

MAR 16 2005
Place On Calendar

HOUSE FILE 793
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 57)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the conduct of elections and voter
2 registration by providing when candidates to fill county
3 office vacancies are to be nominated at the primary election,
4 relating to signature requirements on nomination petitions,
5 requiring legislative council approval of certain expenditures
6 for implementation of the Help America Vote Act, relating to
7 use of substitute precinct election officials, relating to
8 ballot printing requirements, modifying closing hours of the
9 polls, modifying identification requirements at the polls,
10 providing grounds for challenging a voter's qualifications,
11 relating to preparation of tally lists, striking the authority
12 of the state or county commissioner to issue a notice of a
13 technical infraction, prohibiting candidates or incumbents
14 from being observers when absentee ballots are counted,
15 clarifying that certain confined persons may vote an absentee
16 ballot in person at the commissioner's office, imposing a
17 prohibition on absentee ballot couriers, prohibiting certain
18 communications when absentee ballots are being counted,
19 exempting military and overseas voters from the identification
20 and verification requirements for mail voter registrants,
21 relating to multiple requests for an absentee ballot for a
22 military and overseas voter, relating to changes of address

HF 793

1 and replacement absentee ballots for military and overseas
2 voters, exempting military and overseas voters from absentee
3 ballot return restrictions, allowing certain military voters
4 to return absentee ballots from within the United States,
5 striking a requirement related to counting federal write-in
6 ballots, repealing provisions that allow voting at satellite
7 absentee voting stations, defining voter registration list,
8 requiring identification of certain voter registrants,
9 relating to signature requirements on voter registration
10 applications, including the social security administration as
11 a verification source for certain voter registration
12 information, requiring verification of certain information on
13 all voter registrations received by mail, specifying the
14 county commissioner as the official responsible for voter
15 registration verification, limiting the dates of special
16 elections on public measures for certain political
17 subdivisions and school corporations, providing for the
18 biennial election of directors of local school districts, area
19 education agencies, and merged areas, and including effective
20 date, applicability date, and transition provisions.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I
2 GENERAL PROVISIONS RELATING
3 TO CONDUCT OF ELECTIONS

4 Section 1. Section 43.6, subsection 2, Code 2005, is
5 amended to read as follows:

6 2. When a vacancy occurs in the office of county
7 supervisor or any of the offices listed in section 39.17 and
8 more than seventy days remain in the term of office following
9 the next general election, the office shall be filled for the
10 balance of the unexpired term at that general election unless
11 the vacancy has been filled by a special election called more
12 than seventy-three days before the primary election. If the
13 vacancy occurs more than seventy-three days before the primary
14 election, political party candidates for that office at the
15 next general election shall be nominated at the primary
16 election. If an appointment to fill the vacancy in office is
17 made eighty-eight or more days before the primary election and
18 a petition requesting a special election has not been received
19 within fourteen days after the appointment is made, candidates
20 for the office shall be nominated at the primary election.

21 Sec. 2. Section 43.14, Code 2005, is amended to read as
22 follows:

23 43.14 FORM OF NOMINATION PAPERS.

24 1. Nomination papers shall include a petition and an
25 affidavit of candidacy. All nomination petitions shall be
26 eight and one-half by eleven inches in size and in
27 substantially the form prescribed by the state commissioner of
28 elections. They shall include or provide spaces for the
29 following information:

30 a. A statement identifying the signers of the petition as
31 eligible electors of the appropriate county or legislative
32 district and of the state.

33 b. The name of the candidate nominated by the petition.

34 c. For nomination petitions for candidates for the general
35 assembly, a statement that the residence of the candidate is

1 within the appropriate legislative district, or if that is not
2 true, that the candidate will reside there within sixty days
3 before the election. For other offices, a statement of the
4 name of the county where the candidate resides.

5 d. The political party with which the candidate is a
6 registered voter.

7 e. The office sought by the candidate, including the
8 district number, if any.

9 f. The date of the primary election for which the
10 candidate is nominated.

11 2. Signatures on a petition page shall be counted only if
12 the required information required in subsection 1 is written
13 or printed at the top of the page. Nomination papers on
14 behalf of candidates for seats in the general assembly need
15 only designate the number of the senatorial or representative
16 district, as appropriate, and not the county or counties, in
17 which the candidate and the petitioners reside. A signature
18 line shall not be counted if the line lacks the signature of
19 the eligible elector and the signer's address and city. ~~The~~
20 ~~person-examining-the-petition-shall-mark-any-deficiencies-on~~
21 ~~the-petition-and-affidavit.~~ A signature line shall not be
22 counted if the signer's address is outside the boundaries of
23 the district.

24 ~~2-~~ 3. The person examining the petition shall mark any
25 deficiencies on the petition and affidavit. Signed nomination
26 petitions and the signed and notarized affidavit of candidacy
27 shall not be altered to correct deficiencies noted during
28 examination. If the nomination petition lacks a sufficient
29 number of acceptable signatures, the nomination petition shall
30 be rejected and shall be returned to the candidate.

31 4. The nomination papers shall be rejected if the
32 affidavit lacks any of the following:

33 a. The candidate's name.

34 b. The name of the office sought, including the district,
35 if any.

- 1 c. The political party name.
- 2 d. The signature of the candidate.
- 3 e. The signature of a notary public or other officer
- 4 empowered to witness oaths.

5 5. The candidate may replace a deficient affidavit with a
6 corrected affidavit only if the replacement affidavit is filed
7 before the filing deadline. The candidate may resubmit a
8 nomination petition that has been rejected by adding a
9 sufficient number of pages or signatures to correct the
10 deficiency. A nomination petition and affidavit filed to
11 replace rejected nomination papers shall be filed together
12 before the deadline for filing.

13 Sec. 3. Section 45.5, Code 2005, is amended to read as
14 follows:

15 45.5 FORM OF NOMINATION PAPERS.

16 1. Nomination papers shall include a petition and an
17 affidavit of candidacy. All nomination petitions shall be
18 eight and one-half by eleven inches in size and shall be in
19 substantially the form prescribed by the state commissioner of
20 elections. They shall provide spaces for the following
21 information:

22 a. A statement identifying the signers of the petition as
23 eligible electors of the appropriate ward, city, county, or
24 legislative district, or other district, and of the state of
25 Iowa.

26 b. The name of the candidate nominated by the petition.

27 c. A statement that the candidate is or will be a resident
28 of the appropriate ward, city, county, school district, or
29 legislative or other district as required by section 39.27.

30 d. The office sought by the candidate, including the
31 district number, if any.

32 e. The name and date of the election for which the
33 candidate is nominated.

34 2. Signatures on a petition page shall be counted only if
35 the required information required in subsection 1 is written

1 or printed at the top of the page. Nomination papers on
2 behalf of candidates for seats in the general assembly need
3 only designate the number of the senatorial or representative
4 district, as appropriate, and not the county or counties, in
5 which the candidate and the petitioners reside. A signature
6 line in a nomination petition shall not be counted if the line
7 lacks the signature of the eligible elector and the signer's
8 address and city. ~~The person examining the petition shall~~
9 ~~mark any deficiencies on the petition.~~ A signature line shall
10 not be counted if the signer's address is outside the
11 boundaries of the appropriate ward, city, county, legislative
12 district, or other district.

13 ~~2.~~ 3. The pages of the petition shall be securely
14 fastened together to form a single bundle. Nomination
15 petitions that are not bound shall be returned without further
16 examination. The state commissioner shall prescribe by rule
17 the acceptable methods for binding nomination petitions.

18 ~~3.~~ 4. The person examining the petition shall mark any
19 deficiencies on the petition. Signed nomination petitions and
20 the signed and notarized affidavit of candidacy shall not be
21 altered to correct deficiencies noted during the examination.
22 If the nomination petition lacks a sufficient number of
23 acceptable signatures, the nomination papers shall be rejected
24 and returned to the candidate.

25 5. The nomination papers shall be rejected if the
26 affidavit lacks any of the following:

- 27 a. The candidate's name.
- 28 b. The name of the office sought, including the district,
29 if any.
- 30 c. The signature of the candidate.
- 31 d. The signature of a notary public or other officer
32 empowered to witness oaths.

33 6. The candidate may replace a deficient affidavit with a
34 corrected one only if the replacement is filed before the
35 filing deadline. The candidate may resubmit a nomination

1 petition that has been rejected by adding a sufficient number
2 of pages or signatures to correct the deficiency. A
3 nomination petition and affidavit filed to replace rejected
4 nomination papers shall be filed together before the deadline
5 for filing.

6 Sec. 4. Section 45.6, subsection 3, Code 2005, is amended
7 to read as follows:

8 3. All signers, for all nominations, of each separate part
9 of a nomination petition, shall reside in the appropriate
10 ward, city, county, school district, ~~or~~ legislative district,
11 or other district as required by section 45.1.

12 Sec. 5. Section 47.1, Code 2005, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 6. Any expenditure of public money by the
15 state commissioner of elections, including a transfer of funds
16 by the state commissioner to counties, for real or personal
17 property, or for services, related to implementation of Pub.
18 L. No. 107-252, which exceeds, in the aggregate, one hundred
19 thousand dollars, shall first be approved by the legislative
20 council.

21 Sec. 6. Section 47.7, Code 2005, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 3. Any expenditure of public money by the
24 state registrar of voters or by the state voter registration
25 commission, including a transfer of funds by the state
26 registrar or by the state commission to counties, for real or
27 personal property, or for services, related to implementation
28 of Pub. L. No. 107-252, which exceeds, in the aggregate, one
29 hundred thousand dollars, shall first be approved by the
30 legislative council.

31 Sec. 7. Section 49.14, subsection 1, Code 2005, is amended
32 to read as follows:

33 1. The commissioner may appoint substitute precinct
34 election officials as alternates for election board members.
35 ~~A-majority-of-the-original-election-board-members-shall-be~~

1 ~~present-at-the-precinct-polling-place-at-all-times;-at~~
2 ~~partisan-elections-such-majority-shall-include-at-least-one~~
3 ~~precinct-election-official-from-each-political-party.--If-the~~
4 ~~chairperson-leaves-the-polling-place;-the-chairperson-shall~~
5 ~~designate-another-member-of-the-board-to-serve-as-chairperson~~
6 ~~until-the-chairperson-returns.~~ The responsibilities and
7 duties of a precinct election official, other than the
8 chairperson, present at the time the polling place was opened
9 on the day of an election may be assumed at any later time
10 that day by a substitute appointed as an alternate. The
11 substitute shall serve either for the balance of that election
12 day or for any shorter period of time the commissioner may
13 designate. At partisan elections, a substitute precinct
14 election official assuming the duties of a precinct election
15 official shall be a member of the same political party as the
16 precinct election official whose duties are being assumed.

17 Sec. 8. Section 49.57, subsections 2 and 3, Code 2005, are
18 amended to read as follows:

19 2. In the area of the general election ballot for straight
20 party voting, the party or organization names shall be printed
21 in ~~capital~~ upper case and lower case letters ~~of~~ using a
22 uniform font size;-in for each political party or nonparty
23 political organization. The font size shall be not less than
24 twelve point type. After the name of each candidate for a
25 partisan office the name of the candidate's political party
26 shall be printed in at least six point type. The names of
27 political parties and nonparty political organizations may be
28 abbreviated on the remainder of the ballot if both the full
29 name and the abbreviation appear in the "Straight Party" and
30 "Other Political Party" areas of the ballot.

31 3. The names of candidates shall be printed in ~~capital~~
32 upper case and lower case letters, ~~of~~ using a uniform font
33 size throughout the ballot;-in. The font size shall be not
34 less than ten point type.

35 Sec. 9. Section 49.57, Code 2005, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 3A. In no case shall the font size for
3 public measures, constitutional amendments, and constitutional
4 convention questions, and summaries thereof, be less than ten
5 point type.

6 Sec. 10. Section 49.73, subsection 2, Code 2005, is
7 amended to read as follows:

8 2. The commissioner shall not shorten voting hours for any
9 election if there is filed in the commissioner's office, at
10 least twenty-five days before the election, a petition signed
11 by at least fifty eligible electors of the school district or
12 city, as the case may be, requesting that the polls be opened
13 not later than seven o'clock a.m. All polling places where
14 the candidates of or any public question submitted by any one
15 political subdivision are being voted upon shall be opened at
16 the same hour, except that this requirement shall not apply to
17 merged areas established under chapter 260C. The hours at
18 which the respective precinct polling places are to open shall
19 not be changed after publication of the notice required by
20 section 49.53. The polling places shall be closed at nine
21 o'clock eight p.m. for ~~state-primary-and-general-elections-and~~
22 ~~other-partisan-elections,-and-for-any-other-election-held~~
23 ~~concurrently-therewith,-and-at-eight-o'clock-p.m.-for~~ all
24 other elections.

25 Sec. 11. Section 49.77, subsection 3, Code 2005, is
26 amended to read as follows:

27 3. A precinct election official shall require any person
28 whose name does not appear on the election register as an
29 active voter to show identification to prove residency in the
30 precinct. Specific documents which are acceptable forms of
31 identification shall be prescribed by the state commissioner.

32 A precinct election official ~~may~~ shall require of the voter
33 ~~unknown-to-the-official,~~ identification upon which the voter's
34 photograph and signature or mark appears. If identification
35 is established to the satisfaction of the precinct election

1 officials, the person may then be allowed to vote.

2 Sec. 12. Section 49.77, subsection 4, unnumbered paragraph
3 1, Code 2005, is amended to read as follows:

4 A person whose name does not appear on the election
5 register of the precinct in which that person claims the right
6 to vote shall not be permitted to vote, unless the person
7 affirms that the person is currently registered in the county
8 and presents proof-of-identity identification to prove
9 residency in the precinct, or the commissioner informs the
10 precinct election officials that an error has occurred and
11 that the person is a registered voter of that precinct. If
12 the commissioner finds no record of the person's registration
13 but the person insists that the person is a registered voter
14 of that precinct, the precinct election officials shall allow
15 the person to cast a ballot in the manner prescribed by
16 section 49.81.

17 Sec. 13. Section 49.79, Code 2005, is amended to read as
18 follows:

19 49.79 CHALLENGES.

20 1. Any person offering to vote may be challenged as
21 unqualified by any precinct election official or registered
22 voter. It is the duty of each official to challenge any
23 person offering to vote whom the official knows or suspects is
24 not duly qualified. A ballot shall be received from a voter
25 who is challenged, but only in accordance with section 49.81.

26 2. A person may be challenged for any of the following
27 reasons:

28 a. The challenged person is not a citizen of the United
29 States.

30 b. The challenged person is less than eighteen years of
31 age as of the date of the election at which the person is
32 offering to vote.

33 c. The challenged person is not a resident at the address
34 where the person is registered. However, a person who is
35 reporting a change of address at the polls on election day

1 pursuant to section 48A.27, subsection 2, paragraph "a",
2 subparagraph (3) shall not be challenged for this reason.

3 d. The challenged person is not a resident of the precinct
4 where the person is offering to vote.

5 e. The challenged person has falsified information on the
6 person's registration form or on the person's declaration of
7 eligibility.

8 f. The challenged person has been convicted of a felony,
9 and the person's voting rights have not been restored.

10 g. The challenged person has been adjudged by a court of
11 law to be a person who is incompetent to vote and no
12 subsequent proceeding has reversed that finding.

13 Sec. 14. Section 50.16, Code 2005, is amended to read as
14 follows:

15 50.16 TALLY LIST OF BOARD.

16 The tally list shall be prepared in writing by the election
17 board giving, in legibly printed numerals, the total number of
18 people who cast ballots in the precinct, the total number of
19 ballots cast for each officer office, except those rejected,
20 the name of each person voted for, and the number of votes
21 given to each person for each different office. The tally
22 list shall be signed by the precinct election officials, and
23 be substantially as follows:

24 At an election at in township, or in
25 precinct of city or township, in county, state of
26 Iowa, on the ... day of A-D- .., there were ... ballots
27 cast for the office of of which

28 (Candidate's name) had .. votes.

29 (Candidate's name) had .. votes.

30 (and in the same manner for any other officer).

31 A true tally list:

32 (Name) Election Board

33 (Name) Members.

34 (Name)

35 Attest:

1 (Name) Designated

2 (Name) Tally Keepers.

3 Sec. 15. Section 52.25, unnumbered paragraph 2, Code 2005,
4 is amended to read as follows:

5 The entire convention question, amendment, or public
6 measure shall be printed and displayed prominently in at least
7 four places within the voting precinct, and inside each voting
8 booth, or on the left-hand side inside the curtain of each
9 voting machine, the printing to be in conformity with the
10 provisions of chapter 49. The question, amendment, or
11 measure, and summaries thereof, shall be printed on the
12 special paper ballots or on the inserts used in the voting
13 machines. In no case shall the font size be less than ten
14 point type. The public measure shall be summarized by the
15 commissioner ~~and-in-the-largest-type-possible-printed-on-the~~
16 ~~special-paper-ballots-or-inserts-used-in-the-voting-machines,~~
17 except that:

18 Sec. 16. Section 39A.6, Code 2005, is repealed.

19 Sec. 17. APPLICABILITY DATE. This division of this Act
20 applies to elections held on or after January 1, 2006.

21 DIVISION II

22 ABSENTEE VOTING

23 Sec. 18. Section 39A.4, subsection 1, paragraph c,
24 subparagraph (10), Code 2005, is amended to read as follows:

25 (10) As an incumbent officeholder of, or a candidate for,
26 an office being voted for at the election in progress, serving
27 as a member of a challenging committee or observer under
28 section 49.104, subsection 2, 5, or 6, or section 53.23,
29 subsection 4.

30 Sec. 19. Section 49.63, Code 2005, is amended to read as
31 follows:

32 49.63 TIME OF PRINTING -- INSPECTION AND CORRECTION.

33 Ballots shall be printed and in the possession of the
34 commissioner in time to enable the commissioner to furnish
35 ballots to absent voters as provided by sections 53.8 and

1 ~~53.11~~ 53.10. The printed ballots shall be subject to the
2 inspection of candidates and their agents. If mistakes are
3 discovered, they shall be corrected without delay, in the
4 manner provided in this chapter.

5 Sec. 20. Section 53.7, subsection 1, Code 2005, is amended
6 to read as follows:

7 1. It shall be unlawful for any employee of the state or
8 any employee of a political subdivision to solicit any
9 application or request for application for an absentee ballot,
10 or to take an affidavit in connection with any absentee ballot
11 while the employee is on the employer's premises or otherwise
12 in the course of employment. However, any such employee may
13 take such affidavit in connection with an absentee ballot
14 which is cast by the registered voter in person in the office
15 where such employee is employed in accordance with section
16 ~~53.11~~ 53.10. This subsection shall not apply to any elected
17 official.

18 Sec. 21. Section 53.8, subsection 3, unnumbered paragraph
19 3, Code 2005, is amended to read as follows:

20 Nothing in this subsection nor in section 53.22 shall be
21 construed to prohibit a registered voter who is a hospital
22 patient or resident of a health care facility, or who
23 anticipates entering a hospital or health care facility before
24 the date of a forthcoming election, from casting an absentee
25 ballot in the manner prescribed by section ~~53.11~~ 53.10.

26 Sec. 22. Section 53.17, subsection 4, Code 2005, is
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. ee. Notwithstanding section 53.15, an
29 absentee ballot courier shall not assist the voter in
30 completing an absentee ballot.

31 Sec. 23. Section 53.22, subsection 1, paragraph a,
32 unnumbered paragraph 1, Code 2005, is amended to read as
33 follows:

34 A registered voter who has applied for an absentee ballot,
35 in a manner other than that prescribed by section ~~53.11~~ 53.10,

1 and who is a resident or patient in a health care facility or
2 hospital located in the county to which the application has
3 been submitted shall be delivered the appropriate absentee
4 ballot by two special precinct election officers, one of whom
5 shall be a member of each of the political parties referred to
6 in section 49.13, who shall be appointed by the commissioner
7 from the election board panel for the special precinct
8 established by section 53.20. The special precinct election
9 officers shall be sworn in the manner provided by section
10 49.75 for election board members, shall receive compensation
11 as provided in section 49.20 and shall perform their duties
12 during the ten calendar days preceding the election and on
13 election day if all ballots requested under section 53.8,
14 subsection 3 have not previously been delivered and returned.

15 Sec. 24. Section 53.23, subsection 4, Code 2005, is
16 amended to read as follows:

17 4. The room where members of the special precinct election
18 board are engaged in counting absentee ballots during the
19 hours the polls are open shall be policed so as to prevent any
20 person other than those whose presence is authorized by this
21 subsection from obtaining information about the progress of
22 the count. The only persons who may be admitted to that room
23 are the members of the board, one challenger representing each
24 political party, one observer representing any nonparty
25 political organization or any candidate nominated by petition
26 pursuant to chapter 45 or any other nonpartisan candidate in a
27 city or school election appearing on the ballot of the
28 election in progress, one observer representing persons
29 supporting a public measure appearing on the ballot and one
30 observer representing persons opposed to such measure, and the
31 commissioner or the commissioner's designee. It shall be
32 unlawful for any of these persons to communicate or attempt to
33 communicate, directly or indirectly, information regarding the
34 progress of the count, including the names of voters whose
35 ballots have been rejected, at any time before the polls are

1 closed.

2 Sec. 25. Section 53.37, Code 2005, is amended to read as
3 follows:

4 53.37 DEFINITIONS.

5 1. This division is intended to implement the federal
6 Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. §
7 1973ff et seq.

8 2. The term "armed forces of the United States", as used
9 in this division, shall mean the army, navy, marine corps,
10 coast guard, and air force of the United States.

11 3. For the purpose of absentee voting only, there shall be
12 included in the term "armed forces of the United States" the
13 following:

14 1- a. Spouses and dependents of members of the armed
15 forces while in active service.

16 2- b. Members of the merchant marine of the United States
17 and their spouses and dependents.

18 3- c. Civilian employees of the United States in all
19 categories serving outside the territorial limits of the
20 several states of the United States and the District of
21 Columbia and their spouses and dependents when residing with
22 or accompanying them, whether or not the employee is subject
23 to the civil service laws and the Classification Act of 1949,
24 and whether or not paid from funds appropriated by the
25 Congress.

26 4- d. Members of religious groups or welfare agencies
27 assisting members of the armed forces, who are officially
28 attached to and serving with the armed forces, and their
29 spouses and dependents.

30 5- e. Citizens of the United States who do not fall under
31 any of the categories described in subsections 1 to 4, but who
32 are entitled to register and vote pursuant to section 48A.5,
33 subsection 4.

34 4. For the purposes of this division, "qualified voter"
35 means a person who is included within the term "armed forces

1 of the United States" as described in this section, who would
2 be qualified to register to vote under section 48A.5,
3 subsection 2, except for residency, and who is not
4 disqualified from registering to vote and voting under section
5 48A.6.

6 Sec. 26. Section 53.38, Code 2005, is amended to read as
7 follows:

8 53.38 WHAT CONSTITUTES REGISTRATION.

9 Whenever a ballot is requested pursuant to section 53.39 or
10 53.45 on behalf of a voter in the armed forces of the United
11 States, the affidavit upon the ballot envelope of such voter,
12 if the voter is found to be an eligible elector of the county
13 to which the ballot is submitted, shall constitute a
14 sufficient registration under chapter 48A. A completed
15 federal postcard registration and federal absentee ballot
16 request form submitted by such eligible elector shall also
17 constitute a sufficient registration under chapter 48A. The
18 commissioner shall place the voter's name on the registration
19 record as a registered voter if it does not already appear
20 there. The identification requirements of section 48A.8 and
21 the verification requirements of section 48A.25A do not apply
22 to persons who register to vote under this division.

23 Sec. 27. Section 53.41, Code 2005, is amended to read as
24 follows:

25 53.41 RECORDS BY COMMISSIONER -- EXCESS REQUESTS OR
26 BALLOTS.

27 The commissioner of each county shall establish and
28 maintain a record of all requests for ballots which are made,
29 and of all ballots transmitted, and the manner of transmittal,
30 from and received in the commissioner's office under the
31 provisions of this division.

32 PARAGRAPH DIVIDED. If more than one request for absent
33 voter's ballot for a particular election is made to the
34 commissioner before the ballots are ready to mail by or on
35 behalf of a voter in the armed forces of the United States,

1 the last request ~~first~~ received shall be honored, except that
2 if one of the requests is made by the voter, ~~and-a-request-on~~
3 ~~the-voter's-behalf-has-not-been-previously-honored,~~ the
4 request of the voter shall be honored in preference to a
5 request made on the voter's behalf by another.

6 PARAGRAPH DIVIDED. Not more than one ballot shall be
7 transmitted by the commissioner to any voter for a particular
8 election unless after the ballot has been mailed the voter
9 reports a change in the address to which the ballot should be
10 sent. A ballot shall be mailed using a serial number that
11 indicates that this is a replacement sent to an updated
12 address. The original ballot shall be counted only if the
13 replacement ballot does not arrive. If the commissioner
14 receives more than one absent voter's ballot, provided for by
15 this division, from or purporting to be from any one voter for
16 a particular election, all of the ballots so received from or
17 purporting to be from such voter are void, and the
18 commissioner shall not deliver any of the ballots to the
19 precinct election officials, but shall retain them in the
20 commissioner's office, and preserve them for the period and
21 under the conditions provided for in sections 50.12 through
22 50.15 and section 50.19.

23 Sec. 28. Section 53.44, unnumbered paragraph 2, Code 2005,
24 is amended to read as follows:

25 Absentee ballots issued under this division shall be
26 returned ~~in-the-same-manner~~ either by mail by the voter or a
27 person designated by the voter or by personal delivery by the
28 voter or a person designated by the voter and within the same
29 time limits specified in section 53.17.

30 Sec. 29. Section 53.53, subsection 4, paragraph a, Code
31 2005, is amended to read as follows:

32 a. The ballot was submitted from within the United States,
33 unless the voter is a member of the armed forces of the United
34 States, as described in section 53.37, subsection 2, on active
35 duty and away from the voter's county of residence for

1 purposes of serving on active duty.

2 Sec. 30. Section 53.53, subsection 4, paragraph b, Code
3 2005, is amended by striking the paragraph.

4 Sec. 31. Section 53.11, Code 2005, is repealed.

5 Sec. 32. APPLICABILITY DATE. This division of this Act
6 applies to elections held on or after January 1, 2006.

7 DIVISION III

8 VOTER REGISTRATION

9 Sec. 33. Section 48A.2, Code 2005, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 6. "Voter registration list" means a
12 compilation of voter registration records produced, upon
13 request, from the electronic voter registration file or by
14 viewing, upon request, the original, completed voter
15 registration applications and forms.

16 Sec. 34. Section 48A.7, Code 2005, is amended to read as
17 follows:

18 48A.7 REGISTRATION IN PERSON.

19 1. An eligible elector may register to vote by appearing
20 personally and completing a voter registration form at the
21 office of the commissioner in the county in which the person
22 resides, at a motor vehicle driver's license station,
23 including any county treasurer's office that is participating
24 in county issuance of driver's licenses under chapter 321M, or
25 at any voter registration agency. A separate registration
26 form shall be signed by each individual registrant.

27 2. An eligible elector who registers to vote in person at
28 the commissioner's office or at a satellite absentee voting
29 station with the intent of requesting an absentee ballot to be
30 voted at the commissioner's office or at the satellite
31 absentee voting station immediately after registering to vote
32 shall be required to provide a current and valid photo
33 identification card or shall present to the election official
34 one of the documents listed in section 48A.8, subsection 2,
35 paragraphs "a" through "e". If the voter does not provide the

1 required identification, the voter shall be permitted to cast
2 a provisional ballot.

3 Sec. 35. Section 48A.11, subsection 8, Code 2005, is
4 amended to read as follows:

5 8. A voter registration application lacking the
6 registrant's name, sex, date of birth, or residence address or
7 description shall not be processed. A voter registration
8 application lacking the registrant's driver's license number,
9 Iowa nonoperator's identification card number, or the last
10 four digits of the registrant's social security number shall
11 not be processed. A voter registration application lacking
12 the registrant's signature shall not be processed. A
13 registrant whose registration is not processed pursuant to
14 this subsection shall be notified pursuant to section 48A.26,
15 subsection 3. A registrant who does not have an Iowa driver's
16 license number, an Iowa nonoperator's identification number,
17 or a social security number and who notifies the registrar of
18 such shall be assigned a unique identifying number that shall
19 serve to identify the registrant for voter registration
20 purposes.

21 Sec. 36. Section 48A.25A, Code 2005, is amended to read as
22 follows:

23 48A.25A VERIFICATION OF VOTER REGISTRATION INFORMATION.

24 Upon receipt of an any application for voter registration
25 by mail, the state registrar of voters shall compare the
26 driver's license number, the Iowa nonoperator's identification
27 card number, or the last four numerals of the social security
28 number provided by the registrant with the records of the
29 state department of transportation or the social security
30 administration. To be verified, the voter registration record
31 shall contain the same name, date of birth, and driver's
32 license number or Iowa nonoperator's identification card
33 number or whole or partial social security number as the
34 records of the state department of transportation or social
35 security administration. If the information cannot be

1 verified, the application shall be rejected and the registrant
2 shall be notified of the reason for the rejection. If the
3 information can be verified, a record shall be made of the
4 verification and the application shall be accepted.

5 The voter registration commission shall adopt rules in
6 accordance with chapter 17A to provide procedures for
7 processing registration applications if the ~~state-department~~
8 ~~of-transportation-does-not,~~ applications cannot be verified
9 before the close of registration for an election for which the
10 voter registration otherwise would be effective, ~~if-verified,~~
11 ~~provide-a-report-that-the-information-on-the-application-has~~
12 ~~matched-or-not-matched-the-records-of-the-department.~~

13 This section applies to all voter registration applications
14 received by mail. ~~This~~ However, this section does not apply
15 to mail registration applicants who are persons described in
16 section 53.37 who are entitled to register to vote and to vote
17 pursuant-to-section-48A:5,-subsection-4.

18 Sec. 37. Section 49.81, subsection 1, Code 2005, is
19 amended to read as follows:

20 1. A prospective voter who is prohibited under section
21 48A.7, subsection 2, section 48A.8, subsection 4, section
22 49.77, subsection 4, or section 49.80 from voting except under
23 this section shall be notified by the appropriate precinct
24 election official that the voter may cast a provisional
25 ballot. If a booth meeting the requirement of section 49.25
26 is not available at that polling place, the precinct election
27 officials shall make alternative arrangements to insure the
28 challenged voter the opportunity to vote in secret. The
29 marked ballot, folded as required by section 49.84, shall be
30 delivered to a precinct election official who shall
31 immediately seal it in an envelope of the type prescribed by
32 subsection 4. The sealed envelope shall be deposited in an
33 envelope marked "provisional ballots" and shall be considered
34 as having been cast in the special precinct established by
35 section 53.20 for purposes of the postelection canvass.

1 submitted to the voters at a special election held pursuant to
2 section 39.2, subsection 4, shall file the full text of the
3 public measure with the commissioner no later than five p.m.
4 on the forty-sixth day before the election. If there are
5 vacancies in county offices to be filled at the special
6 election, candidates shall file their nomination papers with
7 the commissioner not later than five p.m. on the forty-
8 seventh day before the election. Candidates for city offices
9 to be filled at the special election shall file their
10 nomination papers with the city clerk pursuant to the
11 appropriate election calendar for the city.

12 Sec. 42. Section 69.12, subsection 1, paragraph a,
13 subparagraph (4), Code 2005, is amended by striking the
14 subparagraph.

15 Sec. 43. Section 99F.7, subsection 11, paragraph a, Code
16 2005, is amended to read as follows:

17 a. A license to conduct gambling games on an excursion
18 gambling boat in a county shall be issued only if the county
19 electorate approves the conduct of the gambling games as
20 provided in this subsection. The board of supervisors, upon
21 receipt of a valid petition meeting the requirements of
22 section 331.306, shall direct the commissioner of elections to
23 submit to the registered voters of the county a proposition to
24 approve or disapprove the conduct of gambling games on an
25 excursion gambling boat in the county. The proposition shall
26 be submitted at a general election or at a special election
27 ~~called-for-that-purpose~~. To be submitted at a general
28 election, the petition must be received by the board of
29 supervisors at least five working days before the last day for
30 candidates for county offices to file nomination papers for
31 the general election pursuant to section 44.4. If a majority
32 of the county voters voting on the proposition favor the
33 conduct of gambling games, the commission may issue one or
34 more licenses as provided in this chapter. If a majority of
35 the county voters voting on the proposition do not favor the

1 conduct of gambling games, a license to conduct gambling games
2 in the county shall not be issued.

3 Sec. 44. Section 99F.7, subsection 11, paragraph c, Code
4 2005, is amended to read as follows:

5 c. If a licensee of a pari-mutuel racetrack who held a
6 valid license issued under chapter 99D as of January 1, 1994,
7 requests a license to operate gambling games as provided in
8 this chapter, the board of supervisors of a county in which
9 the licensee of a pari-mutuel racetrack requests a license to
10 operate gambling games shall submit to the county electorate a
11 proposition to approve or disapprove the operation of gambling
12 games at pari-mutuel racetracks at a special election ~~at the~~
13 ~~earliest-practicable-time~~. If the operation of gambling games
14 at the pari-mutuel racetrack is not approved by a majority of
15 the county electorate voting on the proposition at the
16 election, the commission shall not issue a license to operate
17 gambling games at the racetrack.

18 Sec. 45. Section 145A.7, Code 2005, is amended to read as
19 follows:

20 145A.7 SPECIAL ELECTION.

21 When a protesting petition is received, the officials
22 receiving the petition shall call a special election of all
23 registered voters of that political subdivision ~~for the~~
24 purpose upon the question of approving or rejecting the order
25 setting out the proposed merger plan. The vote will be taken
26 by ballot in the form provided by sections 49.43 to 49.47, and
27 the election shall be initiated and held as provided in
28 chapter 49. A majority vote of those registered voters voting
29 at said special election shall be sufficient to approve the
30 order and thus include the political subdivision within the
31 merged area.

32 Sec. 46. Section 257.18, subsection 1, Code 2005, is
33 amended to read as follows:

34 1. An instructional support program that provides
35 additional funding for school districts is established. A

1 board of directors that wishes to consider participating in
2 the instructional support program shall hold a public hearing
3 on the question of participation. The board shall set forth
4 its proposal, including the method that will be used to fund
5 the program, in a resolution and shall publish the notice of
6 the time and place of a public hearing on the resolution.
7 Notice of the time and place of the public hearing shall be
8 published not less than ten nor more than twenty days before
9 the public hearing in a newspaper which is a newspaper of
10 general circulation in the school district. At the hearing,
11 or no later than thirty days after the date of the hearing,
12 the board shall take action to adopt a resolution to
13 participate in the instructional support program for a period
14 not exceeding five years or to direct the county commissioner
15 of elections to submit the question of participation in the
16 program for a period not exceeding ten years to the registered
17 voters of the school district at the next regular school
18 election ~~or-at-a-special-election~~. If the board submits the
19 question at an election and a majority of those voting on the
20 question favors participation in the program, the board shall
21 adopt a resolution to participate and certify the results of
22 the election to the department of management.

23 Sec. 47. Section 257.18, subsection 2, unnumbered
24 paragraph 1, Code 2005, is amended to read as follows:

25 If the board does not provide for an election and adopts a
26 resolution to participate in the instructional support
27 program, the district shall participate in the instructional
28 support program unless within twenty-eight days following the
29 action of the board, the secretary of the board receives a
30 petition containing the required number of signatures, asking
31 that ~~an-election-be-called~~ the question to approve or
32 disapprove the action of the board in adopting the
33 instructional support program be submitted to the voters of
34 the school district. The petition must be signed by eligible
35 electors equal in number to not less than one hundred or

1 thirty percent of the number of voters at the last preceding
2 regular school election, whichever is greater. The board
3 shall either rescind its action or direct the county
4 commissioner of elections to submit the question to the
5 registered voters of the school district at the next following
6 regular school election ~~or-a-special-election~~. If a majority
7 of those voting on the question at the election favors
8 disapproval of the action of the board, the district shall not
9 participate in the instructional support program. If a
10 majority of those voting on the question favors approval of
11 the action, the board shall certify the results of the
12 election to the department of management and the district
13 shall participate in the program.

14 Sec. 48. Section 257.29, unnumbered paragraph 1, Code
15 2005, is amended to read as follows:

16 An educational improvement program is established to
17 provide additional funding for school districts in which the
18 regular program district cost per pupil for a budget year is
19 one hundred ten percent of the regular program state cost per
20 pupil for the budget year and which have approved the use of
21 the instructional support program established in section
22 257.18. A board of directors that wishes to consider
23 participating in the educational improvement program shall
24 hold a hearing on the question of participation and the
25 maximum percent of the regular program district cost of the
26 district that will be used. The hearing shall be held in the
27 manner provided in section 257.18 for the instructional
28 support program. Following the hearing, the board may direct
29 the county commissioner of elections to submit the question to
30 the registered voters of the school district at the next
31 following regular school election ~~or-a-special-election-held~~
32 ~~not-later-than-the-following-February-1~~. If a majority of
33 those voting on the question favors participation in the
34 program, the board shall adopt a resolution to participate and
35 shall certify the results of the election to the department of

1 management and the district shall participate in the program.
2 If a majority of those voting on the question does not favor
3 participation, the district shall not participate in the
4 program.

5 Sec. 49. Section 257.29, unnumbered paragraph 5, Code
6 2005, is amended to read as follows:

7 Once approved at an election, the authority of the board to
8 use the educational improvement program shall continue until
9 the board votes to rescind the educational improvement program
10 or the voters of the school district by majority vote order
11 the discontinuance of the program. The board shall ~~call-an~~
12 ~~election-to-vote-on~~ submit at the next regular school election
13 the proposition whether to discontinue the program upon the
14 receipt of a petition signed by not less than one hundred
15 eligible electors or thirty percent of the number of electors
16 voting at the last preceding school election, whichever is
17 greater.

18 Sec. 50. Section 260C.28, subsection 3, Code 2005, is
19 amended to read as follows:

20 3. If the board of directors wishes to certify for a levy
21 under subsection 2, the board shall direct the county
22 commissioner of elections to ~~call-an-election-to~~ submit the
23 question of such authorization for the board at a the regular
24 ~~or-special~~ school election. If a majority of those voting on
25 the question at the election favors authorization of the board
26 to make such a levy, the board may certify for a levy as
27 provided under subsection 2 during each of the ten years
28 following the election. If a majority of those voting on the
29 question at the election does not favor authorization of the
30 board to make a levy under subsection 2, the board ~~shall-not~~
31 may submit the question to the voters again ~~until-three~~
32 ~~hundred-fifty-five-days-have-elapsed-from-the~~ at the next
33 regular school election.

34 Sec. 51. Section 260C.39, unnumbered paragraph 1, Code
35 2005, is amended to read as follows:

1 Any merged area may combine with any adjacent merged area
2 after a favorable vote by the electors of each of the areas
3 involved. If the boards of directors of two or more merged
4 areas agree to a combination, the question shall be submitted
5 to the electors of each area at ~~a special~~ the regular school
6 ~~election to-be-held-on-the-same-day-in-each-area. The special~~
7 ~~election-shall-not-be-held-within-thirty-days-of-any-general~~
8 ~~election.~~ Prior to the ~~special~~ election, the board of each
9 merged area shall notify the county commissioner of elections
10 of the county in which the greatest proportion of the merged
11 area's taxable base is located who shall publish notice of the
12 election question according to section 49.53. ~~The two~~
13 ~~respective-county-commissioners-of-elections-shall-conduct-the~~
14 ~~election-pursuant-to-the-provisions-of-chapters-39-to-53. The~~
15 ~~votes-cast-in-the-election-shall-be-canvassed-by-the-county~~
16 ~~board-of-supervisors-and-the~~ county commissioners of elections
17 ~~who-conducted-the-election~~ of each county in the merged areas
18 shall certify the results to the board of directors of each
19 merged area.

20 Sec. 52. Section 275.18, Code 2005, is amended to read as
21 follows:

22 275.18 SPECIAL ELECTION CALLED -- TIME.

23 When the boundaries of the territory to be included in a
24 proposed school corporation and the number and method of the
25 election of the school directors of the proposed school
26 corporation have been determined as provided in this chapter,
27 the area education agency administrator with whom the petition
28 is filed shall give written notice of the ~~proposed-date-of-the~~
29 election question to the county commissioner of elections of
30 the county in the proposed school corporation which has the
31 greatest taxable base. The ~~proposed-date-shall-be-as-soon-as~~
32 ~~possible-pursuant-to-section-39.27-subsections-1-and-2,-and~~
33 ~~section-47.67-subsections-1-and-2,-but-not-later-than-November~~
34 30-of question shall be submitted to the voters at the regular
35 school election held in the calendar year prior to the

1 calendar year in which the reorganization will take effect.

2 The county commissioner of elections shall give notice of
3 the election question by one publication in the same newspaper
4 in which previous notices have been published regarding the
5 proposed school reorganization, and in addition, if more than
6 one county is involved, by one publication in a legal
7 newspaper in each county other than that of the first
8 publication. The publication shall be not less than four nor
9 more than twenty days prior to the election. If the decision
10 published pursuant to section 275.15 or 275.16 includes a
11 description of the proposed school corporation and a
12 description of the director districts, if any, the notice for
13 election question and the ballot do not need to include these
14 descriptions. Notice ~~for-an-election~~ of the question shall
15 not be published until the expiration of time for appeal,
16 which shall be the same as that provided in section 275.15 or
17 275.16, whichever is applicable; and if there is an appeal,
18 not until the appeal has been disposed of.

19 The area education agency administrator shall furnish to
20 the commissioner a map of the proposed reorganized area which
21 must be approved by the commissioner as suitable for posting.
22 The map shall be displayed prominently in at least four places
23 within the voting precinct, and inside each voting booth, or
24 on the left-hand side inside the curtain of each voting
25 machine.

26 Sec. 53. Section 275.22, Code 2005, is amended to read as
27 follows:

28 275.22 CANVASS AND RETURN.

29 ~~The-precinct-election-officials-shall-count-the-ballots,~~
30 ~~and-make-return-to-and-deposit-the-ballots-with-the-county~~
31 ~~commissioner-of-elections,-who-shall-enter-the-return-of~~
32 ~~record-in-the-commissioner's-office.~~ The election tally
33 lists, including absentee ballots, shall be listed by
34 individual school district. The county commissioner of
35 elections shall certify the results of the election to the

1 area education agency administrator. If the majority of the
2 votes cast by the registered voters is in favor of the
3 proposition, as provided in section 275.20, a new school
4 corporation shall be organized. If the majority of votes cast
5 is opposed to the proposition, a new petition describing the
6 identical or similar boundaries shall not be filed for at
7 least six months from the date of the election. If territory
8 is excluded from the reorganized district, action pursuant to
9 section 274.37 shall be taken prior to the effective date of
10 reorganization. The secretary of the new school corporation
11 shall file a written description of the boundaries as provided
12 in section 274.4.

13 Sec. 54. Section 275.23A, subsection 2, Code 2005, is
14 amended to read as follows:

15 2. Following each federal decennial census the school
16 board shall determine whether the existing director district
17 boundaries meet the standards in subsection 1 according to the
18 most recent federal decennial census. In addition to the
19 authority granted to voters to change the number of directors
20 or method of election as provided in sections 275.35, 275.36,
21 and 278.1, the board of directors of a school district may,
22 following a federal decennial census, by resolution and in
23 accordance with this section, authorize a change in the method
24 of election as set forth in section 275.12, subsection 2, or a
25 change to either five or seven directors after the board
26 conducts a hearing on the resolution. If the board proposes
27 to change the number of directors from seven to five
28 directors, the resolution shall include a plan for reducing
29 the number of directors. If the board proposes to increase
30 the number of directors to seven directors, two directors
31 shall be added according to the procedure described in section
32 277.23, subsection 2. If necessary, the board of directors
33 shall redraw the director district boundaries. The director
34 district boundaries shall be described in the resolution
35 adopted by the school board. The resolution shall be adopted

1 no earlier than November 15 of the year immediately following
2 the year in which the federal decennial census is taken nor
3 later than May 15 of the second year immediately following the
4 year in which the federal decennial census is taken. A copy of
5 the plan shall be filed with the area education agency
6 administrator of the area education agency in which the
7 school's electors reside. If the board does not provide for
8 an election as provided in sections 275.35, 275.36, and 278.1
9 and adopts a resolution to change the number of directors or
10 method of election in accordance with this subsection, the
11 district shall change the number of directors or method of
12 election as provided unless, within twenty-eight days
13 following the action of the board, the secretary of the board
14 receives a petition containing the required number of
15 signatures, asking that an election be called to approve or
16 disapprove the action of the board in adopting the resolution.
17 The petition must be signed by eligible electors equal in
18 number to not less than one hundred or thirty percent of the
19 number of voters at the last preceding regular school
20 election, whichever is greater. The board shall either
21 rescind its action or direct the county commissioner of
22 elections to submit the question to the registered voters of
23 the school district at the next following regular school
24 election ~~or a special election~~. If a majority of those voting
25 on the question at the election favors disapproval of the
26 action of the board, the district shall not change the number
27 of directors or method of election. If a majority of those
28 voting on the question does not favor disapproval of the
29 action, the board shall certify the results of the election to
30 the department of management and the district shall change the
31 number of directors or method of election as provided in this
32 subsection. At the expiration of the twenty-eight-day period,
33 if no petition is filed, the board shall certify its action to
34 the department of management and the district shall change the
35 number of directors or method of election as provided in this

1 subsection.

2 Sec. 55. Section 275.24, Code 2005, is amended to read as
3 follows:

4 275.24 EFFECTIVE DATE OF CHANGE.

5 When a school district is enlarged, reorganized, or changes
6 its boundary pursuant to sections 275.12 to 275.22, the change
7 shall take effect on July 1 following the date of the
8 reorganization election held pursuant to section 275.18 ~~if the~~
9 ~~election was held by the prior November 30. Otherwise the~~
10 ~~change shall take effect on July 1 one year later.~~

11 Sec. 56. Section 275.27, Code 2005, is amended to read as
12 follows:

13 275.27 COMMUNITY SCHOOL DISTRICTS -- PART OF AREA
14 EDUCATION AGENCY.

15 School districts created or enlarged under this chapter are
16 community school districts and are part of the area education
17 agency in which the greatest number of registered voters of
18 the district reside at the time of the ~~special~~ election ~~called~~
19 ~~for~~ in section 275.18, and sections of the Code applicable to
20 the common schools generally are applicable to these districts
21 in addition to the powers and privileges conferred by this
22 chapter. If a school district, created or enlarged under this
23 chapter and assigned to an area education agency under this
24 section, can demonstrate that students in the district were
25 utilizing a service or program prior to the formation of the
26 new or enlarged district that is unavailable from the area
27 education agency to which the new or enlarged district is
28 assigned, the district may be reassigned to the area education
29 agency which formerly provided the service or program, upon an
30 affirmative majority vote of the boards of the affected area
31 education agencies to permit the change.

32 Sec. 57. Section 275.35, unnumbered paragraph 1, Code
33 2005, is amended to read as follows:

34 Any existing or hereafter created or enlarged school
35 district may change the number of directors to either five or

1 seven and may also change its method of election of school
2 directors to any method authorized by section 275.12 by
3 submission of a proposal, stating the proposed new method of
4 election, by the school board of such district to the electors
5 at any regular ~~or-special~~ school election. The school board
6 shall notify the county commissioner of elections who shall
7 publish notice of the election proposal in the manner provided
8 in section 49.53. ~~The-election-shall-be-conducted-pursuant-to~~
9 ~~chapters-39-to-53-by-the-county-commissioner-of-elections-~~

10 Such proposal shall be adopted if it is approved by a majority
11 of the votes cast on the proposition.

12 Sec. 58. Section 275.36, unnumbered paragraph 1, Code
13 2005, is amended to read as follows:

14 If a petition for a change in the number of directors or in
15 the method of election of school directors is filed with the
16 school board of a school district pursuant to the requirements
17 of section 278.2, the school board shall submit such
18 proposition to the voters at the regular school election ~~or-a~~
19 ~~special-election-held-not-later-than-February-1~~. The petition
20 shall be accompanied by an affidavit as required by section
21 275.13. If a proposition for a change in the number of
22 directors or in the method of election of school directors
23 submitted to the voters under this section is rejected, it
24 shall not be resubmitted to the voters of the district in
25 substantially the same form within the next three years; if it
26 is approved, no other proposal may be submitted to the voters
27 of the district under this section within the next six years.

28 Sec. 59. Section 275.55, unnumbered paragraphs 1 and 2,
29 Code 2005, are amended to read as follows:

30 The board of the school district shall ~~call-a-special~~
31 ~~election-to-be-held-not-later-than-forty-days~~ submit the
32 proposition to the voters at the regular school election next
33 following the date of the final hearing on the dissolution
34 proposal. ~~The-special-election-may-be-held-at-the-same-time~~
35 ~~as-the-regular-school-election-~~ The proposition submitted to

1 the voters residing in the school district ~~at-the-special~~
2 election shall describe each separate area to be attached to a
3 contiguous school district and shall name the school district
4 to which it will be attached. In addition to the description,
5 a map may be included in the summary of the question on the
6 ballot.

7 ~~The-board-shall-give-written-notice-of-the-proposed-date-of~~
8 ~~the-election-to-the-county-commissioner-of-elections.--The~~
9 ~~proposed-date-shall-be-pursuant-to-section-39.27-subsections-1~~
10 ~~and-2-and-section-47.67-subsections-1-and-2.~~ The county
11 commissioner of elections shall give notice ~~of~~ that the
12 election proposition will be submitted at the regular school
13 election by one publication in the same newspaper in which the
14 previous notice was published about the hearing, which
15 publication shall not be less than four nor more than twenty
16 days prior to the election.

17 Sec. 60. Section 278.1, unnumbered paragraph 2, Code 2005,
18 is amended to read as follows:

19 The board may, with approval of sixty percent of the
20 voters, voting in a regular ~~or-special~~ election in the school
21 district, make extended time contracts not to exceed twenty
22 years in duration for rental of buildings to supplement
23 existing schoolhouse facilities; and where it is deemed
24 advisable for buildings to be constructed or placed on real
25 estate owned by the school district, these contracts may
26 include lease-purchase option agreements, the amounts to be
27 paid out of the physical plant and equipment levy fund.

28 Sec. 61. Section 279.39, Code 2005, is amended to read as
29 follows:

30 279.39 SCHOOL BUILDINGS.

31 The board of any school corporation shall establish
32 attendance centers and provide suitable buildings for each
33 school in the district and may at the regular or a special
34 meeting ~~call-a-special-election~~ resolve to submit to the
35 registered voters of the district at the next regular school

1 election the question of voting a tax or authorizing the board
2 to issue bonds, or both.

3 Sec. 62. Section 297.11, Code 2005, is amended to read as
4 follows:

5 297.11 USE FORBIDDEN.

6 If at any time the voters of such district at a regular
7 election forbid such use of any such schoolhouse or grounds,
8 the board shall not thereafter permit such use until the said
9 action of such voters shall have been rescinded by the voters
10 at a regular election, ~~or at a special election called for~~
11 ~~that purpose.~~

12 Sec. 63. Section 298.9, Code 2005, is amended to read as
13 follows:

14 298.9 SPECIAL LEVIES.

15 If the voter-approved physical plant and equipment levy,
16 consisting solely of a physical plant and equipment property
17 tax levy, is voted at ~~a special~~ an election and certified to
18 the board of supervisors after the regular levy is made, the
19 board shall at its next regular meeting levy the tax and cause
20 it to be entered upon the tax list to be collected as other
21 school taxes. ~~If the certification is filed prior to May 1,~~
22 ~~the annual levy shall begin with the tax levy of the year of~~
23 ~~filing. -- If the certification is filed after May 1 in a year,~~
24 the The levy shall begin with the levy of the fiscal year
25 succeeding the year of the filing of the certification.

26 Sec. 64. Section 298.18, unnumbered paragraph 4, Code
27 2005, is amended to read as follows:

28 The amount estimated and certified to apply on principal
29 and interest for any one year may exceed two dollars and
30 seventy cents per thousand dollars of assessed value by the
31 amount approved by the voters of the school corporation, but
32 not exceeding four dollars and five cents per thousand of the
33 assessed value of the taxable property within any school
34 corporation, provided that the registered voters of such
35 school corporation have first approved such increased amount

1 at a special election, which may be held at the same time as
2 the regular school election. The proposition submitted to the
3 voters at such special election shall be in substantially the
4 following form:

5 Sec. 65. Section 298.18, unnumbered paragraph 6, Code
6 2005, is amended to read as follows:

7 ~~Notice of the election shall be given by the county~~
8 ~~commissioner of elections according to section 49.53. The~~
9 ~~election shall be held on a date not less than four nor more~~
10 ~~than twenty days after the last publication of the notice. At~~
11 ~~such election the ballot used for the submission of said~~
12 ~~proposition shall be in substantially the form for submitting~~
13 ~~special questions at general elections. The county~~
14 commissioner of elections shall ~~conduct the election pursuant~~
15 ~~to the provisions of chapters 39 to 53 and~~ certify the results
16 to the board of directors. Such The proposition shall not be
17 deemed carried or adopted unless the vote in favor of such
18 proposition is equal to at least sixty percent of the total
19 vote cast for and against ~~said~~ the proposition at ~~said~~ the
20 election. Whenever such a proposition has been approved by
21 the voters of a school corporation as hereinbefore provided,
22 no further approval of the voters of such school corporation
23 shall be required as a result of any subsequent change in the
24 boundaries of such school corporation.

25 Sec. 66. Section 298.18A, subsection 2, Code 2005, is
26 amended to read as follows:

27 2. The adjustment shall not result in a total amount
28 levied in excess of the two dollar and seventy cent per
29 thousand dollars of assessed valuation limit provided in
30 section 298.18. An adjustment in excess of the two dollar and
31 seventy cent per thousand dollars of assessed valuation limit
32 shall be subject to the ~~special~~ election provisions for
33 increases of up to four dollars and five cents per thousand
34 dollars of assessed valuation provisions of section 298.18.

35 Sec. 67. Section 298.21, unnumbered paragraph 1, Code

1 2005, is amended to read as follows:

2 The board of directors of any school corporation when
3 authorized by the voters at the regular election ~~or-at-a~~
4 ~~special-election-called-for-that-purpose,~~ may issue the
5 negotiable, interest-bearing school bonds of said corporation
6 for borrowing money for any or all of the following purposes:

7 Sec. 68. Section 300.2, unnumbered paragraph 1, Code 2005,
8 is amended to read as follows:

9 The board of directors of a school district may, and upon
10 receipt of a petition signed by eligible electors equal in
11 number to at least twenty-five percent of the number of voters
12 at the last preceding school election, shall, direct the
13 county commissioner of elections to submit to the registered
14 voters of the school district the question of whether to levy
15 a tax of not to exceed thirteen and one-half cents per
16 thousand dollars of assessed valuation for public educational
17 and recreational activities authorized under this chapter. ~~If~~
18 ~~at-the-time-of-filing-the-petition,-it-is-more-than-three~~
19 ~~months-until-the-next-regular-school-election,-the-board-of~~
20 ~~directors-shall-submit-the-question-at-a-special-election~~
21 ~~within-sixty-days.--Otherwise,-the~~ The question shall be
22 submitted at the next regular school election.

23 Sec. 69. Section 330.17, unnumbered paragraph 1, Code
24 2005, is amended to read as follows:

25 The council of any city or county which owns or acquires an
26 airport may, and upon the council's receipt of a valid
27 petition as provided in section 362.4, or receipt of a
28 petition by the board of supervisors as provided in section
29 331.306 shall, at a regular city election or a general
30 election if one is to be held within seventy-four days from
31 the filing of the petition, or otherwise at a special election
32 ~~called-for-that-purpose,~~ submit to the voters the question as
33 to whether the management and control of the airport shall be
34 placed in an airport commission. If a majority of the voters
35 favors placing the management and control of the airport in an

1 airport commission, the commission shall be established as
2 provided in this chapter.

3 Sec. 70. Section 331.207, subsection 2, Code 2005, is
4 amended to read as follows:

5 2. The petition shall be filed with the county
6 commissioner by June 1 of an odd-numbered year, subject to
7 subsection 6. The special election shall be held ~~within sixty~~
8 ~~days after the day the petition was received~~ on the second
9 Tuesday in March following the filing of the petition. Notice
10 of the special election question shall be published once each
11 week for three successive weeks in an official newspaper of
12 the county, shall state the representation plans to be
13 submitted to the electors, and shall state the date of the
14 special election which. The date of the last publication of
15 notice shall be held not less than five nor more than twenty
16 days from the date of ~~last publication~~ the election.

17 Sec. 71. Section 346.27, subsection 10, unnumbered
18 paragraph 1, Code 2005, is amended to read as follows:

19 After the incorporation of an authority, and before the
20 sale of any issue of revenue bonds, except refunding bonds,
21 the authority shall ~~call an election to decide~~ submit at a
22 general or special election the question of whether the
23 authority shall issue and sell revenue bonds. The ballot
24 shall state the amount of the bonds and the purposes for which
25 the authority is incorporated. All registered voters of the
26 county shall be entitled to vote on the question. ~~The~~
27 ~~question may be submitted at a general election or at a~~
28 ~~special election.~~ An affirmative vote of a majority of the
29 votes cast on the question is required to authorize the
30 issuance and sale of revenue bonds.

31 Sec. 72. Section 347.23, unnumbered paragraph 1, Code
32 2005, is amended to read as follows:

33 Any hospital organized and existing as a city hospital may
34 become a county hospital organized and managed as provided for
35 in this chapter, upon a proposition for such purpose being

1 submitted to and approved by a majority of the electors of
2 both the city in which such hospital is located and of the
3 county under whose management it is proposed that such
4 hospital be placed, at any general or special election called
5 for-such-purpose. The proposition shall be placed upon the
6 ballot by the board of supervisors when requested by a
7 petition signed by eligible electors of the county equal in
8 number to five percent of the votes cast for president of the
9 United States or governor, as the case may be, at the last
10 general election. ~~The proposition may be submitted at the~~
11 ~~next general election or at a special election called for that~~
12 ~~purpose.~~ Upon the approval of the proposition the hospital,
13 its assets and liabilities, will become the property of the
14 county and this chapter will govern its future management.
15 The question shall be submitted in substantially the following
16 form: "Shall the municipal hospital of, Iowa, be
17 transferred to and become the property of, and be managed by
18 the county of, Iowa?"

19 Sec. 73. Section 347.23A, subsection 1, Code 2005, is
20 amended to read as follows:

21 1. A hospital established as a memorial hospital under
22 chapter 37 or a county hospital supported by revenue bonds and
23 organized under chapter 347A may become, in accordance with
24 the provisions of this section, a county hospital organized
25 and managed as provided for in this chapter. If the hospital
26 is established by a city as a memorial hospital, the city must
27 be located in the county which will own and manage the
28 hospital. A proposition for the change must be submitted to
29 and approved by a majority of the electors of the county which
30 will own and manage the hospital as provided for in this
31 chapter. In addition, if the hospital is a memorial hospital
32 organized by a city under chapter 37, the proposition must
33 also be approved by a majority of the electors of that city.
34 The proposition may be submitted to the electors at any
35 general or special election called by the county board of

1 supervisors ~~for this purpose~~.

2 Sec. 74. Section 368.19, unnumbered paragraph 1, Code
3 2005, is amended to read as follows:

4 The committee shall approve or disapprove the petition or
5 plan as amended, within ninety days of the final hearing, and
6 shall file its decision for record and promptly notify the
7 parties to the proceeding of its decision. If a petition or
8 plan is approved, the board shall ~~set a date not less than~~
9 ~~thirty days nor more than ninety days after approval for~~
10 submit the proposal at a special election on the proposal and
11 the county commissioner of elections shall conduct the
12 election. In a case of incorporation or discontinuance,
13 registered voters of the territory or city may vote, and the
14 proposal is authorized if a majority of those voting approves
15 it. In a case of annexation or severance, registered voters
16 of the territory and of the city may vote, and the proposal is
17 authorized if a majority of the total number of persons voting
18 approves it. In a case of consolidation, registered voters of
19 each city to be consolidated may vote, and the proposal is
20 authorized only if it receives a favorable majority vote in
21 each city. The county commissioner of elections shall publish
22 notice of the election as provided in section 49.53 and shall
23 conduct the election in the same manner as other special city
24 elections.

25 Sec. 75. Section 368.19, unnumbered paragraph 3, Code
26 2005, is amended to read as follows:

27 An incorporation election shall be held not less than fifty
28 days nor more than ninety days after approval of an
29 incorporation petition. The costs of an incorporation
30 election shall be borne by the initiating petitioners if the
31 election fails, but if the proposition is approved the cost
32 shall become a charge of the new city.

33 Sec. 76. Section 372.2, subsection 2, unnumbered paragraph
34 1, Code 2005, is amended to read as follows:

35 Within fifteen days after receiving a valid petition, the

1 council shall publish notice of the date that a special city
2 election will be held to determine whether the city shall
3 change to a different form of government. The election date
4 shall be ~~not more than sixty days after the publication~~ as
5 specified in section 39.2. If the next ensuing special
6 election is more than sixty days after the publication, the
7 council shall publish another notice fifteen days before the
8 election. The notice shall include a statement that the
9 filing of a petition for appointment of a home rule charter
10 commission will delay the election until after the home rule
11 charter commission has filed a proposed charter. Petition
12 requirements and filing deadlines shall also be included in
13 the notice.

14 Sec. 77. Section 372.3, Code 2005, is amended to read as
15 follows:

16 372.3 HOME RULE CHARTER.

17 If a petition for appointment of a home rule charter com-
18 mission is filed with the city clerk not more than ten days
19 after the council has published the first notice announcing
20 the date of the special election on adoption of another form
21 of government, the special election shall not be held until
22 the charter proposed by the home rule charter commission is
23 filed. Both forms must be published as provided in section
24 372.9 and submitted to the voters at the special election.

25 Sec. 78. Section 372.9, subsection 3, Code 2005, is
26 amended to read as follows:

27 3. The proposed home rule charter must be submitted at a
28 special city election on a date ~~selected by the mayor and~~
29 ~~council~~ specified in section 39.2 and in accordance with
30 section 47.6. However, the date of the election last
31 publication must be not less than thirty nor more than sixty
32 days after before the ~~last publication of the proposed home~~
33 ~~rule charter~~ election.

34 Sec. 79. Section 372.13, subsection 11, unnumbered
35 paragraph 1, Code 2005, is amended to read as follows:

1 Council members shall be elected according to the council
2 representation plans under sections 372.4 and 372.5. However,
3 the council representation plan may be changed, by petition
4 and election, to one of those described in this subsection.
5 Upon receipt of a valid petition, as defined in section 362.4,
6 requesting a change to a council representation plan, the
7 council shall submit the question at a special city election
8 ~~to-be-held-within-sixty-days~~. If a majority of the persons
9 voting at the special election approves the changed plan, it
10 becomes effective at the beginning of the term following the
11 next regular city election. If a majority does not approve
12 the changed plan, the council shall not submit another
13 proposal to change a plan to the voters within the next two
14 years.

15 Sec. 80. Section 376.2, unnumbered paragraph 2, Code 2005,
16 is amended to read as follows:

17 Except as otherwise provided by state law or the city
18 charter, terms for elective offices are two years. However,
19 the term of an elective office may be changed to two or four
20 years by petition and election. Upon receipt of a valid
21 petition as defined in section 362.4, requesting that the term
22 of an elective office be changed, the council shall submit the
23 question at a special city election ~~to-be-held-within-sixty~~
24 ~~days-after-the-petition-is-received~~. ~~The-special-election~~
25 ~~shall-be-held-more-than-ninety-days-before-the-regular-city~~
26 ~~election-if-the-change-shall-go-into-effect-at-the-next~~
27 ~~regular-city-election~~. If a majority of the persons voting at
28 the special election approves the changed term, it becomes
29 effective at the beginning of the term following the next
30 regular city election. If a majority does not approve the
31 changed term, the council shall not submit the same proposal
32 to the voters within the next four years.

33 Sec. 81. Section 384.26, subsection 2, unnumbered
34 paragraph 1, Code 2005, is amended to read as follows:

35 Before the council may institute proceedings for the

1 issuance of bonds for a general corporate purpose, it shall
2 call a special city election to vote upon the question of
3 issuing the bonds. At the election the proposition must be
4 submitted in the following form:

5 Sec. 82. Section 423B.1, subsection 5, Code 2005, is
6 amended to read as follows:

7 5. The county commissioner of elections shall submit the
8 question of imposition of a local option tax at a state
9 general election or at a special election held ~~at any time~~
10 ~~other than the time of a city regular election~~ on the second
11 Tuesday in March. The election shall not be held sooner than
12 sixty days after publication of notice of the ballot
13 proposition. The ballot proposition shall specify the type
14 and rate of tax and in the case of a vehicle tax the classes
15 that will be exempt and in the case of a local sales and
16 services tax the date it will be imposed which date shall not
17 be earlier than ninety days following the election. The
18 ballot proposition shall also specify the approximate amount
19 of local option tax revenues that will be used for property
20 tax relief and shall contain a statement as to the specific
21 purpose or purposes for which the revenues shall otherwise be
22 expended. If the county board of supervisors decides under
23 subsection 6 to specify a date on which the local option sales
24 and services tax shall automatically be repealed, the date of
25 the repeal shall also be specified on the ballot. The rate of
26 the vehicle tax shall be in increments of one dollar per
27 vehicle as set by the petition seeking to impose the tax. The
28 rate of a local sales and services tax shall not be more than
29 one percent as set by the governing body. The state
30 commissioner of elections shall establish by rule the form for
31 the ballot proposition which form shall be uniform throughout
32 the state.

33 Sec. 83. Section 423E.2, subsection 2, paragraph a, Code
34 2005, is amended to read as follows:

35 a. Upon receipt by a county board of supervisors of a

1 petition requesting imposition of a local sales and services
2 tax for infrastructure purposes, signed by eligible electors
3 of the whole county equal in number to five percent of the
4 persons in the whole county who voted at the last preceding
5 state general election, the board shall within thirty days
6 direct the county commissioner of elections to submit the
7 question of imposition of the tax to the registered voters of
8 the whole county at the general election or at a special
9 election.

10 Sec. 84. Section 277.2, Code 2005, is repealed.

11 Sec. 85. APPLICABILITY DATE. This division of this Act
12 applies to elections held on or after January 1, 2006.

13 DIVISION V

14 ELECTION OF SCHOOL CORPORATION

15 BOARDS OF DIRECTORS

16 Sec. 86. Section 39.24, Code 2005, is amended to read as
17 follows:

18 39.24 SCHOOL OFFICERS.

19 Members of boards of directors of community and independent
20 school districts, and boards of directors of merged areas
21 shall be elected at the school election. Their terms of
22 office shall be ~~three~~ four years, except as otherwise provided
23 by section 260C.11, 260C.13, or 275.23A, 275.37, or 275.37A.

24 Sec. 87. Section 260C.11, unnumbered paragraph 1, Code
25 2005, is amended to read as follows:

26 The governing board of a merged area is a board of
27 directors composed of one member elected from each director
28 district in the area by the electors of the respective
29 district. Members of the board shall be residents of the
30 district from which elected. Successors shall be chosen at
31 the ~~annual~~ regular school elections for members whose terms
32 expire. The term of a member of the board of directors is
33 ~~three~~ four years and commences at the organization meeting.
34 Vacancies on the board shall be filled at the next regular
35 meeting of the board by appointment by the remaining members

1 of the board. A member so chosen shall be a resident of the
2 district in which the vacancy occurred and shall serve until a
3 member is elected pursuant to section 69.12 to fill the
4 vacancy for the balance of the unexpired term. A vacancy is
5 defined in section 277.29. A member shall not serve on the
6 board of directors who is a member of a board of directors of
7 a local school district or a member of an area education
8 agency board.

9 Sec. 88. Section 260C.12, unnumbered paragraph 1, Code
10 2005, is amended to read as follows:

11 The board of directors of the merged area shall organize at
12 the first regular meeting in October ~~of each year~~ following
13 the regular school election. Organization of the board shall
14 be effected by the election of a president and other officers
15 from the board membership as board members determine. The
16 board of directors shall appoint a secretary and a treasurer
17 who shall each give bond as prescribed in section 291.2 and
18 who shall each receive the salary determined by the board.
19 The secretary and treasurer shall perform duties under chapter
20 291 and additional duties the board of directors deems
21 necessary. However, the board may appoint one person to serve
22 as the secretary and treasurer. If one person serves as the
23 secretary and treasurer, only one bond is necessary for that
24 person. The frequency of meetings other than organizational
25 meetings shall be as determined by the board of directors but
26 the president or a majority of the members may call a special
27 meeting at any time.

28 Sec. 89. Section 260C.13, subsection 1, Code 2005, is
29 amended to read as follows:

30 1. The board of a merged area may change the number of
31 directors on the board and shall make corresponding changes in
32 the boundaries of director districts. Changes shall be
33 completed not later than June 1 ~~for the regular school~~
34 ~~election to be held the next following September~~ of the year
35 of the regular school election. As soon as possible after

1 adoption of the boundary changes, notice of changes in the
2 director district boundaries shall be submitted by the merged
3 area to the county commissioner of elections in all counties
4 included in whole or in part in the merged area.

5 Sec. 90. Section 260C.15, subsection 1, Code 2005, is
6 amended to read as follows:

7 1. Regular elections held ~~annually~~ by the merged area for
8 the election of members of the board of directors as required
9 by section 260C.11, for the renewal of the twenty and one-
10 fourth cents per thousand dollars of assessed valuation levy
11 authorized in section 260C.22, or for any other matter
12 authorized by law and designated for election by the board of
13 directors of the merged area, shall be held on the date of the
14 school election as fixed by section 277.1. The election
15 notice shall be made a part of the local school election
16 notice published as provided in section 49.53 in each local
17 school district where voting is to occur in the merged area
18 election and the election shall be conducted by the county
19 commissioner of elections pursuant to chapters 39 to 53 and
20 section 277.20.

21 Sec. 91. Section 260C.22, subsection 1, paragraph a, Code
22 2005, is amended to read as follows:

23 a. In addition to the tax authorized under section
24 260C.17, the voters in any a merged area may at the ~~annual~~
25 regular school election vote a tax not exceeding twenty and
26 one-fourth cents per thousand dollars of assessed value in any
27 one year for a period not to exceed ten years for the purchase
28 of grounds, construction of buildings, payment of debts
29 contracted for the construction of buildings, purchase of
30 buildings and equipment for buildings, and the acquisition of
31 libraries, for the purpose of paying costs of utilities, and
32 for the purpose of maintaining, remodeling, improving, or
33 expanding the community college of the merged area. If the
34 tax levy is approved under this section, the costs of
35 utilities shall be paid from the proceeds of the levy. The

1 tax shall be collected by the county treasurers and remitted
2 to the treasurer of the merged area as provided in section
3 331.552, subsection 29. The proceeds of the tax shall be
4 deposited in a separate and distinct fund to be known as the
5 voted tax fund, to be paid out upon warrants drawn by the
6 president and secretary of the board of directors of the
7 merged area district for the payment of costs incurred in
8 providing the school facilities for which the tax was voted.

9 Sec. 92. Section 273.8, subsections 1 and 7, Code 2005,
10 are amended to read as follows:

11 1. BOARD OF DIRECTORS. The board of directors of an area
12 education agency shall consist of not less than five nor more
13 than nine members, each a resident of and elected in the
14 manner provided in this section from a director district that
15 is approximately equal in population to the other director
16 districts in the area education agency. Each director shall
17 serve a ~~three-year~~ four-year term which commences at the
18 organization meeting.

19 7. BOUNDARY LINE CHANGES. To the extent possible the
20 board shall provide that changes in the boundary lines of
21 director districts of area education agencies shall not
22 lengthen or diminish the term of office of a director of an
23 area education agency board. Initial terms of office shall be
24 set by the board so that as nearly as possible the terms of
25 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

26 Sec. 93. Section 273.8, subsection 2, paragraphs a and b,
27 Code 2005, are amended to read as follows:

28 a. Notice of the election shall be published by the area
29 education agency administrator not later than July 15 of the
30 odd-numbered year in at least one newspaper of general
31 circulation in the director district. The cost of publication
32 shall be paid by the area education agency.

33 b. A candidate for election to the area education agency
34 board shall file a statement of candidacy with the area
35 education agency secretary not later than August 15 of the

1 odd-numbered year, on forms prescribed by the department of
2 education. The statement of candidacy shall include the
3 candidate's name, address, and school district. The list of
4 candidates shall be sent by the secretary of the area
5 education agency in ballot form by certified mail to the
6 presidents of the boards of directors of all school districts
7 within the director district not later than September 1. In
8 order for the ballot to be counted, the ballot must be
9 received in the secretary's office by the end of the normal
10 business day on September 30 or be clearly postmarked by an
11 officially authorized postal service not later than September
12 29 and received by the secretary not later than noon on the
13 first Monday following September 30.

14 Sec. 94. Section 273.8, subsection 4, unnumbered paragraph
15 1, Code 2005, is amended to read as follows:

16 The board of directors of each area education agency shall
17 meet and organize at the first regular meeting in October of
18 each-year following the regular school election at a suitable
19 place designated by the president. Directors whose terms
20 commence at the organization meeting shall qualify by taking
21 the oath of office required by section 277.28 at or before the
22 organization meeting.

23 Sec. 95. Section 274.7, Code 2005, is amended to read as
24 follows:

25 274.7 DIRECTORS.

26 The affairs of each school corporation shall be conducted
27 by a board of directors, the members of which in all community
28 or independent school districts shall be chosen for a term of
29 three four years.

30 Sec. 96. Section 275.1, subsections 2 and 5, Code 2005,
31 are amended to read as follows:

32 2. "Initial board" means the board of a newly reorganized
33 district that is selected pursuant to section 275.25 or 275.41
34 and functions until the organizational meeting following the
35 fourth third regular school election held after the effective

1 date of the reorganization.

2 5. "Regular board" means the board of a reorganized
3 district that begins to function at the organizational meeting
4 following the ~~fourth~~ third regular school election held after
5 the effective date of the school reorganization, and is
6 comprised of members who were elected to the current terms or
7 were appointed to replace members who were elected.

8 Sec. 97. Section 275.12, subsection 2, paragraphs b, c, d,
9 and e, Code 2005, are amended to read as follows:

10 b. Division of the entire school district into designated
11 geographical single director or multi-director subdistricts on
12 the basis of population for each director, to be known as
13 director districts, each of which ~~director-districts~~ shall be
14 represented on the school board by one or more directors who
15 shall be residents of the director district but who shall be
16 elected by the vote of the electors of the entire school
17 district. The boundaries of the director districts and the
18 area and population included within each district shall be
19 such as justice, equity, and the interests of the people may
20 require. Changes in the boundaries of director districts
21 shall not be made during a period commencing sixty days prior
22 to the date of the ~~annual~~ regular school election. ~~Insofar~~ As
23 far as ~~may-be~~ practicable, the boundaries of the districts
24 shall follow established political or natural geographical
25 divisions.

26 c. Election of not more than one-half of the total number
27 of school directors at large from the entire district and the
28 remaining directors from and as residents of designated
29 single-member or multimember director districts into which the
30 entire school district shall be divided on the basis of
31 population for each director. In such case, all directors
32 shall be elected by the electors of the entire school
33 district. Changes in the boundaries of director districts
34 shall not be made during a period commencing sixty days prior
35 to the date of the ~~annual~~ regular school election.

1 d. Division of the entire school district into designated
2 geographical single director or multi-director subdistricts on
3 the basis of population for each director, to be known as
4 director districts, each of which ~~director-districts~~ shall be
5 represented on the school board by one or more directors who
6 shall be residents of the director district and who shall be
7 elected by the voters of the director district. Place of
8 voting in the director districts shall be designated by the
9 commissioner of elections. Changes in the boundaries of
10 director districts shall not be made during a period
11 commencing sixty days prior to the date of the ~~annual~~ regular
12 school election.

13 e. In districts having seven directors, election of three
14 directors at large by the electors of the entire district, ~~one~~
15 no more than two at each ~~annual~~ regular school election, and
16 election of the remaining directors as residents of and by the
17 electors of individual geographic subdistricts established on
18 the basis of population and identified as director districts,
19 no more than two at a regular school election. Boundaries of
20 the subdistricts shall follow precinct boundaries, ~~insofar as~~
21 far as practicable, and shall not be changed less than sixty
22 days prior to the ~~annual~~ regular school election.

23 Sec. 98. Section 275.25, subsection 3, Code 2005, is
24 amended to read as follows:

25 3. The directors who are elected and qualify to serve
26 shall serve until their successors are elected and qualify.
27 At the special election, the newly elected ~~director~~ directors
28 receiving the most votes shall be elected to serve until the
29 ~~director's-successor-qualifies~~ their successors qualify after
30 the ~~fourth~~ third regular school election date occurring after
31 the effective date of the reorganization; and the two newly
32 elected directors receiving the next largest number of votes
33 shall be elected to serve until the directors' successors
34 qualify after the ~~third~~ second regular school election date
35 occurring after the effective date of the reorganization; ~~and~~

~~1 the two newly elected directors receiving the next largest~~
~~2 number of votes shall be elected to serve until the directors'~~
~~3 successors qualify after the second regular school election~~
~~4 date occurring after the effective date of the reorganization.~~
 5 However, in districts that include all or a part of a city of
 6 fifteen thousand or more population and in districts in which
 7 the proposition to establish a new corporation provides for
 8 the election of seven directors, the ~~three newly elected~~
 9 ~~directors receiving the most votes shall be elected to serve~~
 10 ~~until the directors' successors qualify after the fourth~~
 11 ~~regular school election date occurring after the effective~~
 12 ~~date of the reorganization~~ timelines specified in this
 13 subsection for the terms of office apply to the four newly
 14 elected directors receiving the most votes and then to the
 15 three newly elected directors receiving the next largest
 16 number of votes.

17 Sec. 99. Section 275.37, Code 2005, is amended to read as
 18 follows:

19 275.37 INCREASE IN NUMBER OF DIRECTORS.

20 At the next succeeding ~~annual~~ regular school election in a
 21 district where the number of directors has been increased from
 22 five to seven, and directors are elected at large, there shall
 23 be elected a director to succeed each incumbent director whose
 24 term is expiring in that year, and two additional directors.
 25 Upon organizing as required by section 279.1, either one or
 26 two of the newly elected ~~director~~ directors who received the
 27 fewest votes in the election shall be assigned a term of
 28 ~~either one year or~~ two years if as necessary in order that as
 29 nearly as possible ~~one-third~~ one-half of the members of the
 30 board shall be elected ~~each year~~ biennially. If some or all
 31 directors are elected from director districts, the board shall
 32 assign terms appropriate for the method of election used by
 33 the district.

34 Sec. 100. Section 275.37A, Code 2005, is amended to read
 35 as follows:

1 275.37A DECREASE IN NUMBER OF DIRECTORS.

2 1. A change from seven to five directors shall be effected
3 in a district at the first regular school election after
4 authorization by the voters in the following manner:

5 a. If at the first election in the district there are
6 three ~~four~~ terms expiring, one-director ~~three directors~~ shall
7 be elected. At the second election in that district, if two
8 three terms are expiring, two directors shall be elected. At
9 ~~the-third-election-in-that-district, if there are two terms~~
10 ~~expiring, two directors shall be elected.~~

11 b. If at the first election there are two ~~three~~ terms
12 expiring, no ~~two~~ directors shall be elected. At the second
13 election in that district, if two ~~four~~ terms are expiring, two
14 three directors shall be elected. ~~At the third election in~~
15 ~~that district, if there are three terms expiring, three~~
16 ~~directors shall be elected, two for three years and one for~~
17 ~~one year.--The newly-elected director who received the fewest~~
18 ~~votes in the election shall be assigned a term of one year.~~

19 ~~c.--If at the first election there are two terms expiring,~~
20 ~~no directors shall be elected.--At the second election in that~~
21 ~~district, if three terms are expiring, three directors shall~~
22 ~~be elected, two for three years and one for two years.--The~~
23 ~~newly-elected director who received the fewest votes in the~~
24 ~~election shall be assigned a term of two years.--At the third~~
25 ~~election in that district, if there are two terms expiring,~~
26 ~~two directors shall be elected.~~

27 2. If some or all of the directors are elected from
28 director districts, the board shall devise a plan to reduce
29 the number of members so that as nearly as possible one-third
30 one-half of the members of the board shall be elected each
31 year biennially and so that each district will be continuously
32 represented.

33 Sec. 101. Section 275.38, Code 2005, is amended to read as
34 follows:

35 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

1 If change in the method of election of school directors is
2 approved at a regular or special school election, the
3 directors who were serving unexpired terms or were elected
4 concurrently with approval of the change of method shall serve
5 out the terms for which they were elected. If the plan
6 adopted is that described in section 275.12, subsection 2,
7 paragraph "~~b~~"-"~~e~~"-"~~d~~"-or-"~~e~~" "b", "c", "d", or "e", the
8 board shall at the earliest practicable time designate the
9 districts from which residents are to be elected as school
10 directors at each of the next ~~three~~ two succeeding ~~annual~~
11 regular school elections, arranging so far as possible for
12 elections of directors as residents of the respective
13 districts to coincide with the expiration of terms of
14 incumbent members residing in those districts. If an increase
15 in the size of the board from five to seven members is
16 approved concurrently with the change in method of election of
17 directors, the board shall make the necessary adjustment in
18 the manner prescribed in section 275.37, as well as providing
19 for implementation of the districting plan under this section.

20 Sec. 102. Section 275.41, subsection 3, Code 2005, is
21 amended to read as follows:

22 3. Prior to the effective date of the reorganization, the
23 initial board shall approve a plan that commences at the
24 ~~second~~ first regular school election held after the effective
25 date of the merger and is completed at the ~~fourth~~ third
26 regular school election held after the effective date of the
27 merger, to replace the initial board with the regular board.
28 If the petition specifies a number of directors on the regular
29 board to be different from the number of directors on the
30 initial board, the plan shall provide that the number
31 specified in the petition for the regular board is in place by
32 the time the regular board is formed. The plan shall provide
33 that as nearly as possible ~~one-third~~ one-half of the members
34 of the board shall be elected ~~each-year~~ biennially, and if a
35 special election was held to elect a member to create an odd

1 number of members on the board, the term of that member shall
2 end at the organizational meeting following the fourth third
3 regular school election held after the effective date.

4 Sec. 103. Section 277.1, Code 2005, is amended to read as
5 follows:

6 277.1 REGULAR ELECTION.

7 The regular election shall be held ~~annually~~ biennially on
8 the second Tuesday in September of each odd-numbered year in
9 each school district for the election of officers of the
10 district and merged area and for the purpose of submitting to
11 the voters any matter authorized by law.

12 Sec. 104. Section 277.25, Code 2005, is amended to read as
13 follows:

14 277.25 DIRECTORS IN NEW DISTRICTS.

15 At the first election in newly organized districts the
16 directors shall be elected as follows:

17 1. In districts having three directors, ~~one-director~~ two
18 directors shall be elected for ~~one-year,~~ one-for two years,
19 and one for ~~three~~ four years.

20 2. In districts having five directors, ~~two~~ three shall be
21 elected for ~~one-year,~~ two-for two years, and ~~one~~ two for ~~three~~
22 four years.

23 3. In districts having seven directors, ~~two~~ four shall be
24 elected for ~~one-year,~~ two-for two years, and three for ~~three~~
25 four years.

26 Sec. 105. Section 278.2, unnumbered paragraph 2, Code
27 2005, is amended to read as follows:

28 Petitions filed under this section shall be filed with the
29 secretary of the school board at least seventy-five days
30 before the date of the ~~annual~~ regular school election, if the
31 question is to be included on the ballot at that election.
32 The petition shall include the signatures of the petitioners,
33 a statement of their place of residence, and the date on which
34 they signed the petition.

35 Sec. 106. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.

1 This division of this Act, being deemed of immediate
2 importance, takes effect upon enactment, for purposes of the
3 transition from election of directors of community and
4 independent school districts, merged areas, and area education
5 agencies annually from terms of three years each to the
6 staggered election of such directors biennially for terms of
7 four years each. This Act shall be applied so that the first
8 election at which directors, due to the expiration of
9 predecessor director terms, shall be elected to serve regular
10 four-year terms is the regular school election held in
11 September 2007 or the director district conventions held in
12 September 2007.

13 The board of directors of each affected school district and
14 each merged area and area education agency shall review the
15 expiration dates of the terms of office of its directors and
16 shall adopt by resolution a plan for shortening or lengthening
17 terms of members for the annual school election or director
18 district convention held in September 2005 and September 2006
19 so that all members whose terms expire at the regular school
20 election or director district convention held in September
21 2007 will be elected to four-year terms with the remaining
22 members of the board having their terms expire at the regular
23 school election or director district convention held in
24 September 2009. The board shall submit a copy of the
25 resolution adopting its plan to the office of the state
26 commissioner of elections no later than August 1, 2006. In
27 developing the plan, the board of directors shall take into
28 consideration the terms for which the members were elected and
29 the number of votes the members received in relation to the
30 number of votes other candidates received at the applicable
31 election or director district convention.

32

EXPLANATION

33 This bill makes various changes to the Code relating to the
34 conduct of elections, voting, and voter registration.

35 Division I of the bill amends provisions relating to the

1 conduct of elections as follows:

2 Code section 43.6 is amended to provide that if a vacancy
3 in a county office occurs more than 73 days before the primary
4 election, political party candidates to fill that office at
5 the general elections shall be nominated at the primary
6 election.

7 Code sections 43.14 and 45.5, relating to the form of
8 nomination papers filed for the primary election or filed by
9 persons nominated by petition, are amended to provide that a
10 signature line shall not be counted if the signer's address is
11 outside of the appropriate area or district. Code section
12 45.5 is further amended, along with Code section 45.6, to
13 clarify that a person signing a nomination petition must be a
14 resident of the appropriate ward, city, county, or district.

15 Code sections 47.1 and 47.7 are amended to provide that any
16 expenditure of money by the state commissioner of elections,
17 the state registrar of voters, or the voter registration
18 commission which exceeds \$100,000 and is related to
19 implementation of the Help America Vote Act must first be
20 approved by the legislative council. The secretary of state
21 serves as the state commissioner of elections and the state
22 registrar of voters.

23 Code section 49.14 is amended to remove the requirement
24 that a majority of the members of the original precinct
25 election board be present at the precinct polling place at all
26 times on election day. However, the division does require
27 that the chairperson of the precinct election board be present
28 at the precinct polling place at all times on election day.
29 The amendment also requires that a substitute precinct
30 election official be a member of the same political party as
31 the election official for whom the substitution is made.

32 Code section 49.57 is amended to remove the requirement
33 that the names of candidates and political parties appear in
34 all capital letters on ballots. The section is also amended
35 to allow the names of political parties and nonparty political

1 organizations to be abbreviated on ballots if the
2 abbreviations are printed with the full name in the "Straight
3 Party" and "Other Political Party" areas of the ballot.
4 Finally, the Code section is amended to require a minimum font
5 size on ballots for constitutional convention questions,
6 constitutional amendments, and public measures. A
7 corresponding amendment is made to Code section 52.25.

8 Code section 49.73 is amended to change the time for
9 closing precinct polling places from 9 p.m. to 8 p.m. for all
10 elections.

11 Code section 49.77 is amended to specify that the
12 requirement that a voter whose name does not appear on the
13 election register show identification is in order to establish
14 residency in the precinct. The Code section is also amended
15 to require that all voters show photographic identification
16 containing the signature of the voter.

17 Code section 49.79 is amended to provide a specific list of
18 reasons that a person may be challenged as unqualified to
19 vote.

20 Code section 50.16, relating to preparation of tally lists,
21 is amended to make a technical correction changing "officer"
22 to "office" and is further amended to remove the A.D. (anno
23 Domini) abbreviation from the space for the date on the tally
24 list.

25 The division repeals Code section 39A.6 which allowed the
26 state commissioner of elections or a county commissioner of
27 elections to notify a person if the person has committed a
28 technical violation of the election laws.

29 This division of the bill applies to elections held on or
30 after January 1, 2006.

31 Division II of the bill makes changes relating to absentee
32 voting.

33 Code section 39A.4 is amended to prohibit incumbent
34 officeholders and candidates seeking offices on the ballot
35 from serving as observers or challengers of the process of

1 counting absentee ballots. Candidates and officeholders are
2 currently prohibited from serving in this capacity at the
3 polls on election day.

4 Code section 53.8 is amended to clarify that voters who
5 expect to be patients or residents of health care facilities
6 or hospitals on election day are not prohibited from voting
7 absentee in person at the commissioner's office.

8 Code section 53.17 is amended to prohibit an absentee
9 ballot courier from assisting a voter in completing an
10 absentee ballot.

11 Code section 53.23 is amended to add that information which
12 is unlawful to convey regarding the progress of the counting
13 of ballots by the special precinct election board includes the
14 names of voters whose ballots have been rejected.

15 Code section 53.38 is amended to provide that military and
16 overseas voters are not subject to the requirement for persons
17 registering by mail to provide identification when voting nor
18 are they subject to the requirement that identification
19 numbers on absentee ballots be verified.

20 Code section 53.41 is amended to provide that if more than
21 one request is received by the commissioner for an absentee
22 ballot for a military and overseas voter, the last request
23 received shall be honored, except that the voter's request
24 shall take preference over a request made by another person on
25 the voter's behalf. Code section 53.41 is also amended to
26 allow military and overseas voters to update their absentee
27 ballot requests with new address information during the two-
28 year period covered by the original application. The Code
29 section is also amended to permit the mailing of a replacement
30 absentee ballot to a military or overseas voter who reports a
31 change of address after a ballot has been mailed to the voter.

32 Code section 53.44 is amended to exempt military and
33 overseas voters from the restrictions that apply to returning
34 absentee ballots.

35 Code section 53.53 is amended to allow a member of the

1 armed forces to return an absentee ballot from within the
2 United States if the person is on active duty within the
3 United States. The Code section is also amended to strike the
4 requirement that a voter submitting a federal write-in ballot
5 also apply for a regular absentee ballot more than 30 days
6 before the election.

7 Code section 53.11, allowing for satellite absentee voting,
8 is repealed and corresponding amendments are made to Code
9 sections 49.63, 53.7, 53.8, and 53.22.

10 This division of the bill applies to elections held on or
11 after January 1, 2006.

12 Division III of the bill makes changes relating to voter
13 registration.

14 Code section 48A.2 is amended to add a definition of "voter
15 registration list".

16 Code section 48A.7 is amended to provide that a person who
17 registers to vote immediately before requesting an absentee
18 ballot in person shall show identification required of certain
19 registrants who register to vote by mail. If the person does
20 not provide the identification, the person may vote a
21 provisional ballot. A corresponding amendment is made to Code
22 section 49.81.

23 Code section 48A.11 is amended to provide that a voter
24 registration application lacking the signature of the
25 registrant shall not be processed.

26 Code section 48A.25A is amended to include the social
27 security administration, along with the state department of
28 transportation, as a source for verifying the last four digits
29 of the social security number provided by a voter registration
30 applicant. The Code section is also amended to clarify that
31 it is the county commissioner of registration who is
32 responsible for verifying voter registration application
33 information. The Code section is also amended to require that
34 all voter registration applications received by mail shall
35 have identification numbers verified. Finally, the Code

1 section is amended to provide that all military and overseas
2 voters are exempt from the verification requirements.

3 This division of the bill applies to elections held on or
4 after January 1, 2006.

5 Division IV makes changes relating to the dates that
6 certain local government special elections can be held.

7 The division provides that special elections of a county or
8 city shall be held on the day of the general election, on the
9 day of the regular city election, on the first Tuesday in
10 February of each year, or on the second Tuesday of July of
11 each year. The division also provides that merged area and
12 school district special elections shall be held on the day of
13 the regular school election, on the second Tuesday in January,
14 on the second Tuesday in April, or on the second Tuesday in
15 September of each even-numbered year. The division applies to
16 elections on public measures and not to special elections to
17 elect public officers of a school corporation, county, or
18 city.

19 The division amends Code section 47.6 to conform filing
20 deadlines to the special election dates, including filing
21 deadlines for vacancies in city or county offices.

22 The division amends Code section 69.12 to strike the filing
23 deadline for vacancies that occur 40 days before a special
24 election.

25 Code section 331.207 is amended to provide that the special
26 election to change a county board of supervisors
27 representation plan is changed from within 60 days after the
28 day the petition was received to the second Tuesday in March
29 of the odd-numbered year.

30 Code section 368.19 is amended to change the timeline for
31 holding city incorporation elections to conform to the filing
32 deadlines for special elections.

33 The division does not amend provisions relating to special
34 elections which are held at no cost to the city or county.

35 These include special elections for designation of an official

1 county fair, city franchise elections, and city incorporation
2 elections (depending on the outcome of the election).

3 This division of the bill applies to elections held on or
4 after January 1, 2006.

5 Division V of the bill provides for the election of the
6 directors of local school districts and merged areas in
7 September in odd-numbered years. Area education agencies are
8 required by law to hold their director district conventions
9 within two weeks of the regular school election. Area
10 education agency board directors are elected at those
11 conventions. In order to accomplish these purposes, the
12 division changes the terms of all of these directors from
13 three to four years and provides for a transition period.

14 The division takes effect upon enactment for purposes of
15 holding the area education agency director district
16 conventions in September 2007, and the first biennial regular
17 school election in September 2007.

18 Additional conforming amendments to the Code may be
19 necessary to fully implement the division's provisions.

20

HOUSE FILE 793

H-1179

1 Amend the amendment, H-1104, to House File 793 as
2 follows:

3 1. Page 2, by inserting after line 2, the
4 following:

5 "____. Page 7, by striking lines 6 through 24."

6 2. Page 13, by inserting after line 13, the
7 following:

8 "____. Title page 1, lines 8 and 9, by striking
9 the words "modifying closing hours of the polls,"."

10 3. By renumbering as necessary.

By JOCHUM of Dubuque.

H-1179 FILED MARCH 24, 2005

33

34

35

HOUSE FILE 793

H-1104

1 Amend House File 793 as follows:

2 1. Page 5, by striking lines 12 through 30.

3 2. Page 5, by inserting before line 31, the
4 following:

5 "Sec. _____. Section 49.13, Code 2005, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 5. The commissioner may appoint
8 high school students who are not yet qualified to be
9 registered voters to serve as precinct election board
10 members.

11 a. To qualify to serve as a precinct election
12 board member, a high school student shall:

13 (1) Be a United States citizen.

14 (2) Be a junior or senior in good standing
15 enrolled in a public or private secondary school in
16 Iowa.

17 (3) Have a cumulative grade point average
18 equivalent to at least 2.0 on a 4.0 scale.

19 (4) At the time of appointment, have the written
20 approval of the principal of the secondary school the
21 student attends.

22 (5) Have the written approval of the student's
23 parent or legal guardian.

24 (6) Have satisfactorily completed the training
25 course for election officials.

26 (7) Meet all other qualifications for appointment
27 and service as an election board member except the
28 requirement of being a registered voter.

29 b. No more than one student precinct election
30 board member may serve on each precinct election
31 board.

32 c. Student precinct election board members shall
33 not serve as the chairperson of a precinct election
34 board.

35 d. Before serving at a partisan election, the
36 student election precinct board member must certify in
37 writing to the commissioner the political party with
38 which the student is affiliated.

39 e. Student precinct election board members shall
40 not be counted as absent from school on the day they
41 serve as election officials.

42 f. Student precinct election board members shall
43 not be allowed to work more hours than allowed under
44 the applicable labor laws."

45 3. Page 6, by inserting after line 16, the
46 following:

47 "Sec. _____. Section 49.15, Code 2005, is amended by
48 adding the following new unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. In drawing up precinct
50 election board panels, the commissioner may use

H-1104

1 student precinct election board members appointed
2 pursuant to section 49.13, subsection 5."
3 4. By striking page 7, line 25, through page 8,
4 line 1.
5 5. By striking page 10, line 35, through page 11,
6 line 1, and inserting the following: "ballots to
7 absent voters as provided by sections 53.8, 53.10, and
8 53.11. The printed ballots shall be subject to the".
9 6. Page 11, line 16, by striking the figures
10 "~~53.11~~ 53.10" and inserting the following: "53.10 or
11 53.11".
12 7. Page 11, line 25, by striking the figures
13 "~~53.11~~ 53.10" and inserting the following: "53.10 or
14 53.11".
15 8. Page 11, line 35, by striking the figures
16 "~~53.11~~ 53.10," and inserting the following: "53.10 or
17 53.11".
18 9. Page 16, by striking line 4.
19 10. Page 17, by inserting before line 3, the
20 following:
21 "Sec. ____ . NEW SECTION. 48A.9A ELECTION DAY
22 REGISTRATION.
23 1. Notwithstanding any other provision to the
24 contrary, an individual who is eligible to vote may
25 register on election day by appearing in person at the
26 polling place for the precinct in which the individual
27 maintains residence, by completing a registration
28 application, making an oath in the form prescribed by
29 the secretary of state, and providing proof of
30 residence. An individual may prove residence for
31 purposes of registering by doing any of the following:
32 a. Presenting an Iowa driver's license or Iowa
33 nonoperator's identification card.
34 b. Presenting any document approved by the
35 secretary of state as proper identification.
36 c. Presenting one of the following:
37 (1) A current valid student identification card
38 from a postsecondary educational institution in Iowa,
39 if a list of students from that institution has been
40 prepared and certified to the county auditor in the
41 manner provided in rules of the secretary of state.
42 (2) A current student fee statement that contains
43 the student's valid address in the precinct together
44 with a picture identification card.
45 d. Having a voter who is register to vote in the
46 precinct sign an oath in the presence of the precinct
47 election official vouching that the voter personally
48 knows that the individual is a resident of the
49 precinct. A voter who has been vouched for on
50 election day may not sign a proof of residence oath

1 vouching for any other individual on that election
2 day.
3 2. The precinct election official responsible for
4 election day registration shall initial each completed
5 registration application.

6 3. Registration at the polling place on election
7 day shall be conducted by a precinct election official
8 designated by the commissioner. The precinct election
9 official who registers an individual at the polling
10 place on election day shall not handle that voter's
11 ballots at any time prior to the opening of the ballot
12 box after the voting ends. Registration forms and
13 forms for oaths shall be available at each polling
14 place. If an individual who registers on election day
15 proves residence by oath of a registered voter, the
16 form containing the oath shall be attached to the
17 individual's registration card. Registration cards
18 completed on election day shall be forwarded to the
19 commissioner of registration who shall add the name of
20 each voter to the registration system unless the
21 information forwarded is substantially deficient. A
22 commissioner of registration who finds an election day
23 registration substantially deficient shall give
24 written notice to the individual whose registration is
25 found deficient. An election day registration shall
26 not be found deficient solely because the individual
27 who vouched for proof of residence was ineligible to
28 do so."

29 11. Page 52, by inserting before line 32, the
30 following:

31 "DIVISION
32 MAIL BALLOT ELECTIONS

33 Sec. ____ . NEW SECTION. 49B.1 MAIL BALLOT
34 ELECTIONS.

35 A mail ballot election may be conducted in cities
36 with a population of two hundred or less as provided
37 in this chapter.

38 Sec. ____ . NEW SECTION. 49B.2 DEFINITIONS.

39 As used in this chapter, unless the context
40 otherwise requires:

41 1. "Election day" is the date established by law
42 on which a particular election would be held if that
43 election were being conducted by means other than a
44 mail ballot election.

45 2. "Return verification envelope" means an
46 envelope that contains a secrecy envelope and that is
47 designed to allow election officials, upon examination
48 of the outside of the envelope, to determine that the
49 ballot is being submitted by someone who is in fact a
50 registered voter and who has not already voted.

1 3. "Secrecy envelope" means an envelope that is
2 used to contain the elector's ballot and that is
3 designed to conceal the voter's vote and to prevent
4 the voter's ballot from being distinguished from the
5 ballots of other voters.

6 Sec. ____ . NEW SECTION. 49B.3 MAIL BALLOT
7 ELECTION PROCEDURE.

8 The state commissioner of elections shall prescribe
9 uniform procedures and forms to be used in the conduct
10 of mail ballot elections.

11 Sec. ____ . NEW SECTION. 49B.4 INITIATION BY
12 GOVERNING BODY.

13 1. If the city council of a city with a population
14 of two hundred or less determines that it is
15 economically and administratively feasible to conduct
16 the regular city election or a special city election
17 by mail, the city council, by resolution, may require
18 the county commissioner of elections to conduct the
19 election under this chapter by filing the resolution
20 with the county commissioner not later than ninety
21 days before the date of the election.

22 2. After the resolution is filed, the county
23 commissioner shall prepare a written plan for
24 conducting the election as provided in section 49B.5.
25 At least seventy-one days before the date set for the
26 election, the county commissioner shall forward a copy
27 of the written plan to the city council concerned.

28 Sec. ____ . NEW SECTION. 49B.5 WRITTEN PLAN FOR
29 CONDUCTING ELECTION -- AMENDMENTS -- APPROVAL
30 PROCEDURE.

31 1. The county commissioner shall prepare a written
32 plan, including a timetable, for conducting a mail
33 ballot election and shall submit it to the state
34 commissioner of elections at least seventy-one days
35 before the date of the election.

36 2. The plan may be amended by the county
37 commissioner any time before the sixty-fourth day
38 before the date of the election by notifying the state
39 commissioner of elections in writing of any changes.

40 3. Within five days after receiving the plan, and
41 as soon as possible after receiving any amendments,
42 the state commissioner of elections shall approve,
43 disapprove, or recommend changes to the plan or
44 amendments. The final plan shall be approved and
45 available to the public at least two days before the
46 deadline for candidates to file nomination papers in
47 the office of the city clerk.

48 4. When the written plan has been approved, the
49 county commissioner shall proceed to conduct the
50 election according to the approved plan.

1 Sec. ____ . NEW SECTION. 49B.6 PUBLICATION OF
2 NOTICE.

3 The county commissioner shall, not more than ten
4 days and not less than four days before the date that
5 ballots are to be mailed, publish notice that a mail
6 ballot election will be conducted. The notice shall
7 be published in a newspaper of general circulation in
8 each city for which the mail ballot election will be
9 conducted. The notice shall include all of the
10 following information:

- 11 1. The date ballots will be mailed.
 - 12 2. The last day that a voter can request an
13 absentee ballot.
 - 14 3. Voter registration deadlines.
 - 15 4. Location or locations where mail ballots can be
16 deposited pursuant to section 49B.13.
 - 17 5. Instructions for obtaining a replacement ballot
18 if a voter's ballot is destroyed, spoiled, lost, or
19 not received pursuant to section 49B.9.
- 20 The county commissioner is not required to publish
21 a sample ballot.

22 Sec. ____ . NEW SECTION. 49B.7 MAILING BALLOTS.

23 1. Official ballots for a mail ballot election
24 shall be prepared and all other initial procedures for
25 elections shall be followed as otherwise provided by
26 law.

27 2. The county commissioner of elections shall mail
28 an official ballot to every registered voter of the
29 city conducting the election on a date not sooner than
30 the twentieth day before the date of the election and
31 not later than the tenth day before the date of the
32 election. An exception shall be made for those
33 ballots delivered as prescribed in section 49B.12.

34 3. All ballots shall be mailed by first class
35 mail.

36 4. Ballots mailed by the county commissioner shall
37 be addressed to the address of each voter appearing in
38 the registration records of the city, and placed in an
39 envelope which is prominently marked "Do Not Forward".

40 5. The ballot shall contain the following warning:
41 "Any person who, by use of violence, threats of
42 violence, or any means of duress, procures the vote of
43 a voter for or against any measure or candidate is
44 subject, upon conviction, to imprisonment or to a
45 fine, or both."

46 Sec. ____ . NEW SECTION. 49B.8 REGISTRATION.

47 The county commissioner shall not mail a ballot
48 under this chapter to any voter not registered thirty
49 days before the date of the election. Voters
50 registered less than thirty days before the date of

1 the election, but before the close of registration,
2 may apply for a ballot under section 49B.9.

3 Sec. ____ . NEW SECTION. 49B.9 REPLACEMENT

4 BALLOTS.

5 If the mail ballot is destroyed, spoiled, lost, or
6 not received by the voter, or if the voter was
7 registered less than thirty days before the date of
8 the election but before the close of registration, the
9 voter may obtain a replacement ballot from the county
10 commissioner as provided in this section. A voter
11 seeking a replacement ballot shall sign a statement,
12 on a form prescribed by the state commissioner, that
13 the ballot was destroyed, spoiled, lost, or not
14 received, or that the voter was registered less than
15 thirty days before the date of the election but before
16 the close of registration. The voter or the voter's
17 designee shall deliver the statement to the county
18 commissioner before noon on the date of the election.
19 The voter may mail the statement to the county
20 commissioner. However, a county commissioner shall
21 not transmit a ballot by mail under this section
22 unless the statement is received before five p.m. on
23 the fourth day before the date of the election. When
24 a statement is timely received under this section, the
25 county commissioner shall give the ballot to the voter
26 if the voter is present in the office of the county
27 commissioner, or promptly mail the ballot to the voter
28 at the address contained in the statement, except when
29 prohibited by this section. If the voter is present
30 in the county commissioner's office, the ballot shall
31 be voted at that time. The county commissioner shall
32 keep a record of each replacement ballot provided
33 under this section. If a voter, having received and
34 voted a replacement ballot as provided under this
35 section, later finds the lost ballot, the voter shall
36 return the lost ballot to the county commissioner.

37 Sec. ____ . NEW SECTION. 49B.10 VOTING AND RETURN
38 OF BALLOT.

39 1. A registered voter, upon receipt of a mail
40 ballot, shall mark the ballot in such a manner that no
41 other person will know how the ballot is marked and
42 shall place it in the secrecy envelope provided with
43 the ballot.

44 A voter who is blind, cannot read, or because of a
45 physical disability is unable to mark the ballot, may
46 be assisted by any person selected by the voter.

47 2. The voter shall place the secrecy envelope
48 containing the ballot in the return verification
49 envelope and sign and securely seal the return
50 verification envelope. The sealed return verification

1 envelope shall be returned to the county commissioner
2 by one of the following methods:

3 a. The sealed return verification envelope may be
4 delivered by the registered voter or the voter's
5 designee to the county commissioner's office or a
6 place designated by the commissioner no later than the
7 time the polls close on election day.

8 b. The sealed return verification envelope may be
9 mailed, postage paid, to the county commissioner. In
10 order for the ballot to be counted, the return
11 verification envelope must be clearly postmarked by an
12 officially authorized postal service not later than
13 the day before the election and received by the county
14 commissioner not later than the time established for
15 the canvass by the board of supervisors for that
16 election. The county commissioner shall contact the
17 post office serving the county commissioner's office
18 at the latest practical hour before the canvass by the
19 board of supervisors for that election, and shall
20 arrange for return verification envelopes received in
21 that post office but not yet delivered to the
22 commissioner's office to be brought to the
23 commissioner's office before the canvass for that
24 election by the board of supervisors.

25 Sec. ____ . NEW SECTION. 49B.11 ABSENTEE BALLOTS.

26 1. A registered voter who will be absent from the
27 city during the time when the ballots are mailed may
28 do either of the following:

29 a. Vote in person in the county commissioner's
30 office as soon as ballots are available and until noon
31 the day before the ballots are scheduled to be mailed.

32 b. Make a written request, signed by the voter and
33 addressed to the county commissioner, that the ballot
34 be mailed to an address other than that which appears
35 on the voter's registration record. Written requests
36 shall be accepted until noon the day before the
37 ballots are scheduled to be mailed.

38 2. Ballots mailed to voters pursuant to this
39 section shall be mailed the same day that all other
40 ballots are mailed.

41 Sec. ____ . NEW SECTION. 49B.12 BALLOTING BY
42 CONFINED PERSONS.

43 A person who is a resident or patient in a health
44 care facility or hospital located in the county in
45 which the election is to be held shall not be mailed a
46 ballot but shall have a ballot delivered in the manner
47 prescribed by section 53.22, subsection 1.

48 Sec. ____ . NEW SECTION. 49B.13 PERSONAL DELIVERY
49 OF MAIL BALLOT -- BALLOT DROPOFF STATIONS.

50 A ballot dropoff station for the deposit of mail

1 ballots may be established in the city conducting the
2 mail ballot election at the direction of the county
3 commissioner. A ballot dropoff station established at
4 the direction of the commissioner shall be open from
5 eight a.m. until five p.m. on the day of the election.

6 Sec. ____ . NEW SECTION. 49B.14 RECEIPT OF BALLOT
7 -- SIGNATURE VERIFICATION.

8 When a mail ballot is returned, the county
9 commissioner, or the county commissioner's designees,
10 shall first examine the return verification envelope
11 to determine whether it was submitted by a registered
12 voter who has not previously voted. A ballot shall be
13 counted only if it is returned in the return
14 verification envelope, the envelope is signed by the
15 voter to whom the ballot is issued, and the signature
16 has been verified as provided in this section.

17 The county commissioner or the county
18 commissioner's designees shall verify the signature of
19 each voter on the return verification envelope with
20 the signature in the voter's registration records and
21 may commence verification at any time before election
22 day. If a voter to whom a replacement ballot has been
23 issued under section 49B.9 returns more than one
24 ballot, only the replacement ballot shall be counted.

25 If the voter's signature is verified and the ballot
26 is otherwise valid, the county commissioner or the
27 county commissioner's designees shall deposit the
28 ballot unopened in an official ballot box.

29 Sec. ____ . NEW SECTION. 49B.15 PROCEDURE FOR
30 INVALID BALLOTS.

31 If the county commissioner is not convinced that
32 the individual who signed the return verification
33 envelope is the voter whose name appears on the
34 registration card, the county commissioner shall not
35 deposit the ballot in a ballot box but shall do all of
36 the following:

- 37 1. Give notice to the voter as follows:
38 a. As soon as possible after receipt of a voter's
39 ballot, give notice to the voter, either by telephone
40 or by first class mail, if the county commissioner is
41 unable to verify the voter's signature.
42 b. Inform the voter that the voter may appear in
43 person at the county commissioner's office before the
44 close of the polls on election day and verify the
45 signature.

- 46 2. Permit any voter appearing pursuant to
47 subsection 1, paragraph "b", to:
48 a. Verify the voter's signature, after proof of
49 identification, by affirming that the signature is in
50 fact the voter's or by completing a new registration

1 card containing the voter's current signature.
 2 b. If necessary, request and receive a replacement
 3 ballot and vote at that time.
 4 3. If the discrepancy is not rectified to the
 5 county commissioner's satisfaction, present the
 6 unopened envelope and the registration card to the
 7 special precinct election board for a determination.
 8 If the election board is unable to resolve the issue
 9 to its satisfaction, the ballot shall not be counted.

10 Sec. ____ . NEW SECTION. 49B.16 COUNTING BALLOTS.

11 Mail ballots shall be counted in the manner
 12 prescribed by section 53.23 for absentee ballots. The
 13 county commissioner shall supervise the procedures for
 14 the handling, counting, and canvassing of ballots to
 15 ensure the safety and confidentiality of all ballots.

16 Sec. ____ . NEW SECTION. 49B.17 CHALLENGES.

17 Votes cast pursuant to this chapter may be
 18 challenged in the manner prescribed by section 53.31
 19 for absentee ballots.

20 Sec. ____ . NEW SECTION. 49B.18 CANVASS OF VOTES.

21 The provisions of chapter 50 relating to canvass of
 22 votes apply to this chapter only to the extent they do
 23 not conflict with this chapter.

24 Sec. ____ . NEW SECTION. 49B.19 OTHER LAWS.

25 All laws which apply to elections apply to mail
 26 ballot elections held under this chapter to the extent
 27 applicable.

28 Sec. ____ . NEW SECTION. 49B.20 RULES.

29 The state commissioner of elections shall adopt
 30 rules pursuant to chapter 17A to govern the procedures
 31 and forms necessary to administer this chapter. The
 32 authority of the state commissioner to adopt rules
 33 under this chapter shall be liberally construed.

34 Sec. ____ . NEW SECTION. 49B.21 MISCONDUCT --
 35 VIOLATIONS -- PENALTIES.

36 A person who violates or attempts to violate any
 37 provision or requirement of this chapter for which a
 38 penalty is not otherwise provided under chapter 39A
 39 commits a simple misdemeanor.

40 Sec. ____ . NEW SECTION. 39.2A MAIL BALLOT
 41 ELECTIONS.

42 All mail ballot elections shall be conducted
 43 pursuant to chapter 49B.

44 Sec. ____ . APPLICABILITY DATE. This division of
 45 this Act applies to elections held on or after January
 46 1, 2006.

47 DIVISION

48 CITIZENS' RIGHT TO VOTE

49 Sec. ____ . FINDINGS AND PURPOSE. The general
 50 assembly finds that the 2000 general election exposed

1 serious flaws in our nation's voting systems. The
2 pattern of turning away or discouraging voters
3 continued in 2004, due to voter intimidation and
4 suppression tactics as well as communications failures
5 and mistakes.

6 In order to protect the right to vote for all its
7 citizens, the state recognizes the need to criminalize
8 voter intimidation and voter suppression, require a
9 voting bill of rights to be posted at every precinct
10 polling place, and provide precinct election officials
11 with a manual of election procedures to use on
12 election day.

13 Sec. _____. Section 39A.2, subsection 1, paragraph
14 c, Code 2005, is amended by adding the following new
15 subparagraphs:

16 NEW SUBPARAGRAPH. (4) To refrain from registering
17 to vote, voting, or attempting to register to vote.

18 NEW SUBPARAGRAPH. (5) To vote, or to refrain from
19 voting, for any particular candidate or ballot
20 measure.

21 Sec. _____. Section 39A.2, subsection 1, Code 2005,
22 is amended by adding the following new paragraph:

23 NEW PARAGRAPH. f. SUPPRESSION.

24 (1) Challenges a person's right to vote based on
25 knowingly false information.

26 (2) Attempts to induce a person to refrain from
27 registering to vote or from voting by providing that
28 person with knowingly false information.

29 (3) Attempts to induce a person to refrain from
30 registering to vote, or to refrain from voting, at the
31 proper place or time by providing that person with
32 knowingly false information about the manner in which
33 an eligible elector may register to vote or about an
34 election.

35 Sec. _____. Section 47.1, Code 2005, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 6. The state commissioner shall
38 create a manual of election procedures that provides
39 uniform polling place procedures to guide precinct
40 election officials in the proper implementation of the
41 election laws. The manual shall be indexed by subject
42 and written in clear and unambiguous language. The
43 manual shall provide specific examples of common
44 problems encountered at the polls on election day, and
45 detail specific procedures for resolving those
46 problems. The manual shall include, but not be
47 limited to, the following:

48 a. Regulations governing solicitation by
49 individuals and groups at the polling place.

50 b. Procedures to be followed with respect to

- 1 voters whose names are not on the precinct register.
- 2 c. Proper operation of the voting system or voting
- 3 machine in use at the polling place.
- 4 d. Procedures for handling ballots.
- 5 e. Procedures governing spoiled ballots.
- 6 f. Procedures to be followed after the polls
- 7 close.
- 8 g. The rights of voters at the polls.
- 9 h. Procedures for handling emergency situations.
- 10 i. Procedures for handling and processing
- 11 provisional ballots.
- 12 j. Security procedures.

13 The manual shall be adopted by rule pursuant to
 14 chapter 17A. The manual shall be revised from time to
 15 time as may be necessary and the revisions shall be
 16 adopted by rule in the same manner as the original
 17 manual.

18 The county commissioner of elections shall provide
 19 a copy of the manual, in paper or electronic format,
 20 to each precinct polling place on election day. The
 21 manual may be used to supplement the training manual
 22 required by section 49.126 when conducting the
 23 training course required by section 49.124.

24 Sec. ____ . Section 49.68, Code 2005, is amended to
 25 read as follows:

26 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.

27 1. The state commissioner with the approval of the
 28 attorney general shall prepare, and from time to time
 29 revise, written instructions to the voters relative to
 30 voting, and shall furnish each commissioner with
 31 copies of the instructions. Such instructions shall
 32 cover the following matters:

- 33 ~~1-~~ a. The manner of obtaining ballots.
- 34 ~~2-~~ b. The manner of marking ballots.
- 35 ~~3-~~ c. That unmarked or improperly marked ballots
- 36 will not be counted.
- 37 ~~4-~~ d. The method of gaining assistance in marking
- 38 ballots.
- 39 ~~5-~~ e. That any erasures or identification marks,
- 40 or otherwise spoiling or defacing a ballot, will
- 41 render it invalid.
- 42 ~~6-~~ f. Not to vote a spoiled or defaced ballot.
- 43 ~~7-~~ g. How to obtain a new ballot in place of a
- 44 spoiled or defaced one.
- 45 ~~8-~~ h. Any other matters ~~thought~~ determined
- 46 necessary.

47 2. Another set of instructions, which shall be
 48 known as the Iowa voter bill of rights, shall inform
 49 the voter as to the following matters:

- 50 a. That the voter has the right to inspect a

1 sample ballot before voting.

2 b. That the voter has the right to cast a ballot
3 if the voter is on the premises of the voter's
4 precinct polling place at the time the polling place
5 is to be closed.

6 c. That the voter has the right to ask for and
7 receive assistance in voting, including assistance in
8 languages other than English if required by federal or
9 state law.

10 d. That the voter has the right to return a
11 spoiled ballot to the precinct election officials and
12 receive another ballot, but no more than three
13 ballots, including the one first delivered, may be
14 received by the voter.

15 e. That the voter has the right to cast a
16 provisional ballot if the voter's eligibility to vote
17 is in question.

18 f. That the voter has the right to cast a ballot
19 free from coercion or intimidation by any person,
20 including election officials.

21 g. That the voter has the right to cast a ballot
22 using voting equipment that accurately counts all
23 votes properly cast.

24 h. Any other matters determined necessary.

25 3. In any political subdivision or precinct where
26 federal or state law requires the ballot to be made
27 available in a language other than English, the sets
28 of instructions required by this section shall also be
29 made available in such language.

30 Sec. ____. Section 49.70, Code 2005, is amended to
31 read as follows:

32 49.70 PRECINCT ELECTION OFFICIALS FURNISHED
33 INSTRUCTIONS.

34 The commissioner shall cause copies of ~~the~~
35 ~~foregoing~~ each set of instructions described in
36 section 49.68 to be printed in large, clear type,
37 under the ~~heading~~ headings of "Instructions for
38 Voters" Marking Ballots" and "Iowa Voter Bill of
39 Rights", and shall furnish the precinct election
40 officials with a sufficient number of ~~such~~ each set of
41 instructions as will enable them to comply with
42 section 49.71.

43 Sec. ____. Section 49.71, Code 2005, is amended to
44 read as follows:

45 49.71 POSTING INSTRUCTION CARDS AND SAMPLE
46 BALLOTS.

47 The precinct election officials, before the opening
48 of the polls, shall cause ~~the~~ each set of instructions
49 ~~for voters~~ required pursuant to section 49.70 to be
50 securely posted as follows:

- 1 1. One copy of instructions for marking ballots in
- 2 each voting booth.
- 3 2. Not less than four copies of each set, with an
- 4 equal number of sample ballots, in and about the
- 5 polling place.
- 6 Sec. _____. IMPLEMENTATION OF DIVISION. Section
- 7 25B.2, subsection 3, shall not apply to this division
- 8 of this Act."
- 9 12. Title page 1, by striking lines 5 and 6, and
- 10 inserting the following: "allowing a county
- 11 commissioner of elections to appoint certain high
- 12 school students to serve as precinct election board
- 13 members, relating to".
- 14 13. Title page 2, by striking lines 6 and 7, and
- 15 inserting the following: "ballots, defining voter
- 16 registration list,".
- 17 14. Title page 2, line 8, by inserting before the
- 18 word "requiring" the following: "allowing voter
- 19 registration at the polls on election day,".
- 20 15. Title page 2, line 19, by inserting after the
- 21 word "areas," the following: "allowing elections in
- 22 certain cities to be conducted by mail ballots and
- 23 providing penalties, relating to the right of Iowa's
- 24 citizens to vote,".
- 25 16. Title page 2, line 20, by inserting after the
- 26 word "date," the following: "implementation,".
- 27 17. By renumbering as necessary.

By JOCHUM of Dubuque

HOUSE FILE 793

H-1116

- 1 Amend House File 793 as follows:
- 2 1. Page 7, by striking lines 6 through 24.
- 3 2. Page 7, line 25, by inserting after the figure
- 4 "3," the following: "unnumbered paragraph 1,".
- 5 3. Page 7, line 27, by striking the figure "3."
- 6 4. By striking page 7, line 32 through page 8,
- 7 line 1.
- 8 5. By striking page 10, line 35 through page 11,
- 9 line 1, and inserting the following: "ballots to
- 10 absent voters as provided by sections 53.8, 53.10, and
- 11 53.11. The printed ballots shall be subject to the".
- 12 6. Page 11, line 16, by striking the figures
- 13 "~~53.11~~ 53.10" and inserting the following: "53.10 or
- 14 53.11".
- 15 7. Page 11, line 25, by striking the figures
- 16 "~~53.11~~ 53.10" and inserting the following: "53.10 or
- 17 53.11".
- 18 8. Page 11, line 35, by striking the figures
- 19 "~~53.11~~ 53.10," and inserting the following: "53.10 or
- 20 53.11,".
- 21 9. Page 16, by striking line 4.
- 22 10. By striking page 19, line 3 through page 52,
- 23 line 31.
- 24 11. Title page 1, lines 8 and 9, by striking the
- 25 words "modifying closing hours of the polls,".
- 26 12. Title page 2, by striking lines 6 and 7, and
- 27 inserting the following: "ballots, defining voter
- 28 registration list,".
- 29 13. Title page 2, by striking lines 15 through
- 30 20, and inserting the following: "registration
- 31 verification, and including effective and
- 32 applicability date provisions."
- 33 14. By renumbering as necessary.

By WENDT of Woodbury

H-1116 FILED MARCH 21, 2005

HOUSE FILE 793

H-1175

- 1 Amend House File 793 as follows:
- 2 1. Page 7, by striking lines 6 through 24.
- 3 2. Page 7, line 25, by inserting after the figure
- 4 "3," the following: "unnumbered paragraph 1,".
- 5 3. Page 7, line 27, by striking the figure "3."
- 6 4. By striking page 7, line 32 through page 8,
- 7 line 1.
- 8 5. By striking page 10, line 35 through page 11,
- 9 line 1, and inserting the following: "ballots to
- 10 absent voters as provided by sections 53.8, 53.10, and
- 11 53.11. The printed ballots shall be subject to the".
- 12 6. Page 11, line 16, by striking the figures
- 13 "~~53.11~~ 53.10" and inserting the following: "53.10 or
- 14 53.11".
- 15 7. Page 11, line 25, by striking the figures
- 16 "~~53.11~~ 53.10" and inserting the following: "53.10 or
- 17 53.11".
- 18 8. Page 11, line 35, by striking the figures
- 19 "~~53.11~~ 53.10," and inserting the following: "53.10 or
- 20 53.11,".
- 21 9. Page 16, by striking line 4.
- 22 10. By striking page 19, line 3, through page 41,
- 23 line 12.
- 24 11. Title page 1, lines 8 and 9, by striking the
- 25 words "modifying closing hours of the polls,".
- 26 12. Title page 2, by striking lines 6 and 7, and
- 27 inserting the following: "ballots, defining voter
- 28 registration list,".
- 29 13. Title page 2, by striking lines 15 through
- 30 17, and inserting the following: "registration
- 31 verification, providing for the".
- 32 14. By renumbering as necessary.

By GASKILL of Wapello

H-1175 FILED MARCH 23, 2005

HOUSE FILE 793

H-1284

- 1 Amend the amendment, H-1199, to House File 793 as
2 follows:
3 1. By striking page 1, line 2, through page 3,
4 line 16, and inserting the following:
5 "____. By striking page 19, line 3, through page
6 41, line 12."
7 2. Page 3, by inserting before line 17, the
8 following:
9 "____. By striking page 41, line 13, through page
10 52, line 31."
11 3. Page 3, by inserting before line 17 the
12 following:
13 "____. Title page 2, lines 15 through 17, by
14 striking the words "limiting the dates of special
15 elections on public measures for certain political
16 subdivisions and school corporations, "."
17 4. Page 3, by inserting before line 17, the
18 following:
19 "____. Title page 2, lines 17 through 19, by
20 striking the words "providing for the biennial
21 election of directors of local school districts, area
22 education agencies, and merged areas, ".
23 _____. Title page 2, by striking line 20 and
24 inserting the following: "and applicability date
25 provisions.""
26 5. By renumbering as necessary.

By JACOBS of Polk

H-1284 FILED MARCH 31, 2005

HOUSE FILE 793

H-1180

1 Amend the amendment, H-1104, to House File 793 as
2 follows:

3 1. Page 2, by inserting after line 14, the
4 following:

5 "____. Page 11, by inserting before line 26, the
6 following:

7 "Sec. ____ . Section 53.11, subsection 1, Code 2005,
8 is amended to read as follows:

9 1. Satellite absentee voting stations may be
10 established at a public place throughout the cities
11 and county at the direction of the commissioner and
12 shall be established upon receipt of a petition signed
13 by not less than one hundred eligible electors
14 requesting that a satellite absentee voting station be
15 established at a ~~location~~ public place to be described
16 on the petition. A satellite absentee voting station
17 established by petition must be open at least one day
18 for a minimum of six hours. A satellite absentee
19 voting station established at the direction of the
20 commissioner or by petition may remain open until five
21 p.m. on the day before the election.

22 Sec. ____ . Section 53.11, Code 2005, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 5. For purposes of this section,
25 "public place" means any enclosed indoor area used by
26 the general public including restaurants with a
27 seating capacity greater than twenty, retail stores, a
28 building lobby, malls, educational facilities,
29 hospitals, clinics, nursing homes, other health care
30 and medical facilities, theaters, libraries, art
31 museums, concert halls, indoor arenas, any location
32 used as a polling place for a general election, and a
33 building owned by a city, county, or school
34 district.""

35 2. By striking page 2, line 45, through page 3,
36 line 2.

37 3. Page 3, by striking lines 14 through 17, and
38 inserting the following: "place. Registration
39 forms".

40 4. Page 3, by striking lines 25 through 28, and
41 inserting the following: "found deficient.""

42 5. Page 13, by inserting after line 13, the
43 following:

44 "____. Title page 1, line 16, by inserting after
45 the word "office," the following: "relating to the
46 location of satellite absentee voting stations,.""

47 6. By renumbering as necessary.

By JOCHUM of Dubuque

H-1180 FILED MARCH 24, 2005

HOUSE FILE 793

H-1196

1 Amend House File 793 as follows:

2 1. By striking page 10, line 35 through page 11,
3 line 1, and inserting the following: "ballots to
4 absent voters as provided by sections 53.8, 53.10, and
5 53.11. The printed ballots shall be subject to the".

6 2. Page 11, line 16, by striking the figures
7 "~~53.11~~ 53.10" and inserting the following: "53.10 or
8 53.11".

9 3. Page 11, line 25, by striking the figures
10 "~~53.11~~ 53.10" and inserting the following: "53.10 or
11 53.11".

12 4. Page 11, by inserting after line 25 the
13 following:

14 "Sec. _____. Section 53.11, subsection 1, Code 2005,
15 is amended to read as follows:

16 1. Satellite absentee voting stations may be
17 established throughout the cities and county at the
18 direction of the commissioner ~~and shall be established~~
19 ~~upon receipt of a petition signed by not less than one~~
20 ~~hundred eligible electors requesting that a satellite~~
21 ~~absentee voting station be established at a location~~
22 ~~to be described on the petition. A satellite absentee~~
23 ~~voting station established by petition must be open at~~
24 ~~least one day for a minimum of six hours. A satellite~~
25 absentee voting station established at the direction
26 of the commissioner ~~or by petition~~ may remain open
27 until five p.m. on the day before the election.

28 Sec. _____. Section 53.11, subsection 2, Code 2005,
29 is amended by striking the subsection."

30 5. Page 11, line 35, by striking the figures
31 "~~53.11~~ 53.10," and inserting the following: "53.10 or
32 53.11,".

33 6. Page 16, by striking line 4.

34 7. Title page 2, by striking line 6 and inserting
35 the following: "ballots, relating to establishment of
36 satellite,".

37 8. By renumbering as necessary.

By JACOBS of Polk

H-1196 FILED MARCH 28, 2005

HOUSE FILE 793

H-1199

1 Amend House File 793 as follows:

2 1. By striking page 21, line 32, through page 22,
3 line 22.

4 2. Page 23, line 6, by striking the words "~~or a~~
5 ~~special election~~" and inserting the following: "or at
6 a special election".

7 3. Page 23, line 31, by striking the words "~~or a~~
8 ~~special election~~" and inserting the following: "or at
9 a special election".

10 4. By striking page 24, line 5, through page 25,
11 line 19.

12 5. By striking page 25, line 20, through page 34,
13 line 6, and inserting the following:

14 "Sec. _____. Section 275.18, unnumbered paragraph 1,
15 Code 2005, is amended to read as follows:

16 When the boundaries of the territory to be included
17 in a proposed school corporation and the number and
18 method of the election of the school directors of the
19 proposed school corporation have been determined as
20 provided in this chapter, the area education agency
21 administrator with whom the petition is filed shall
22 give written notice of the proposed date of the
23 election to the county commissioner of elections of
24 the county in the proposed school corporation which
25 has the greatest taxable base. The proposed date
26 shall be as soon as possible pursuant to section 39.2,
27 subsections 1, and 2, and 4, and section 47.6,
28 subsections 1 and 2, but not later than November 30 of
29 the calendar year prior to the calendar year in which
30 the reorganization will take effect.

31 Sec. _____. Section 275.25, subsection 1, unnumbered
32 paragraph 1, Code 2005, is amended to read as follows:

33 If the proposition to establish a new school
34 district carries under the method provided in this
35 chapter, the area education agency administrator with
36 whom the petition was filed shall give written notice
37 of a proposed date for a special election for
38 directors of the newly formed school district to the
39 commissioner of elections of the county in the
40 district involved in the reorganization which has the
41 greatest taxable base. The proposed date shall be as
42 soon as possible pursuant to section 39.2, subsections
43 1, and 2, and 4, and section 47.6, subsections 1 and
44 2, but not later than the third Tuesday in January of
45 the calendar year in which the reorganization takes
46 effect. The election shall be conducted as provided
47 in section 277.3, and nomination petitions shall be
48 filed pursuant to section 277.4, except as otherwise
49 provided in this subsection. Nomination petitions
50 shall be filed with the secretary of the board of the

H-1199

1 existing school district in which the candidate
2 resides not less than twenty-eight days before the
3 date set for the special school election. The
4 secretary of the board, or the secretary's designee,
5 shall be present in the secretary's office until five
6 p.m. on the final day to file the nomination papers.
7 The nomination papers shall be delivered to the
8 commissioner no later than five p.m. on the twenty-
9 seventh day before the election.

10 Sec. _____. Section 275.55, unnumbered paragraphs 1
11 and 2, Code 2005, are amended to read as follows:

12 The board of the school district shall call a
13 special election to be held ~~not later than forty days~~
14 following the date of the final hearing on the
15 dissolution proposal. The special election may be
16 held at the same time as the regular school election.
17 The proposition submitted to the voters residing in
18 the school district at the special election shall
19 describe each separate area to be attached to a
20 contiguous school district and shall name the school
21 district to which it will be attached. In addition to
22 the description, a map may be included in the summary
23 of the question on the ballot.

24 The board shall give written notice of the proposed
25 date of the election to the county commissioner of
26 elections. The proposed date shall be pursuant to
27 section 39.2, subsections 1, ~~and 2,~~ and 4, and section
28 47.6, subsections 1 and 2. The county commissioner of
29 elections shall give notice of the election by one
30 publication in the same newspaper in which the
31 previous notice was published about the hearing, which
32 publication shall not be less than four nor more than
33 twenty days prior to the election.

34 Sec. _____. Section 277.2, Code 2005, is amended to
35 read as follows:

36 277.2 SPECIAL ELECTION.

37 The board of directors in a school corporation may
38 call a special election, on the dates specified in
39 section 39.2, subsection 4, paragraph "c", at which
40 the voters shall have the powers exercised at the
41 regular election with reference to the sale of school
42 property and the application to be made of the
43 proceeds, the authorization of seven members on the
44 board of directors, the authorization to establish or
45 change the boundaries of director districts, and the
46 authorization of a voter-approved physical plant and
47 equipment levy or indebtedness, as provided by law."

48 6. Page 34, line 22, by inserting after the words
49 "submitted at" the following: "a special election or
50 at".

HOUSE FILE 793

H-1210

1 Amend House File 793 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 52.7, Code 2005, is amended by
5 striking the section and inserting in lieu thereof the
6 following:

7 52.7 CONSTRUCTION OF MACHINE APPROVED --
8 REQUIREMENTS.

9 1. A voting machine approved by the state board of
10 examiners for voting machines and electronic voting
11 systems shall meet all of the following requirements:

12 a. Provide facilities for voting for the
13 candidates of at least seven different political
14 parties or nonparty political organizations.

15 b. Permit a voter to vote for any person for any
16 office, although not nominated as a candidate by any
17 party or organization.

18 c. Permit voting in absolute secrecy.

19 d. Prevent voting for more than one person for the
20 same office, except where a voter is lawfully entitled
21 to vote for more than one person for that office.

22 e. Afford a voter an opportunity to vote for any
23 or all persons for that office as the voter is by law
24 entitled to vote for and no more, at the same time
25 preventing a voter from voting for the same person
26 twice.

27 f. Provide a voter with an opportunity to change a
28 vote before the ballot is recorded and counted.

29 g. Present together the names of each team of
30 candidates for president and vice president and for
31 governor and lieutenant governor. The votes for a
32 team shall be counted as a vote for both candidates of
33 the team.

34 h. Provide a voter with a method for casting
35 write-in votes for paired offices so that the voter
36 can specify one person as a candidate for president or
37 for governor and one person as a candidate for vice
38 president or for lieutenant governor.

39 i. Accurately account for every vote cast upon it.

40 j. Remove information from the ballot identifying
41 the voter before the ballot is recorded and counted.

42 2. In addition to the requirements in subsection
43 1, a voting machine that is a direct recording
44 electronic device approved by the state board of
45 examiners for voting machines and electronic voting
46 systems shall meet all of the following requirements:

47 a. Permit straight party voting, pursuant to
48 section 49.94, for all political parties and nonparty
49 political organizations on the ballot.

50 b. Store an electronic image of each ballot cast

H-1210

H-1199

Page 3

- 1 7. Page 35, lines 8 and 9, by striking the words
- 2 "second Tuesday in March" and inserting the following:
- 3 "first special election date, pursuant to section
- 4 39.2, subsection 4, paragraph "a",".
- 5 8. Page 38, line 5, by striking the figure "39.2"
- 6 and inserting the following: "39.2, subsection 4,
- 7 paragraph "b",".
- 8 9. Page 38, line 29, by striking the figure
- 9 "39.2" and inserting the following: "39.2, subsection
- 10 4, paragraph "b",".
- 11 10. Page 40, by striking lines 9 through 11, and
- 12 inserting the following: "general election or at a
- 13 special election ~~held at any time other than the time~~
- 14 ~~of a city regular election.~~ The election shall not be
- 15 held sooner than".
- 16 11. Page 41, by striking line 10.
- 17 12. By renumbering as necessary.

By JACOBS of Polk

H-1199 FILED MARCH 29, 2005

HOUSE FILE 793

H-1200

- 1 Amend the amendment, H-1116, to House File 793 as
- 2 follows:
- 3 1. Page 1, by striking lines 22 and 23, and
- 4 inserting the following:
- 5 "____. By striking page 19, line 3, through page
- 6 41, line 12.
- 7 _____. By striking page 41, line 13, through page
- 8 52, line 31."
- 9 2. Page 1, by striking lines 29 through 32, and
- 10 inserting the following:
- 11 "____. Title page 2, lines 15 through 17, by
- 12 striking the words "limiting the dates of special
- 13 elections on public measures for certain political
- 14 subdivisions and school corporations,".
- 15 _____. Title page 2, lines 17 through 20, by
- 16 striking the words "providing for the biennial
- 17 election of directors of local school districts, area
- 18 education agencies, and merged areas,"."
- 19 3. By renumbering as necessary.

By JACOBS of Polk

H-1200 FILED MARCH 29, 2005

HOUSE FILE 793

H-1241

1 Amend the amendment, H-1116, to House File 793 as
2 follows:

3 1. Page 1, by striking lines 22 and 23, and
4 inserting the following:

5 "_____. By striking page 19, line 3, through page
6 41, line 12."

7 2. Page 1, by inserting before line 24, the
8 following:

9 "_____. By striking page 41, line 13, through page
10 52, line 31."

11 3. Page 1, by striking lines 29 through 32, and
12 inserting the following:

13 "_____. Title page 2, lines 15 through 17, by
14 striking the words "limiting the dates of special
15 elections on public measures for certain political
16 subdivisions and school corporations, "."

17 4. Page 1, by inserting before line 33, the
18 following:

19 "_____. Title page 2, lines 17 through 19, by
20 striking the words "providing for the biennial
21 election of directors of local school districts, area
22 education agencies, and merged areas, "."

23 _____. Title page 2, by striking line 20 and
24 inserting the following: "and applicability date
25 provisions.""

26 5. By renumbering as necessary.

By JACOBS of Polk

H-1241 FILED MARCH 30, 2005

1 separate from the ballot tabulation function, which
2 ballot image may be reproduced on paper and considered
3 as evidence in the case of a recount, manual audit, or
4 machine malfunction.

5 c. Provide an individual paper record as provided
6 in section 52.7A.

7 Sec. 2. NEW SECTION. 52.7A DIRECT RECORDING
8 ELECTRONIC DEVICES -- PAPER RECORD REQUIRED.

9 1. A voting machine that is a direct recording
10 electronic device shall be capable of producing an
11 individual paper record that the voter may review
12 before the voter casts the voter's ballot. The paper
13 record shall meet all of the following requirements:

14 a. Be printed on paper separate from all other
15 individual paper records.

16 b. Be readable by the voter without the use of an
17 electronic device. It may also be machine-readable by
18 an electronic voting system as described in section
19 52.26.

20 c. Not contain any information that will identify
21 the person who cast the ballot.

22 d. Be stored at the polling place in a secure
23 container. A voter shall not be permitted to remove
24 the individual paper record from the polling place.

25 2. After the polls close, the precinct election
26 officials shall seal all individual paper records in
27 the manner prescribed in section 50.12. The county
28 commissioner of elections shall preserve the sealed
29 individual paper records for twelve months following
30 the election, unless a longer period of time is
31 required, by rule, by the state commissioner of
32 elections.

33 3. The paper record produced pursuant to this
34 section may be considered as evidence in the event of
35 a recount, manual audit, or machine malfunction.

36 4. Until voting systems performance and test
37 standards relating to paper records required in
38 subsection 1 are adopted by the federal elections
39 assistance commission, the board of examiners shall
40 contract with a testing authority to examine any
41 direct recording electronic device that is capable of
42 producing a paper record when the board receives a
43 request for examination of such a device pursuant to
44 section 52.5. The fees of the testing authority shall
45 be paid by the person who requested the
46 certification."

47 2. By striking title page 1, line 1, through
48 title page 2, line 20, and inserting the following:
49 "An Act relating to the requirements for certain
50 voting machines used in the state."

1 3. By renumbering as necessary.

By ZIRKELBACH of Jones

HOUSE FILE 793

H-1264

1 Amend the amendment, H-1210, to House File 793 as
2 follows:

3 1. Page 1, by inserting after line 3, the
4 following:

5 "Section 1. Section 48A.25A, Code 2005, is amended
6 to read as follows:

7 48A.25A VERIFICATION OF VOTER REGISTRATION
8 INFORMATION.

9 Upon receipt of ~~an~~ any application for voter
10 registration by mail, the state registrar of voters
11 shall compare the driver's license number, the Iowa
12 nonoperator's identification card number, or the last
13 four numerals of the social security number provided
14 by the registrant with the records of the state
15 department of transportation or the social security
16 administration. To be verified, the voter
17 registration record shall contain the same name, date
18 of birth, and driver's license number or Iowa
19 nonoperator's identification card number or whole or
20 partial social security number as the records of the
21 state department of transportation or social security
22 administration. If the information cannot be
23 verified, the application shall be rejected and the
24 registrant shall be notified of the reason for the
25 rejection. If the information can be verified, a
26 record shall be made of the verification and the
27 application shall be accepted.

28 The voter registration commission shall adopt rules
29 in accordance with chapter 17A to provide procedures
30 for processing registration applications if the ~~state~~
31 ~~department of transportation does not,~~ applications
32 cannot be verified before the close of registration
33 for an election for which the voter registration
34 otherwise would be effective, if verified, provide a
35 report that the information on the application has
36 matched or not matched the records of the department.

37 This section applies to all voter registration
38 applications received by mail. This However, this
39 section does not apply to mail registration applicants
40 who are persons described in section 53.37 who are
41 entitled to register to vote and to vote pursuant to
42 section 48A.5, subsection 4."

43 2. Page 2, by inserting after line 46, the
44 following:

45 Sec. ____ . Section 53.38, Code 2005, is amended to
46 read as follows:

47 53.38 WHAT CONSTITUTES REGISTRATION.

48 Whenever a ballot is requested pursuant to section
49 53.39 or 53.45 on behalf of a voter in the armed
50 forces of the United States, the affidavit upon the

H-1264

1 ballot envelope of such voter, if the voter is found
2 to be an eligible elector of the county to which the
3 ballot is submitted, shall constitute a sufficient
4 registration under chapter 48A. A completed federal
5 postcard registration and federal absentee ballot
6 request form submitted by such eligible elector shall
7 also constitute a sufficient registration under
8 chapter 48A. The commissioner shall place the voter's
9 name on the registration record as a registered voter
10 if it does not already appear there. The
11 identification requirements of section 48A.8 and the
12 verification requirements of section 48A.25A do not
13 apply to persons who register to vote under this
14 division.

15 Sec. _____. Section 53.41, Code 2005, is amended to
16 read as follows:

17 53.41 RECORDS BY COMMISSIONER -- EXCESS REQUESTS
18 OR BALLOTS.

19 The commissioner of each county shall establish and
20 maintain a record of all requests for ballots which
21 are made, and of all ballots transmitted, and the
22 manner of transmittal, from and received in the
23 commissioner's office under the provisions of this
24 division.

25 PARAGRAPH DIVIDED. If more than one request for
26 absent voter's ballot for a particular election is
27 made to the commissioner before the ballots are ready
28 to mail by or on behalf of a voter in the armed forces
29 of the United States, the last request first received
30 shall be honored, except that if one of the requests
31 is made by the voter, ~~and a request on the voter's~~
32 ~~behalf has not been previously honored,~~ the request of
33 the voter shall be honored in preference to a request
34 made on the voter's behalf by another.

35 PARAGRAPH DIVIDED. Not more than one ballot shall
36 be transmitted by the commissioner to any voter for a
37 particular election unless after the ballot has been
38 mailed the voter reports a change in the address to
39 which the ballot should be sent. A ballot shall be
40 mailed using a serial number that indicates that this
41 is a replacement sent to an updated address. The
42 original ballot shall be counted only if the
43 replacement ballot does not arrive. If the
44 commissioner receives more than one absent voter's
45 ballot, provided for by this division, from or
46 purporting to be from any one voter for a particular
47 election, all of the ballots so received from or
48 purporting to be from such voter are void, and the
49 commissioner shall not deliver any of the ballots to
50 the precinct election officials, but shall retain them

1 in the commissioner's office, and preserve them for
2 the period and under the conditions provided for in
3 sections 50.12 through 50.15 and section 50.19.

4 Sec. _____. Section 53.53, subsection 4, paragraph
5 a, Code 2005, is amended to read as follows:

6 a. The ballot was submitted from within the United
7 States, unless the voter is a member of the armed
8 forces of the United States, as described in section
9 53.37, subsection 2, on active duty and away from the
10 voter's county of residence for purposes of serving on
11 active duty.""

12 3. Page 2, by striking lines 49 and 50, and
13 inserting the following: ""An Act relating to the
14 conduct of elections and voter registration by
15 including the social security administration as a
16 verification source for certain voter registration
17 information, relating to the requirements for certain
18 voting machines used in the state, exempting military
19 and overseas voters from the identification and
20 verification requirements for mail voter registrants,
21 relating to multiple requests for an absentee ballot
22 for a military and overseas voter, and allowing
23 certain military voters to return absentee ballots
24 from within the United States.""

By ZIRKELBACH of Jones

HOUSE FILE 793

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 57)

(As Amended and Passed by the House March 31, 2005)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the conduct of elections and voter
2 registration by providing when candidates to fill county
3 office vacancies are to be nominated at the primary election,
4 relating to signature requirements on nomination petitions,
5 requiring legislative council approval of certain expenditures
6 for implementation of the Help America Vote Act, relating to
7 use of substitute precinct election officials, relating to
8 ballot printing requirements, modifying closing hours of the
9 polls, modifying identification requirements at the polls,
10 providing grounds for challenging a voter's qualifications,
11 relating to preparation of tally lists, striking the authority
12 of the state or county commissioner to issue a notice of a
13 technical infraction, prohibiting candidates or incumbents
14 from being observers when absentee ballots are counted,
15 clarifying that certain confined persons may vote an absentee
16 ballot in person at the commissioner's office, imposing a
17 prohibition on absentee ballot couriers, prohibiting certain
18 communications when absentee ballots are being counted,
19 exempting military and overseas voters from the identification
20 and verification requirements for mail voter registrants,
21 relating to multiple requests for an absentee ballot for a
22 military and overseas voter, relating to changes of address

1 and replacement absentee ballots for military and overseas
2 voters, exempting military and overseas voters from absentee
3 ballot return restrictions, allowing certain military voters
4 to return absentee ballots from within the United States,
5 striking a requirement related to counting federal write-in
6 ballots, relating to establishment of satellite, absentee
7 voting stations, defining voter registration list, requiring
8 identification of certain voter registrants, relating to
9 signature requirements on voter registration applications,
10 including the social security administration as a verification
11 source for certain voter registration information, requiring
12 verification of certain information on all voter registrations
13 received by mail, specifying the county commissioner as the
14 official responsible for voter registration verification,
15 limiting the dates of special elections on public measures for
*16 certain political subdivisions and school corporations, and
17 including effective and applicability date provisions.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____ [] []
Deleted Language *

1 within the appropriate legislative district, or if that is not
2 true, that the candidate will reside there within sixty days
3 before the election. For other offices, a statement of the
4 name of the county where the candidate resides.

5 d. The political party with which the candidate is a
6 registered voter.

7 e. The office sought by the candidate, including the
8 district number, if any.

9 f. The date of the primary election for which the
10 candidate is nominated.

11 2. Signatures on a petition page shall be counted only if
12 the ~~required~~ information required in subsection 1 is written
13 or printed at the top of the page. Nomination papers on
14 behalf of candidates for seats in the general assembly need
15 only designate the number of the senatorial or representative
16 district, as appropriate, and not the county or counties, in
17 which the candidate and the petitioners reside. A signature
18 line shall not be counted if the line lacks the signature of
19 the eligible elector and the signer's address and city. ~~The~~
20 ~~person-examining-the-petition-shall-mark-any-deficiencies-on~~
21 ~~the-petition-and-affidavit.~~ A signature line shall not be
22 counted if the signer's address is outside the boundaries of
23 the district.

24 ~~2-~~ 3. The person examining the petition shall mark any
25 deficiencies on the petition and affidavit. Signed nomination
26 petitions and the signed and notarized affidavit of candidacy
27 shall not be altered to correct deficiencies noted during
28 examination. If the nomination petition lacks a sufficient
29 number of acceptable signatures, the nomination petition shall
30 be rejected and shall be returned to the candidate.

31 4. The nomination papers shall be rejected if the
32 affidavit lacks any of the following:

33 a. The candidate's name.

34 b. The name of the office sought, including the district,
35 if any.

- 1 c. The political party name.
- 2 d. The signature of the candidate.
- 3 e. The signature of a notary public or other officer
- 4 empowered to witness oaths.

5 5. The candidate may replace a deficient affidavit with a
6 corrected affidavit only if the replacement affidavit is filed
7 before the filing deadline. The candidate may resubmit a
8 nomination petition that has been rejected by adding a
9 sufficient number of pages or signatures to correct the
10 deficiency. A nomination petition and affidavit filed to
11 replace rejected nomination papers shall be filed together
12 before the deadline for filing.

13 Sec. 3. Section 45.5, Code 2005, is amended to read as
14 follows:

15 45.5 FORM OF NOMINATION PAPERS.

16 1. Nomination papers shall include a petition and an
17 affidavit of candidacy. All nomination petitions shall be
18 eight and one-half by eleven inches in size and shall be in
19 substantially the form prescribed by the state commissioner of
20 elections. They shall provide spaces for the following
21 information:

22 a. A statement identifying the signers of the petition as
23 eligible electors of the appropriate ward, city, county, or
24 legislative district, or other district, and of the state of
25 Iowa.

26 b. The name of the candidate nominated by the petition.

27 c. A statement that the candidate is or will be a resident
28 of the appropriate ward, city, county, school district, or
29 legislative or other district as required by section 39.27.

30 d. The office sought by the candidate, including the
31 district number, if any.

32 e. The name and date of the election for which the
33 candidate is nominated.

34 2. Signatures on a petition page shall be counted only if
35 the required information required in subsection 1 is written

1 or printed at the top of the page. Nomination papers on
2 behalf of candidates for seats in the general assembly need
3 only designate the number of the senatorial or representative
4 district, as appropriate, and not the county or counties, in
5 which the candidate and the petitioners reside. A signature
6 line in a nomination petition shall not be counted if the line
7 lacks the signature of the eligible elector and the signer's
8 address and city. ~~The person examining the petition shall~~
9 ~~mark any deficiencies on the petition.~~ A signature line shall
10 not be counted if the signer's address is outside the
11 boundaries of the appropriate ward, city, county, legislative
12 district, or other district.

13 ~~2-~~ 3. The pages of the petition shall be securely
14 fastened together to form a single bundle. Nomination
15 petitions that are not bound shall be returned without further
16 examination. The state commissioner shall prescribe by rule
17 the acceptable methods for binding nomination petitions.

18 ~~3-~~ 4. The person examining the petition shall mark any
19 deficiencies on the petition. Signed nomination petitions and
20 the signed and notarized affidavit of candidacy shall not be
21 altered to correct deficiencies noted during the examination.
22 If the nomination petition lacks a sufficient number of
23 acceptable signatures, the nomination papers shall be rejected
24 and returned to the candidate.

25 5. The nomination papers shall be rejected if the
26 affidavit lacks any of the following:

- 27 a. The candidate's name.
- 28 b. The name of the office sought, including the district,
29 if any.
- 30 c. The signature of the candidate.
- 31 d. The signature of a notary public or other officer
32 empowered to witness oaths.

33 6. The candidate may replace a deficient affidavit with a
34 corrected one only if the replacement is filed before the
35 filing deadline. The candidate may resubmit a nomination

1 petition that has been rejected by adding a sufficient number
2 of pages or signatures to correct the deficiency. A
3 nomination petition and affidavit filed to replace rejected
4 nomination papers shall be filed together before the deadline
5 for filing.

6 Sec. 4. Section 45.6, subsection 3, Code 2005, is amended
7 to read as follows:

8 3. All signers, for all nominations, of each separate part
9 of a nomination petition, shall reside in the appropriate
10 ward, city, county, school district, ~~or~~ legislative district,
11 or other district as required by section 45.1.

12 Sec. 5. Section 47.1, Code 2005, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 6. Any expenditure of public money by the
15 state commissioner of elections, including a transfer of funds
16 by the state commissioner to counties, for real or personal
17 property, or for services, related to implementation of Pub.
18 L. No. 107-252, which exceeds, in the aggregate, one hundred
19 thousand dollars, shall first be approved by the legislative
20 council.

21 Sec. 6. Section 47.7, Code 2005, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 3. Any expenditure of public money by the
24 state registrar of voters or by the state voter registration
25 commission, including a transfer of funds by the state
26 registrar or by the state commission to counties, for real or
27 personal property, or for services, related to implementation
28 of Pub. L. No. 107-252, which exceeds, in the aggregate, one
29 hundred thousand dollars, shall first be approved by the
30 legislative council.

31 Sec. 7. Section 49.14, subsection 1, Code 2005, is amended
32 to read as follows:

33 1. The commissioner may appoint substitute precinct
34 election officials as alternates for election board members.
35 ~~A-majority-of-the-original-election-board-members-shall-be~~

1 ~~present-at-the-precinct-polling-place-at-all-times,-at~~
2 ~~partisan-elections-such-majority-shall-include-at-least-one~~
3 ~~precinct-election-official-from-each-political-party---if-the~~
4 ~~chairperson-leaves-the-polling-place,-the-chairperson-shall~~
5 ~~designate-another-member-of-the-board-to-serve-as-chairperson~~
6 ~~until-the-chairperson-returns.~~ The responsibilities and
7 duties of a precinct election official, other than the
8 chairperson, present at the time the polling place was opened
9 on the day of an election may be assumed at any later time
10 that day by a substitute appointed as an alternate. The
11 substitute shall serve either for the balance of that election
12 day or for any shorter period of time the commissioner may
13 designate. At partisan elections, a substitute precinct
14 election official assuming the duties of a precinct election
15 official shall be a member of the same political party as the
16 precinct election official whose duties are being assumed.

17 Sec. 8. Section 49.57, subsections 2 and 3, Code 2005, are
18 amended to read as follows:

19 2. In the area of the general election ballot for straight
20 party voting, the party or organization names shall be printed
21 in ~~capital~~ upper case and lower case letters ~~of~~ using a
22 uniform font size,-in for each political party or nonparty
23 political organization. The font size shall be not less than
24 twelve point type. After the name of each candidate for a
25 partisan office the name of the candidate's political party
26 shall be printed in at least six point type. The names of
27 political parties and nonparty political organizations may be
28 abbreviated on the remainder of the ballot if both the full
29 name and the abbreviation appear in the "Straight Party" and
30 "Other Political Party" areas of the ballot.

31 3. The names of candidates shall be printed in ~~capital~~
32 upper case and lower case letters, ~~of~~ using a uniform font
33 size throughout the ballot,-in. The font size shall be not
34 less than ten point type.

35 Sec. 9. Section 49.57, Code 2005, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 3A. In no case shall the font size for
3 public measures, constitutional amendments, and constitutional
4 convention questions, and summaries thereof, be less than ten
5 point type.

6 Sec. 10. Section 49.73, subsection 2, Code 2005, is
7 amended to read as follows:

8 2. The commissioner shall not shorten voting hours for any
9 election if there is filed in the commissioner's office, at
10 least twenty-five days before the election, a petition signed
11 by at least fifty eligible electors of the school district or
12 city, as the case may be, requesting that the polls be opened
13 not later than seven o'clock a.m. All polling places where
14 the candidates of or any public question submitted by any one
15 political subdivision are being voted upon shall be opened at
16 the same hour, except that this requirement shall not apply to
17 merged areas established under chapter 260C. The hours at
18 which the respective precinct polling places are to open shall
19 not be changed after publication of the notice required by
20 section 49.53. The polling places shall be closed at nine
21 o'clock eight p.m. for ~~state-primary-and-general-elections-and~~
22 ~~other-partisan-elections, and for any other election held~~
23 ~~concurrently therewith, and at eight o'clock p.m. for all~~
24 other elections.

25 Sec. 11. Section 49.77, subsection 3, Code 2005, is
26 amended to read as follows:

27 3. A precinct election official shall require any person
28 whose name does not appear on the election register as an
29 active voter to show identification to prove residency in the
30 precinct. Specific documents which are acceptable forms of
31 identification shall be prescribed by the state commissioner.

32 A precinct election official may shall require of the voter
33 ~~unknown-to-the-official,~~ identification upon which the voter's
34 photograph and signature or mark appears. If identification
35 is established to the satisfaction of the precinct election

1 officials, the person may then be allowed to vote.

2 Sec. 12. Section 49.77, subsection 4, unnumbered paragraph
3 1, Code 2005, is amended to read as follows:

4 A person whose name does not appear on the election
5 register of the precinct in which that person claims the right
6 to vote shall not be permitted to vote, unless the person
7 affirms that the person is currently registered in the county
8 and presents proof-of-identity identification to prove
9 residency in the precinct, or the commissioner informs the
10 precinct election officials that an error has occurred and
11 that the person is a registered voter of that precinct. If
12 the commissioner finds no record of the person's registration
13 but the person insists that the person is a registered voter
14 of that precinct, the precinct election officials shall allow
15 the person to cast a ballot in the manner prescribed by
16 section 49.81.

17 Sec. 13. Section 49.79, Code 2005, is amended to read as
18 follows:

19 49.79 CHALLENGES.

20 1. Any person offering to vote may be challenged as
21 unqualified by any precinct election official or registered
22 voter. It is the duty of each official to challenge any
23 person offering to vote whom the official knows or suspects is
24 not duly qualified. A ballot shall be received from a voter
25 who is challenged, but only in accordance with section 49.81.

26 2. A person may be challenged for any of the following
27 reasons:

28 a. The challenged person is not a citizen of the United
29 States.

30 b. The challenged person is less than eighteen years of
31 age as of the date of the election at which the person is
32 offering to vote.

33 c. The challenged person is not a resident at the address
34 where the person is registered. However, a person who is
35 reporting a change of address at the polls on election day

1 pursuant to section 48A.27, subsection 2, paragraph "a",
2 subparagraph (3) shall not be challenged for this reason.

3 d. The challenged person is not a resident of the precinct
4 where the person is offering to vote.

5 e. The challenged person has falsified information on the
6 person's registration form or on the person's declaration of
7 eligibility.

8 f. The challenged person has been convicted of a felony,
9 and the person's voting rights have not been restored.

10 g. The challenged person has been adjudged by a court of
11 law to be a person who is incompetent to vote and no
12 subsequent proceeding has reversed that finding.

13 Sec. 14. Section 50.16, Code 2005, is amended to read as
14 follows:

15 50.16 TALLY LIST OF BOARD.

16 The tally list shall be prepared in writing by the election
17 board giving, in legibly printed numerals, the total number of
18 people who cast ballots in the precinct, the total number of
19 ballots cast for each officer office, except those rejected,
20 the name of each person voted for, and the number of votes
21 given to each person for each different office. The tally
22 list shall be signed by the precinct election officials, and
23 be substantially as follows:

24 At an election at in township, or in
25 precinct of city or township, in county, state of
26 Iowa, on the ... day of A-D- .., there were ... ballots
27 cast for the office of of which
28 (Candidate's name) had .. votes.
29 (Candidate's name) had .. votes.
30 (and in the same manner for any other officer).

31 A true tally list:

32 (Name) Election Board
33 (Name) Members.
34 (Name)

35 Attest:

1 (Name) Designated
 2 (Name) Tally Keepers.

3 Sec. 15. Section 52.25, unnumbered paragraph 2, Code 2005,
 4 is amended to read as follows:

5 The entire convention question, amendment, or public
 6 measure shall be printed and displayed prominently in at least
 7 four places within the voting precinct, and inside each voting
 8 booth, or on the left-hand side inside the curtain of each
 9 voting machine, the printing to be in conformity with the
 10 provisions of chapter 49. The question, amendment, or
 11 measure, and summaries thereof, shall be printed on the
 12 special paper ballots or on the inserts used in the voting
 13 machines. In no case shall the font size be less than ten
 14 point type. The public measure shall be summarized by the
 15 commissioner ~~and-in-the-largest-type-possible-printed-on-the~~
 16 ~~special-paper-ballots-or-inserts-used-in-the-voting-machines,~~
 17 except that:

18 Sec. 16. Section 39A.6, Code 2005, is repealed.

19 Sec. 17. APPLICABILITY DATE. This division of this Act
 20 applies to elections held on or after January 1, 2006.

21 DIVISION II

22 ABSENTEE VOTING

23 Sec. 18. Section 39A.4, subsection 1, paragraph c,
 24 subparagraph (10), Code 2005, is amended to read as follows:

25 (10) As an incumbent officeholder of, or a candidate for,
 26 an office being voted for at the election in progress, serving
 27 as a member of a challenging committee or observer under
 28 section 49.104, subsection 2, 5, or 6, or section 53.23,
 29 subsection 4.

30 Sec. 19. Section 49.63, Code 2005, is amended to read as
 31 follows:

32 49.63 TIME OF PRINTING -- INSPECTION AND CORRECTION.

33 Ballots shall be printed and in the possession of the
 34 commissioner in time to enable the commissioner to furnish
 35 ballots to absent voters as provided by sections 53.8, 53.10,

1 and 53.11. The printed ballots shall be subject to the
2 inspection of candidates and their agents. If mistakes are
3 discovered, they shall be corrected without delay, in the
4 manner provided in this chapter.

5 Sec. 20. Section 53.7, subsection 1, Code 2005, is amended
6 to read as follows:

7 1. It shall be unlawful for any employee of the state or
8 any employee of a political subdivision to solicit any
9 application or request for application for an absentee ballot,
10 or to take an affidavit in connection with any absentee ballot
11 while the employee is on the employer's premises or otherwise
12 in the course of employment. However, any such employee may
13 take such affidavit in connection with an absentee ballot
14 which is cast by the registered voter in person in the office
15 where such employee is employed in accordance with section
16 53.10 or 53.11. This subsection shall not apply to any
17 elected official.

18 Sec. 21. Section 53.8, subsection 3, unnumbered paragraph
19 3, Code 2005, is amended to read as follows:

20 Nothing in this subsection nor in section 53.22 shall be
21 construed to prohibit a registered voter who is a hospital
22 patient or resident of a health care facility, or who
23 anticipates entering a hospital or health care facility before
24 the date of a forthcoming election, from casting an absentee
25 ballot in the manner prescribed by section 53.10 or 53.11.

26 Sec. 22. Section 53.11, subsection 1, Code 2005, is
27 amended to read as follows:

28 1. Satellite absentee voting stations may be established
29 throughout the cities and county at the direction of the
30 commissioner and shall be established upon receipt of a
31 petition signed by not less than one hundred eligible electors
32 requesting that a satellite absentee voting station be
33 established at a location to be described on the petition. A
34 satellite absentee voting station established by petition must
35 be open at least one day for a minimum of six hours. A

1 satellite absentee voting station established at the direction
2 of the commissioner or-by-petition may remain open until five
3 p.m. on the day before the election.

4 Sec. 23. Section 53.11, subsection 2, Code 2005, is
5 amended by striking the subsection.

6 Sec. 24. Section 53.17, subsection 4, Code 2005, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. ee. Notwithstanding section 53.15, an
9 absentee ballot courier shall not assist the voter in
10 completing an absentee ballot.

11 Sec. 25. Section 53.22, subsection 1, paragraph a,
12 unnumbered paragraph 1, Code 2005, is amended to read as
13 follows:

14 A registered voter who has applied for an absentee ballot,
15 in a manner other than that prescribed by section 53.10 or
16 53.11, and who is a resident or patient in a health care
17 facility or hospital located in the county to which the
18 application has been submitted shall be delivered the
19 appropriate absentee ballot by two special precinct election
20 officers, one of whom shall be a member of each of the
21 political parties referred to in section 49.13, who shall be
22 appointed by the commissioner from the election board panel
23 for the special precinct established by section 53.20. The
24 special precinct election officers shall be sworn in the
25 manner provided by section 49.75 for election board members,
26 shall receive compensation as provided in section 49.20 and
27 shall perform their duties during the ten calendar days
28 preceding the election and on election day if all ballots
29 requested under section 53.8, subsection 3 have not previously
30 been delivered and returned.

31 Sec. 26. Section 53.23, subsection 4, Code 2005, is
32 amended to read as follows:

33 4. The room where members of the special precinct election
34 board are engaged in counting absentee ballots during the
35 hours the polls are open shall be policed so as to prevent any

1 person other than those whose presence is authorized by this
2 subsection from obtaining information about the progress of
3 the count. The only persons who may be admitted to that room
4 are the members of the board, one challenger representing each
5 political party, one observer representing any nonparty
6 political organization or any candidate nominated by petition
7 pursuant to chapter 45 or any other nonpartisan candidate in a
8 city or school election appearing on the ballot of the
9 election in progress, one observer representing persons
10 supporting a public measure appearing on the ballot and one
11 observer representing persons opposed to such measure, and the
12 commissioner or the commissioner's designee. It shall be
13 unlawful for any of these persons to communicate or attempt to
14 communicate, directly or indirectly, information regarding the
15 progress of the count, including the names of voters whose
16 ballots have been rejected, at any time before the polls are
17 closed.

18 Sec. 27. Section 53.37, Code 2005, is amended to read as
19 follows:

20 53.37 DEFINITIONS.

21 1. This division is intended to implement the federal
22 Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. §
23 1973ff et seq.

24 2. The term "armed forces of the United States", as used
25 in this division, shall mean the army, navy, marine corps,
26 coast guard, and air force of the United States.

27 3. For the purpose of absentee voting only, there shall be
28 included in the term "armed forces of the United States" the
29 following:

30 1- a. Spouses and dependents of members of the armed
31 forces while in active service.

32 2- b. Members of the merchant marine of the United States
33 and their spouses and dependents.

34 3- c. Civilian employees of the United States in all
35 categories serving outside the territorial limits of the

1 several states of the United States and the District of
2 Columbia and their spouses and dependents when residing with
3 or accompanying them, whether or not the employee is subject
4 to the civil service laws and the Classification Act of 1949,
5 and whether or not paid from funds appropriated by the
6 Congress.

7 ~~4.~~ d. Members of religious groups or welfare agencies
8 assisting members of the armed forces, who are officially
9 attached to and serving with the armed forces, and their
10 spouses and dependents.

11 ~~5.~~ e. Citizens of the United States who do not fall under
12 any of the categories described in subsections 1 to 4, but who
13 are entitled to register and vote pursuant to section 48A.5,
14 subsection 4.

15 4. For the purposes of this division, "qualified voter"
16 means a person who is included within the term "armed forces
17 of the United States" as described in this section, who would
18 be qualified to register to vote under section 48A.5,
19 subsection 2, except for residency, and who is not
20 disqualified from registering to vote and voting under section
21 48A.6.

22 Sec. 28. Section 53.38, Code 2005, is amended to read as
23 follows:

24 53.38 WHAT CONSTITUTES REGISTRATION.

25 Whenever a ballot is requested pursuant to section 53.39 or
26 53.45 on behalf of a voter in the armed forces of the United
27 States, the affidavit upon the ballot envelope of such voter,
28 if the voter is found to be an eligible elector of the county
29 to which the ballot is submitted, shall constitute a
30 sufficient registration under chapter 48A. A completed
31 federal postcard registration and federal absentee ballot
32 request form submitted by such eligible elector shall also
33 constitute a sufficient registration under chapter 48A. The
34 commissioner shall place the voter's name on the registration
35 record as a registered voter if it does not already appear

1 there. The identification requirements of section 48A.8 and
2 the verification requirements of section 48A.25A do not apply
3 to persons who register to vote under this division.

4 Sec. 29. Section 53.41, Code 2005, is amended to read as
5 follows:

6 53.41 RECORDS BY COMMISSIONER -- EXCESS REQUESTS OR
7 BALLOTS.

8 The commissioner of each county shall establish and
9 maintain a record of all requests for ballots which are made,
10 and of all ballots transmitted, and the manner of transmittal,
11 from and received in the commissioner's office under the
12 provisions of this division.

13 PARAGRAPH DIVIDED. If more than one request for absent
14 voter's ballot for a particular election is made to the
15 commissioner before the ballots are ready to mail by or on
16 behalf of a voter in the armed forces of the United States,
17 the last request ~~first~~ received shall be honored, except that
18 if one of the requests is made by the voter, ~~and-a-request-on~~
19 ~~the-voter's-behalf-has-not-been-previously-honored,~~ the
20 request of the voter shall be honored in preference to a
21 request made on the voter's behalf by another.

22 PARAGRAPH DIVIDED. Not more than one ballot shall be
23 transmitted by the commissioner to any voter for a particular
24 election unless after the ballot has been mailed the voter
25 reports a change in the address to which the ballot should be
26 sent. A ballot shall be mailed using a serial number that
27 indicates that this is a replacement sent to an updated
28 address. The original ballot shall be counted only if the
29 replacement ballot does not arrive. If the commissioner
30 receives more than one absent voter's ballot, provided for by
31 this division, from or purporting to be from any one voter for
32 a particular election, all of the ballots so received from or
33 purporting to be from such voter are void, and the
34 commissioner shall not deliver any of the ballots to the
35 precinct election officials, but shall retain them in the

1 commissioner's office, and preserve them for the period and
2 under the conditions provided for in sections 50.12 through
3 50.15 and section 50.19.

4 Sec. 30. Section 53.44, unnumbered paragraph 2, Code 2005,
5 is amended to read as follows:

6 Absentee ballots issued under this division shall be
7 returned ~~in-the-same-manner~~ either by mail by the voter or a
8 person designated by the voter or by personal delivery by the
9 voter or a person designated by the voter and within the same
10 time limits specified in section 53.17.

11 Sec. 31. Section 53.53, subsection 4, paragraph a, Code
12 2005, is amended to read as follows:

13 a. The ballot was submitted from within the United States,
14 unless the voter is a member of the armed forces of the United
15 States, as described in section 53.37, subsection 2, on active
16 duty and away from the voter's county of residence for
17 purposes of serving on active duty.

18 Sec. 32. Section 53.53, subsection 4, paragraph b, Code
19 2005, is amended by striking the paragraph.

* 20 Sec. 33. APPLICABILITY DATE. This division of this Act
21 applies to elections held on or after January 1, 2006.

22 DIVISION III

23 VOTER REGISTRATION

24 Sec. 34. Section 48A.2, Code 2005, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 6. "Voter registration list" means a
27 compilation of voter registration records produced, upon
28 request, from the electronic voter registration file or by
29 viewing, upon request, the original, completed voter
30 registration applications and forms.

31 Sec. 35. Section 48A.7, Code 2005, is amended to read as
32 follows:

33 48A.7 REGISTRATION IN PERSON.

34 1. An eligible elector may register to vote by appearing
35 personally and completing a voter registration form at the

1 office of the commissioner in the county in which the person
2 resides, at a motor vehicle driver's license station,
3 including any county treasurer's office that is participating
4 in county issuance of driver's licenses under chapter 321M, or
5 at any voter registration agency. A separate registration
6 form shall be signed by each individual registrant.

7 2. An eligible elector who registers to vote in person at
8 the commissioner's office or at a satellite absentee voting
9 station with the intent of requesting an absentee ballot to be
10 voted at the commissioner's office or at the satellite
11 absentee voting station immediately after registering to vote
12 shall be required to provide a current and valid photo
13 identification card or shall present to the election official
14 one of the documents listed in section 48A.8, subsection 2,
15 paragraphs "a" through "e". If the voter does not provide the
16 required identification, the voter shall be permitted to cast
17 a provisional ballot.

18 Sec. 36. Section 48A.11, subsection 8, Code 2005, is
19 amended to read as follows:

20 8. A voter registration application lacking the
21 registrant's name, sex, date of birth, or residence address or
22 description shall not be processed. A voter registration
23 application lacking the registrant's driver's license number,
24 Iowa nonoperator's identification card number, or the last
25 four digits of the registrant's social security number shall
26 not be processed. A voter registration application lacking
27 the registrant's signature shall not be processed. A
28 registrant whose registration is not processed pursuant to
29 this subsection shall be notified pursuant to section 48A.26,
30 subsection 3. A registrant who does not have an Iowa driver's
31 license number, an Iowa nonoperator's identification number,
32 or a social security number and who notifies the registrar of
33 such shall be assigned a unique identifying number that shall
34 serve to identify the registrant for voter registration
35 purposes.

1 Sec. 37. Section 48A.25A, Code 2005, is amended to read as
2 follows:

3 48A.25A VERIFICATION OF VOTER REGISTRATION INFORMATION.

4 Upon receipt of ~~an~~ any application for voter registration
5 by mail, the state registrar of voters shall compare the
6 driver's license number, the Iowa nonoperator's identification
7 card number, or the last four numerals of the social security
8 number provided by the registrant with the records of the
9 state department of transportation or the social security
10 administration. To be verified, the voter registration record
11 shall contain the same name, date of birth, and driver's
12 license number or Iowa nonoperator's identification card
13 number or whole or partial social security number as the
14 records of the state department of transportation or social
15 security administration. If the information cannot be
16 verified, the application shall be rejected and the registrant
17 shall be notified of the reason for the rejection. If the
18 information can be verified, a record shall be made of the
19 verification and the application shall be accepted.

20 The voter registration commission shall adopt rules in
21 accordance with chapter 17A to provide procedures for
22 processing registration applications if the ~~state-department~~
23 ~~of-transportation-does-not,~~ applications cannot be verified
24 before the close of registration for an election for which the
25 voter registration otherwise would be effective, ~~-if-verified,~~
26 ~~provide-a-report-that-the-information-on-the-application-has~~
27 ~~matched-or-not-matched-the-records-of-the-department.~~

28 This section applies to all voter registration applications
29 received by mail. ~~This~~ However, this section does not apply
30 to mail registration applicants who are persons described in
31 section 53.37 who are entitled to register to vote and to vote
32 pursuant-to-section-48A:57-subsection-4.

33 Sec. 38. Section 49.81, subsection 1, Code 2005, is
34 amended to read as follows:

35 1. A prospective voter who is prohibited under section

1 48A.7, subsection 2, section 48A.8, subsection 4, section
2 49.77, subsection 4, or section 49.80 from voting except under
3 this section shall be notified by the appropriate precinct
4 election official that the voter may cast a provisional
5 ballot. If a booth meeting the requirement of section 49.25
6 is not available at that polling place, the precinct election
7 officials shall make alternative arrangements to insure the
8 challenged voter the opportunity to vote in secret. The
9 marked ballot, folded as required by section 49.84, shall be
10 delivered to a precinct election official who shall
11 immediately seal it in an envelope of the type prescribed by
12 subsection 4. The sealed envelope shall be deposited in an
13 envelope marked "provisional ballots" and shall be considered
14 as having been cast in the special precinct established by
15 section 53.20 for purposes of the postelection canvass.

16 Sec. 39. APPLICABILITY DATE. This division of this Act
17 applies to elections held on or after January 1, 2006.

18

DIVISION IV

19

LOCAL GOVERNMENT SPECIAL ELECTIONS

20 Sec. 40. Section 39.2, Code 2005, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 4. Unless otherwise provided by law:

23 a. A county may hold a special election on public measures
24 only on the day of the general election, on the day of the
25 regular city election, on the first Tuesday in February, or on
26 the second Tuesday in July.

27 b. A city may hold a special election on public measures
28 only on the day of the general election, on the day of the
29 regular city election, on the first Tuesday in February, or on
30 the second Tuesday in July.

31 c. A school district or merged area may hold a special
32 election on public measures only on the day of the regular
33 school election, on the second Tuesday in January, on the
34 second Tuesday in April, or on the second Tuesday in September
35 of each even-numbered year.

1 Sec. 41. Section 47.6, subsection 1, unnumbered paragraph
2 1, Code 2005, is amended to read as follows:

3 The governing body of ~~any~~ a political subdivision which has
4 authorized a special election to which section 39.2 ~~is,~~
5 subsections 1, 2, and 3, are applicable shall by written
6 notice inform the commissioner who will be responsible for
7 conducting the election of the proposed date of the special
8 election. If a public measure will appear on the ballot at
9 the special election the governing body shall submit the
10 complete text of the public measure to the commissioner with
11 the notice of the proposed date of the special election.

12 Sec. 42. Section 47.6, Code 2005, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 3. A city council or a county board of
15 supervisors that has authorized a public measure to be
16 submitted to the voters at a special election held pursuant to
17 section 39.2, subsection 4, shall file the full text of the
18 public measure with the commissioner no later than five p.m.
19 on the forty-sixth day before the election. If there are
20 vacancies in county offices to be filled at the special
21 election, candidates shall file their nomination papers with
22 the commissioner not later than five p.m. on the forty-
23 seventh day before the election. Candidates for city offices
24 to be filled at the special election shall file their
25 nomination papers with the city clerk pursuant to the
26 appropriate election calendar for the city.

27 Sec. 43. Section 69.12, subsection 1, paragraph a,
28 subparagraph (4), Code 2005, is amended by striking the
29 subparagraph.

30 Sec. 44. Section 99F.7, subsection 11, paragraph a, Code
31 2005, is amended to read as follows:

32 a. A license to conduct gambling games on an excursion
33 gambling boat in a county shall be issued only if the county
34 electorate approves the conduct of the gambling games as
35 provided in this subsection. The board of supervisors, upon

1 receipt of a valid petition meeting the requirements of
2 section 331.306, shall direct the commissioner of elections to
3 submit to the registered voters of the county a proposition to
4 approve or disapprove the conduct of gambling games on an
5 excursion gambling boat in the county. The proposition shall
6 be submitted at a general election or at a special election
7 ~~called-for-that-purpose~~. To be submitted at a general
8 election, the petition must be received by the board of
9 supervisors at least five working days before the last day for
10 candidates for county offices to file nomination papers for
11 the general election pursuant to section 44.4. If a majority
12 of the county voters voting on the proposition favor the
13 conduct of gambling games, the commission may issue one or
14 more licenses as provided in this chapter. If a majority of
15 the county voters voting on the proposition do not favor the
16 conduct of gambling games, a license to conduct gambling games
17 in the county shall not be issued.

18 Sec. 45. Section 99F.7, subsection 11, paragraph c, Code
19 2005, is amended to read as follows:

20 c. If a licensee of a pari-mutuel racetrack who held a
21 valid license issued under chapter 99D as of January 1, 1994,
22 requests a license to operate gambling games as provided in
23 this chapter, the board of supervisors of a county in which
24 the licensee of a pari-mutuel racetrack requests a license to
25 operate gambling games shall submit to the county electorate a
26 proposition to approve or disapprove the operation of gambling
27 games at pari-mutuel racetracks at a special election ~~at-the~~
28 ~~earliest-practicable-time~~. If the operation of gambling games
29 at the pari-mutuel racetrack is not approved by a majority of
30 the county electorate voting on the proposition at the
31 election, the commission shall not issue a license to operate
32 gambling games at the racetrack.

33 Sec. 46. Section 145A.7, Code 2005, is amended to read as
34 follows:

35 145A.7 SPECIAL ELECTION.

1 When a protesting petition is received, the officials
2 receiving the petition shall call a special election of all
3 registered voters of that political subdivision ~~for the~~
4 purpose upon the question of approving or rejecting the order
5 setting out the proposed merger plan. The vote will be taken
6 by ballot in the form provided by sections 49.43 to 49.47, and
7 the election shall be initiated and held as provided in
8 chapter 49. A majority vote of those registered voters voting
9 at said special election shall be sufficient to approve the
10 order and thus include the political subdivision within the
11 merged area.

* 12 Sec. 47. Section 257.18, subsection 2, unnumbered
13 paragraph 1, Code 2005, is amended to read as follows:

14 If the board does not provide for an election and adopts a
15 resolution to participate in the instructional support
16 program, the district shall participate in the instructional
17 support program unless within twenty-eight days following the
18 action of the board, the secretary of the board receives a
19 petition containing the required number of signatures, asking
20 that ~~an election be called~~ the question to approve or
21 disapprove the action of the board in adopting the
22 instructional support program be submitted to the voters of
23 the school district. The petition must be signed by eligible
24 electors equal in number to not less than one hundred or
25 thirty percent of the number of voters at the last preceding
26 regular school election, whichever is greater. The board
27 shall either rescind its action or direct the county
28 commissioner of elections to submit the question to the
29 registered voters of the school district at the next following
30 regular school election or at a special election. If a
31 majority of those voting on the question at the election
32 favors disapproval of the action of the board, the district
33 shall not participate in the instructional support program.
34 If a majority of those voting on the question favors approval
35 of the action, the board shall certify the results of the

1 election to the department of management and the district
2 shall participate in the program.

3 Sec. 48. Section 257.29, unnumbered paragraph 1, Code
4 2005, is amended to read as follows:

5 An educational improvement program is established to
6 provide additional funding for school districts in which the
7 regular program district cost per pupil for a budget year is
8 one hundred ten percent of the regular program state cost per
9 pupil for the budget year and which have approved the use of
10 the instructional support program established in section
11 257.18. A board of directors that wishes to consider
12 participating in the educational improvement program shall
13 hold a hearing on the question of participation and the
14 maximum percent of the regular program district cost of the
15 district that will be used. The hearing shall be held in the
16 manner provided in section 257.18 for the instructional
17 support program. Following the hearing, the board may direct
18 the county commissioner of elections to submit the question to
19 the registered voters of the school district at the next
20 following regular school election or at a special election
21 ~~held not later than the following February 1.~~ If a majority
22 of those voting on the question favors participation in the
23 program, the board shall adopt a resolution to participate and
24 shall certify the results of the election to the department of
25 management and the district shall participate in the program.
26 If a majority of those voting on the question does not favor
27 participation, the district shall not participate in the
28 program.

* 29 Sec. 49. Section 275.18, unnumbered paragraph 1, Code
30 2005, is amended to read as follows:

31 When the boundaries of the territory to be included in a
32 proposed school corporation and the number and method of the
33 election of the school directors of the proposed school
34 corporation have been determined as provided in this chapter,
35 the area education agency administrator with whom the petition is

1 is filed shall give written notice of the proposed date of the
2 election to the county commissioner of elections of the county
3 in the proposed school corporation which has the greatest
4 taxable base. The proposed date shall be as soon as possible
5 pursuant to section 39.2, subsections 1, and 2, and 4, and
6 section 47.6, subsections 1 and 2, but not later than November
7 30 of the calendar year prior to the calendar year in which
8 the reorganization will take effect.

9 Sec. 50. Section 275.25, subsection 1, unnumbered
10 paragraph 1, Code 2005, is amended to read as follows:

11 If the proposition to establish a new school district
12 carries under the method provided in this chapter, the area
13 education agency administrator with whom the petition was
14 filed shall give written notice of a proposed date for a
15 special election for directors of the newly formed school
16 district to the commissioner of elections of the county in the
17 district involved in the reorganization which has the greatest
18 taxable base. The proposed date shall be as soon as possible
19 pursuant to section 39.2, subsections 1, and 2, and 4, and
20 section 47.6, subsections 1 and 2, but not later than the
21 third Tuesday in January of the calendar year in which the
22 reorganization takes effect. The election shall be conducted
23 as provided in section 277.3, and nomination petitions shall
24 be filed pursuant to section 277.4, except as otherwise
25 provided in this subsection. Nomination petitions shall be
26 filed with the secretary of the board of the existing school
27 district in which the candidate resides not less than twenty-
28 eight days before the date set for the special school
29 election. The secretary of the board, or the secretary's
30 designee, shall be present in the secretary's office until
31 five p.m. on the final day to file the nomination papers. The
32 nomination papers shall be delivered to the commissioner no
33 later than five p.m. on the twenty-seventh day before the
34 election.

35 Sec. 51. Section 275.55, unnumbered paragraphs 1 and 2,

1 Code 2005, are amended to read as follows:

2 The board of the school district shall call a special
3 election to be held ~~not-later-than-forty-days~~ following the
4 date of the final hearing on the dissolution proposal. The
5 special election may be held at the same time as the regular
6 school election. The proposition submitted to the voters
7 residing in the school district at the special election shall
8 describe each separate area to be attached to a contiguous
9 school district and shall name the school district to which it
10 will be attached. In addition to the description, a map may
11 be included in the summary of the question on the ballot.

12 The board shall give written notice of the proposed date of
13 the election to the county commissioner of elections. The
14 proposed date shall be pursuant to section 39.2, subsections
15 1, and 2, and 4, and section 47.6, subsections 1 and 2. The
16 county commissioner of elections shall give notice of the
17 election by one publication in the same newspaper in which the
18 previous notice was published about the hearing, which
19 publication shall not be less than four nor more than twenty
20 days prior to the election.

21 Sec. 52. Section 277.2, Code 2005, is amended to read as
22 follows:

23 277.2 SPECIAL ELECTION.

24 The board of directors in a school corporation may call a
25 special election, on the dates specified in section 39.2,
26 subsection 4, paragraph "c", at which the voters shall have
27 the powers exercised at the regular election with reference to
28 the sale of school property and the application to be made of
29 the proceeds, the authorization of seven members on the board
30 of directors, the authorization to establish or change the
31 boundaries of director districts, and the authorization of a
32 voter-approved physical plant and equipment levy or
33 indebtedness, as provided by law.

34 Sec. 53. Section 300.2, unnumbered paragraph 1, Code 2005,
35 is amended to read as follows:

1 The board of directors of a school district may, and upon
2 receipt of a petition signed by eligible electors equal in
3 number to at least twenty-five percent of the number of voters
4 at the last preceding school election, shall, direct the
5 county commissioner of elections to submit to the registered
6 voters of the school district the question of whether to levy
7 a tax of not to exceed thirteen and one-half cents per
8 thousand dollars of assessed valuation for public educational
9 and recreational activities authorized under this chapter. ~~If~~
10 ~~at-the-time-of-filing-the-petition,-it-is-more-than-three~~
11 ~~months-until-the-next-regular-school-election,-the-board-of~~
12 ~~directors-shall-submit-the-question-at-a-special-election~~
13 ~~within-sixty-days---Otherwise,-the~~ The question shall be
14 submitted at a special election or at the next regular school
15 election.

16 Sec. 54. Section 330.17, unnumbered paragraph 1, Code
17 2005, is amended to read as follows:

18 The council of any city or county which owns or acquires an
19 airport may, and upon the council's receipt of a valid
20 petition as provided in section 362.4, or receipt of a
21 petition by the board of supervisors as provided in section
22 331.306 shall, at a regular city election or a general
23 election if one is to be held within seventy-four days from
24 the filing of the petition, or otherwise at a special election
25 ~~called-for-that-purpose~~, submit to the voters the question as
26 to whether the management and control of the airport shall be
27 placed in an airport commission. If a majority of the voters
28 favors placing the management and control of the airport in an
29 airport commission, the commission shall be established as
30 provided in this chapter.

31 Sec. 55. Section 331.207, subsection 2, Code 2005, is
32 amended to read as follows:

33 2. The petition shall be filed with the county
34 commissioner by June 1 of an odd-numbered year, subject to
35 subsection 6. The special election shall be held ~~within-sixty~~

1 ~~days-after-the-day-the-petition-was-received~~ on the first
2 special election date, pursuant to section 39.2, subsection 4,
3 paragraph "a", following the filing of the petition. Notice
4 of the special election question shall be published once each
5 week for three successive weeks in an official newspaper of
6 the county, shall state the representation plans to be
7 submitted to the electors, and shall state the date of the
8 special election which. The date of the last publication of
9 notice shall be ~~held~~ not less than five nor more than twenty
10 days from the date of ~~last-publication~~ the election.

11 Sec. 56. Section 346.27, subsection 10, unnumbered
12 paragraph 1, Code 2005, is amended to read as follows:

13 After the incorporation of an authority, and before the
14 sale of any issue of revenue bonds, except refunding bonds,
15 the authority shall ~~call-an-election-to-decide~~ submit at a
16 general or special election the question of whether the
17 authority shall issue and sell revenue bonds. The ballot
18 shall state the amount of the bonds and the purposes for which
19 the authority is incorporated. All registered voters of the
20 county shall be entitled to vote on the question. ~~The~~
21 ~~question-may-be-submitted-at-a-general-election-or-at-a~~
22 ~~special-election.~~ An affirmative vote of a majority of the
23 votes cast on the question is required to authorize the
24 issuance and sale of revenue bonds.

25 Sec. 57. Section 347.23, unnumbered paragraph 1, Code
26 2005, is amended to read as follows:

27 Any hospital organized and existing as a city hospital may
28 become a county hospital organized and managed as provided for
29 in this chapter, upon a proposition for such purpose being
30 submitted to and approved by a majority of the electors of
31 both the city in which such hospital is located and of the
32 county under whose management it is proposed that such
33 hospital be placed, at any general or special election ~~called~~
34 ~~for-such-purpose.~~ The proposition shall be placed upon the
35 ballot by the board of supervisors when requested by a

1 petition signed by eligible electors of the county equal in
2 number to five percent of the votes cast for president of the
3 United States or governor, as the case may be, at the last
4 general election. ~~The proposition may be submitted at the~~
5 ~~next general election or at a special election called for that~~
6 ~~purpose.~~ Upon the approval of the proposition the hospital,
7 its assets and liabilities, will become the property of the
8 county and this chapter will govern its future management.
9 The question shall be submitted in substantially the following
10 form: "Shall the municipal hospital of, Iowa, be
11 transferred to and become the property of, and be managed by
12 the county of, Iowa?"

13 Sec. 58. Section 347.23A, subsection 1, Code 2005, is
14 amended to read as follows:

15 1. A hospital established as a memorial hospital under
16 chapter 37 or a county hospital supported by revenue bonds and
17 organized under chapter 347A may become, in accordance with
18 the provisions of this section, a county hospital organized
19 and managed as provided for in this chapter. If the hospital
20 is established by a city as a memorial hospital, the city must
21 be located in the county which will own and manage the
22 hospital. A proposition for the change must be submitted to
23 and approved by a majority of the electors of the county which
24 will own and manage the hospital as provided for in this
25 chapter. In addition, if the hospital is a memorial hospital
26 organized by a city under chapter 37, the proposition must
27 also be approved by a majority of the electors of that city.
28 The proposition may be submitted to the electors at any
29 general or special election called by the county board of
30 supervisors ~~for this purpose.~~

31 Sec. 59. Section 368.19, unnumbered paragraph 1, Code
32 2005, is amended to read as follows:

33 The committee shall approve or disapprove the petition or
34 plan as amended, within ninety days of the final hearing, and
35 shall file its decision for record and promptly notify the

1 parties to the proceeding of its decision. If a petition or
2 plan is approved, the board shall ~~set-a-date-not-less-than~~
3 ~~thirty-days-nor-more-than-ninety-days-after-approval-for~~
4 submit the proposal at a special election on-the-proposal and
5 the county commissioner of elections shall conduct the
6 election. In a case of incorporation or discontinuance,
7 registered voters of the territory or city may vote, and the
8 proposal is authorized if a majority of those voting approves
9 it. In a case of annexation or severance, registered voters
10 of the territory and of the city may vote, and the proposal is
11 authorized if a majority of the total number of persons voting
12 approves it. In a case of consolidation, registered voters of
13 each city to be consolidated may vote, and the proposal is
14 authorized only if it receives a favorable majority vote in
15 each city. The county commissioner of elections shall publish
16 notice of the election as provided in section 49.53 and shall
17 conduct the election in the same manner as other special city
18 elections.

19 Sec. 60. Section 368.19, unnumbered paragraph 3, Code
20 2005, is amended to read as follows:

21 An incorporation election shall be held not less than fifty
22 days nor more than ninety days after approval of an
23 incorporation petition. The costs of an incorporation
24 election shall be borne by the initiating petitioners if the
25 election fails, but if the proposition is approved the cost
26 shall become a charge of the new city.

27 Sec. 61. Section 372.2, subsection 2, unnumbered paragraph
28 1, Code 2005, is amended to read as follows:

29 Within fifteen days after receiving a valid petition, the
30 council shall publish notice of the date that a special city
31 election will be held to determine whether the city shall
32 change to a different form of government. The election date
33 shall be ~~not-more-than-sixty-days-after-the-publication as~~
34 specified in section 39.2, subsection 4, paragraph "b". If
35 the next ensuing special election is more than sixty days

1 after the publication, the council shall publish another
2 notice fifteen days before the election. The notice shall
3 include a statement that the filing of a petition for
4 appointment of a home rule charter commission will delay the
5 election until after the home rule charter commission has
6 filed a proposed charter. Petition requirements and filing
7 deadlines shall also be included in the notice.

8 Sec. 62. Section 372.3, Code 2005, is amended to read as
9 follows:

10 372.3 HOME RULE CHARTER.

11 If a petition for appointment of a home rule charter com-
12 mission is filed with the city clerk not more than ten days
13 after the council has published the first notice announcing
14 the date of the special election on adoption of another form
15 of government, the special election shall not be held until
16 the charter proposed by the home rule charter commission is
17 filed. Both forms must be published as provided in section
18 372.9 and submitted to the voters at the special election.

19 Sec. 63. Section 372.9, subsection 3, Code 2005, is
20 amended to read as follows:

21 3. The proposed home rule charter must be submitted at a
22 special city election on a date ~~selected-by-the-mayor-and~~
23 ~~council~~ specified in section 39.2, subsection 4, paragraph
24 "b", and in accordance with section 47.6. However, the date
25 of the ~~election~~ last publication must be not less than thirty
26 nor more than sixty days ~~after~~ before the ~~last-publication-of~~
27 ~~the-proposed-home-rule-charter~~ election.

28 Sec. 64. Section 372.13, subsection 11, unnumbered
29 paragraph 1, Code 2005, is amended to read as follows:

30 Council members shall be elected according to the council
31 representation plans under sections 372.4 and 372.5. However,
32 the council representation plan may be changed, by petition
33 and election, to one of those described in this subsection.
34 Upon receipt of a valid petition, as defined in section 362.4,
35 requesting a change to a council representation plan, the

1 council shall submit the question at a special city election
2 ~~to-be-held-within-sixty-days~~. If a majority of the persons
3 voting at the special election approves the changed plan, it
4 becomes effective at the beginning of the term following the
5 next regular city election. If a majority does not approve
6 the changed plan, the council shall not submit another
7 proposal to change a plan to the voters within the next two
8 years.

9 Sec. 65. Section 376.2, unnumbered paragraph 2, Code 2005,
10 is amended to read as follows:

11 Except as otherwise provided by state law or the city
12 charter, terms for elective offices are two years. However,
13 the term of an elective office may be changed to two or four
14 years by petition and election. Upon receipt of a valid
15 petition as defined in section 362.4, requesting that the term
16 of an elective office be changed, the council shall submit the
17 question at a special city election ~~to-be-held-within-sixty~~
18 ~~days-after-the-petition-is-received~~. ~~The-special-election~~
19 ~~shall-be-held-more-than-ninety-days-before-the-regular-city~~
20 ~~election-if-the-change-shall-go-into-effect-at-the-next~~
21 ~~regular-city-election~~. If a majority of the persons voting at
22 the special election approves the changed term, it becomes
23 effective at the beginning of the term following the next
24 regular city election. If a majority does not approve the
25 changed term, the council shall not submit the same proposal
26 to the voters within the next four years.

27 Sec. 66. Section 384.26, subsection 2, unnumbered
28 paragraph 1, Code 2005, is amended to read as follows:

29 Before the council may institute proceedings for the
30 issuance of bonds for a general corporate purpose, it shall
31 call a special city election to vote upon the question of
32 issuing the bonds. At the election the proposition must be
33 submitted in the following form:

34 Sec. 67. Section 423B.1, subsection 5, Code 2005, is
35 amended to read as follows:

1 5. The county commissioner of elections shall submit the
2 question of imposition of a local option tax at a state
3 general election or at a special election held-at-any-time
4 other-than-the-time-of-a-city-regular-election. The election
5 shall not be held sooner than sixty days after publication of
6 notice of the ballot proposition. The ballot proposition
7 shall specify the type and rate of tax and in the case of a
8 vehicle tax the classes that will be exempt and in the case of
9 a local sales and services tax the date it will be imposed
10 which date shall not be earlier than ninety days following the
11 election. The ballot proposition shall also specify the
12 approximate amount of local option tax revenues that will be
13 used for property tax relief and shall contain a statement as
14 to the specific purpose or purposes for which the revenues
15 shall otherwise be expended. If the county board of
16 supervisors decides under subsection 6 to specify a date on
17 which the local option sales and services tax shall
18 automatically be repealed, the date of the repeal shall also
19 be specified on the ballot. The rate of the vehicle tax shall
20 be in increments of one dollar per vehicle as set by the
21 petition seeking to impose the tax. The rate of a local sales
22 and services tax shall not be more than one percent as set by
23 the governing body. The state commissioner of elections shall
24 establish by rule the form for the ballot proposition which
25 form shall be uniform throughout the state.

26 Sec. 68. Section 423E.2, subsection 2, paragraph a, Code
27 2005, is amended to read as follows:

28 a. Upon receipt by a county board of supervisors of a
29 petition requesting imposition of a local sales and services
30 tax for infrastructure purposes, signed by eligible electors
31 of the whole county equal in number to five percent of the
32 persons in the whole county who voted at the last preceding
33 state general election, the board shall within thirty days
34 direct the county commissioner of elections to submit the
35 question of imposition of the tax to the registered voters of

1 the whole county at the general election or at a special
2 election.

3 Sec. 69. APPLICABILITY DATE. This division of this Act
4 applies to elections held on or after January 1, 2006.

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Chair: Jacobs
Boal T. Taylor
Gaskill Upmeyer
Greiner Wendt

HSB 57

STATE GOVERNMENT

HOUSE FILE SF 0793^{SV}
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON ELGIN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the conduct of elections and voter
2 registration by providing when candidates to fill county
3 office vacancies are to be nominated at the primary election,
4 relating to signature requirements on nomination petitions,
5 requiring legislative council approval of certain expenditures
6 for implementation of the Help America Vote Act, relating to
7 use of substitute precinct election officials, relating to
8 ballot printing requirements, modifying closing hours of the
9 polls, modifying identification requirements at the polls,
10 providing grounds for challenging a voter's qualifications,
11 relating to preparation of tally lists, modifying the deadline
12 for filing certain presidential nomination documents,
13 prohibiting candidates or incumbents from being observers when
14 absentee ballots are counted, clarifying that certain confined
15 persons may vote an absentee ballot in person at the
16 commissioner's office, exempting military and overseas voters
17 from the identification and verification requirements for mail
18 voter registrants, relating to multiple requests for an
19 absentee ballot for a military and overseas voter, relating to
20 changes of address and replacement absentee ballots for
21 military and overseas voters, exempting military and overseas
22 voters from absentee ballot return restrictions, allowing

1 certain military voters to return absentee ballots from within
2 the United States, modifying the time period relating to
3 counting federal write-in ballots after an application for a
4 regular absentee ballot is received from the same voter,
5 repealing provisions that allow voting at satellite absentee
6 voting stations, defining voter registration list, relating to
7 signature requirements on voter registration applications,
8 including the social security administration as a verification
9 source for certain voter registration information, specifying
10 the county commissioner as the official responsible for voter
11 registration verification, limiting the dates of special
12 elections on public measures for certain political
13 subdivisions and school corporations, providing for the
14 biennial election of directors of local school districts, area
15 education agencies, and merged areas, and including effective
16 date, applicability date, and transition provisions.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I
2 GENERAL PROVISIONS RELATING
3 TO CONDUCT OF ELECTIONS

4 Section 1. Section 43.6, subsection 2, Code 2005, is
5 amended to read as follows:

6 2. When a vacancy occurs in the office of county
7 supervisor or any of the offices listed in section 39.17 and
8 more than seventy days remain in the term of office following
9 the next general election, the office shall be filled for the
10 balance of the unexpired term at that general election unless
11 the vacancy has been filled by a special election called more
12 than seventy-three days before the primary election. If the
13 vacancy occurs more than seventy-three days before the primary
14 election, political party candidates for that office at the
15 next general election shall be nominated at the primary
16 election. If an appointment to fill the vacancy in office is
17 made eighty-eight or more days before the primary election and
18 a petition requesting a special election has not been received
19 within fourteen days after the appointment is made, candidates
20 for the office shall be nominated at the primary election.

21 Sec. 2. Section 43.14, Code 2005, is amended to read as
22 follows:

23 43.14 FORM OF NOMINATION PAPERS.

24 1. Nomination papers shall include a petition and an
25 affidavit of candidacy. All nomination petitions shall be
26 eight and one-half by eleven inches in size and in
27 substantially the form prescribed by the state commissioner of
28 elections. They shall include or provide spaces for the
29 following information:

30 a. A statement identifying the signers of the petition as
31 eligible electors of the appropriate county or legislative
32 district and of the state.

33 b. The name of the candidate nominated by the petition.

34 c. For nomination petitions for candidates for the general
35 assembly, a statement that the residence of the candidate is

1 within the appropriate legislative district, or if that is not
2 true, that the candidate will reside there within sixty days
3 before the election. For other offices, a statement of the
4 name of the county where the candidate resides.

5 d. The political party with which the candidate is a
6 registered voter.

7 e. The office sought by the candidate, including the
8 district number, if any.

9 f. The date of the primary election for which the
10 candidate is nominated.

11 2. Signatures on a petition page shall be counted only if
12 the ~~required~~ information required in subsection 1 is written
13 or printed at the top of the page. Nomination papers on
14 behalf of candidates for seats in the general assembly need
15 only designate the number of the senatorial or representative
16 district, as appropriate, and not the county or counties, in
17 which the candidate and the petitioners reside. A signature
18 line shall not be counted if the line lacks the signature of
19 the eligible elector and the signer's address and city. ~~The~~
20 ~~person-examining-the-petition-shall-mark-any-deficiencies-on~~
21 ~~the-petition-and-affidavit.~~ A signature line shall not be
22 counted if the signer's address is obviously outside the
23 boundaries of the district.

24 ~~2-~~ 3. The person examining the petition shall mark any
25 deficiencies on the petition and affidavit. Signed nomination
26 petitions and the signed and notarized affidavit of candidacy
27 shall not be altered to correct deficiencies noted during
28 examination. If the nomination petition lacks a sufficient
29 number of acceptable signatures, the nomination petition shall
30 be rejected and shall be returned to the candidate.

31 4. The nomination papers shall be rejected if the
32 affidavit lacks any of the following:

33 a. The candidate's name.

34 b. The name of the office sought, including the district,
35 if any.

1 c. The political party name.

2 d. The signature of the candidate.

3 e. The signature of a notary public or other officer
4 empowered to witness oaths.

5 5. The candidate may replace a deficient affidavit with a
6 corrected affidavit only if the replacement affidavit is filed
7 before the filing deadline. The candidate may resubmit a
8 nomination petition that has been rejected by adding a
9 sufficient number of pages or signatures to correct the
10 deficiency. A nomination petition and affidavit filed to
11 replace rejected nomination papers shall be filed together
12 before the deadline for filing.

13 Sec. 3. Section 45.5, Code 2005, is amended to read as
14 follows:

15 45.5 FORM OF NOMINATION PAPERS.

16 1. Nomination papers shall include a petition and an
17 affidavit of candidacy. All nomination petitions shall be
18 eight and one-half by eleven inches in size and shall be in
19 substantially the form prescribed by the state commissioner of
20 elections. They shall provide spaces for the following
21 information:

22 a. A statement identifying the signers of the petition as
23 eligible electors of the appropriate ward, city, county,
24 school district or school district director district, or
25 legislative district and of the state of Iowa.

26 b. The name of the candidate nominated by the petition.

27 c. A statement that the candidate is or will be a resident
28 of the appropriate ward, city, county, school district, or
29 legislative or other district as required by section 39.27.

30 d. The office sought by the candidate, including the
31 district number, if any.

32 e. The name and date of the election for which the
33 candidate is nominated.

34 2. Signatures on a petition page shall be counted only if
35 the required information required in subsection 1 is written

1 or printed at the top of the page. Nomination papers on
2 behalf of candidates for seats in the general assembly need
3 only designate the number of the senatorial or representative
4 district, as appropriate, and not the county or counties, in
5 which the candidate and the petitioners reside. A signature
6 line in a nomination petition shall not be counted if the line
7 lacks the signature of the eligible elector and the signer's
8 address and city. ~~The person examining the petition shall~~
9 ~~mark any deficiencies on the petition.~~ A signature line shall
10 not be counted if the signer's address is obviously outside
11 the boundaries of the appropriate ward, city, school district
12 or school district director district, or other district.

13 ~~2.~~ 3. The pages of the petition shall be securely
14 fastened together to form a single bundle. Nomination
15 petitions that are not bound shall be returned without further
16 examination. The state commissioner shall prescribe by rule
17 the acceptable methods for binding nomination petitions.

18 ~~3.~~ 4. The person examining the petition shall mark any
19 deficiencies on the petition. Signed nomination petitions and
20 the signed and notarized affidavit of candidacy shall not be
21 altered to correct deficiencies noted during the examination.
22 If the nomination petition lacks a sufficient number of
23 acceptable signatures, the nomination papers shall be rejected
24 and returned to the candidate.

25 5. The nomination papers shall be rejected if the
26 affidavit lacks any of the following:

- 27 a. The candidate's name.
- 28 b. The name of the office sought, including the district,
29 if any.
- 30 c. The signature of the candidate.
- 31 d. The signature of a notary public or other officer
32 empowered to witness oaths.

33 6. The candidate may replace a deficient affidavit with a
34 corrected one only if the replacement is filed before the
35 filing deadline. The candidate may resubmit a nomination

1 petition that has been rejected by adding a sufficient number
2 of pages or signatures to correct the deficiency. A
3 nomination petition and affidavit filed to replace rejected
4 nomination papers shall be filed together before the deadline
5 for filing.

6 Sec. 4. Section 45.6, subsection 3, Code 2005, is amended
7 to read as follows:

8 3. All signers, for all nominations, of each separate part
9 of a nomination petition, shall reside in the appropriate
10 ward, city, county, school district, ~~or~~ legislative district,
11 or other district as required by section 45.1.

12 Sec. 5. Section 47.1, Code 2005, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 6. Any expenditure of public money by the
15 state commissioner of elections, including a transfer of funds
16 by the state commissioner to counties, for real or personal
17 property, or for services, related to implementation of Pub.
18 L. No. 107-252, which exceeds, in the aggregate, one hundred
19 thousand dollars, shall first be approved by the legislative
20 council.

21 Sec. 6. Section 47.7, Code 2005, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 3. Any expenditure of public money by the
24 state registrar of voters or by the state voter registration
25 commission, including a transfer of funds by the state
26 registrar or by the state commission to counties, for real or
27 personal property, or for services, related to implementation
28 of Pub. L. No. 107-252, which exceeds, in the aggregate, one
29 hundred thousand dollars, shall first be approved by the
30 legislative council.

31 Sec. 7. Section 49.14, subsection 1, Code 2005, is amended
32 to read as follows:

33 1. The commissioner may appoint substitute precinct
34 election officials as alternates for election board members.
35 ~~A-majority-of-the-original-election-board-members-shall-be~~

1 ~~present-at-the-precinct-polling-place-at-all-times;~~ However,
2 at partisan elections such the majority of election board
3 members at the precinct polling place shall include at least
4 one precinct election official from each political party. ~~if~~
5 ~~the-chairperson-leaves-the-polling-place,-the-chairperson~~
6 ~~shall-designate-another-member-of-the-board-to-serve-as~~
7 ~~chairperson-until-the-chairperson-returns.~~ The
8 responsibilities and duties of a precinct election official,
9 other than the chairperson, present at the time the polling
10 place was opened on the day of an election may be assumed at
11 any later time that day by a substitute appointed as an
12 alternate. The substitute shall serve either for the balance
13 of that election day or for any shorter period of time the
14 commissioner may designate.

15 Sec. 8. Section 49.57, subsections 2 and 3, Code 2005, are
16 amended to read as follows:

17 2. In the area of the general election ballot for straight
18 party voting, the party or organization names shall be printed
19 in ~~capital~~ upper case and lower case letters of using a
20 uniform font size,-in for each political party or nonparty
21 political organization. The font size shall be not less than
22 twelve point type. After the name of each candidate for a
23 partisan office the name of the candidate's political party
24 shall be printed in at least six point type. The names of
25 political parties and nonparty political organizations may be
26 abbreviated on the remainder of the ballot if both the full
27 name and the abbreviation appear in the "Straight Party" and
28 "Other Political Party" areas of the ballot.

29 3. The names of candidates shall be printed in ~~capital~~
30 upper case and lower case letters, ~~of using a~~ uniform font
31 size throughout the ballot,-in. The font size shall be not
32 less than ten point type.

33 Sec. 9. Section 49.57, Code 2005, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 3A. In no case shall the font size for

1 public measures, constitutional amendments, and constitutional
2 convention questions, and summaries thereof, be less than ten
3 point type.

4 Sec. 10. Section 49.73, subsection 2, Code 2005, is
5 amended to read as follows:

6 2. The commissioner shall not shorten voting hours for any
7 election if there is filed in the commissioner's office, at
8 least twenty-five days before the election, a petition signed
9 by at least fifty eligible electors of the school district or
10 city, as the case may be, requesting that the polls be opened
11 not later than seven o'clock a.m. All polling places where
12 the candidates of or any public question submitted by any one
13 political subdivision are being voted upon shall be opened at
14 the same hour, except that this requirement shall not apply to
15 merged areas established under chapter 260C. The hours at
16 which the respective precinct polling places are to open shall
17 not be changed after publication of the notice required by
18 section 49.53. The polling places shall be closed at nine
19 o'clock eight p.m. for ~~state-primary-and-general-elections-and~~
20 ~~other-partisan-elections,-and-for-any-other-election-held~~
21 ~~concurrently-therewith,-and-at-eight-o'clock-p.m.-for~~ all
22 other elections.

23 Sec. 11. Section 49.77, subsection 3, Code 2005, is
24 amended to read as follows:

25 3. A precinct election official shall require any person
26 whose name does not appear on the election register as an
27 active voter to show identification to prove residency in the
28 precinct. Specific documents which are acceptable forms of
29 identification shall be prescribed by the state commissioner.

30 A precinct election official ~~may~~ shall require of the voter
31 ~~unknown-to-the-official,~~ identification upon which the voter's
32 photograph and signature or mark appears. If identification
33 is established to the satisfaction of the precinct election
34 officials, the person may then be allowed to vote.

35 Sec. 12. Section 49.77, subsection 4, unnumbered paragraph

1 1, Code 2005, is amended to read as follows:

2 A person whose name does not appear on the election
3 register of the precinct in which that person claims the right
4 to vote shall not be permitted to vote, unless the person
5 affirms that the person is currently registered in the county
6 and presents proof-of-identity identification to prove
7 residency in the precinct, or the commissioner informs the
8 precinct election officials that an error has occurred and
9 that the person is a registered voter of that precinct. If
10 the commissioner finds no record of the person's registration
11 but the person insists that the person is a registered voter
12 of that precinct, the precinct election officials shall allow
13 the person to cast a ballot in the manner prescribed by
14 section 49.81.

15 Sec. 13. Section 49.79, Code 2005, is amended to read as
16 follows:

17 49.79 CHALLENGES.

18 1. Any person offering to vote may be challenged as
19 unqualified by any precinct election official or registered
20 voter. It is the duty of each official to challenge any
21 person offering to vote whom the official knows or suspects is
22 not duly qualified. A ballot shall be received from a voter
23 who is challenged, but only in accordance with section 49.81.

24 2. A person may be challenged for any of the following
25 reasons:

26 a. The challenged person is not a citizen of the United
27 States.

28 b. The challenged person is less than eighteen years of
29 age as of the date of the election at which the person is
30 offering to vote.

31 c. The challenged person is not a resident at the address
32 where the person is registered. However, a person who is
33 reporting a change of address at the polls on election day
34 pursuant to section 48A.27, subsection 2, paragraph "a",
35 subparagraph (3) shall not be challenged for this reason.

1 d. The challenged person is not a resident of the precinct
2 where the person is offering to vote.

3 e. The challenged person has falsified information on the
4 person's registration form or on the person's declaration of
5 eligibility.

6 f. The challenged person has been convicted of a felony,
7 and the person's voting rights have not been restored.

8 g. The challenged person has been adjudged by a court of
9 law to be a person who is incompetent to vote and no
10 subsequent proceeding has reversed that finding.

11 Sec. 14. Section 50.16, Code 2005, is amended to read as
12 follows:

13 50.16 TALLY LIST OF BOARD.

14 The tally list shall be prepared in writing by the election
15 board giving, in legibly printed numerals, the total number of
16 people who cast ballots in the precinct, the total number of
17 ballots cast for each officer office, except those rejected,
18 the name of each person voted for, and the number of votes
19 given to each person for each different office. The tally
20 list shall be signed by the precinct election officials, and
21 be substantially as follows:

22 At an election at in township, or in
23 precinct of city or township, in county, state of
24 Iowa, on the ... day of A-D: .., there were ... ballots
25 cast for the office of of which
26 (Candidate's name) had .. votes.
27 (Candidate's name) had .. votes.
28 (and in the same manner for any other officer).

29 A true tally list:

30 (Name) Election Board
31 (Name) Members.
32 (Name)

33 Attest:

34 (Name) Designated
35 (Name) Tally Keepers.

1 Sec. 15. Section 52.25, unnumbered paragraph 2, Code 2005,
2 is amended to read as follows:

3 The entire convention question, amendment, or public
4 measure shall be printed and displayed prominently in at least
5 four places within the voting precinct, and inside each voting
6 booth, or on the left-hand side inside the curtain of each
7 voting machine, the printing to be in conformity with the
8 provisions of chapter 49. The question, amendment, or
9 measure, and summaries thereof, shall be printed on the
10 special paper ballots or on the inserts used in the voting
11 machines. In no case shall the font size be less than ten
12 point type. The public measure shall be summarized by the
13 commissioner ~~and in the largest type possible printed on the~~
14 ~~special paper ballots or inserts used in the voting machines,~~
15 except that:

16 Sec. 16. Section 54.5, unnumbered paragraphs 1 and 2, Code
17 2005, are amended to read as follows:

18 The names of the candidates for president and vice
19 president of a political party as defined in the law relating
20 to primary elections, shall, ~~by five o'clock p.m. on the~~
21 ~~eighty-first day before the election,~~ be certified to the
22 state commissioner by the chairperson and secretary of the
23 state central committee of the party by five p.m. of the fifth
24 day following adjournment of the national nominating
25 convention of that political party.

26 ~~However, if the national nominating convention of a~~
27 ~~political party adjourns later than eighty-nine days before~~
28 ~~the general election the certificate showing the names of that~~
29 ~~party's candidates for president and vice president shall be~~
30 ~~filed within five days after adjournment.~~

31 Sec. 17. APPLICABILITY DATE. This division of this Act
32 applies to elections held on or after January 1, 2006.

33 DIVISION II
34 ABSENTEE VOTING

35 Sec. 18. Section 39A.4, subsection 1, paragraph c,

1 subparagraph (10), Code 2005, is amended to read as follows:

2 (10) As an incumbent officeholder of, or a candidate for,
3 an office being voted for at the election in progress, serving
4 as a member of a challenging committee or observer under
5 section 49.104, subsection 2, 5, or 6, or section 53.23,
6 subsection 4.

7 Sec. 19. Section 49.63, Code 2005, is amended to read as
8 follows:

9 49.63 TIME OF PRINTING -- INSPECTION AND CORRECTION.

10 Ballots shall be printed and in the possession of the
11 commissioner in time to enable the commissioner to furnish
12 ballots to absent voters as provided by ~~sections~~ section 53.8
13 ~~and-53-11~~. The printed ballots shall be subject to the
14 inspection of candidates and their agents. If mistakes are
15 discovered, they shall be corrected without delay, in the
16 manner provided in this chapter.

17 Sec. 20. Section 53.7, subsection 1, Code 2005, is amended
18 to read as follows:

19 1. It shall be unlawful for any employee of the state or
20 any employee of a political subdivision to solicit any
21 application or request for application for an absentee ballot,
22 or to take an affidavit in connection with any absentee ballot
23 while the employee is on the employer's premises or otherwise
24 in the course of employment. However, any such employee may
25 take such affidavit in connection with an absentee ballot
26 which is cast by the registered voter in person in the office
27 where such employee is employed in accordance with section
28 ~~53-11~~ 53.10. This subsection shall not apply to any elected
29 official.

30 Sec. 21. Section 53.8, subsection 3, unnumbered paragraph
31 3, Code 2005, is amended to read as follows:

32 Nothing in this subsection nor in section 53.22 shall be
33 construed to prohibit a registered voter who is a hospital
34 patient or resident of a health care facility, or who
35 anticipates entering a hospital or health care facility before

1 the date of a forthcoming election, from casting an absentee
2 ballot in the manner prescribed by section ~~53.11~~ 53.10.

3 Sec. 22. Section 53.22, subsection 1, paragraph a,
4 unnumbered paragraph 1, Code 2005, is amended to read as
5 follows:

6 A registered voter who has applied for an absentee ballot,
7 ~~in-a-manner-other-than-that-prescribed-by-section-53.11~~, and
8 who is a resident or patient in a health care facility or
9 hospital located in the county to which the application has
10 been submitted shall be delivered the appropriate absentee
11 ballot by two special precinct election officers, one of whom
12 shall be a member of each of the political parties referred to
13 in section 49.13, who shall be appointed by the commissioner
14 from the election board panel for the special precinct
15 established by section 53.20. The special precinct election
16 officers shall be sworn in the manner provided by section
17 49.75 for election board members, shall receive compensation
18 as provided in section 49.20 and shall perform their duties
19 during the ten calendar days preceding the election and on
20 election day if all ballots requested under section 53.8,
21 subsection 3 have not previously been delivered and returned.

22 Sec. 23. Section 53.37, Code 2005, is amended to read as
23 follows:

24 53.37 DEFINITIONS.

25 1. This division is intended to implement the federal
26 Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. §
27 1973ff et seq.

28 2. The term "armed forces of the United States", as used
29 in this division, shall mean the army, navy, marine corps,
30 coast guard, and air force of the United States.

31 3. For the purpose of absentee voting only, there shall be
32 included in the term "armed forces of the United States" the
33 following:

34 1- a. Spouses and dependents of members of the armed
35 forces while in active service.

1 2- b. Members of the merchant marine of the United States
2 and their spouses and dependents.

3 3- c. Civilian employees of the United States in all
4 categories serving outside the territorial limits of the
5 several states of the United States and the District of
6 Columbia and their spouses and dependents when residing with
7 or accompanying them, whether or not the employee is subject
8 to the civil service laws and the Classification Act of 1949,
9 and whether or not paid from funds appropriated by the
10 Congress.

11 4- d. Members of religious groups or welfare agencies
12 assisting members of the armed forces, who are officially
13 attached to and serving with the armed forces, and their
14 spouses and dependents.

15 5- e. Citizens of the United States who do not fall under
16 any of the categories described in subsections 1 to 4, but who
17 are entitled to register and vote pursuant to section 48A.5,
18 subsection 4.

19 4. For the purposes of this division, "qualified voter"
20 means a person who is included within the term "armed forces
21 of the United States" as described in this section, who would
22 be qualified to register to vote under section 48A.5,
23 subsection 2, except for residency, and who is not
24 disqualified from registering to vote and voting under section
25 48A.6.

26 Sec. 24. Section 53.38, Code 2005, is amended to read as
27 follows:

28 53.38 WHAT CONSTITUTES REGISTRATION.

29 Whenever a ballot is requested pursuant to section 53.39 or
30 53.45 on behalf of a voter in the armed forces of the United
31 States, the affidavit upon the ballot envelope of such voter,
32 if the voter is found to be an eligible elector of the county
33 to which the ballot is submitted, shall constitute a
34 sufficient registration under chapter 48A. A completed
35 federal postcard registration and federal absentee ballot

1 request form submitted by such eligible elector shall also
2 constitute a sufficient registration under chapter 48A. The
3 commissioner shall place the voter's name on the registration
4 record as a registered voter if it does not already appear
5 there. The identification requirements of section 48A.8 and
6 the verification requirements of section 48A.25A do not apply
7 to persons who register to vote under this division.

8 Sec. 25. Section 53.41, Code 2005, is amended to read as
9 follows:

10 53.41 RECORDS BY COMMISSIONER -- EXCESS REQUESTS OR
11 BALLOTS.

12 The commissioner of each county shall establish and
13 maintain a record of all requests for ballots which are made,
14 and of all ballots transmitted, and the manner of transmittal,
15 from and received in the commissioner's office under the
16 provisions of this division.

17 PARAGRAPH DIVIDED. If more than one request for absent
18 voter's ballot for a particular election is made to the
19 commissioner before the ballots are ready to mail by or on
20 behalf of a voter in the armed forces of the United States,
21 the last request ~~first~~ received shall be honored, except that
22 if one of the requests is made by the voter, ~~and a request on~~
23 ~~the voter's behalf has not been previously honored,~~ the
24 request of the voter shall be honored in preference to a
25 request made on the voter's behalf by another.

26 PARAGRAPH DIVIDED. Not more than one ballot shall be
27 transmitted by the commissioner to any voter for a particular
28 election unless after the ballot has been mailed the voter
29 reports a change in the address to which the ballot should be
30 sent. A ballot shall be mailed using a serial number that
31 indicates that this is a replacement sent to an updated
32 address. The original ballot shall be counted only if the
33 replacement ballot does not arrive. If the commissioner
34 receives more than one absent voter's ballot, provided for by
35 this division, from or purporting to be from any one voter for

1 a particular election, all of the ballots so received from or
2 purporting to be from such voter are void, and the
3 commissioner shall not deliver any of the ballots to the
4 precinct election officials, but shall retain them in the
5 commissioner's office, and preserve them for the period and
6 under the conditions provided for in sections 50.12 through
7 50.15 and section 50.19.

8 Sec. 26. Section 53.44, unnumbered paragraph 2, Code 2005,
9 is amended to read as follows:

10 Absentee ballots issued under this division shall be
11 returned ~~in-the-same-manner~~ either by mail by the voter or a
12 person designated by the voter or by personal delivery by the
13 voter or a person designated by the voter and within the same
14 time limits specified in section 53.17.

15 Sec. 27. Section 53.53, subsection 4, paragraph a, Code
16 2005, is amended to read as follows:

17 a. The ballot was submitted from within the United States,
18 unless the voter is a member of the armed forces of the United
19 States, as described in section 53.37, subsection 2, on active
20 duty and away from the voter's county of residence for
21 purposes of serving on active duty.

22 Sec. 28. Section 53.53, subsection 4, paragraph b, Code
23 2005, is amended to read as follows:

24 b. The voter's application for a regular absentee ballot
25 was received by the commissioner less than thirty fourteen
26 days prior to the election.

27 Sec. 29. Section 53.11, Code 2005, is repealed.

28 Sec. 30. APPLICABILITY DATE. This division of this Act
29 applies to elections held on or after January 1, 2006.

30 DIVISION III

31 VOTER REGISTRATION

32 Sec. 31. Section 48A.2, Code 2005, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 6. "Voter registration list" means a
35 compilation of voter registration records produced, upon

1 request, from the electronic voter registration file or by
2 viewing, upon request, the original, completed voter
3 registration applications and forms.

4 Sec. 32. Section 48A.11, subsection 8, Code 2005, is
5 amended to read as follows:

6 8. A voter registration application lacking the
7 registrant's name, sex, date of birth, or residence address or
8 description shall not be processed. A voter registration
9 application lacking the registrant's driver's license number,
10 Iowa nonoperator's identification card number, or the last
11 four digits of the registrant's social security number shall
12 not be processed. A voter registration application lacking
13 the registrant's signature shall not be processed. A
14 registrant whose registration is not processed pursuant to
15 this subsection shall be notified pursuant to section 48A.26,
16 subsection 3. A registrant who does not have an Iowa driver's
17 license number, an Iowa nonoperator's identification number,
18 or a social security number and who notifies the registrar of
19 such shall be assigned a unique identifying number that shall
20 serve to identify the registrant for voter registration
21 purposes.

22 Sec. 33. Section 48A.25A, Code 2005, is amended to read as
23 follows:

24 48A.25A VERIFICATION OF VOTER REGISTRATION INFORMATION.

25 Upon receipt of an application for voter registration by
26 mail, the state registrar of voters shall compare the driver's
27 license number, the Iowa nonoperator's identification card
28 number, or the last four numerals of the social security
29 number provided by the registrant with the records of the
30 state department of transportation or the social security
31 administration. To be verified, the voter registration record
32 shall contain the same name, date of birth, and driver's
33 license number or Iowa nonoperator's identification card
34 number or whole or partial social security number as the
35 records of the state department of transportation or social

1 security administration. If the information cannot be
2 verified, the application shall be rejected and the registrant
3 shall be notified of the reason for the rejection. If the
4 information can be verified, a record shall be made of the
5 verification and the application shall be accepted.

6 The voter registration commission shall adopt rules in
7 accordance with chapter 17A to provide procedures for
8 processing registration applications if the ~~state-department~~
9 ~~of-transportation-does-not,~~ applications cannot be verified
10 before the close of registration for an election for which the
11 voter registration otherwise would be effective, ~~if-verified,~~
12 ~~provide-a-report-that-the-information-on-the-application-has~~
13 ~~matched-or-not-matched-the-records-of-the-department.~~

14 This section does not apply to persons described in section
15 53.37 who are entitled to register to vote and to vote
16 ~~pursuant-to-section-48A-57-subsection-4.~~

17 Sec. 34. APPLICABILITY DATE. This division of this Act
18 applies to elections held on or after January 1, 2006.

19 DIVISION IV

20 LOCAL GOVERNMENT SPECIAL ELECTIONS

21 Sec. 35. Section 39.2, Code 2005, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 4. Unless otherwise provided by law, a
24 county or city may hold a special election on public measures
25 only on the day of the general election, the day of the
26 regular city election, or the second Tuesday in March of each
27 year. A school district or merged area may only hold a
28 special election on public measures in conjunction with the
29 regular school election.

30 Sec. 36. Section 47.6, subsection 1, unnumbered paragraph
31 1, Code 2005, is amended to read as follows:

32 The governing body of any a political subdivision which has
33 authorized a special election to which section 39.2 is,
34 subsections 1, 2, and 3, are applicable shall by written
35 notice inform the commissioner who will be responsible for

1 conducting the election of the proposed date of the special
2 election. If a public measure will appear on the ballot at
3 the special election the governing body shall submit the
4 complete text of the public measure to the commissioner with
5 the notice of the proposed date of the special election.

6 Sec. 37. Section 47.6, Code 2005, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 3. A city council or a county board of
9 supervisors that has authorized a public measure to be
10 submitted to the voters at a special election held pursuant to
11 section 39.2, subsection 4, shall file the full text of the
12 public measure with the commissioner no later than five p.m.
13 on the forty-sixth day before the election. If there are
14 vacancies in county offices to be filled at the special
15 election, candidates shall file their nomination papers with
16 the commissioner not later than five p.m. on the forty-
17 seventh day before the election. Candidates for city offices
18 to be filled at the special election shall file their
19 nomination papers with the city clerk pursuant to the
20 appropriate election calendar for the city.

21 Sec. 38. Section 69.12, subsection 1, paragraph a,
22 subparagraph (4), Code 2005, is amended by striking the
23 subparagraph.

24 Sec. 39. Section 99F.7, subsection 11, paragraph a, Code
25 2005, is amended to read as follows:

26 a. A license to conduct gambling games on an excursion
27 gambling boat in a county shall be issued only if the county
28 electorate approves the conduct of the gambling games as
29 provided in this subsection. The board of supervisors, upon
30 receipt of a valid petition meeting the requirements of
31 section 331.306, shall direct the commissioner of elections to
32 submit to the registered voters of the county a proposition to
33 approve or disapprove the conduct of gambling games on an
34 excursion gambling boat in the county. The proposition shall
35 be submitted at a general election or at a special election

1 ~~called-for-that-purpose~~. To be submitted at a general
2 election, the petition must be received by the board of
3 supervisors at least five working days before the last day for
4 candidates for county offices to file nomination papers for
5 the general election pursuant to section 44.4. If a majority
6 of the county voters voting on the proposition favor the
7 conduct of gambling games, the commission may issue one or
8 more licenses as provided in this chapter. If a majority of
9 the county voters voting on the proposition do not favor the
10 conduct of gambling games, a license to conduct gambling games
11 in the county shall not be issued.

12 Sec. 40. Section 99F.7, subsection 11, paragraph c, Code
13 2005, is amended to read as follows:

14 c. If a licensee of a pari-mutuel racetrack who held a
15 valid license issued under chapter 99D as of January 1, 1994,
16 requests a license to operate gambling games as provided in
17 this chapter, the board of supervisors of a county in which
18 the licensee of a pari-mutuel racetrack requests a license to
19 operate gambling games shall submit to the county electorate a
20 proposition to approve or disapprove the operation of gambling
21 games at pari-mutuel racetracks at a special election ~~at the~~
22 ~~earliest-practicable-time~~. If the operation of gambling games
23 at the pari-mutuel racetrack is not approved by a majority of
24 the county electorate voting on the proposition at the
25 election, the commission shall not issue a license to operate
26 gambling games at the racetrack.

27 Sec. 41. Section 145A.7, Code 2005, is amended to read as
28 follows:

29 145A.7 SPECIAL ELECTION.

30 When a protesting petition is received, the officials
31 receiving the petition shall call a special election of all
32 registered voters of that political subdivision ~~for the~~
33 purpose upon the question of approving or rejecting the order
34 setting out the proposed merger plan. The vote will be taken
35 by ballot in the form provided by sections 49.43 to 49.47, and

1 the election shall be initiated and held as provided in
2 chapter 49. A majority vote of those registered voters voting
3 at said special election shall be sufficient to approve the
4 order and thus include the political subdivision within the
5 merged area.

6 Sec. 42. Section 257.18, subsection 1, Code 2005, is
7 amended to read as follows:

8 1. An instructional support program that provides
9 additional funding for school districts is established. A
10 board of directors that wishes to consider participating in
11 the instructional support program shall hold a public hearing
12 on the question of participation. The board shall set forth
13 its proposal, including the method that will be used to fund
14 the program, in a resolution and shall publish the notice of
15 the time and place of a public hearing on the resolution.
16 Notice of the time and place of the public hearing shall be
17 published not less than ten nor more than twenty days before
18 the public hearing in a newspaper which is a newspaper of
19 general circulation in the school district. At the hearing,
20 or no later than thirty days after the date of the hearing,
21 the board shall take action to adopt a resolution to
22 participate in the instructional support program for a period
23 not exceeding five years or to direct the county commissioner
24 of elections to submit the question of participation in the
25 program for a period not exceeding ten years to the registered
26 voters of the school district at the next regular school
27 election ~~or-at-a-special-election~~. If the board submits the
28 question at an election and a majority of those voting on the
29 question favors participation in the program, the board shall
30 adopt a resolution to participate and certify the results of
31 the election to the department of management.

32 Sec. 43. Section 257.18, subsection 2, unnumbered
33 paragraph 1, Code 2005, is amended to read as follows:

34 If the board does not provide for an election and adopts a
35 resolution to participate in the instructional support

1 program, the district shall participate in the instructional
2 support program unless within twenty-eight days following the
3 action of the board, the secretary of the board receives a
4 petition containing the required number of signatures, asking
5 that ~~an election be called~~ the question to approve or
6 disapprove the action of the board in adopting the
7 instructional support program be submitted to the voters of
8 the school district. The petition must be signed by eligible
9 electors equal in number to not less than one hundred or
10 thirty percent of the number of voters at the last preceding
11 regular school election, whichever is greater. The board
12 shall either rescind its action or direct the county
13 commissioner of elections to submit the question to the
14 registered voters of the school district at the next following
15 regular school election ~~or a special election~~. If a majority
16 of those voting on the question at the election favors
17 disapproval of the action of the board, the district shall not
18 participate in the instructional support program. If a
19 majority of those voting on the question favors approval of
20 the action, the board shall certify the results of the
21 election to the department of management and the district
22 shall participate in the program.

23 Sec. 44. Section 257.29, unnumbered paragraph 1, Code
24 2005, is amended to read as follows:

25 An educational improvement program is established to
26 provide additional funding for school districts in which the
27 regular program district cost per pupil for a budget year is
28 one hundred ten percent of the regular program state cost per
29 pupil for the budget year and which have approved the use of
30 the instructional support program established in section
31 257.18. A board of directors that wishes to consider
32 participating in the educational improvement program shall
33 hold a hearing on the question of participation and the
34 maximum percent of the regular program district cost of the
35 district that will be used. The hearing shall be held in the

1 manner provided in section 257.18 for the instructional
2 support program. Following the hearing, the board may direct
3 the county commissioner of elections to submit the question to
4 the registered voters of the school district at the next
5 following regular school election ~~or a special election held~~
6 ~~not later than the following February 1~~. If a majority of
7 those voting on the question favors participation in the
8 program, the board shall adopt a resolution to participate and
9 shall certify the results of the election to the department of
10 management and the district shall participate in the program.
11 If a majority of those voting on the question does not favor
12 participation, the district shall not participate in the
13 program.

14 Sec. 45. Section 257.29, unnumbered paragraph 5, Code
15 2005, is amended to read as follows:

16 Once approved at an election, the authority of the board to
17 use the educational improvement program shall continue until
18 the board votes to rescind the educational improvement program
19 or the voters of the school district by majority vote order
20 the discontinuance of the program. The board shall ~~call an~~
21 ~~election to vote on~~ submit at the next regular school election
22 the proposition whether to discontinue the program upon the
23 receipt of a petition signed by not less than one hundred
24 eligible electors or thirty percent of the number of electors
25 voting at the last preceding school election, whichever is
26 greater.

27 Sec. 46. Section 260C.28, subsection 3, Code 2005, is
28 amended to read as follows:

29 3. If the board of directors wishes to certify for a levy
30 under subsection 2, the board shall direct the county
31 commissioner of elections to ~~call an election to~~ submit the
32 question of such authorization for the board at a the regular
33 ~~or special~~ school election. If a majority of those voting on
34 the question at the election favors authorization of the board
35 to make such a levy, the board may certify for a levy as

1 provided under subsection 2 during each of the ten years
2 following the election. If a majority of those voting on the
3 question at the election does not favor authorization of the
4 board to make a levy under subsection 2, the board ~~shall not~~
5 may submit the question to the voters again ~~until three~~
6 ~~hundred-fifty-five-days-have-elapsed-from-the~~ at the next
7 regular school election.

8 Sec. 47. Section 260C.39, unnumbered paragraph 1, Code
9 2005, is amended to read as follows:

10 Any merged area may combine with any adjacent merged area
11 after a favorable vote by the electors of each of the areas
12 involved. If the boards of directors of two or more merged
13 areas agree to a combination, the question shall be submitted
14 to the electors of each area at ~~a special~~ the regular school
15 ~~election to be held on the same day in each area. The special~~
16 ~~election shall not be held within thirty days of any general~~
17 ~~election.~~ Prior to the ~~special~~ election, the board of each
18 merged area shall notify the county commissioner of elections
19 of the county in which the greatest proportion of the merged
20 area's taxable base is located who shall publish notice of the
21 ~~election~~ question according to section 49.53. ~~The two~~
22 ~~respective county commissioners of elections shall conduct the~~
23 ~~election pursuant to the provisions of chapters 39 to 53.~~ The
24 ~~votes cast in the election shall be canvassed by the county~~
25 ~~board of supervisors and the~~ county commissioners of elections
26 ~~who conducted the election~~ of each county in the merged areas
27 shall certify the results to the board of directors of each
28 merged area.

29 Sec. 48. Section 275.18, Code 2005, is amended to read as
30 follows:

31 275.18 SPECIAL ELECTION CALLED -- TIME.

32 When the boundaries of the territory to be included in a
33 proposed school corporation and the number and method of the
34 election of the school directors of the proposed school
35 corporation have been determined as provided in this chapter,

1 the area education agency administrator with whom the petition
2 is filed shall give written notice of the ~~proposed-date-of-the~~
3 election question to the county commissioner of elections of
4 the county in the proposed school corporation which has the
5 greatest taxable base. ~~The proposed-date-shall-be-as-soon-as~~
6 ~~possible-pursuant-to-section-39.27-subsections-1-and-2, and~~
7 ~~section-47.67-subsections-1-and-2, but not later than November~~
8 30 of question shall be submitted to the voters at the regular
9 school election held in the calendar year prior to the
10 calendar year in which the reorganization will take effect.

11 The county commissioner of elections shall give notice of
12 the election question by one publication in the same newspaper
13 in which previous notices have been published regarding the
14 proposed school reorganization, and in addition, if more than
15 one county is involved, by one publication in a legal
16 newspaper in each county other than that of the first
17 publication. The publication shall be not less than four nor
18 more than twenty days prior to the election. If the decision
19 published pursuant to section 275.15 or 275.16 includes a
20 description of the proposed school corporation and a
21 description of the director districts, if any, the notice for
22 election question and the ballot do not need to include these
23 descriptions. ~~Notice for-an-election of the question~~ shall
24 not be published until the expiration of time for appeal,
25 which shall be the same as that provided in section 275.15 or
26 275.16, whichever is applicable; and if there is an appeal,
27 not until the appeal has been disposed of.

28 The area education agency administrator shall furnish to
29 the commissioner a map of the proposed reorganized area which
30 must be approved by the commissioner as suitable for posting.
31 The map shall be displayed prominently in at least four places
32 within the voting precinct, and inside each voting booth, or
33 on the left-hand side inside the curtain of each voting
34 machine.

35 Sec. 49. Section 275.22, Code 2005, is amended to read as

1 follows:

2 275.22 CANVASS AND RETURN.

3 ~~The-precinct-election-officials-shall-count-the-ballots,~~
4 ~~and-make-return-to-and-deposit-the-ballots-with-the-county~~
5 ~~commissioner-of-elections,-who-shall-enter-the-return-of~~
6 ~~record-in-the-commissioner's-office.~~ The election tally
7 lists, including absentee ballots, shall be listed by
8 individual school district. The county commissioner of
9 elections shall certify the results of the election to the
10 area education agency administrator. If the majority of the
11 votes cast by the registered voters is in favor of the
12 proposition, as provided in section 275.20, a new school
13 corporation shall be organized. If the majority of votes cast
14 is opposed to the proposition, a new petition describing the
15 identical or similar boundaries shall not be filed for at
16 least six months from the date of the election. If territory
17 is excluded from the reorganized district, action pursuant to
18 section 274.37 shall be taken prior to the effective date of
19 reorganization. The secretary of the new school corporation
20 shall file a written description of the boundaries as provided
21 in section 274.4.

22 Sec. 50. Section 275.23A, subsection 2, Code 2005, is
23 amended to read as follows:

24 2. Following each federal decennial census the school
25 board shall determine whether the existing director district
26 boundaries meet the standards in subsection 1 according to the
27 most recent federal decennial census. In addition to the
28 authority granted to voters to change the number of directors
29 or method of election as provided in sections 275.35, 275.36,
30 and 278.1, the board of directors of a school district may,
31 following a federal decennial census, by resolution and in
32 accordance with this section, authorize a change in the method
33 of election as set forth in section 275.12, subsection 2, or a
34 change to either five or seven directors after the board
35 conducts a hearing on the resolution. If the board proposes

1 to change the number of directors from seven to five
2 directors, the resolution shall include a plan for reducing
3 the number of directors. If the board proposes to increase
4 the number of directors to seven directors, two directors
5 shall be added according to the procedure described in section
6 277.23, subsection 2. If necessary, the board of directors
7 shall redraw the director district boundaries. The director
8 district boundaries shall be described in the resolution
9 adopted by the school board. The resolution shall be adopted
10 no earlier than November 15 of the year immediately following
11 the year in which the federal decennial census is taken nor
12 later than May 15 of the second year immediately following the
13 year in which the federal decennial census is taken. A copy of
14 the plan shall be filed with the area education agency
15 administrator of the area education agency in which the
16 school's electors reside. If the board does not provide for
17 an election as provided in sections 275.35, 275.36, and 278.1
18 and adopts a resolution to change the number of directors or
19 method of election in accordance with this subsection, the
20 district shall change the number of directors or method of
21 election as provided unless, within twenty-eight days
22 following the action of the board, the secretary of the board
23 receives a petition containing the required number of
24 signatures, asking that an election be called to approve or
25 disapprove the action of the board in adopting the resolution.
26 The petition must be signed by eligible electors equal in
27 number to not less than one hundred or thirty percent of the
28 number of voters at the last preceding regular school
29 election, whichever is greater. The board shall either
30 rescind its action or direct the county commissioner of
31 elections to submit the question to the registered voters of
32 the school district at the next following regular school
33 election ~~or a special election~~. If a majority of those voting
34 on the question at the election favors disapproval of the
35 action of the board, the district shall not change the number

1 of directors or method of election. If a majority of those
2 voting on the question does not favor disapproval of the
3 action, the board shall certify the results of the election to
4 the department of management and the district shall change the
5 number of directors or method of election as provided in this
6 subsection. At the expiration of the twenty-eight-day period,
7 if no petition is filed, the board shall certify its action to
8 the department of management and the district shall change the
9 number of directors or method of election as provided in this
10 subsection.

11 Sec. 51. Section 275.24, Code 2005, is amended to read as
12 follows:

13 275.24 EFFECTIVE DATE OF CHANGE.

14 When a school district is enlarged, reorganized, or changes
15 its boundary pursuant to sections 275.12 to 275.22, the change
16 shall take effect on July 1 following the date of the
17 reorganization election held pursuant to section 275.18 ~~if the~~
18 ~~election was held by the prior November 30. Otherwise the~~
19 ~~change shall take effect on July 1 one year later.~~

20 Sec. 52. Section 275.27, Code 2005, is amended to read as
21 follows:

22 275.27 COMMUNITY SCHOOL DISTRICTS -- PART OF AREA
23 EDUCATION AGENCY.

24 School districts created or enlarged under this chapter are
25 community school districts and are part of the area education
26 agency in which the greatest number of registered voters of
27 the district reside at the time of the ~~special~~ election called
28 ~~for~~ in section 275.18, and sections of the Code applicable to
29 the common schools generally are applicable to these districts
30 in addition to the powers and privileges conferred by this
31 chapter. If a school district, created or enlarged under this
32 chapter and assigned to an area education agency under this
33 section, can demonstrate that students in the district were
34 utilizing a service or program prior to the formation of the
35 new or enlarged district that is unavailable from the area

1 education agency to which the new or enlarged district is
2 assigned, the district may be reassigned to the area education
3 agency which formerly provided the service or program, upon an
4 affirmative majority vote of the boards of the affected area
5 education agencies to permit the change.

6 Sec. 53. Section 275.35, unnumbered paragraph 1, Code
7 2005, is amended to read as follows:

8 Any existing or hereafter created or enlarged school
9 district may change the number of directors to either five or
10 seven and may also change its method of election of school
11 directors to any method authorized by section 275.12 by
12 submission of a proposal, stating the proposed new method of
13 election, by the school board of such district to the electors
14 at any regular ~~or-special~~ school election. The school board
15 shall notify the county commissioner of elections who shall
16 publish notice of the election proposal in the manner provided
17 in section 49.53. ~~The-election-shall-be-conducted-pursuant-to~~
18 ~~chapters-39-to-53-by-the-county-commissioner-of-elections-~~
19 Such proposal shall be adopted if it is approved by a majority
20 of the votes cast on the proposition.

21 Sec. 54. Section 275.36, unnumbered paragraph 1, Code
22 2005, is amended to read as follows:

23 If a petition for a change in the number of directors or in
24 the method of election of school directors is filed with the
25 school board of a school district pursuant to the requirements
26 of section 278.2, the school board shall submit such
27 proposition to the voters at the regular school election ~~or-a~~
28 ~~special-election-held-not-later-than-February-1~~. The petition
29 shall be accompanied by an affidavit as required by section
30 275.13. If a proposition for a change in the number of
31 directors or in the method of election of school directors
32 submitted to the voters under this section is rejected, it
33 shall not be resubmitted to the voters of the district in
34 substantially the same form within the next three years; if it
35 is approved, no other proposal may be submitted to the voters

1 of the district under this section within the next six years.

2 Sec. 55. Section 275.55, unnumbered paragraphs 1 and 2,
3 Code 2005, are amended to read as follows:

4 The board of the school district shall ~~call a special~~
5 ~~election to be held not later than forty days~~ submit the
6 proposition to the voters at the regular school election next
7 following the date of the final hearing on the dissolution
8 proposal. ~~The special election may be held at the same time~~
9 ~~as the regular school election.~~ The proposition submitted to
10 the voters residing in the school district ~~at the special~~
11 ~~election~~ shall describe each separate area to be attached to a
12 contiguous school district and shall name the school district
13 to which it will be attached. In addition to the description,
14 a map may be included in the summary of the question on the
15 ballot.

16 ~~The board shall give written notice of the proposed date of~~
17 ~~the election to the county commissioner of elections.--The~~
18 ~~proposed date shall be pursuant to section 39-27-subsections 1~~
19 ~~and 2 and section 47-67-subsections 1 and 2.~~ The county
20 commissioner of elections shall give notice of that the
21 election proposition will be submitted at the regular school
22 election by one publication in the same newspaper in which the
23 previous notice was published about the hearing, which
24 publication shall not be less than four nor more than twenty
25 days prior to the election.

26 Sec. 56. Section 278.1, unnumbered paragraph 2, Code 2005,
27 is amended to read as follows:

28 The board may, with approval of sixty percent of the
29 voters, voting in a regular ~~or special~~ election in the school
30 district, make extended time contracts not to exceed twenty
31 years in duration for rental of buildings to supplement
32 existing schoolhouse facilities; and where it is deemed
33 advisable for buildings to be constructed or placed on real
34 estate owned by the school district, these contracts may
35 include lease-purchase option agreements, the amounts to be

1 paid out of the physical plant and equipment levy fund.

2 Sec. 57. Section 279.39, Code 2005, is amended to read as
3 follows:

4 279.39 SCHOOL BUILDINGS.

5 The board of any school corporation shall establish
6 attendance centers and provide suitable buildings for each
7 school in the district and may at the regular or a special
8 meeting ~~call a special election~~ resolve to submit to the
9 registered voters of the district at the next regular school
10 election the question of voting a tax or authorizing the board
11 to issue bonds, or both.

12 Sec. 58. Section 297.11, Code 2005, is amended to read as
13 follows:

14 297.11 USE FORBIDDEN.

15 If at any time the voters of such district at a regular
16 election forbid such use of any such schoolhouse or grounds,
17 the board shall not thereafter permit such use until the ~~said~~
18 action of such voters shall have been rescinded by the voters
19 at a regular election, ~~or at a special election called for~~
20 ~~that purpose.~~

21 Sec. 59. Section 298.9, Code 2005, is amended to read as
22 follows:

23 298.9 SPECIAL LEVIES.

24 If the voter-approved physical plant and equipment levy,
25 consisting solely of a physical plant and equipment property
26 tax levy, is voted at ~~a special~~ an election and certified to
27 the board of supervisors after the regular levy is made, the
28 board shall at its next regular meeting levy the tax and cause
29 it to be entered upon the tax list to be collected as other
30 school taxes. ~~If the certification is filed prior to May 1,~~
31 ~~the annual levy shall begin with the tax levy of the year of~~
32 ~~filing. If the certification is filed after May 1 in a year,~~
33 the The levy shall begin with the levy of the fiscal year
34 succeeding the year of the filing of the certification.

35 Sec. 60. Section 298.18, unnumbered paragraph 4, Code

1 2005, is amended to read as follows:

2 The amount estimated and certified to apply on principal
3 and interest for any one year may exceed two dollars and
4 seventy cents per thousand dollars of assessed value by the
5 amount approved by the voters of the school corporation, but
6 not exceeding four dollars and five cents per thousand of the
7 assessed value of the taxable property within any school
8 corporation, provided that the registered voters of such
9 school corporation have first approved such increased amount
10 at ~~a special election, which may be held at the same time as~~
11 the regular school election. The proposition submitted to the
12 voters at such ~~special~~ election shall be in substantially the
13 following form:

14 Sec. 61. Section 298.18, unnumbered paragraph 6, Code
15 2005, is amended to read as follows:

16 ~~Notice of the election shall be given by the county~~
17 ~~commissioner of elections according to section 49.53.---The~~
18 ~~election shall be held on a date not less than four nor more~~
19 ~~than twenty days after the last publication of the notice.---At~~
20 ~~such election the ballot used for the submission of said~~
21 ~~proposition shall be in substantially the form for submitting~~
22 ~~special questions at general elections.~~ The county
23 commissioner of elections shall ~~conduct the election pursuant~~
24 ~~to the provisions of chapters 39 to 53 and~~ certify the results
25 to the board of directors. Such The proposition shall not be
26 deemed carried or adopted unless the vote in favor of such
27 proposition is equal to at least sixty percent of the total
28 vote cast for and against ~~said~~ the proposition at ~~said~~ the
29 election. Whenever such a proposition has been approved by
30 the voters of a school corporation as hereinbefore provided,
31 no further approval of the voters of such school corporation
32 shall be required as a result of any subsequent change in the
33 boundaries of such school corporation.

34 Sec. 62. Section 298.18A, subsection 2, Code 2005, is
35 amended to read as follows:

1 2. The adjustment shall not result in a total amount
2 levied in excess of the two dollar and seventy cent per
3 thousand dollars of assessed valuation limit provided in
4 section 298.18. An adjustment in excess of the two dollar and
5 seventy cent per thousand dollars of assessed valuation limit
6 shall be subject to the ~~special~~ election provisions for
7 increases of up to four dollars and five cents per thousand
8 dollars of assessed valuation provisions of section 298.18.

9 Sec. 63. Section 298.21, unnumbered paragraph 1, Code
10 2005, is amended to read as follows:

11 The board of directors of any school corporation when
12 authorized by the voters at the regular election ~~or-at-a~~
13 ~~special-election-called-for-that-purpose,~~ may issue the
14 negotiable, interest-bearing school bonds of said corporation
15 for borrowing money for any or all of the following purposes:

16 Sec. 64. Section 300.2, unnumbered paragraph 1, Code 2005,
17 is amended to read as follows:

18 The board of directors of a school district may, and upon
19 receipt of a petition signed by eligible electors equal in
20 number to at least twenty-five percent of the number of voters
21 at the last preceding school election, shall, direct the
22 county commissioner of elections to submit to the registered
23 voters of the school district the question of whether to levy
24 a tax of not to exceed thirteen and one-half cents per
25 thousand dollars of assessed valuation for public educational
26 and recreational activities authorized under this chapter. ~~If~~
27 ~~at-the-time-of-filing-the-petition,-it-is-more-than-three~~
28 ~~months-until-the-next-regular-school-election,-the-board-of~~
29 ~~directors-shall-submit-the-question-at-a-special-election~~
30 ~~within-sixty-days---Otherwise,-the~~ The question shall be
31 submitted at the next regular school election.

32 Sec. 65. Section 330.17, unnumbered paragraph 1, Code
33 2005, is amended to read as follows:

34 The council of any city or county which owns or acquires an
35 airport may, and upon the council's receipt of a valid

1 petition as provided in section 362.4, or receipt of a
2 petition by the board of supervisors as provided in section
3 331.306 shall, at a regular city election or a general
4 election if one is to be held within seventy-four days from
5 the filing of the petition, or otherwise at a special election
6 ~~called-for-that-purpose~~, submit to the voters the question as
7 to whether the management and control of the airport shall be
8 placed in an airport commission. If a majority of the voters
9 favors placing the management and control of the airport in an
10 airport commission, the commission shall be established as
11 provided in this chapter.

12 Sec. 66. Section 331.207, subsection 2, Code 2005, is
13 amended to read as follows:

14 2. The petition shall be filed with the county
15 commissioner by June 1 of an odd-numbered year, subject to
16 subsection 6. The special election shall be held ~~within-sixty~~
17 ~~days-after-the-day-the-petition-was-received~~ on the second
18 Tuesday in March following the filing of the petition. Notice
19 of the special election question shall be published once each
20 week for three successive weeks in an official newspaper of
21 the county, shall state the representation plans to be
22 submitted to the electors, and shall state the date of the
23 special election which. The date of the last publication of
24 notice shall be held not less than five nor more than twenty
25 days from the date of ~~last-publication~~ the election.

26 Sec. 67. Section 346.27, subsection 10, unnumbered
27 paragraph 1, Code 2005, is amended to read as follows:

28 After the incorporation of an authority, and before the
29 sale of any issue of revenue bonds, except refunding bonds,
30 the authority shall ~~call-an-election-to-decide~~ submit at a
31 general or special election the question of whether the
32 authority shall issue and sell revenue bonds. The ballot
33 shall state the amount of the bonds and the purposes for which
34 the authority is incorporated. All registered voters of the
35 county shall be entitled to vote on the question. The

1 ~~question-may-be-submitted-at-a-general-election-or-at-a~~
2 ~~special-election.~~ An affirmative vote of a majority of the
3 votes cast on the question is required to authorize the
4 issuance and sale of revenue bonds.

5 Sec. 68. Section 347.23, unnumbered paragraph 1, Code
6 2005, is amended to read as follows:

7 Any hospital organized and existing as a city hospital may
8 become a county hospital organized and managed as provided for
9 in this chapter, upon a proposition for such purpose being
10 submitted to and approved by a majority of the electors of
11 both the city in which such hospital is located and of the
12 county under whose management it is proposed that such
13 hospital be placed, at any general or special election ~~called~~
14 ~~for-such-purpose.~~ The proposition shall be placed upon the
15 ballot by the board of supervisors when requested by a
16 petition signed by eligible electors of the county equal in
17 number to five percent of the votes cast for president of the
18 United States or governor, as the case may be, at the last
19 general election. ~~The-proposition-may-be-submitted-at-the~~
20 ~~next-general-election-or-at-a-special-election-called-for-that~~
21 ~~purpose.~~ Upon the approval of the proposition the hospital,
22 its assets and liabilities, will become the property of the
23 county and this chapter will govern its future management.
24 The question shall be submitted in substantially the following
25 form: "Shall the municipal hospital of, Iowa, be
26 transferred to and become the property of, and be managed by
27 the county of, Iowa?"

28 Sec. 69. Section 347.23A, subsection 1, Code 2005, is
29 amended to read as follows:

30 1. A hospital established as a memorial hospital under
31 chapter 37 or a county hospital supported by revenue bonds and
32 organized under chapter 347A may become, in accordance with
33 the provisions of this section, a county hospital organized
34 and managed as provided for in this chapter. If the hospital
35 is established by a city as a memorial hospital, the city must

1 be located in the county which will own and manage the
2 hospital. A proposition for the change must be submitted to
3 and approved by a majority of the electors of the county which
4 will own and manage the hospital as provided for in this
5 chapter. In addition, if the hospital is a memorial hospital
6 organized by a city under chapter 37, the proposition must
7 also be approved by a majority of the electors of that city.
8 The proposition may be submitted to the electors at any
9 general or special election called by the county board of
10 supervisors ~~for this purpose.~~

11 Sec. 70. Section 368.19, unnumbered paragraph 1, Code
12 2005, is amended to read as follows:

13 The committee shall approve or disapprove the petition or
14 plan as amended, within ninety days of the final hearing, and
15 shall file its decision for record and promptly notify the
16 parties to the proceeding of its decision. If a petition or
17 plan is approved, the board shall ~~set a date not less than~~
18 ~~thirty days nor more than ninety days after approval for~~
19 submit the proposal at a special election ~~on the proposal~~ and
20 the county commissioner of elections shall conduct the
21 election. In a case of incorporation or discontinuance,
22 registered voters of the territory or city may vote, and the
23 proposal is authorized if a majority of those voting approves
24 it. In a case of annexation or severance, registered voters
25 of the territory and of the city may vote, and the proposal is
26 authorized if a majority of the total number of persons voting
27 approves it. In a case of consolidation, registered voters of
28 each city to be consolidated may vote, and the proposal is
29 authorized only if it receives a favorable majority vote in
30 each city. The county commissioner of elections shall publish
31 notice of the election as provided in section 49.53 and shall
32 conduct the election in the same manner as other special city
33 elections.

34 Sec. 71. Section 368.19, unnumbered paragraph 3, Code
35 2005, is amended to read as follows:

1 An incorporation election shall be held not less than fifty
2 days nor more than ninety days after approval of an
3 incorporation petition. The costs of an incorporation
4 election shall be borne by the initiating petitioners if the
5 election fails, but if the proposition is approved the cost
6 shall become a charge of the new city.

7 Sec. 72. Section 372.2, subsection 2, unnumbered paragraph
8 1, Code 2005, is amended to read as follows:

9 Within fifteen days after receiving a valid petition, the
10 council shall publish notice of the date that a special city
11 election will be held to determine whether the city shall
12 change to a different form of government. The election date
13 shall be ~~not more than sixty days after the publication as~~
14 specified in section 39.2. If the next ensuing special
15 election is more than sixty days after the publication, the
16 council shall publish another notice fifteen days before the
17 election. The notice shall include a statement that the
18 filing of a petition for appointment of a home rule charter
19 commission will delay the election until after the home rule
20 charter commission has filed a proposed charter. Petition
21 requirements and filing deadlines shall also be included in
22 the notice.

23 Sec. 73. Section 372.3, Code 2005, is amended to read as
24 follows:

25 372.3 HOME RULE CHARTER.

26 If a petition for appointment of a home rule charter com-
27 mission is filed with the city clerk not more than ten days
28 after the council has published the first notice announcing
29 the date of the special election on adoption of another form
30 of government, the special election shall not be held until
31 the charter proposed by the home rule charter commission is
32 filed. Both forms must be published as provided in section
33 372.9 and submitted to the voters at the special election.

34 Sec. 74. Section 372.9, subsection 3, Code 2005, is
35 amended to read as follows:

1 3. The proposed home rule charter must be submitted at a
2 special city election on a date ~~selected-by-the-mayor-and~~
3 ~~council~~ specified in section 39.2 and in accordance with
4 section 47.6. However, the date of the election last
5 publication must be not less than thirty nor more than sixty
6 days ~~after~~ before the ~~last-publication-of-the-proposed-home~~
7 ~~rule-charter~~ election.

8 Sec. 75. Section 372.13, subsection 11, unnumbered
9 paragraph 1, Code 2005, is amended to read as follows:

10 Council members shall be elected according to the council
11 representation plans under sections 372.4 and 372.5. However,
12 the council representation plan may be changed, by petition
13 and election, to one of those described in this subsection.
14 Upon receipt of a valid petition, as defined in section 362.4,
15 requesting a change to a council representation plan, the
16 council shall submit the question at a special city election
17 ~~to-be-held-within-sixty-days~~. If a majority of the persons
18 voting at the special election approves the changed plan, it
19 becomes effective at the beginning of the term following the
20 next regular city election. If a majority does not approve
21 the changed plan, the council shall not submit another
22 proposal to change a plan to the voters within the next two
23 years.

24 Sec. 76. Section 376.2, unnumbered paragraph 2, Code 2005,
25 is amended to read as follows:

26 Except as otherwise provided by state law or the city
27 charter, terms for elective offices are two years. However,
28 the term of an elective office may be changed to two or four
29 years by petition and election. Upon receipt of a valid
30 petition as defined in section 362.4, requesting that the term
31 of an elective office be changed, the council shall submit the
32 question at a special city election ~~to-be-held-within-sixty~~
33 ~~days-after-the-petition-is-received~~. ~~The-special-election~~
34 ~~shall-be-held-more-than-ninety-days-before-the-regular-city~~
35 ~~election-if-the-change-shall-go-into-effect-at-the-next~~

1 ~~regular-city-election~~: If a majority of the persons voting at
2 the special election approves the changed term, it becomes
3 effective at the beginning of the term following the next
4 regular city election. If a majority does not approve the
5 changed term, the council shall not submit the same proposal
6 to the voters within the next four years.

7 Sec. 77. Section 384.26, subsection 2, unnumbered
8 paragraph 1, Code 2005, is amended to read as follows:

9 Before the council may institute proceedings for the
10 issuance of bonds for a general corporate purpose, it shall
11 call a special city election to vote upon the question of
12 issuing the bonds. At the election the proposition must be
13 submitted in the following form:

14 Sec. 78. Section 423B.1, subsection 5, Code 2005, is
15 amended to read as follows:

16 5. The county commissioner of elections shall submit the
17 question of imposition of a local option tax at a state
18 general election or at a special election held ~~at-any-time~~
19 ~~other-than-the-time-of-a-city-regular-election~~ on the second
20 Tuesday in March. The election shall not be held sooner than
21 sixty days after publication of notice of the ballot
22 proposition. The ballot proposition shall specify the type
23 and rate of tax and in the case of a vehicle tax the classes
24 that will be exempt and in the case of a local sales and
25 services tax the date it will be imposed which date shall not
26 be earlier than ninety days following the election. The
27 ballot proposition shall also specify the approximate amount
28 of local option tax revenues that will be used for property
29 tax relief and shall contain a statement as to the specific
30 purpose or purposes for which the revenues shall otherwise be
31 expended. If the county board of supervisors decides under
32 subsection 6 to specify a date on which the local option sales
33 and services tax shall automatically be repealed, the date of
34 the repeal shall also be specified on the ballot. The rate of
35 the vehicle tax shall be in increments of one dollar per

1 vehicle as set by the petition seeking to impose the tax. The
2 rate of a local sales and services tax shall not be more than
3 one percent as set by the governing body. The state
4 commissioner of elections shall establish by rule the form for
5 the ballot proposition which form shall be uniform throughout
6 the state.

7 Sec. 79. Section 423E.2, subsection 2, paragraph a, Code
8 2005, is amended to read as follows:

9 a. Upon receipt by a county board of supervisors of a
10 petition requesting imposition of a local sales and services
11 tax for infrastructure purposes, signed by eligible electors
12 of the whole county equal in number to five percent of the
13 persons in the whole county who voted at the last preceding
14 state general election, the board shall within thirty days
15 direct the county commissioner of elections to submit the
16 question of imposition of the tax to the registered voters of
17 the whole county at the general election or at a special
18 election.

19 Sec. 80. Section 277.2, Code 2005, is repealed.

20 Sec. 81. APPLICABILITY DATE. This division of this Act
21 applies to elections held on or after January 1, 2006.

22 DIVISION V

23 ELECTION OF SCHOOL CORPORATION

24 BOARDS OF DIRECTORS

25 Sec. 82. Section 39.24, Code 2005, is amended to read as
26 follows:

27 39.24 SCHOOL OFFICERS.

28 Members of boards of directors of community and independent
29 school districts, and boards of directors of merged areas
30 shall be elected at the school election. Their terms of
31 office shall be three four years, except as otherwise provided
32 by section 260C.11, 260C.13, or 275.23A, 275.37, or 275.37A.

33 Sec. 83. Section 260C.11, unnumbered paragraph 1, Code
34 2005, is amended to read as follows:

35 The governing board of a merged area is a board of

1 directors composed of one member elected from each director
2 district in the area by the electors of the respective
3 district. Members of the board shall be residents of the
4 district from which elected. Successors shall be chosen at
5 the ~~annual~~ regular school elections for members whose terms
6 expire. The term of a member of the board of directors is
7 ~~three~~ four years and commences at the organization meeting.
8 Vacancies on the board shall be filled at the next regular
9 meeting of the board by appointment by the remaining members
10 of the board. A member so chosen shall be a resident of the
11 district in which the vacancy occurred and shall serve until a
12 member is elected pursuant to section 69.12 to fill the
13 vacancy for the balance of the unexpired term. A vacancy is
14 defined in section 277.29. A member shall not serve on the
15 board of directors who is a member of a board of directors of
16 a local school district or a member of an area education
17 agency board.

18 Sec. 84. Section 260C.12, unnumbered paragraph 1, Code
19 2005, is amended to read as follows:

20 The board of directors of the merged area shall organize at
21 the first regular meeting in October ~~of each year~~ following
22 the regular school election. Organization of the board shall
23 be effected by the election of a president and other officers
24 from the board membership as board members determine. The
25 board of directors shall appoint a secretary and a treasurer
26 who shall each give bond as prescribed in section 291.2 and
27 who shall each receive the salary determined by the board.
28 The secretary and treasurer shall perform duties under chapter
29 291 and additional duties the board of directors deems
30 necessary. However, the board may appoint one person to serve
31 as the secretary and treasurer. If one person serves as the
32 secretary and treasurer, only one bond is necessary for that
33 person. The frequency of meetings other than organizational
34 meetings shall be as determined by the board of directors but
35 the president or a majority of the members may call a special

1 meeting at any time.

2 Sec. 85. Section 260C.13, subsection 1, Code 2005, is
3 amended to read as follows:

4 1. The board of a merged area may change the number of
5 directors on the board and shall make corresponding changes in
6 the boundaries of director districts. Changes shall be
7 completed not later than June 1 ~~for the regular school~~
8 ~~election to be held the next following September~~ of the year
9 of the regular school election. As soon as possible after
10 adoption of the boundary changes, notice of changes in the
11 director district boundaries shall be submitted by the merged
12 area to the county commissioner of elections in all counties
13 included in whole or in part in the merged area.

14 Sec. 86. Section 260C.15, subsection 1, Code 2005, is
15 amended to read as follows:

16 1. Regular elections held ~~annually~~ by the merged area for
17 the election of members of the board of directors as required
18 by section 260C.11, for the renewal of the twenty and one-
19 fourth cents per thousand dollars of assessed valuation levy
20 authorized in section 260C.22, or for any other matter
21 authorized by law and designated for election by the board of
22 directors of the merged area, shall be held on the date of the
23 school election as fixed by section 277.1. The election
24 notice shall be made a part of the local school election
25 notice published as provided in section 49.53 in each local
26 school district where voting is to occur in the merged area
27 election and the election shall be conducted by the county
28 commissioner of elections pursuant to chapters 39 to 53 and
29 section 277.20.

30 Sec. 87. Section 260C.22, subsection 1, paragraph a, Code
31 2005, is amended to read as follows:

32 a. In addition to the tax authorized under section
33 260C.17, the voters in any a merged area may at the ~~annual~~
34 regular school election vote a tax not exceeding twenty and
35 one-fourth cents per thousand dollars of assessed value in any

1 one year for a period not to exceed ten years for the purchase
2 of grounds, construction of buildings, payment of debts
3 contracted for the construction of buildings, purchase of
4 buildings and equipment for buildings, and the acquisition of
5 libraries, for the purpose of paying costs of utilities, and
6 for the purpose of maintaining, remodeling, improving, or
7 expanding the community college of the merged area. If the
8 tax levy is approved under this section, the costs of
9 utilities shall be paid from the proceeds of the levy. The
10 tax shall be collected by the county treasurers and remitted
11 to the treasurer of the merged area as provided in section
12 331.552, subsection 29. The proceeds of the tax shall be
13 deposited in a separate and distinct fund to be known as the
14 voted tax fund, to be paid out upon warrants drawn by the
15 president and secretary of the board of directors of the
16 merged area district for the payment of costs incurred in
17 providing the school facilities for which the tax was voted.

18 Sec. 88. Section 273.8, subsections 1 and 7, Code 2005,
19 are amended to read as follows:

20 1. BOARD OF DIRECTORS. The board of directors of an area
21 education agency shall consist of not less than five nor more
22 than nine members, each a resident of and elected in the
23 manner provided in this section from a director district that
24 is approximately equal in population to the other director
25 districts in the area education agency. Each director shall
26 serve a ~~three-year~~ four-year term which commences at the
27 organization meeting.

28 7. BOUNDARY LINE CHANGES. To the extent possible the
29 board shall provide that changes in the boundary lines of
30 director districts of area education agencies shall not
31 lengthen or diminish the term of office of a director of an
32 area education agency board. Initial terms of office shall be
33 set by the board so that as nearly as possible the terms of
34 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

35 Sec. 89. Section 273.8, subsection 2, paragraphs a and b,

1 Code 2005, are amended to read as follows:

2 a. Notice of the election shall be published by the area
3 education agency administrator not later than July 15 of the
4 odd-numbered year in at least one newspaper of general
5 circulation in the director district. The cost of publication
6 shall be paid by the area education agency.

7 b. A candidate for election to the area education agency
8 board shall file a statement of candidacy with the area
9 education agency secretary not later than August 15 of the
10 odd-numbered year, on forms prescribed by the department of
11 education. The statement of candidacy shall include the
12 candidate's name, address, and school district. The list of
13 candidates shall be sent by the secretary of the area
14 education agency in ballot form by certified mail to the
15 presidents of the boards of directors of all school districts
16 within the director district not later than September 1. In
17 order for the ballot to be counted, the ballot must be
18 received in the secretary's office by the end of the normal
19 business day on September 30 or be clearly postmarked by an
20 officially authorized postal service not later than September
21 29 and received by the secretary not later than noon on the
22 first Monday following September 30.

23 Sec. 90. Section 273.8, subsection 4, unnumbered paragraph
24 1, Code 2005, is amended to read as follows:

25 The board of directors of each area education agency shall
26 meet and organize at the first regular meeting in October of
27 each-year following the regular school election at a suitable
28 place designated by the president. Directors whose terms
29 commence at the organization meeting shall qualify by taking
30 the oath of office required by section 277.28 at or before the
31 organization meeting.

32 Sec. 91. Section 274.7, Code 2005, is amended to read as
33 follows:

34 274.7 DIRECTORS.

35 The affairs of each school corporation shall be conducted

1 by a board of directors, the members of which in all community
2 or independent school districts shall be chosen for a term of
3 three four years.

4 Sec. 92. Section 275.1, subsections 2 and 5, Code 2005,
5 are amended to read as follows:

6 2. "Initial board" means the board of a newly reorganized
7 district that is selected pursuant to section 275.25 or 275.41
8 and functions until the organizational meeting following the
9 fourth third regular school election held after the effective
10 date of the reorganization.

11 5. "Regular board" means the board of a reorganized
12 district that begins to function at the organizational meeting
13 following the fourth third regular school election held after
14 the effective date of the school reorganization, and is
15 comprised of members who were elected to the current terms or
16 were appointed to replace members who were elected.

17 Sec. 93. Section 275.12, subsection 2, paragraphs b, c, d,
18 and e, Code 2005, are amended to read as follows:

19 b. Division of the entire school district into designated
20 geographical single director or multi-director subdistricts on
21 the basis of population for each director, to be known as
22 director districts, each of which ~~director-districts~~ shall be
23 represented on the school board by one or more directors who
24 shall be residents of the director district but who shall be
25 elected by the vote of the electors of the entire school
26 district. The boundaries of the director districts and the
27 area and population included within each district shall be
28 such as justice, equity, and the interests of the people may
29 require. Changes in the boundaries of director districts
30 shall not be made during a period commencing sixty days prior
31 to the date of the ~~annual~~ regular school election. Insofar As
32 far as ~~may-be~~ practicable, the boundaries of the districts
33 shall follow established political or natural geographical
34 divisions.

35 c. Election of not more than one-half of the total number

1 of school directors at large from the entire district and the
2 remaining directors from and as residents of designated
3 single-member or multimember director districts into which the
4 entire school district shall be divided on the basis of
5 population for each director. In such case, all directors
6 shall be elected by the electors of the entire school
7 district. Changes in the boundaries of director districts
8 shall not be made during a period commencing sixty days prior
9 to the date of the annual regular school election.

10 d. Division of the entire school district into designated
11 geographical single director or multi-director subdistricts on
12 the basis of population for each director, to be known as
13 director districts, each of which ~~director-districts~~ shall be
14 represented on the school board by one or more directors who
15 shall be residents of the director district and who shall be
16 elected by the voters of the director district. Place of
17 voting in the director districts shall be designated by the
18 commissioner of elections. Changes in the boundaries of
19 director districts shall not be made during a period
20 commencing sixty days prior to the date of the annual regular
21 school election.

22 e. In districts having seven directors, election of three
23 directors at large by the electors of the entire district, one
24 no more than two at each annual regular school election, and
25 election of the remaining directors as residents of and by the
26 electors of individual geographic subdistricts established on
27 the basis of population and identified as director districts,
28 no more than two at a regular school election. Boundaries of
29 the subdistricts shall follow precinct boundaries, insofar as
30 far as practicable, and shall not be changed less than sixty
31 days prior to the annual regular school election.

32 Sec. 94. Section 275.25, subsection 3, Code 2005, is
33 amended to read as follows:

34 3. The directors who are elected and qualify to serve
35 shall serve until their successors are elected and qualify.

1 At the special election, the newly elected director directors
2 receiving the most votes shall be elected to serve until the
3 ~~director's successor qualifies~~ their successors qualify after
4 the fourth third regular school election date occurring after
5 the effective date of the reorganization, and the two newly
6 elected directors receiving the next largest number of votes
7 shall be elected to serve until the directors' successors
8 qualify after the third second regular school election date
9 occurring after the effective date of the reorganization, ~~and~~
10 ~~the two newly elected directors receiving the next largest~~
11 ~~number of votes shall be elected to serve until the directors'~~
12 ~~successors qualify after the second regular school election~~
13 ~~date occurring after the effective date of the reorganization.~~
14 However, in districts that include all or a part of a city of
15 fifteen thousand or more population and in districts in which
16 the proposition to establish a new corporation provides for
17 the election of seven directors, the ~~three newly elected~~
18 ~~directors receiving the most votes shall be elected to serve~~
19 ~~until the directors' successors qualify after the fourth~~
20 ~~regular school election date occurring after the effective~~
21 ~~date of the reorganization~~ timelines specified in this
22 subsection for the terms of office apply to the four newly
23 elected directors receiving the most votes and then to the
24 three newly elected directors receiving the next largest
25 number of votes.

26 Sec. 95. Section 275.37, Code 2005, is amended to read as
27 follows:

28 275.37 INCREASE IN NUMBER OF DIRECTORS.

29 At the next succeeding ~~annual~~ regular school election in a
30 district where the number of directors has been increased from
31 five to seven, and directors are elected at large, there shall
32 be elected a director to succeed each incumbent director whose
33 term is expiring in that year, and two additional directors.
34 Upon organizing as required by section 279.1, either one or
35 two of the newly elected director directors who received the

1 fewest votes in the election shall be assigned a term of
2 either-one-year-or two years if as necessary in order that as
3 nearly as possible one-third one-half of the members of the
4 board shall be elected each-year biennially. If some or all
5 directors are elected from director districts, the board shall
6 assign terms appropriate for the method of election used by
7 the district.

8 Sec. 96. Section 275.37A, Code 2005, is amended to read as
9 follows:

10 275.37A DECREASE IN NUMBER OF DIRECTORS.

11 1. A change from seven to five directors shall be effected
12 in a district at the first regular school election after
13 authorization by the voters in the following manner:

14 a. If at the first election in the district there are
15 three four terms expiring, one-director three directors shall
16 be elected. At the second election in that district, if two
17 three terms are expiring, two directors shall be elected. At
18 ~~the-third-election-in-that-district,-if-there-are-two-terms~~
19 ~~expiring,-two-directors-shall-be-elected-~~

20 b. If at the first election there are two three terms
21 expiring, no two directors shall be elected. At the second
22 election in that district, if two four terms are expiring, two
23 three directors shall be elected. ~~At-the-third-election-in~~
24 ~~that-district,-if-there-are-three-terms-expiring,-three~~
25 ~~directors-shall-be-elected,-two-for-three-years-and-one-for~~
26 ~~one-year.-.-The-newly-elected-director-who-received-the-fewest~~
27 ~~votes-in-the-election-shall-be-assigned-a-term-of-one-year-~~

28 ~~c.-.-If-at-the-first-election-there-are-two-terms-expiring,~~
29 ~~no-directors-shall-be-elected.-.-At-the-second-election-in-that~~
30 ~~district,-if-three-terms-are-expiring,-three-directors-shall~~
31 ~~be-elected,-two-for-three-years-and-one-for-two-years.-.-The~~
32 ~~newly-elected-director-who-received-the-fewest-votes-in-the~~
33 ~~election-shall-be-assigned-a-term-of-two-years.-.-At-the-third~~
34 ~~election-in-that-district,-if-there-are-two-terms-expiring,~~
35 ~~two-directors-shall-be-elected-~~

1 2. If some or all of the directors are elected from
2 director districts, the board shall devise a plan to reduce
3 the number of members so that as nearly as possible one-third
4 one-half of the members of the board shall be elected each
5 year biennially and so that each district will be continuously
6 represented.

7 Sec. 97. Section 275.38, Code 2005, is amended to read as
8 follows:

9 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

10 If change in the method of election of school directors is
11 approved at a regular or special school election, the
12 directors who were serving unexpired terms or were elected
13 concurrently with approval of the change of method shall serve
14 out the terms for which they were elected. If the plan
15 adopted is that described in section 275.12, subsection 2,
16 paragraph "b", "c", "d", or "e", the
17 board shall at the earliest practicable time designate the
18 districts from which residents are to be elected as school
19 directors at each of the next three two succeeding annual
20 regular school elections, arranging so far as possible for
21 elections of directors as residents of the respective
22 districts to coincide with the expiration of terms of
23 incumbent members residing in those districts. If an increase
24 in the size of the board from five to seven members is
25 approved concurrently with the change in method of election of
26 directors, the board shall make the necessary adjustment in
27 the manner prescribed in section 275.37, as well as providing
28 for implementation of the districting plan under this section.

29 Sec. 98. Section 275.41, subsection 3, Code 2005, is
30 amended to read as follows:

31 3. Prior to the effective date of the reorganization, the
32 initial board shall approve a plan that commences at the
33 second first regular school election held after the effective
34 date of the merger and is completed at the fourth third
35 regular school election held after the effective date of the

1 merger, to replace the initial board with the regular board.
2 If the petition specifies a number of directors on the regular
3 board to be different from the number of directors on the
4 initial board, the plan shall provide that the number
5 specified in the petition for the regular board is in place by
6 the time the regular board is formed. The plan shall provide
7 that as nearly as possible ~~one-third~~ one-half of the members
8 of the board shall be elected ~~each-year~~ biennially, and if a
9 special election was held to elect a member to create an odd
10 number of members on the board, the term of that member shall
11 end at the organizational meeting following the ~~fourth~~ third
12 regular school election held after the effective date.

13 Sec. 99. Section 277.1, Code 2005, is amended to read as
14 follows:

15 277.1 REGULAR ELECTION.

16 The regular election shall be held ~~annually~~ biennially on
17 the second Tuesday in September of each odd-numbered year in
18 each school district for the election of officers of the
19 district and merged area and for the purpose of submitting to
20 the voters any matter authorized by law.

21 Sec. 100. Section 277.25, Code 2005, is amended to read as
22 follows:

23 277.25 DIRECTORS IN NEW DISTRICTS.

24 At the first election in newly organized districts the
25 directors shall be elected as follows:

26 1. In districts having three directors, ~~one-director~~ two
27 directors shall be elected for ~~one-year~~, ~~one-for~~ two years,
28 and one for ~~three~~ four years.

29 2. In districts having five directors, ~~two~~ three shall be
30 elected for ~~one-year~~, ~~two-for~~ two years, and one two for ~~three~~
31 four years.

32 3. In districts having seven directors, ~~two~~ four shall be
33 elected for ~~one-year~~, ~~two-for~~ two years, and three for ~~three~~
34 four years.

35 Sec. 101. Section 278.2, unnumbered paragraph 2, Code

1 2005, is amended to read as follows:

2 Petitions filed under this section shall be filed with the
3 secretary of the school board at least seventy-five days
4 before the date of the ~~annual~~ regular school election, if the
5 question is to be included on the ballot at that election.
6 The petition shall include the signatures of the petitioners,
7 a statement of their place of residence, and the date on which
8 they signed the petition.

9 Sec. 102. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.

10 This division of this Act, being deemed of immediate
11 importance, takes effect upon enactment, for purposes of the
12 transition from election of directors of community and
13 independent school districts, merged areas, and area education
14 agencies annually from terms of three years each to the
15 staggered election of such directors biennially for terms of
16 four years each. This Act shall be applied so that the first
17 election at which directors, due to the expiration of
18 predecessor director terms, shall be elected to serve regular
19 four-year terms is the regular school election held in
20 September 2007 or the director district conventions held in
21 September 2007.

22 The board of directors of each affected school district and
23 each merged area and area education agency shall review the
24 expiration dates of the terms of office of its directors and
25 shall adopt by resolution a plan for shortening or lengthening
26 terms of members for the annual school election or director
27 district convention held in September 2005 and September 2006
28 so that all members whose terms expire at the regular school
29 election or director district convention held in September
30 2007 will be elected to four-year terms with the remaining
31 members of the board having their terms expire at the regular
32 school election or director district convention held in
33 September 2009. The board shall submit a copy of the
34 resolution adopting its plan to the office of the state
35 commissioner of elections no later than August 1, 2006. In

1 developing the plan, the board of directors shall take into
2 consideration the terms for which the members were elected and
3 the number of votes the members received in relation to the
4 number of votes other candidates received at the applicable
5 election or director district convention.

6

EXPLANATION

7 This bill makes various changes to the Code relating to the
8 conduct of elections, voting, and voter registration.

9 Division I of the bill amends provisions relating to the
10 conduct of elections as follows:

11 Code section 43.6 is amended to provide that if a vacancy
12 in a county office occurs more than 73 days before the primary
13 election, political party candidates to fill that office at
14 the general elections shall be nominated at the primary
15 election.

16 Code sections 43.14 and 45.5, relating to the form of
17 nomination papers filed for the primary election or filed by
18 persons nominated by petition, are amended to provide that a
19 signature line shall not be counted if the signer's address is
20 obviously outside of the appropriate area or district. Code
21 section 45.5 is further amended, along with Code section 45.6,
22 to clarify that a person signing a nomination petition must be
23 a resident of the appropriate ward, city, county, or district.

24 Code sections 47.1 and 47.7 are amended to provide that any
25 expenditure of money by the state commissioner of elections,
26 the state registrar of voters, or the voter registration
27 commission which exceeds \$100,000 and is related to
28 implementation of the Help America Vote Act must first be
29 approved by the legislative council. The secretary of state
30 serves as the state commissioner of elections and the state
31 registrar of voters.

32 Code section 49.14 is amended to remove the requirement
33 that a majority of the members of the original precinct
34 election board be present at the precinct polling place at all
35 times on election day. However, the division does require

1 that the chairperson of the precinct election board be present
2 at the precinct polling place at all times on election day.

3 Code section 49.57 is amended to remove the requirement
4 that the names of candidates and political parties appear in
5 all capital letters on ballots. The section is also amended
6 to allow the names of political parties and nonparty political
7 organizations to be abbreviated on ballots if the
8 abbreviations are printed with the full name in the "Straight
9 Party" and "Other Political Party" areas of the ballot.

10 Finally, the Code section is amended to require a minimum font
11 size on ballots for constitutional convention questions,
12 constitutional amendments, and public measures. A
13 corresponding amendment is made to Code section 52.25.

14 Code section 49.73 is amended to change the time for
15 closing precinct polling places from 9 p.m. to 8 p.m. for all
16 elections.

17 Code section 49.77 is amended to specify that the
18 requirement that a voter whose name does not appear on the
19 election register show identification is in order to establish
20 residency in the precinct. The Code section is also amended
21 to require that all voters show photographic identification
22 containing the signature of the voter.

23 Code section 49.79 is amended to provide a specific list of
24 reasons that a person may be challenged as unqualified to
25 vote.

26 Code section 50.16, relating to preparation of tally lists,
27 is amended to make a technical correction changing "officer"
28 to "office" and is further amended to remove the A.D. (anno
29 Domini) abbreviation from the space for the date on the tally
30 list.

31 Code section 54.5 is amended to provide that the deadline
32 for the filing of presidential nomination documents is 5 p.m.
33 on the fifth day following adjournment of the national
34 nominating convention.

35 This division of the bill applies to elections held on or

1 after January 1, 2006.

2 Division II of the bill makes changes relating to absentee
3 voting.

4 Code section 39A.4 is amended to prohibit incumbent
5 officeholders and candidates seeking offices on the ballot
6 from serving as observers or challengers of the process of
7 counting absentee ballots. Candidates and officeholders are
8 currently prohibited from serving in this capacity at the
9 polls on election day.

10 Code section 53.8 is amended to clarify that voters who
11 expect to be patients or residents of health care facilities
12 or hospitals on election day are not prohibited from voting
13 absentee in person at the commissioner's office.

14 Code section 53.38 is amended to provide that military and
15 overseas voters are not subject to the requirement for persons
16 registering by mail to provide identification when voting nor
17 are they subject to the requirement that identification
18 numbers on absentee ballots be verified.

19 Code section 53.41 is amended to provide that if more than
20 one request is received by the commissioner for an absentee
21 ballot for a military and overseas voter, the last request
22 received shall be honored, except that the voter's request
23 shall take preference over a request made by another person on
24 the voter's behalf. Code section 53.41 is also amended to
25 allow military and overseas voters to update their absentee
26 ballot requests with new address information during the two-
27 year period covered by the original application. The Code
28 section is also amended to permit the mailing of a replacement
29 absentee ballot to a military or overseas voter who reports a
30 change of address after a ballot has been mailed to the voter.

31 Code section 53.44 is amended to exempt military and
32 overseas voters from the restrictions that apply to returning
33 absentee ballots.

34 Code section 53.53 is amended to allow a member of the
35 armed forces to return an absentee ballot from within the

1 United States if the person is on active duty within the
2 United States. The Code section is also amended to provide
3 that a federal write-in ballot shall not be counted if the
4 voter's application for a regular absentee ballot was received
5 by the commissioner less than 14 days before the election.
6 Currently, the receipt date is 30 days before the election.
7 Code section 53.11, allowing for satellite absentee voting,
8 is repealed and corresponding amendments are made to Code
9 sections 49.63, 53.7, 53.8, and 53.22.

10 This division of the bill applies to elections held on or
11 after January 1, 2006.

12 Division III of the bill makes changes relating to voter
13 registration.

14 Code section 48A.2 is amended to add a definition of "voter
15 registration list".

16 Code section 48A.11 is amended to provide that a voter
17 registration application lacking the signature of the
18 registrant shall not be processed.

19 Code section 48A.25A is amended to include the social
20 security administration, along with the state department of
21 transportation, as a source for verifying the last four digits
22 of the social security number provided by a voter registration
23 applicant. The Code section is also amended to clarify that
24 it is the county commissioner of registration who is
25 responsible for verifying voter registration application
26 information. Finally, the Code section is amended to provide
27 that all military and overseas voters are exempt from the
28 verification requirements.

29 This division of the bill applies to elections held on or
30 after January 1, 2006.

31 Division IV makes changes relating to the dates that
32 certain local government special elections can be held.

33 Division IV of the bill provides that special elections of
34 a county or city shall be held on the date of the general
35 election or of the regular city election or on the second

1 Tuesday in March of each year. The division also provides
2 that merged area and school district special elections shall
3 be held on the same date as the regular school election. The
4 division applies to elections on public measures and not to
5 special elections to elect public officers of a school
6 corporation, county, or city.

7 The division amends Code section 47.6 to conform filing
8 deadlines to the special election dates, including filing
9 deadlines for vacancies in city or county offices.

10 The division amends Code section 69.12 to strike the filing
11 deadline for vacancies that occur 40 days before a special
12 election.

13 Code section 331.207 is amended to provide that the special
14 election to change a county board of supervisors
15 representation plan is changed from within 60 days after the
16 day the petition was received to the second Tuesday in March
17 of the odd-numbered year.

18 Code section 368.19 is amended to change the timeline for
19 holding city incorporation elections to conform to the filing
20 deadlines for special elections.

21 The division does not amend provisions relating to special
22 elections which are held at no cost to the city or county.
23 These include special elections for designation of an official
24 county fair, city franchise elections, and city incorporation
25 elections (depending on the outcome of the election).

26 This division of the bill applies to elections held on or
27 after January 1, 2006.

28 Division V of the bill provides for the election of the
29 directors of local school districts and merged areas in
30 September in odd-numbered years. Area education agencies are
31 required by law to hold their director district conventions
32 within two weeks of the regular school election. Area
33 education agency board directors are elected at those
34 conventions. In order to accomplish these purposes, the
35 division changes the terms of all of these directors from

1 three to four years and provides for a transition period.

2 The division takes effect upon enactment for purposes of
3 holding the area education agency director district
4 conventions in September 2007, and the first biennial regular
5 school election in September 2007.

6 Additional conforming amendments to the Code may be
7 necessary to fully implement the division's provisions.

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