

CHAPTER 1121
ADMINISTRATION OF ELECTIONS
H.F. 2273

AN ACT relating to elections administration with respect to the address confidentiality program, the printing of ballots, the counting of certain absentee ballots, satellite absentee voting, and the conduct of school district elections, and including effective date provisions.

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

DIVISION I
GENERAL PROVISIONS

Section 1. Section 9E.6, subsection 1, Code 2016, is amended to read as follows:

1. a. A program participant who is an eligible elector may register to vote with the state commissioner of elections, pursuant to [section 48A.8, subsection 1](#). The name, address, and telephone number of a program participant shall not be listed in the statewide voter registration system.

b. A program participant's voter registration shall not be open to challenge under [section 48A.14](#) based on participation in the program and use of a designated address.

Sec. 2. Section 9E.6, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. An absentee ballot submitted by a program participant shall not be subject to a challenge under [section 49.79](#) or [53.31](#) if the challenge is based on the voter's participation in the program and use of a designated address.

b. In an election contested pursuant to [chapter 57](#):

(1) The state commissioner of elections shall, upon the written request of a party to the contest, certify the eligibility of a program participant to vote or the validity of a program participant's absentee ballot. A written request submitted under this paragraph "b" must contain the voter identification number affixed to the program participant's absentee ballot.

(2) A deposition shall serve as testimony for a program participant. A court or tribunal trying the contest shall coordinate with the secretary to obtain a deposition from a program participant.

Sec. 3. Section 43.27, Code 2016, is amended to read as follows:

43.27 Printing of ballots.

The text printed on ballots of each political party shall be ~~printed~~ in black ink, on separate sheets of paper, uniform in quality, texture, and size, with the name of the political party printed at the head of ~~said the~~ ballots, which ballots shall be prepared by the commissioner in the same manner as for the general election, except as in [this chapter](#) provided. The commissioner may print the ballots for each political party using a different color for each party. If colored paper is used, all of the ballots for each separate party shall be uniform in color.

Sec. 4. Section 52.28, Code 2016, is amended to read as follows:

52.28 Optical scan voting system ballot forms.

The commissioner of each county in which the use of an optical scan voting system in one or more precincts has been authorized shall print text on optical scan ballots using black ink on white paper and shall determine the arrangement of candidates' names and public questions upon the ballot or ballots used with the system. The ballot information shall be arranged as required by [chapters 43](#) and [49](#), and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the physical characteristics of the optical scan voting system in use in that county. The state commissioner may adopt rules requiring a reasonable degree of uniformity among counties in arrangement of optical scan voting system ballots.

Sec. 5. Section 53.10, subsection 3, Code 2016, is amended to read as follows:

3. During the hours when absentee ballots are available in the office of the commissioner, ~~electioneering shall not be allowed within the sight or hearing of voters at the absentee voting site is a polling place for purposes of~~ [section 39A.4, subsection 1](#), paragraph “a”.

Sec. 6. Section 53.11, subsection 4, Code 2016, is amended to read as follows:

4. During the hours when absentee ballots are available at a satellite absentee voting station, ~~electioneering shall not be allowed within the sight or hearing of voters at the satellite absentee voting station is a polling place for purposes of~~ [section 39A.4, subsection 1](#), paragraph “a”.

Sec. 7. Section 275.1, subsection 1, paragraphs b and f, Code 2016, are amended to read as follows:

b. “Initial board” means the board of a newly reorganized district that is selected pursuant to [section 275.25](#) or [275.41](#) and functions until the organizational meeting following the ~~third~~ second regular school election held after the effective date of the reorganization.

f. “Regular board” means the board of a reorganized district that begins to function at the organizational meeting following the ~~third~~ second regular school election held after the effective date of the school reorganization, and is comprised of members who were elected to the current terms or were appointed to replace members who were elected.

Sec. 8. Section 275.41, subsection 3, Code 2016, is amended to read as follows:

3. Prior to the effective date of the reorganization, the initial board shall approve a plan that commences at the first regular school election held after the effective date of the merger and is completed at the ~~third~~ second regular school election held after the effective date of the merger, to replace the initial board with the regular board. If the petition specifies a number of directors on the regular board to be different from the number of directors on the initial board, the plan shall provide that the number specified in the petition for the regular board is in place by the time the regular board is formed. The plan shall provide that as nearly as possible one-half of the members of the board shall be elected biennially, and if a special election was held to elect a member to create an odd number of members on the board, the term of that member shall end at the organizational meeting following the ~~third~~ second regular school election held after the effective date.

Sec. 9. Section 279.6, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. Except as provided in paragraph “b” and [subsection 2](#), vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until a successor is elected and qualified ~~pursuant to~~ at the next regular school election, unless there is an intervening special election for the school district, in which event a successor shall be elected at the intervening special election, in accordance with [section 69.12](#). To fill a vacancy occurring among the members of a school board, the board shall publish notice in the manner prescribed by [section 279.36](#), stating that the board intends to fill the vacancy by appointment but that the electors of the school district have the right to file a petition requiring that the vacancy be filled by a special election conducted pursuant to [section 279.7](#). The board may publish notice in advance if a member of the board submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later.

Sec. 10. Section 279.7, subsection 1, Code 2016, is amended to read as follows:

1. If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of the board have not filled the vacancy within thirty days after the vacancy ~~becomes known by the secretary or the board occurs~~ or if a valid petition is submitted to the secretary of the board pursuant to [section 279.6, subsection 1](#), or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the area education agency administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. The county commissioner of

elections shall publish the notices required by law for special elections, and the election shall be held not sooner than thirty days nor later than forty days after the thirtieth day following the day the vacancy ~~becomes known by the secretary or the board occurs~~. If the secretary fails for more than three days to call an election, the administrator shall call it.

DIVISION II EMERGENCY PROVISIONS

Sec. 11. Section 53.17, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. The sealed return envelope may be mailed to the commissioner by the registered voter or by the voter's designee. If mailed by the voter's designee, the envelope must be mailed within seventy-two hours of retrieving it from the voter or within time to be postmarked or, if applicable, to have the intelligent mail barcode traced to a date of entry into the federal mail system not later than the day before the election, whichever is earlier.

Sec. 12. Section 53.17, subsection 2, Code 2016, is amended to read as follows:

2. In order for the ballot to be counted, the return envelope must be received in the commissioner's office before the polls close on election day or be clearly postmarked by an officially authorized postal service or bear an intelligent mail barcode traceable to a date of entry into the federal mail system not later than the day before the election and received by the commissioner not later than noon on the Monday following the election.

Sec. 13. Section 53.17, subsection 4, paragraph f, Code 2016, is amended to read as follows:

f. A statement that the completed absentee ballot will be delivered to the commissioner's office within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier, or that the completed absentee ballot will be mailed to the commissioner within seventy-two hours of retrieving it from the voter or within time to be postmarked or, if applicable, to have the intelligent mail barcode traced to a date of entry into the federal mail system not later than the day before the election, whichever is earlier.

Sec. 14. Section 53.22, subsection 5, paragraph b, Code 2016, is amended to read as follows:

b. Absentee ballots voted under [this subsection](#) shall be delivered to the commissioner no later than the time the polls are closed on election day. If the ballot is returned by mail the return envelope must be received by the time the polls close, or be clearly postmarked by an officially authorized postal service or bear an intelligent mail barcode traceable to a date of entry into the federal mail system not later than the day before the election and received by the commissioner no later than the time established for the canvass by the board of supervisors for that election.

Sec. 15. REPORT. The state commissioner of elections shall prepare a report related to the use of intelligent mail barcodes by county commissioners of elections during the 2016 general election. The report shall include information on the number of county commissioners of elections utilizing intelligent mail barcodes on absentee ballot return envelopes and statistics from such county commissioners detailing the number of absentee ballots counted in such counties as a result of the use of intelligent mail barcodes, along with any additional information deemed appropriate by the state commissioner. The county commissioners shall provide the state commissioner with information and statistics requested by the state commissioner pursuant to this section. The state commissioner shall deliver the report to the chairpersons and ranking members of the general assembly's standing committees on state government and to the legislative services agency by January 17, 2017.

Sec. 16. EMERGENCY RULES. The state commissioner of elections may adopt emergency rules under [section 17A.4, subsection 3](#), and [section 17A.5, subsection 2, paragraph "b"](#), to implement the provisions of this division of this Act and the rules shall

be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in [section 17A.4](#).

Sec. 17. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 27, 2016