

**CHAPTER 221**

**ELECTIONS AND RELATED ACTIVITIES**

*H.F. 600*

**AN ACT** relating to elections and political activity and subjecting violators to a penalty.

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

Section 1. Section 43.26, Code 1987, is amended to read as follows:

**43.26 BALLOT – FORM.**

The official primary election ballot shall be prepared, arranged, and printed substantially in the following form:

**PRIMARY ELECTION BALLOT**

(Name of Party)

of

\_\_\_\_\_ Township or Precinct,  
\_\_\_\_\_ Ward, City of \_\_\_\_\_, County  
of \_\_\_\_\_, State of Iowa, \_\_\_\_\_ Rotation (if any).  
Primary election held on the \_\_\_\_\_ day of June, 19

**FOR UNITED STATES SENATOR**

(Vote for one.)

\_\_\_\_\_ Candidate's name CANDIDATE'S NAME

\_\_\_\_\_ Candidate's name CANDIDATE'S NAME

\_\_\_\_\_

**FOR UNITED STATES REPRESENTATIVE**

(Vote for one.)

\_\_\_\_\_ Candidate's name CANDIDATE'S NAME

\_\_\_\_\_ Candidate's name CANDIDATE'S NAME

\_\_\_\_\_

**FOR GOVERNOR**

(Vote for one.)

\_\_\_\_\_ Candidate's name CANDIDATE'S NAME

\_\_\_\_\_ Candidate's name CANDIDATE'S NAME

\_\_\_\_\_

(Followed by other elective state officers in the order in which they appear in section 39.9 and district officers in the order in which they appear in sections 39.15 and 39.16.)

**FOR COUNTY AUDITOR**

(Vote for one.)

\_\_\_\_\_ Candidate's name CANDIDATE'S NAME

\_\_\_\_\_ Candidate's name CANDIDATE'S NAME

\_\_\_\_\_

(Followed by other elective county officers in the order in which they appear in sections 39.17 and 39.18.)

**FOR TOWNSHIP CLERK**

(Vote for one.)

\_\_\_\_\_ Candidate's name CANDIDATE'S NAME

\_\_\_\_\_ Candidate's name CANDIDATE'S NAME

\_\_\_\_\_

FOR TOWNSHIP TRUSTEES

(Vote for no more than two.)

\_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 \_\_\_\_\_

Sec. 2. Section 43.45, subsections 4 through 7, Code 1987, are amended to read as follows:

4. ~~Seal~~ Place the ballots cast on behalf of each of the parties in separate envelopes, ~~and on the outside of such envelope write or print the names of said party's candidates for all offices and opposite each name enter the number of votes cast for such candidate in said precinct.~~ Seal each envelope and place the signature of all board members of the precinct across the seal of the envelope so that it cannot be opened without breaking the seal.

5. ~~Seal all the envelopes of all political parties in one large envelope and on the outside thereof, or on a paper attached thereto,~~ On the outside of each envelope enter the number of votes ballots cast by each party in ~~said the precinct and contained in the envelope.~~

6. Seal the precinct election register and the tally sheets and certificates of the precinct election officials in an envelope, ~~or other secure container,~~ on the outside of which are written or printed in ~~perpendicular~~ columns the names of the several political parties with the names of the candidates for the different offices under their party name, and opposite each candidate's name enter the number of votes cast for such candidate in said precinct.

7. Enter at the ~~bottom~~ of each party column on ~~said the~~ envelope the total ~~vote cast by said party in said number of voters of each party who cast ballots in the precinct.~~

Sec. 3. Section 44.4, subsection 3, Code 1987, is amended to read as follows:

3. Those filed with the city clerk, at least ~~thirty~~ forty-two days prior to the municipal election.

Sec. 4. Section 44.9, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. In the office of the proper city clerk, at least forty-two days before the regularly scheduled city election.

Sec. 5. Section 44.9, subsection 3, Code 1987, is amended to read as follows:

3. In the office of the proper school board secretary ~~or city clerk,~~ at least thirty-five days before the day of a regularly scheduled school ~~or city~~ election.

Sec. 6. Section 45.3, subsection 1, Code 1987, is amended by striking the subsection.

Sec. 7. Section 48.5, subsection 2, Code 1987, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. e. The requester shall be able to determine who voted by absentee ballot within each of the two preceding primary elections or each of the two preceding general elections.

Sec. 8. Section 48.5, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 5. After each general and primary election the county commissioner of registration shall update the telephone numbers of qualified electors in the registration records using the telephone numbers provided in the declaration of eligibility under section 49.77.

Sec. 9. Section 48.7, subsection 1, Code 1987, is amended by adding the following unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a change of name, telephone number, or address is submitted under this subsection, the commissioner shall not change the party affiliation in the elector's prior registration other than that indicated by the elector.

Sec. 10. Section 48.7, subsection 1, paragraph b, Code 1987, is amended to read as follows:

b. A qualified elector of any precinct in the county of the elector's current residence may record a change of name, telephone number, or address on election day at the polling place for the precinct in which the elector currently resides, if the elector's name or former name appears on the election register of a polling place in that county or that polling place for the election being held that day. The If the qualified elector is submitting a change of name, telephone number, or address from within the precinct, the precinct election officials shall furnish such a the qualified elector a registration form of the type prescribed for use by electors registering under section 48.3. The elector shall complete the form and submit it to the precinct election officials, who shall return it to the commissioner with the election supplies. If the qualified elector is submitting a change of address from an election register in another precinct within the county, the qualified elector may vote in the ordinary manner if the precinct election officials have verified the qualified elector's registration in the county by communicating with the commissioner's office or by reviewing a county registration list provided by the commissioner. The commissioner may provide county registration lists to some or all the precincts in the county. If the qualified elector's registration in the county is not verified by a precinct election official, the elector shall cast a challenged special ballot as provided in section 49.81, but is not required to certify that the elector has not moved. If the name, telephone number, or address provided by the qualified elector on the special ballot envelope is different from the information on the elector's last previous registration, the commissioner shall change the registration records accordingly.

PARAGRAPH DIVIDED. If the qualified elector's name or former name appears on the election register in the polling place for the election being held that day, the elector may record a change of name, telephone number, or address and cast a ballot in the usual manner if the qualified elector currently resides in that precinct. If the qualified elector's former address and new address are in different counties, the registration form completed by the qualified elector shall be forwarded to the commissioner of the elector's current county of residence by the commissioner conducting the election.

Sec. 11. NEW SECTION. 48.20 REGISTRATION IN STATE OFFICES.

The registration forms provided in section 48.3 shall be available in the offices maintained by the state agencies listed in this section. The officers and employees of those agencies shall offer to each person doing business in that office the opportunity to register, unless the officer or employee is reasonably certain that a person doing business in the office has already been offered a registration form within the previous twelve-month period. If the person does execute the form, the form shall be sent to the appropriate commissioner of registration. This section applies to the Iowa civil rights commission and the state departments of human services, human rights, cultural affairs, employment services, revenue and finance, personnel, agriculture and land stewardship, and transportation, and the offices of the clerks of court of the district courts. This section does not prevent the officers or employees of any other state agency from offering voter registration forms to persons in those offices.

Sec. 12. Section 49.12, unnumbered paragraph 1, Code 1987, is amended to read as follows:

There shall be appointed in each election precinct an election board which shall ordinarily consist of five precinct election officials. However, in precincts using only one voting machine at any one time, and in precincts voting by paper ballot where no more than one hundred votes were cast three hundred fifty persons cast ballots in the last preceding similar election, the board shall consist of three precinct election officials; and in precincts using more than two voting machines one additional precinct election official may be appointed for each such additional machine. At the commissioner's discretion, additional precinct election officials may be appointed to work at any election. Double election boards may be appointed for any precinct as provided by chapter 51. Not more than a simple majority of the members of the election board in any precinct, or of the two combined boards in any precinct for which a double election board is appointed, shall be members of the same political party or organization if one

or more qualified electors of another party or organization are qualified and willing to serve on the board.

Sec. 13. Section 49.31, subsection 3, Code 1987, is amended to read as follows:

3. The ballots for any city elections, school elections, special election, or any other election at which any office is to be filled on a nonpartisan basis and the statutes governing the office to be filled are silent as to the arrangement of names on the ballot, shall contain the names of all nominees or candidates arranged in alphabetical order by surname under the heading of the office to be filled. When a city election, school election, special election, or any other election at which an office is to be filled on a nonpartisan basis, is held in more than one precinct, the candidates' names shall be rotated on the ballot from precinct to precinct in the manner prescribed by subsection 2 unless there are no more candidates for an office than the number of persons to be elected to that office.

Sec. 14. Section 49.31, subsection 4, Code 1987, is amended to read as follows:

4. If electors in any precinct are entitled to vote for more than one nominee or candidate for a particular office, the heading for that office on the precinct ballot shall be immediately followed by a notation of the maximum number of nominees or candidates for that office for whom each elector may vote. Provision shall be made on the ballot to allow the elector to write in the name of any person for whom the elector desires to vote for any office or nomination on the ballot.

Sec. 15. Section 49.53, Code 1987, is amended to read as follows:

**49.53 PUBLICATION OF BALLOT AND NOTICE.**

The commissioner shall not less than four nor more than twenty days prior to the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a facsimile of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2, and shall show the *names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election.* The sample ballot published as a part of the notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not cause upper case letters appearing on the published sample ballot to be less than five-thirty-sixths of an inch high in candidates' names or in summaries of public measures. The notice shall also state the date of the election, the hours the polls will be open, the location of each polling place at which voting is to occur in the election, and the names of the precincts voting at each polling place, but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice. The notice shall be published in at least one newspaper, as defined in section 618.3, which is published in the county or other political subdivision in which the election is to occur or, if no newspaper is published there, in at least one newspaper of substantial circulation in the county or political subdivision. For the general election or the primary election the foregoing notice shall be published in at least two newspapers published in the county ~~representing, if possible, the two political parties whose candidates for president of the United States or for governor, as the case may be, received the largest and next largest number of votes in the county at the last preceding general election.~~ However, if there is only one newspaper published in the county, publication in one newspaper shall be sufficient.

Sec. 16. Section 49.77, subsection 1, Code 1987, is amended to read as follows:

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

**VOTER'S DECLARATION OF ELIGIBILITY**

I do solemnly swear or affirm that I am a resident of the ..... precinct,

ward or township, city of \_\_\_\_\_, county of \_\_\_\_\_, Iowa.  
 I am a qualified elector. I have not voted and will not vote in any other precinct in said election.  
 (For primary election only:) I am affiliated with the \_\_\_\_\_ party.  
 I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

Signature of Voter

Address

Telephone

Approved:

Board Member

Sec. 17. Section 49.77, Code 1987, is amended by adding the following new subsection:  
NEW SUBSECTION. 5. The request for the telephone number in the declaration of eligibility in subsection 1 is not mandatory and the failure by the elector to provide the telephone number does not affect the declaration's validity.

Sec. 18. Section 53.40, unnumbered paragraph 1, Code 1987, is amended to read as follows:  
 Request in writing for a ballot for the primary election and for the general election may be made by any member of the armed forces of the United States who is or will be a qualified voter on the day of the election at which the ballot is to be cast, at any time prior to either of the elections; ~~the request stating for which election the request is made.~~ Unless the request specifies otherwise, a request for the primary election shall also be considered a request for the general election. In the case of the general election request may be made not more than seventy days before the election, for and on behalf of a voter in the armed forces of the United States by a spouse, parent, parent-in-law, adult brother, adult sister, or adult child of the voter, residing in the county of the voter's residence. However, a request made by other than the voter may be required to be made on forms prescribed by the state commissioner.

Sec. 19. Section 49.81, subsections 2 and 3, Code 1987, are amended to read as follows:  
 2. Each person who casts a ~~challenged special~~ ballot under this section shall receive a printed statement in substantially the following form: "Your qualifications as an elector have been challenged for the following reasons:  
 1.  
 2.  
 3.

Your right to vote will be reviewed by the special precinct counting board on \_\_\_\_\_  
 You have the right and are encouraged to make a written statement and submit additional written evidence to this board supporting your qualifications as an elector. This written statement and evidence may be given to an election official of this precinct on election day or mailed or delivered to the county commissioner of elections, but must be received prior to noon on \_\_\_\_\_ at \_\_\_\_\_  
 If your ballot is not counted you will receive notification of this fact."

3. Any elector may present written statements or documents, supporting or opposing the counting of any ~~challenged special~~ ballot, to the precinct election officials on election day, until the hour for closing the polls. Any statements or documents so presented shall be delivered to the commissioner when the election supplies are returned.

Sec. 20. Section 49.81, subsection 4, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

4. The individual envelopes used for each paper ballot cast pursuant to subsection 1 shall have printed on them the format of the face of the registration form under section 48.3 and the following:

I believe I am a qualified elector of this precinct. I registered to vote in \_\_\_\_\_ county on or about \_\_\_\_\_ at \_\_\_\_\_ My name at that time was \_\_\_\_\_ I have not moved to a different county since that time. I am a United States citizen, at least eighteen years of age.

(signature of elector) (date)

The following information is to be provided by the precinct election official:  
Reason for challenge:

(signature of precinct election official)

Sec. 21. Section 50.12, Code 1987, is amended to read as follows:

50.12 RETURN AND PRESERVATION OF BALLOTS.

Immediately after making such proclamation, and before separating, the board members of each precinct in which votes have been received by paper ballot shall ~~fold in two folds, and string closely upon a single piece of flexible wire, enclose in an envelope or other container~~ all ballots which have been counted by them, except those endorsed "Rejected as double", "Defective", or "Objected to", ~~unite the ends of such wire in a firm knot, seal the knot in such a manner that it cannot be untied without breaking the seal, enclose the ballots so strung in an envelope, and securely seal such envelope. The signatures of all board members of the precinct shall be placed across the seal or the opening of the container so that it cannot be opened without breaking the seal.~~ The precinct election officials shall return all the ballots to the commissioner, who shall carefully preserve them for six months.

Sec. 22. Section 50.20, Code 1987, is amended to read as follows:

50.20 NOTICE OF NUMBER OF ~~CHALLENGED~~ SPECIAL BALLOTS.

The commissioner shall compile a list of the number of ~~challenged~~ special ballots cast under section 49.81 in each precinct. The list shall be made available to the public as soon as possible, but in no case later than nine o'clock a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the affidavit envelopes bearing the ballots of challenged electors until the reconvening of the special precinct board as required by this chapter. Only those persons so permitted by section 53.23, subsection 4, shall have access to the affidavits while that board is in session. Any elector may present written statements or documents, supporting or opposing the counting of any ~~challenged special~~ ballot, at the commissioner's office until the reconvening of the special precinct board.

Sec. 23. Section 50.21, Code 1987, is amended to read as follows:

50.21 SPECIAL PRECINCT BOARD RECONVENED.

The commissioner shall reconvene the election board of the special precinct established by section 53.20 ~~at not earlier than noon on the third second day following each election which is required by law to be canvassed on the Monday following the election. If the third second day following such an election is a legal holiday the special precinct election board shall may~~ be convened at noon on the ~~second~~ day following the election, and if the canvass of the election is required at any time earlier than the Monday following the election, the special precinct election board shall be reconvened at noon on the day following the election.

**PARAGRAPH DIVIDED.** If no ~~challenged~~ special ballots were cast in the county pursuant to section 49.81 at any election, the special precinct election board need not be so reconvened. If the number of ~~challenged~~ special ballots so cast at any election is not sufficient to require reconvening of the entire election board of the special precinct, the commissioner may reconvene only the number of members required, ~~but in so doing shall observe the requirements of sections 49.12 and 49.13. If the number of special ballots cast at any election exceeds the~~

number of absentee ballots cast, the size of the special precinct election board may be increased at the commissioner's discretion. The commissioner shall observe the requirements of sections 49.12 and 49.13 in making adjustments to the size of the special precinct election board.

Sec. 24. Section 50.22, Code 1987, is amended to read as follows:

**50.22 SPECIAL PRECINCT BOARD TO DETERMINE CHALLENGES.**

Upon being reconvened, the special precinct election board shall review the information upon the envelopes bearing the challenged special ballots, and all evidence submitted in support of or opposition to the right of each challenged person to vote in the election. The board may divide itself into panels of not less than three members each in order to hear and determine two or more challenges simultaneously, but each panel shall meet the requirements of section 49.12 as regards political party affiliation of the members of each panel. The decision to count or reject each ballot shall be made upon the basis of the information given on the envelope containing the challenged special ballot, the evidence concerning the challenge, the registration and the returned receipts of registration. If a challenged special ballot is rejected, the person casting the ballot shall be notified by the commissioner within ten days of the reason for the rejection, on the form prescribed by the state commissioner pursuant to section 53.25, and the envelope containing the challenged special ballot shall be preserved unopened and disposed of in the same manner as spoiled ballots. The challenged special ballots which are accepted shall be counted in the manner prescribed by section 53.24. The commissioner shall make public the number of challenged special ballots rejected and not counted, at the time of the canvass of the election.

Sec. 25. Section 53.2, Code 1987, is amended to read as follows:

**53.2 APPLICATION FOR BALLOT.**

Any qualified elector, under the circumstances specified in section 53.1, may on any day, except election day, and not more than seventy days prior to the date of the election, make written application to the commissioner for an absentee ballot. The state commissioner shall prescribe a form for absentee ballot applications. However, if an elector submits an application that includes all of the information required in this section, the prescribed form is not required.

This section does not require that a written communication mailed to the commissioner's office to request an absentee ballot, or any other document be notarized as a prerequisite to receiving or marking an absentee ballot or returning to the commissioner an absentee ballot which has been voted.

Each application shall contain the name and signature of the qualified elector, the address at which the elector is qualified to vote, and the name or date of the election for which the absentee ballot is requested, and such other information as may be necessary to determine the correct absentee ballot for the qualified elector. If insufficient information has been provided, the commissioner shall, by the best means available, obtain the additional necessary information.

If the application is for a primary election ballot and the request is for a ballot of a party different from that recorded on the qualified elector's voter registration record, the requested ballot shall be mailed or given to the applicant together with a "Change or Declaration of Party Affiliation" form as prescribed in section 43.42, to be completed by the qualified elector at the time of voting. Upon receipt of the properly completed form, the commissioner shall approve the change or declaration and enter a notation of the change on the registration records.

If a request an application for an absentee ballot is received from an eligible elector who is not a qualified elector the commissioner shall send a registration form under section 48.3 and an absentee ballot to the eligible elector. If the application is received so late that it is unlikely that the registration form can be returned in time to be effective on election day, the commissioner shall enclose with the absentee ballot a notice to that effect, informing the voter of the registration time limits in sections 48.3 and 48.11. The commissioner shall record

on the elector's application that the elector is not currently registered to vote. If the registration form is properly returned by the time provided by section 48.3, the commissioner shall send the absentee ballot to the qualified elector record on the elector's application the date of receipt of the registration form and enter a notation of the registration on the registration records.

A qualified elector who has not moved from the county in which the elector is registered to vote may submit a change of name, telephone number, or address on the form prescribed in section 48.3 when casting an absentee ballot. Upon receipt of a properly completed form, the commissioner shall enter a notation of the change on the registration records.

Sec. 26. Section 53.17, subsection 2, Code 1987, is amended to read as follows:

2. The sealed carrier envelope may be mailed; postage paid, to the commissioner. The carrier envelope shall indicate that greater postage than ordinary first class mail may be required. The commissioner shall pay any insufficient postage due on a carrier envelope bearing ordinary first class postage and accept the ballot. In order for the ballot to be counted, the carrier envelope must be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than the time established for the canvass by the board of supervisors for that election. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour prior to the canvass by the board of supervisors for that election, and shall arrange for absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office prior to the canvass for that election by the board of supervisors.

Sec. 27. Section 53.22, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 4. The commissioner shall mail an absentee ballot to a qualified elector who has applied for an absentee ballot and who is a patient or resident of a hospital or health care facility outside the county in which the elector is qualified to vote.

NEW SUBSECTION. 5. If the qualified elector becomes a patient or resident of a hospital or health care facility outside the county where the elector is registered to vote within three days before the date of any election, the elector may designate a person to deliver and return the absentee ballot. The designee may be any person the elector chooses except that no candidate for any office to be voted upon for the election for which the ballot is requested may deliver a ballot under this subsection. The request for an absentee ballot may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a qualified elector of that county, the ballot shall be delivered by mail or by the person designated by the elector. An application form shall be included with the absentee ballot and shall be signed by the voter and returned with the ballot.

Sec. 28. Section 53.22, subsection 2, Code 1987, is amended to read as follows:

2. Any qualified elector who becomes a patient or resident of a hospital or health care facility in the county where the elector is qualified to vote within three days prior to the date of any election may request an absentee ballot during that period or on election day. As an alternative to the application procedure prescribed by section 53.2, the qualified elector may make the request directly to the officers who are delivering and returning absentee ballots under this section. Alternatively, the request may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a qualified elector of that county, these officers shall deliver the appropriate absentee ballot to the qualified elector in the manner prescribed by this section.

Sec. 29. NEW SECTION. 53.45 SPECIAL ABSENTEE BALLOT.

1. As provided in this section, the commissioner shall provide special absentee ballots to be used for state general elections. A special absentee ballot shall only be provided to a



qualified elector who completes an application stating both of the following to the best of the qualified elector's belief:

a. The qualified elector will be residing or stationed or working outside the continental United States.

b. The qualified elector will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

The application for a special absentee ballot shall not be filed earlier than ninety days prior to the general election. The special absentee ballot shall list the offices and measures, if known, scheduled to appear on the general election ballot. The qualified elector may use the special absentee ballot to write in the name of any eligible candidate for each office and may vote on any measure.

2. With any special absentee ballot issued under this section, the commissioner shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that general election and a list of any measures that have been referred to the ballot before the time of the application.

3. Write-in votes on special absentee ballots shall be counted in the same manner provided by law for the counting of other write-in votes. The commissioner shall process and canvass the special absentee ballots provided under this section in the same manner as other absentee ballots.

4. Notwithstanding the provisions of section 53.49, a qualified elector who requests a special absentee ballot under this section may also make application for an absentee ballot under section 53.2 or an armed forces absentee ballot under section 53.40. If the regular absentee or armed forces absentee ballot is properly voted and returned, the special absentee ballot is void and the commissioner shall reject it in whole when special absentee ballots are canvassed.

Sec. 30. Section 53.49, unnumbered paragraph 2, Code 1987, is amended by striking the paragraph.

Sec. 31. Section 69.12, subsection 1, paragraphs a and b, Code 1987, are amended to read as follows:

a. A vacancy shall be filled at the next pending election if it occurs:

(1) Sixty or more days prior to the election, if it is a general or primary election.

~~(2) Fifty-two or more days prior to the election if it is a regularly scheduled or special city election.~~

~~(2) (3) Forty-five or more days prior to the election, if it is a regularly scheduled school or city election.~~

~~(3) (4) Forty or more days prior to the election, if it is a special election.~~

b. Nomination papers on behalf of candidates for a vacant office to be filled pursuant to paragraph "a" of this subsection shall be filed, in the form and manner prescribed by applicable law, by five o'clock p.m. on:

(1) The fifty-fifth day prior to a general or primary election.

~~(2) The forty-seventh day prior to a regularly scheduled or special city election.~~

~~(2) (3) The fortieth day prior to a regularly scheduled school or city election.~~

~~(3) (4) The twenty-fifth day prior to a special election.~~

Sec. 32. Section 277.4, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-five days, nor less than forty days prior to the election. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section. Each candidate shall be nominated by a petition signed by not less than ten eligible electors of the district. ~~To each such petition shall be attached the affidavit of an eligible elector of the district that all of the~~

signers thereof are electors of such district and that the signatures thereto are genuine. The candidate being nominated by the petition may sign the affidavit only if the candidate personally circulated the petition. If the affiant also signed the nomination petition, that signature shall not be counted toward the total required by this section. The petition shall include the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office.

Sec. 33. Section 376.4, unnumbered paragraph 4, Code 1987, is amended by striking the paragraph.

Sec. 34. Section 618.14, unnumbered paragraph 1, Code 1987, is amended to read as follows: The governing body of any municipality or other political subdivision of the state is ~~authorized to make publication~~ may publish, as straight matter or display, of any matter of general public importance, ~~not otherwise authorized or required by law, by publication~~ in one or more newspapers, as defined in section 618.3 published in and having general circulation in such municipality or political subdivision, at the legal or appropriate commercial rate, according to the character of the matter published.

Sec. 35. Section 721.2, Code 1987, is amended by adding the following new subsection:  
**NEW SUBSECTION. 8.** Permits persons to use the property owned by the state or a subdivision or agency of the state to operate a political phone bank for any of the following purposes:  
a. To poll voters on their preferences for candidates or ballot measures at an election; however, this paragraph does not apply to authorized research at an educational institution.  
b. To solicit funds for a political candidate or organization.  
c. To urge support for a candidate or ballot measure to voters.

Sec. 36. Section 53.3, Code 1987, is repealed.

Approved June 8, 1987