a primary election by a  
5 person who has not met the qualifications to vote.

1 SEC. 10. Section forty-eight point one (48.1), Code 1971, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following new section:

4 **48.1 Commissioner of registration.** The office of commissioner of  
5 registration is hereby created in all cities having a population of more  
6 than ten thousand and in counties having a population of more than  
7 fifty thousand. The county auditor is hereby constituted the commis-  
8 sioner of registration. A branch office of registration may be located  
9 in the office of city clerk. The commissioner of registration shall reg-  
10 ister electors of a city having a population of more than ten thou-  
11 sand and of a county having a population of more than fifty thousand.

1 SEC. 11. Section forty-eight point four (48.4), Code 1971, is  
2 amended to read as follows:

3 **48.4 Commissioner of registration—duties.** The said commission-  
4 er of registration shall have complete charge of the registration of  
5 all qualified voters within such city or county. He shall appoint such  
6 deputies and clerks as may be necessary, from the two political parties  
7 receiving the highest vote at the last general election. Notwithstand-  
8 ing the provisions of this section, the commissioner of registration  
9 may also appoint a city clerk as a deputy. The number of such dep-  
10 uties and clerks for all precinct registration places, and the central  
11 registration office, shall be equally divided between the members of  
12 the two said political parties. These appointments shall be subject to  
13 the approval of the city council or county board of supervisors as the  
14 case may be. The commissioner of registration shall provide such  
15 printed forms and blanks as may be necessary, together with such  
16 other supplies and equipment as are necessary to properly carry out  
17 the provisions of this chapter. Subject to the provisions of this chap-  
18 ter, the city council or board shall prescribe by ordinance such reason-  
19 able rules and regulations as to office hours and places and manner of  
20 registration as may be necessary. Registration places shall be estab-  
21 lished throughout the city or county *cities and counties* in the propor-  
22 tion of one to each precinct which shall be open for registration as  
23 provided under this chapter during not less than two nor more than  
24 four days between July 1 and up to and including the tenth day prior  
25 to the next election following the adoption of the plan for registration

26 provided in this chapter. Such registration places shall be selected by  
 27 the commissioner of registration and shall be open between seven  
 28 o'clock a.m. and nine o'clock p.m. The commissioner of registration  
 29 shall appoint the two clerks of election for each precinct, who shall  
 30 have charge of the election register.

1 SEC. 12. Section forty-eight point five (48.5), Code 1971, is  
 2 amended by striking the section and inserting in lieu thereof the fol-  
 3 lowing new section:

4 **48.5 Registration records.** The county commissioner of registra-  
 5 tion shall safely maintain at his office or other designated locations  
 6 the original registration records of all qualified electors in his county.  
 7 The original registration records shall not be removed from his office  
 8 or other designated locations except upon court order. One copy of  
 9 the original registration records which includes the elector's name,  
 10 address, precinct, and party affiliation shall be prepared before the  
 11 primary election preceding the general election, upon request and  
 12 without charge, for the county chairman of each political party. A  
 13 list of electors who have registered between the primary and the gen-  
 14 eral election shall be prepared, upon demand and without charge on  
 15 August first prior to the general election and at least every two weeks  
 16 thereafter until the close of registration, for the county chairman of  
 17 each political party polling in excess of two percent of the popular  
 18 vote in the county in the last preceding general election. If the county  
 19 commissioner of registration maintains a computerized list of quali-  
 20 fied electors by precinct, he shall, upon demand and without charge,  
 21 on August first prior to the general election, provide the county chair-  
 22 man for each political party, a complete list of all qualified electors,  
 23 by precinct, within the county. The county commissioner of registra-  
 24 tion, if computerized lists of qualified electors are maintained shall,  
 25 each week, upon demand and without charge, from August first until  
 26 October first, prior to the general election and each day, or on each  
 27 day thereafter that the computerized list is updated, until the close of  
 28 registration, provide the county chairman of each political party a  
 29 list of electors who have registered since the last such list was pro-  
 30 vided. Additional copies may be provided to political parties at  
 31 cost. Duplicate registration records shall be open to inspection by  
 32 the public at reasonable times.

33 Such lists shall not be used for any commercial purpose, advertis-  
 34 ing, or solicitation, of any kind or nature, other than to request such  
 35 person's vote at a primary or general election, or any other bona fide  
 36 political purpose. The commission shall keep a list of the name, ad-  
 37 dress, telephone number, and social security number of each person  
 38 who copies or duplicates such lists. Any person, firm, or corporation  
 39 that uses such lists in violation of this section shall, upon conviction,  
 40 be imprisoned in the county jail, not to exceed one year, or be fined  
 41 not to exceed one thousand dollars, or by both such fine and imprison-  
 42 ment, for each violation.

1 SEC. 13. Section forty-eight point six (48.6), Code 1971, as  
 2 amended by chapter ninety-eight (98), section three (3), Acts of the  
 3 Sixty-fourth General Assembly, First Session, is amended by striking  
 4 subsection ten (10) and inserting in lieu thereof the following new  
 5 subsection:

6 10. An affidavit in such form as prescribed by the state commis-  
7 sioner of elections which states that the registrant will be a qualified  
8 elector on the day of the next known election.

1 SEC. 14. Section forty-eight point eight (48.8), Code 1971, as  
2 amended by chapter ninety-eight (98), section five (5), Acts of the  
3 Sixty-fourth General Assembly, First Session, is amended by striking  
4 the section and inserting in lieu thereof the following new section:

5 48.8 **Election registers.** The county commissioner of registration  
6 shall prepare an election register for each county precinct between  
7 the time of the closing of registration and election day. The election  
8 register shall be a copy of the list of all qualified electors of the pre-  
9 cinct and shall be in a form prescribed by the state commissioner of  
10 elections.

11 If the name of a registered elector does not appear in the election  
12 register, the county commissioner of elections may authorize a cor-  
13 rection to the election register by the judges of election at the pre-  
14 cinct. Authorization to correct the election register need not be in  
15 writing and may be transmitted by telephone. The authorization  
16 must verify the registration in question and be made by the county  
17 commissioner of elections who shall make a written record verifying  
18 every authorized correction.

1 SEC. 15. Section forty-eight point eleven (48.11), Code 1971, as  
2 amended by chapter ninety-eight (98), section eight (8), Acts of the  
3 Sixty-fourth General Assembly, First Session, is amended by striking  
4 the section and inserting in lieu thereof the following new section:

5 48.11 **Registration time limits.** The county commissioner of regis-  
6 tration shall register, on forms prescribed by the state commissioner  
7 of elections, electors for elections in a precinct until the close of reg-  
8 istration in the precinct. An elector may register during the time  
9 registration is closed in the elector's precinct but the registration shall  
10 not become effective until registration opens again in his precinct.

11 Registration shall close in a precinct ten days before an election.

1 SEC. 16. Section forty-eight point fifteen (48.15), Code 1971, is  
2 amended to read as follows:

3 48.15 **Challenges.** Any person may challenge a registration at any  
4 time by filing a written challenge with the commissioner of registra-  
5 tion. The commissioner of registration shall immediately give five  
6 days notice of a hearing by registered or certified mail to the chal-  
7 lenger and the person challenged. If the person challenged fails to  
8 appear, his name shall be removed from the registration list. How-  
9 ever, if the person challenged notifies the commissioner prior to the  
10 date set for the hearing that he is unable to appear on the date speci-  
11 fied, the commissioner may reschedule the hearing. At such hearing  
12 the commissioner shall hear such evidence as he deems to have proba-  
13 tive value. The person challenged shall be required to sign an affi-  
14 davit as provided in section ~~48.11~~ 48.6, subsection 10, of the Code and  
15 may then be questioned concerning his voting residence and qualifica-  
16 tions. In all cases the commissioner shall decide the right to the entry  
17 under the evidence. Either party may appeal to the district court of  
18 the county in which the challenge is made, and a date for the hearing  
19 shall be fixed and the decision of such court shall be final.

1 SEC. 17. Section forty-eight point twenty-seven (48.27), Code  
2 1971, is amended to read as follows:  
3 48.27 **Mobile deputy registrars.** The commissioner of registration  
4 shall appoint at least six persons for each ten thousand inhabitants,  
5 or major fraction thereof, within his jurisdiction as mobile deputy  
6 registrars. An equal number of these appointees shall be appointed  
7 from lists supplied for that purpose from the county chairmen of the  
8 two political parties polling the highest vote in the jurisdiction in the  
9 last preceding general election. *The list shall be filed with the com-*  
10 *missioner of registration not later than August first of each year and*  
11 *the commissioner of registration shall make the appointments from*  
12 *these lists no later than thirty days from the date of filing.* Said list  
13 of appointees as submitted to the commissioner of registration shall  
14 be made available to the party chairmen of the two parties receiving  
15 the highest votes at the preceding election for secretary of state. *If*  
16 *a county chairman of a political party does not submit a list of ap-*  
17 *pointees, the county commissioner of registration shall appoint, be-*  
18 *fore September first, persons known to be members of that political*  
19 *party.* Mobile deputy registrars are authorized to secure registration  
20 of eligible voters anywhere in the jurisdiction of the commissioner of  
21 registration and shall make such reports of new registrations and  
22 changes as the commissioner of registration requests and shall take  
23 an oath of office administered by the commissioner of registration.  
24 ~~Mobile deputy registrars shall be appointed before the first of August~~  
25 ~~preceding any general election and the~~ *The* appointments shall expire  
26 when registration closes for that election ~~the commissioner of regis-~~  
27 ~~tration makes new appointments.~~ Mobile deputy registrars shall  
28 serve without compensation from any source. The commissioner of  
29 registration shall furnish to each mobile deputy registrar proper reg-  
30 istration forms which shall be numbered and accounted for by the  
31 mobile deputy registrar to the commissioner of registration. There  
32 shall be provided on said form a space for the signature of the mobile  
33 deputy registrar who shall sign same and identify himself with appro-  
34 priate identity papers or badge provided by the commissioner of reg-  
35 istration in the presence of the voter and a copy of said voter regis-  
36 tration form shall be given to the voter as a receipt\* of the fact that  
37 he signed by the mobile deputy registrar stating that such person is  
38 duly registered. The mobile deputy registrar shall be a person of  
39 known good character who has reached the age of majority *is at least*  
40 *eighteen years of age* and who is familiar with the registration laws  
41 of the state and shall be trained by the commissioner of registration  
42 in a manner he deems adequate. It shall be unlawful for any mobile  
43 deputy registrar or any registrar to refuse to register any eligible  
44 voter and any such refusal is a criminal offense punishable as pro-  
45 vided by law. The mobile deputy registrar must be a resident of  
46 the county wherein he is appointed. It shall be the duty of the secre-  
47 tary of state to designate a suitable voter registration form for the  
48 purpose of this section. A list of the persons registered under this  
49 section shall be made available weekly to the county chairman of each  
50 of the two major political parties for the purpose of challenge.

\*According to enrolled Act.

1 SEC. 18. Chapter forty-eight (48), Code 1971, is amended by add-  
2 ing the following new sections:

3 1. **"Removal of registration.** The county commissioner of registra-  
4 tion who registers an elector who has changed his residence shall  
5 notify the county commissioner of registration of the registrant's  
6 former residence that the registrant has become a qualified elector at  
7 his present residence. The registrant shall execute an authorization  
8 to the county commissioner of registration of his former residence to  
9 remove the registrant's registration. The county commissioner of  
10 registration of the former residence shall cause the registrant's  
11 record to be removed from his file of valid registrations."

12 2. **"Notification of changes in registration.** The clerk of the dis-  
13 trict court shall promptly notify the county commissioner of registra-  
14 tion of changes of name and of convictions of infamous crimes or  
15 felonies, of legal declarations of mental incompetence and of diagnosis  
16 of severe or profound mental retardation, or of severe psychiatric ill-  
17 ness of persons of voting age. The clerk of the district court shall also  
18 notify the county commissioner of registration of the restoration of  
19 citizenship of a person who has been convicted of an infamous crime  
20 or felony and of the finding that a person is of good mental health.  
21 The notice will not restore voter registration. The county commis-  
22 sioner of registration shall notify the person whose citizenship has  
23 been restored or who has been declared to be in good mental health  
24 that his registration to vote was canceled and he must register again  
25 to become a qualified elector."

26 3. **"Cancellation of registration.** The registration of a qualified  
27 elector shall be canceled in any of the following instances:

28 1. The elector fails to vote once in the last preceding four consecu-  
29 tive calendar years.

30 2. The elector registers to vote in another place.

31 3. The elector does not record a change of address.

32 4. The elector dies.

33 5. The clerk of district court sends notification of an elector's con-  
34 viction of an infamous crime or felony.

35 6. The clerk of district court sends notification of a legal deter-  
36 mination that the elector is severely or profoundly mentally retarded,  
37 or has been diagnosed as ill for severe psychiatric reasons, or under  
38 conservatorship or guardianship by reason of incompetency. Cer-  
39 tification by the superintendent of a mental health hospital or other  
40 institution upon the discharge of any such person that he is, at that  
41 time, restored to good mental health shall qualify such person to again  
42 be an elector, subject to the other provisions of this chapter. Termi-  
43 nation by the court of any such conservatorship or guardianship shall  
44 qualify any such ward to again be an elector, subject to the other  
45 provisions of this chapter.

46 7. The elector does not record a change of name.

47 8. When first class mail, which is designated 'not to be forwarded',  
48 was addressed to the elector at the address shown on the registration  
49 records and is returned by the postal service.

50 Whenever a registration is canceled, notice of the cancellation shall  
51 be sent to the registrant at his last known address shown upon the  
52 registration records. However, notice is not necessary when the can-  
53 cellation is due to death or if an authorization for the removal of his  
54 registration is received as provided in this chapter."



55 4. "Annual report. The county commissioner of elections shall  
56 make reports as required by the state commissioner of elections. On  
57 August first of each year the state commissioner of elections shall  
58 report the number of persons registered in each political party in each  
59 county."

1 SEC. 19. Section forty-nine point five (49.5), Code 1971, as  
2 amended by chapter ninety-eight (98), section twenty-two (22) and  
3 chapter ninety-nine (99), section two (2), Acts of the Sixty-fourth  
4 General Assembly, First Session, is amended to read as follows:

5 49.5 City precincts. The council of a city may, from time to time,  
6 by ordinance definitely fixing the boundaries, divide the city into such  
7 number of election precincts as will best serve the convenience of the  
8 voters.

9 Election precincts shall be of as nearly equal population as possible  
10 within the limitations of reliable data on the populations of various  
11 parts of such city, and the boundaries of each precinct shall follow the  
12 boundaries of areas for which official population figures are available  
13 from the most recent federal decennial census. *A city having a popu-*  
14 *lation of more than three thousand five hundred shall cause the federal*  
15 *decennial census to be taken on a block-by-block basis and shall pre-*  
16 *serve block statistics.* Every precinct shall be contained wholly within  
17 an existing legislative district. No election precinct shall have a total  
18 population in excess of three thousand five hundred, as shown by the  
19 most recent federal decennial census, except that:

20 1. If in any area of the city it is not possible to devise a contiguous  
21 precinct having a population of less than three thousand five hundred  
22 by the most recent federal decennial census, because one or more of  
23 the smallest population units for which census data are available are  
24 composed of noncontiguous territory, the city council may utilize other  
25 reliable and documented indicators of population distribution in estab-  
26 lishing precincts within that area.

27 2. Where an unavoidable conflict arises between the requirements  
28 of this section relating to population of precincts and the requirement  
29 that each precinct be contained wholly within an existing legislative  
30 district, the latter requirement shall take precedence.

31 The council shall make any changes necessary to comply with this  
32 section no earlier than July first and not later than December thirty-  
33 first of each year immediately following a year in which the federal  
34 decennial census is taken, unless the general assembly by joint reso-  
35 lution establishes different dates for such compliance. Any or all of  
36 the publications required by section 49.11 may be made after December  
37 thirty-first if necessary.

38 *If the council fails to fix election precinct boundaries by the dead-*  
39 *lines established pursuant to this section, the state commissioner of*  
40 *elections shall fix or cause to be fixed the boundaries as soon as pos-*  
41 *sible. Expenses incurred by the state commissioner of elections shall*  
42 *be assessed to the city and paid by the city.*

43 *The state commissioner of elections may request the services of*  
44 *personnel of the legislative service bureau and material available to*  
45 *the legislative service bureau for the purpose of fixing the boundaries*  
46 *of election precincts as provided in this section.*

47 Nothing in this section shall prohibit a city council which has com-  
48 plied with the applicable requirements of this section by December

49 thirty-first of any year following a year in which the federal decen-  
 50 nial census is taken, from thereafter changing the boundaries of any  
 51 precinct in the manner and within the limitations provided by this  
 52 section, at any time prior to or during the year in which the next  
 53 federal decennial census is taken, if the council concludes that the  
 54 changes in precinct boundaries are necessary to best serve the voters  
 55 affected.

56 The ~~secretary~~ of state *commissioner of elections* shall be notified  
 57 when precinct boundary lines are changed and a map delineating the  
 58 new boundary lines supplied.

1 SEC. 20. Section forty-nine point forty-two (49.42), Code 1971, is  
 2 amended by striking the section and inserting in lieu thereof the fol-  
 3 lowing:

4 49.42† **Form of official ballot.** Said ballot shall be substantially in  
 5 the following form:

6 *__REPUBLICAN	*__DEMOCRATIC	*__PROHIBITION	*__UNION LABOR
7 For President	For President	For President	For President
8 A..... B.....,	N..... O.....,	A..... B.....,	N..... O.....,
9 of Ohio.	of Virginia.	of Maine.	of Idaho.
10 For Vice-Pres-	For Vice-Pres-	For Vice-Pres-	For Vice-Pres-
11 ident,	ident,	ident,	ident,
12 C..... B**.....,	P..... Q.....,	C..... D.....,	P..... Q.....,
13 of New York.	of Indiana.	of Illinois.	of Ohio.
14 For	For	For	For
15 United States	United States	United States	United States
16 Senator.	Senator.	Senator.	Senator.
17 E..... F.....,	R..... S.....,	E..... F.....,	R..... S.....,
18 of ..... County.	of ..... County.	of ..... County.	of ..... County.
19 For	For	For	For
20 United States	United States	United States	United States
21 Representative,	Representative,	Representative,	Representative,
22 G..... H.....,	T..... U.....,	G..... H.....,	T..... U.....,
23 of ..... County.	of ..... County.	of ..... County.	of ..... County.
24 For Governor,	For Governor,	For Governor,	For Governor,
25 I..... J.....,	V..... W.....,	I..... J.....,	V..... W.....,
26 of ..... County.	of ..... County.	of ..... County.	of ..... County.
27 For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
28 Governor,	Governor,	Governor,	Governor,
29 K..... L.....,	X..... Y.....,	K..... L.....,	X..... Y.....,
30 of ..... County.	of ..... County.	of ..... County.	of ..... County.

1 SEC. 21. Section forty-nine point seventy-seven (49.77), Code 1971,  
 2 is amended to read as follows:

3 49.77 **Ballot furnished to voter.**

4 The judges of election of their respective precincts shall have charge  
 5 of the ballots and furnish them to the voters. Any person desiring to  
 6 vote shall give his name and address to the judges, and shall sign a

†This section is printed here exactly as it appears in the enrolled Act.

\*According to enrolled Act.

\*\*According to enrolled Act.

7 voter's declaration provided by the judges of the election, in sub-  
8 stantially the following form:

9 **VOTER'S DECLARATION OF ELIGIBILITY**

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

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

19 (For primary election only:) I am affiliated with the .....  
20 party.

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

23 .....  
24 Signature of Voter

25 .....  
26 Address

27 Approved:

28 .....  
29 Judge or Clerk of the Election

30 In precincts where the judges of the election are furnished com-  
31 puterized registration lists, the person desiring to vote, except a  
32 person legally blind, shall also provide some form of an election judge  
33 may require of an elector unknown to the judge, identification upon  
34 which the elector's signature or mark of such person appears. If  
35 identification is established to the satisfaction of the judges of the  
36 election, the person may then be allowed to vote.

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

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

1 SEC. 22. Section forty-nine point eighty-one (49.81), Code 1971, as  
2 amended by chapter ninety-eight (98), section fourteen (14), Acts of  
3 the Sixty-fourth General Assembly, First Session, is amended by  
4 striking the section and inserting in lieu thereof the following new  
5 section:

6 **49.81 Oath in case of challenge.** If the elector is challenged when  
7 offering to vote in a precinct where registration is not required, if the  
8 elector insists that he is qualified to vote, and if the challenge is not  
9 withdrawn, one of the election judges shall tender to the challenged  
10 elector an affidavit prescribed by the state commissioner of elections  
11 which reaffirms the challenged elector's eligibility.

1 SEC. 23. Chapter forty-nine (49), Code 1971, is hereby amended  
2 by adding the following new section thereto:

3 In case of all challenges of electors at the time he is offering to vote  
4 in a precinct, an election judge may place such person under oath and  
5 question him as, (1) where he maintains his home; (2) how long he  
6 has maintained his home at such place; (3) if he maintains a home at

7 any other location; (4) his age. The election judge may permit the  
 8 challenger to participate in such questions. The challenged elector  
 9 shall be allowed to present to the judge such evidence and facts that  
 10 he feels sustains the fact that he is qualified to vote. Upon completion  
 11 thereof, the election judge hearing the challenge shall determine if  
 12 the challenged elector shall be allowed to vote.

1 SEC. 24. Section fifty-three point two (53.2), Code 1971, is  
 2 amended to read as follows:

3 **53.2 Application for ballot.** Any voter, under the circumstances  
 4 specified in section 53.1, may, on any day not Sunday, election day,  
 5 or a holiday and not more than forty days prior to the date of elec-  
 6 tion, make *written* application *in person or by mail* to the county audi-  
 7 tor, or to the city or town clerk, as the case may be, for an official  
 8 ballot to be voted at such election. ~~Such application may be made in~~  
 9 ~~person or in writing as provided in section 53.10~~ *commissioner of elec-*  
 10 *tions on forms prescribed by the state commissioner of elections. Each*  
 11 *application form shall have a serial number and shall have postage*  
 12 *prepaid.*

13 *The county commissioner of elections shall keep a list of all appli-*  
 14 *cation forms distributed, to whom each application was distributed,*  
 15 *and the date on which the application was distributed.*

1 SEC. 25. Section fifty-three point seven (53.7), Code 1971, is  
 2 amended by striking the section and inserting in lieu thereof the fol-  
 3 lowing new section:

4 **53.7 Penalty.** It shall be unlawful for any employee of the state  
 5 or any political subdivision thereof to solicit any application or re-  
 6 quest for application for an absentee ballot, or to administer an oath  
 7 or take an affidavit in connection with any absentee ballot. However,  
 8 any such employee may administer such oath and take such affidavit in  
 9 connection with an absentee ballot which is cast by the voter in person  
 10 in the office where such employee is employed in accordance with sec-  
 11 tion fifty-three point eleven (53.11) of the Code. This section shall  
 12 not apply to any elected official.

13 Wherever used in this chapter the words "absentee ballot" include  
 14 any ballot authorized by this chapter.

1 SEC. 26. Section fifty-three point thirteen (53.13), Code 1971, is  
 2 amended by striking the section and inserting in lieu thereof the fol-  
 3 lowing new section:

4 **53.13 Voter's affidavit on envelope.** On the unsealed envelope shall  
 5 be printed an affidavit form prescribed by the state commissioner of  
 6 elections.

1 SEC. 27. Section fifty-three point twenty-five (53.25), Code 1971,  
 2 is amended by adding the following new paragraph:

3 "If the absentee ballot is rejected prior to the opening of the ballot  
 4 envelope, the voter casting the ballot shall be notified by an election  
 5 judge by the time the canvass is completed of the reason for the rejec-  
 6 tion on a form prescribed by the state commissioner of elections."

1 SEC. 28. Section fifty-three point forty-nine (53.49), Code 1971,  
 2 is amended by adding the following new paragraph:

3 "Notwithstanding the provisions of this section, servicemen's bal-  
 4 lots may be counted in the same manner as absentee ballots under

5 section twenty-nine (29) of this Act in counties, cities or towns, or  
6 school districts adopting this plan.”

1 SEC. 29. Chapter fifty-three (53), Code 1971, is amended by add-  
2 ing the following new section:

3 “**Absentee ballot counting boards.** There is created a special pre-  
4 cinct in each county in which all absentee ballots cast at any general  
5 election in this state shall be counted. The county commissioner of  
6 elections may create a special precinct for counting absentee ballots  
7 in any other election.

8 The election board of the special precinct shall be known as the  
9 absentee ballot counting board. The county board of supervisors  
10 shall appoint the absentee ballot counting board in the manner pre-  
11 scribed in sections forty-nine point twelve (49.12) and forty-nine  
12 point fifteen (49.15) of the Code.

13 The county commissioner of elections shall set the convening time  
14 for the absentee ballot counting board allowing a reasonable amount  
15 of time to complete counting the absentee ballots prior to closing of  
16 the polls.

17 The board’s powers and duties shall be the same as provided in this  
18 chapter for judges and clerks in polling places, except that the board  
19 shall receive and count all absentee ballots for all precincts in the  
20 county upon receipt from the county auditor.

21 The room occupied by the absentee ballot counting board shall be  
22 policed in such manner as to prevent any person from obtaining in-  
23 formation regarding the progress of the count before the polls are  
24 closed. No person shall be admitted into the room where such ballots  
25 are being counted until the polls are closed except the absentee ballot  
26 counting board, one challenger representing each political party, and  
27 the county commissioner of elections, or his designee.

28 The tally list shall be recorded on forms prescribed by the state  
29 commissioner of elections.

30 Within thirty days from the date of the official canvass of the votes,  
31 the county commissioner of elections shall correct the registration  
32 lists to indicate that the persons casting absentee ballots have voted  
33 in the preceding election.

34 In nonregistration areas, not later than thirty days from the date  
35 of the official canvass, the affidavits of absentee voters shall be cross-  
36 checked with the precinct pollbooks to insure that no one has voted  
37 twice, in violation of law.

38 The absentee ballot counting board shall not release the results of  
39 the balloting until the polls have been closed.”

1 SEC. 30. Section sixty-nine point twelve (69.12), Code 1971, is  
2 amended by striking the section and inserting in lieu thereof the fol-  
3 lowing:

4 **69.12 Officers elected to fill vacancies—tenure.** If a vacancy occurs  
5 in an elective office ten days or more before the filing date prior to a  
6 general election, it shall be filled at such election if the remainder of  
7 the term of office is greater than ninety days after the date of the  
8 election. If the unexpired term is less than ninety days after the elec-  
9 tion day at which the vacancy is filled, the person elected to the office  
10 for the next regular term shall take office as soon as he qualifies.

1 SEC. 31. Section four hundred forty-four point nine (444.9), sub-  
2 section two (2), Code 1971, is amended by striking unnumbered para-  
3 graph two (2).

1 SEC. 32. Chapter four hundred forty-four (444), Code 1971, is  
2 amended by adding the following new section:

3 **Election expense fund.** There is created in the office of the county  
4 treasurer of each county a fund to be known as the election expense  
5 fund. Annually, the board of supervisors shall levy an amount suffi-  
6 cient to pay the costs of elections and voter registration, pursuant to  
7 chapter forty-eight (48) of the Code, incurred by the county. The  
8 funds deposited in this account shall be used to pay election and voter  
9 registration costs and shall not be appropriated for any other pur-  
10 poses or transferred into any other county fund. Any moneys budgeted  
11 by any county for the conducting of elections in the year 1972, shall  
12 be transferred to this fund. If additional funds are needed to register  
13 voters, pursuant to chapter forty-eight (48) of the Code, after the  
14 effective date of this Act, and until July 1, 1973, such costs shall be  
15 certified by the county commissioner of registration to the board of  
16 supervisors, who shall, after approving the costs thereof, authorize  
17 the issuance of anticipatory warrants pursuant to section three hun-  
18 dred thirty-four point five (334.5) of the Code, to pay such addi-  
19 tional costs. The moneys necessary to redeem such warrants shall be  
20 part of the levy for the next year.

1 SEC. 33. Section seven hundred thirty-eight point seven (738.7),  
2 Code 1971, is amended to read as follows:

3 **738.7 Voting more than once.** If any elector unlawfully vote more  
4 than once at any election which may be held by virtue of any law of  
5 this state, he shall be fined not exceeding ~~two~~ *three* hundred dollars,  
6 or be imprisoned in the county jail not exceeding one year.

1 SEC. 34. Section seven hundred thirty-eight point eight (738.8),  
2 Code 1971, is amended to read as follows:

3 **738.8 Voting when not qualified.** If any person, knowing himself  
4 not to be qualified, votes at any election authorized by law, he shall be  
5 fined not exceeding ~~two~~ *three* hundred dollars, or be imprisoned in the  
6 county jail not exceeding ~~six months~~ *one year*.

1 SEC. 35. Sections forty-eight point nine (48.9), as amended by  
2 chapter ninety-eight (98), section six (6), Acts of the Sixty-fourth  
3 General Assembly, forty-eight point thirteen (48.13), forty-eight point  
4 fourteen (48.14), forty-eight point eighteen (48.18), forty-eight point  
5 twenty-one (48.21), forty-eight point twenty-six (48.26), forty-eight  
6 point twenty-eight (48.28), forty-nine point **seventy-eight (49.78)**,  
7 forty-nine point one hundred eighteen (49.118), fifty-three point three  
8 (53.3), fifty-three point four (53.4), fifty-three point five (53.5), fifty-  
9 three point six (53.6), fifty-three point nine (53.9), fifty-three point  
10 ten (53.10), fifty-six point eight (56.8), sixty-nine point thirteen  
11 (69.13), seven hundred thirty-eight point nine (738.9), seven hundred  
12 thirty-eight point ten (738.10), and chapter forty-nine A (49A), Code  
13 1971, and chapter ninety-eight (98), section seventeen (17), Acts of  
14 the Sixty-fourth General Assembly, First Session, are repealed.

1 SEC. 36. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Times-

3 Democrat, a newspaper published in Davenport, Iowa, and in The  
4 Muscatine Journal, a newspaper published in Muscatine, Iowa.

Approved March 29, 1972.

I hereby certify that the foregoing Act, House File 1147, was published in the Times-Democrat, Davenport, Iowa, April 4, 1972, and in The Muscatine Journal, Muscatine, Iowa, April 7, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1026

### CONSERVATION OFFICERS

H. F. 680

AN ACT to clarify the status of law-enforcement officers appointed by the state conservation commission.

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

1 SECTION 1. Section sixty-four point six (64.6), subsection sixteen  
2 (16), Code 1971, is amended as follows:

3 16. ~~State conservation officers~~ *Officers appointed by state conserva-*  
4 *tion commission*, one thousand dollars.

1 SEC. 2. Section eighty B point three (80B.3), subsection three (3),  
2 Code 1971, is amended as follows:

3 3. "Law-enforcement officer" means ~~a conservation~~ *an officer ap-*  
4 *pointed by the state conservation commission*, a member of a police  
5 force or other agency or department of the state, county, city or town  
6 regularly employed as such and who is responsible for the prevention  
7 and detection of crime and the enforcement of the criminal laws of  
8 this state and all individuals, as determined by the council, who by  
9 the nature of their duties may be required to perform the duties of a  
10 peace officer.

1 SEC. 3. Section eighty-five point sixty-two (85.62), unnumbered  
2 paragraph one (1), Code 1971, is amended as follows:

3 Any policeman (except those pensioned under the policemen's pen-  
4 sion fund created by law), any sheriff, marshal, constable, state high-  
5 way patrolman, ~~conservation~~ *officer appointed by the state conserva-*  
6 *tion commission*, and any and all of their deputies and any and all  
7 other legally appointed or elected law-enforcing officers, who shall  
8 sustain an injury while performing the duties of a law-enforcing  
9 officer and from causes arising out of and in the course of his official  
10 duty, or employment as a law-enforcing officer, become temporarily  
11 or permanently physically disabled or if said injury results in death  
12 shall be entitled to compensation for all such injuries or disability  
13 together with statutory medical, nursing, hospital, surgery and funeral  
14 expenses, and where the officer is paid from public funds said com-  
15 pensation shall be paid out of the general fund of the state.

1 SEC. 4. Section one hundred six point nineteen (106.19), Code  
2 1971, is repealed.

1 SEC. 5. Section one hundred six point twenty (106.20), unnum-  
2 bered paragraph three (3), Code 1971, is amended as follows: