

ELECTION LAWS

OF

IOWA

OCTOBER 1990 SUPPLEMENT



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INSTRUCTIONS

FOR

Updating Election Laws of Iowa

Obsolete pages to Election Laws of Iowa are listed in the column headed "Remove Old Pages." New and replacement pages in this Supplement are listed in the column headed "Insert New Pages." It is important to follow instructions in both columns.

Remove Old Pages

iii, iv
v-xiv
7, 8
11, 12
15, 16
79-82
87-90
97, 98
103, 104
107, 108
113-116
119, 120
125, 126
135, 136
141-158
163, 164
171-180
189, 190
193-198
201, 202
205-208

Insert New Pages

iii, iv
v-xiv
7-8b
11-12b
15, 16
79-82
87-90b
97, 98
103, 104
107, 108
113-116
119, 120
125, 126
135, 136
141-158
163, 164
171-180
189, 190
193-198
201, 202
205-208

Remove Old Pages

213, 214
221-224
233, 234
241-244
247, 248
251, 252
255-258
265-270
273-284
291, 292
299, 300
317-332
341, 342
349-352
357-360
363-376
379-384
395-398
401, 402
415-420
427-432
435, 436
447, 448
451, 452
471, 472
475, 476
485, 486
491, 492
503-526
533, 534
Index 1-31

Insert New Pages

213, 214
221-224
233-234b
241-244
247-248b
251-252b
255-258
265-270b
273-284
291, 292
299, 300
317-332b
341-342b
349-352
357-360
363-376b
379-384b
395-398
401, 402
415-420
427-432b
435-436b
447, 448
451, 452
471-472b
475, 476
485, 486
491-492b
503-526b
533, 534
Index 1-31

October 1990

EDITOR'S NOTE

This publication contains election laws as they appear in the Code of Iowa 1991. This publication is updated annually by the issue of replacement pages containing amendments and new enactments.

PREFATORY STATEMENT

"The Code, supplements to the Code and session laws published under authority of the state shall constitute the only authoritative publications of the statutes of this state. No other publications of the statutes of the state shall be cited in the courts or in the reports or rules thereof." [Iowa Code §14.20]



1857 CONSTITUTION OF THE STATE OF IOWA — CODIFIED

ARTICLE II.

RIGHT OF SUFFRAGE.

Electors. Sec. 1. Every citizen of the United States of the age of twenty-one years, who shall have been a resident of this state for such period of time as shall be provided by law and of the county in which he claims his vote for such period of time as shall be provided by law, shall be entitled to vote at all elections which are now or hereafter may be authorized by law. The general assembly may provide by law for different periods of residence in order to vote for various officers or in order to vote in various elections. The required periods of residence shall not exceed six months in this state and sixty days in the county.

Repealed and rewritten 1970, Amendment [30]
See Amendments 19 and 26 to U.S. Constitution

Privileged from arrest. Sec. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

From military duty. Sec. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war, or public danger.

Persons in military service. Sec. 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this state by being stationed in any garrison, barrack, or military or naval place, or station within this state.

Disqualified persons. Sec. 5. No idiot, or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

Ballot. Sec. 6. All elections by the people shall be by ballot.

General election. Sec. 7. The general election for state, district, county and township officers in the year 1916 shall be held in the same month and on the same day as that fixed by the laws of the United States for the election of presidential electors, or of president and vice-president of the United States; and thereafter such election shall be held at such time as the general assembly may by law provide.

Repealed and rewritten 1916, Amendment [14]
For statutory provisions, see §39.1 of the Code

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Representatives. Sec. 3. The members of the house of representatives shall be chosen every second year, by the qualified electors of their respective districts, and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified.

For provisions relative to the time of holding the general election, see Art. II, §7; see also §39.1 of the Code

Qualifications. Sec. 4. No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years, be a citizen of the United States, and shall have been an inhabitant of this state one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the county, or district he may have been chosen to represent.

Amended 1880, Amendment [6] and 1926, Amendment [15]

Senators — qualifications. Sec. 5. Senators shall be chosen for the term of four years, at the same time and place as representatives; they shall be twenty-five years of age, and possess the qualifications of representatives as to residence and citizenship.

Senators — number and classification. Sec. 6. The number of senators shall total not more than one-half the membership of the house of representatives. Senators shall be classified so that as nearly as possible one-half of the members of the senate shall be elected every two years.

Repealed and rewritten 1968, Amendment [26]

See also Art. III, §34

Referred to in §42.4 of the Code

Officers — elections determined. Sec. 7. Each house shall choose its own officers, and judge of the qualification, election, and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

Vacancies. Sec. 12. When vacancies occur in either house, the governor or the person exercising the functions of governor, shall issue writs of election to fill such vacancies.

Local or special laws — general and uniform — boundaries of counties. Sec. 30. The general assembly shall not pass local or special laws in the following cases:

For the assessment and collection of taxes for state, county, or road purposes;

For laying out, opening, and working roads or highways;

For changing the names of persons;

For the incorporation of cities and towns;
 For vacating roads, town plats, streets, alleys, or public squares;
 For locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the state; and no law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

Senate and house of representatives — limitation. Sec. 34. The senate shall be composed of not more than fifty and the house of representatives of not more than one hundred members. Senators and representatives shall be elected from districts established by law. Each district so established shall be of compact and contiguous territory. The state shall be apportioned into senatorial and representative districts on the basis of population. The general assembly may provide by law for factors in addition to population, not in conflict with the Constitution of the United States, which may be considered in the apportioning of senatorial districts. No law so adopted shall permit the establishment of senatorial districts whereby a majority of the members of the senate shall represent less than forty percent of the population of the state as shown by the most recent United States decennial census.

Repealed and rewritten 1968, Amendment [26]
 See also Art. III, §6, 39

Senators and representatives — number and districts. Sec. 35. The general assembly shall in 1971 and in each year immediately following the United States decennial census determine the number of senators and representatives to be elected to the general assembly and establish senatorial and representative districts. The general assembly shall complete the apportionment prior to September 1 of the year so required. If the apportionment fails to become law prior to September 15 of such year, the supreme court shall cause the state to be apportioned into senatorial and representative districts to comply with the requirements of the constitution prior to December 31 of such year. The reapportioning authority shall, where necessary in establishing senatorial districts, shorten the term of any senator prior to completion of the term. Any senator whose term is so terminated shall not be compensated for the uncompleted part of the term.

Repealed and rewritten 1968, Amendment [26]
 Referred to in §49.3 of the Code

Review by supreme court. Sec. 36. Upon verified application by any qualified elector, the supreme court shall review an apportionment plan adopted by the general assembly which has been enacted into law. Should the supreme court determine such plan does not comply with the

requirements of the constitution, the court shall within ninety days adopt or cause to be adopted an apportionment plan which shall so comply. The supreme court shall have original jurisdiction of all litigation questioning the apportionment of the general assembly or any apportionment plan adopted by the general assembly.

Repealed and rewritten 1968, Amendment [26]

Congressional districts. Sec. 37. When a congressional district is composed of two or more counties it shall not be entirely separated by a county belonging to another district and no county shall be divided in forming a congressional district.

Repealed and rewritten 1968, Amendment [26]
Referred to in §42.4 of the Code

Elections by general assembly. Sec. 38. In all elections by the general assembly, the members thereof shall vote viva voce and the votes shall be entered on the journal.

Legislative districts. Sec. 39. In establishing senatorial and representative districts, the state shall be divided into as many senatorial districts as there are members of the senate and into as many representative districts as there are members of the house of representatives. One senator shall be elected from each senatorial district and one representative shall be elected from each representative district.

Added 1970, Amendment [29]

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Election and term. Sec. 2. The governor and the lieutenant governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies.

Repealed and rewritten 1988, Amendment [41]

Governor and lieutenant governor elected jointly—returns of elections. Sec. 3. The electors shall designate their selections for governor and lieutenant governor as if these two offices were one and the same. The names of nominees for the governor and the lieutenant governor shall be grouped together in a set on the ballot according to which nominee for governor is seeking office with which nominee for lieutenant governor, as prescribed by law. An elector shall cast only one vote for both a nominee for governor and a nominee for lieutenant governor. The returns of every election for governor and lieutenant governor shall be sealed and transmitted to the seat of government of the state, and directed to the speaker of the

house of representatives who shall open and publish them in the presence of both houses of the general assembly.

Repealed and rewritten 1988, Amendment [41]
For statutory provisions, see §50.35 of the Code

Election by general assembly in case of tie—succession by lieutenant governor. Sec. 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor. If, upon the completion by the general assembly of the canvass of votes for governor and lieutenant governor, it appears that the nominee for governor in the set of nominees for governor and lieutenant governor receiving the highest number of votes has since died or resigned, is unable to qualify, fails to qualify, or is for any other reason unable to assume the duties of the office of governor for the ensuing term, the powers and duties shall devolve to the nominee for lieutenant governor of the same set of nominees for governor and lieutenant governor, who shall assume the powers and duties of governor upon inauguration and until the disability is removed. If both nominees for governor and lieutenant governor are unable to assume the duties of the office of governor, the person next in succession shall act as governor.

Repealed and rewritten 1988, Amendment [41]

Contested elections. Sec. 5. Contested elections for the offices of governor and lieutenant governor shall be determined by the general assembly as prescribed by law.

Repealed and rewritten 1988, Amendment [41]
For statutory provisions, see §58.1 through 58.7 of the Code

Eligibility. Sec. 6. No person shall be eligible to the office of governor, or lieutenant governor, who shall not have been a citizen of the United States, and a resident of the state, two years next preceding the election, and attained the age of thirty years at the time of said election.

Vacancies. Sec. 10. When any office shall, from any cause, become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the general assembly, or at the next election by the people.

Terms—compensation. Sec. 15. The official terms of the governor and lieutenant governor shall commence on the Tuesday after the second Monday of January next after their election and shall continue until their successors are elected and qualify. The governor and lieutenant governor shall be paid compensation and expenses as provided by law. The lieutenant governor,

while acting as governor, shall be paid the compensation and expenses prescribed for the governor.

Repealed and rewritten 1988, Amendment [42]

Succession to office of governor and lieutenant governor. Sec. 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

Repealed and rewritten 1988, Amendment [42]

Secretary — auditor — treasurer. Sec. 22. A secretary of state, an auditor of state and a treasurer of state shall be elected by the qualified electors at the same time that the governor is elected and for a four-year term commencing on the first day of January next after their election, and they shall perform such duties as may be provided by law.

Repealed and rewritten 1972, Amendment [32]

ARTICLE V.

JUDICIAL DEPARTMENT.

Attorney general. Sec. 12. The general assembly shall provide, by law, for the election of an attorney general by the people, whose term of office shall be four years, and until his successor is elected and qualifies.

Repealed and rewritten 1972, Amendment [32]

Terms — judicial elections. Sec. 17. Members of all courts shall have such tenure in office as may be fixed by law, but terms of supreme court judges shall be not less than eight years and terms of district court judges shall be not less than six years. Judges shall serve for one year after appointment and until the first day of January following the next judicial election after the expiration of such year. They shall at such judicial election stand for retention in office on a separate ballot which shall submit the question of whether such judge shall be retained in office for the tenure prescribed for such office and when such tenure is a term of years, on their

request, they shall, at the judicial election next before the end of each term, stand again for retention on such ballot. Present supreme court and district court judges, at the expiration of their respective terms, may be retained in office in like manner for the tenure prescribed for such office. The general assembly shall prescribe the time for holding judicial elections.

Added 1962, Amendment [21]

ARTICLE VII.

STATE DEBTS.

Contracting debt — submission to the people. Sec. 5. Except the debts herein before specified in this article, no debt shall be hereafter contracted by, or on behalf of this state, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the state, for three months preceding the election at which it is submitted to the people.

For statutory provisions, see §6.1 to 6.9 of the Code

ARTICLE VIII.

CORPORATIONS

Banking associations. Sec. 5. No act of the general assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto shall take effect, or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.

State bank. Sec. 6. Subject to the provisions of the foregoing section, the general assembly may also provide for the establishment of a state bank with branches.

ARTICLE X.

AMENDMENTS TO THE CONSTITUTION.

How proposed — submission. Section 1. Any amendment or amendments to this constitution may be proposed in either house of the general assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the general assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people, in such manner, and at such time as the general assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the general assembly, voting thereon, such amendment or amendments shall become a part of the constitution of this state.

For statutory provisions, see §6.1 to 6.11, and 49.43 to 49.50 of the Code

More than one amendment. Sec. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Constitutional convention. Sec. 3. At the general election to be held in the year one thousand nine hundred and seventy, and in each tenth year thereafter, and also at such times as the general assembly may, by law, provide, the question, "Shall there be a convention to revise the constitution, and propose amendment or amendments to same?" shall be decided by the electors qualified to vote for members of the general assembly; and in case a majority of the electors so qualified, voting at such election, for and against such proposition, shall decide in favor of a convention for such purpose, the general assembly, at its next session, shall provide by law for the election of delegates to such convention, and for submitting the results of said convention to the people, in such manner and at such time as the general assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the general assembly, voting thereon, such amendment or amendments shall become a part of the constitution of this state. If two or more amendments shall be submitted at the same time, they shall be submitted in such a manner that electors may vote for or against each such amendment separately.

Repealed and rewritten 1964. Amendment [22]

ARTICLE XI.

MISCELLANEOUS.

Oath of office. Sec 5. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the constitution of the United States, and of this state, and also an oath of office.

See §63.10 of the Code.

How vacancies filled. Sec. 6. In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold the residue of the unexpired term; and all persons appointed to fill vacancies in office, shall hold until the next general election, and until their successors are elected and qualified.



joint facilities of a county and one or more cities within the county, pursuant to an agreement made under the authority of this chapter, or pursuant to other provisions of law, the board of supervisors and the council of each city shall arrange for a single election on the question of issuing the bonds, but if the county and the cities are proposing to make separate bond issues, the ballot shall contain separate questions, one to be voted upon by all voters of the county, and one or more to be voted upon only by the voters of the city which is to make a separate bond issue.

[C75, 77, 79, 81, §28E.16]

UNIFIED LAW ENFORCEMENT

28E.22 Referendum for tax.

The board of supervisors, or the city councils of a district composed only of cities, may, and upon receipt of a petition signed by five percent of the qualified electors residing in the district shall, submit a proposition to the electorate residing in the district at any general election or at a special election held throughout the district. The proposition shall provide for the establishment of a public safety fund and the levy of a tax on taxable property located in the district at rates not exceeding the rates specified in this section for the purpose of providing additional moneys for the operation of the district.

The ballot for the election shall be prepared in substantially the form for submitting special questions at general elections and the form of the proposition shall be substantially as follows:

"Shall an annual levy, the amount of which will not exceed a rate of one dollar and fifty cents per thousand dollars of assessed value of the taxable property in the unified law enforcement district be authorized for providing additional moneys needed for unified law enforcement services in the district?"

Yes No

If a majority of the qualified electors in each city and the unincorporated area of the county voting on the proposition approve the proposition, the county board of supervisors for unincorporated area and city councils for cities are authorized to levy the tax as provided in section 28E.23.

Such moneys collected pursuant to the tax levy shall be expended only for providing additional moneys needed for unified law enforcement services in the district and shall be in addition to the revenues raised in the county and cities in the district from their general funds which are based upon an average of revenues raised for law enforcement purposes by the county or city for the three previous years. The amount of revenues raised for law enforcement purposes by the county for the three previous years shall be computed separately for the unincorporated portion of the district and for each city in the district.

[C77, 79, 81, §28E.22]

83 Acts, ch 79, §1

28E.25 Expansion of district.

Cities and unincorporated areas may join an established district upon the affirmative vote of the city council or county board of supervisors, whichever is applicable, and a tax may be levied for providing additional moneys for unified law enforcement services only upon the affirmative vote of qualified electors of the city or unincorporated area voting in the manner provided in this division. A city or unincorporated area joining a district shall contract with the district for services until the beginning of a fiscal year when the city or unincorporated area may become a member.

[C77, §28E.24; C79, 81, §28E.25]

28E.28A Referendum on tax levy — dissolution of district.

1. After five years from the date that a district is established, the public safety commission, upon receipt of a petition signed by fifteen percent of the qualified electors residing in the district, shall submit a proposition to the electorate of the district at the next general election to discontinue the annual levy for unified law enforcement services in the district. If a majority of the qualified electors in each city and the unincorporated area of the county, as applicable, approve the proposition, the tax levy shall be discontinued.

2. If the discontinuation of the tax levy necessitates the dissolution of the district, the public safety commission shall dispose of any remaining property, the proceeds of which shall be applied first against any outstanding obligations of the district and any balance shall be remitted to the county and each city in the district in the same proportion that each jurisdiction contributed to the district's budget in its final fiscal year. The board of supervisors, on behalf of the unincorporated area of the county and the city councils of the cities included in the dissolved district shall continue to levy taxes and appropriate funds to the public safety fund as provided in section 28E.24 until all outstanding obligations of the dissolved district are paid.

83 Acts, ch 79, §2

COMMUNITY CLUSTERS — REVENUE SHARING**28E.39 Referendum for ad valorem tax sharing.**

An agreement establishing a community cluster shall require the approval of the qualified electors residing within the area of the cluster if the agreement provides for the sharing of revenues from ad valorem property taxes. The proposition shall be submitted to the electorate by each governmental unit forming the community cluster to the electors residing within the area of the governmental unit at a general election or at a special election. However, if a county has designated only certain townships as being included within the community cluster, the proposition shall be submitted to the electorate of the county residing only in the townships included in

the community cluster.

The ballot for the election shall be prepared in substantially the form for submitting special questions at general elections.

If a majority of the qualified electors in the area of each governmental unit within the proposed community cluster voting on the proposition vote in favor of the proposition then the agreement establishing the community cluster shall take effect and the sharing of revenues from ad valorem property taxes is authorized. If the proposition fails in the area of one or more governmental units within the proposed community cluster voting on the proposition then the governmental units in which the proposition passed may establish the community cluster in those areas in which the proposition passed and the sharing of revenues from ad valorem property taxes is authorized.

90 Acts, ch 1200, §5

JOINT FINANCING OF PUBLIC WORKS AND FACILITIES

28F.1 Scope of chapter — limitations.

This chapter provides a means for the joint financing by public agencies of works or facilities useful and necessary for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, and industrial waste, facilities used for the conversion of solid waste to energy, and also electric power facilities constructed within the state of Iowa except that hydroelectric power facilities may also be located in the waters and on the dams of or on land adjacent to either side of the Mississippi or Missouri river bordering the state of Iowa, water supply systems, swimming pools or golf courses. This chapter applies to the

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37.6 Bonds.

Bonds issued by a county for the purposes of this chapter shall be issued under sections 331.441 to 331.449 relating to general county purpose bonds. Bonds issued by a city shall be issued in accordance with provisions of law relating to general corporate purpose bonds of a city.

[C24, 27, 31, 35, 39, §488; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §37.6; 81 Acts, ch 117, §1004]

City bonds, ch 384, div. III

CHAPTER 39

ELECTIONS, ELECTORS, APPOINTMENTS, TERMS AND OFFICERS

Chapter applicable to primary elections, §43.5

- 39.1 General election.
- 39.2 Special elections.
- 39.3 Definitions.
- 39.4 Proclamation concerning revision of Constitution.
- 39.5 Repealed by 65GA, ch 136, §401.
- 39.6 Notice of special election.
- 39.7 Time of choosing officer.
- 39.8 Term of office.
- 39.9 State officers — term.
- 39.10 United States senators.
- 39.11 Repealed by 59GA, ch 296, §2.
- 39.12 Repealed by 55GA, ch 114, §29.
- 39.13 Repealed by 58GA, ch 319, §1.
- 39.14 Repealed by 59GA, ch 296, §2.
- 39.15 State senators.
- 39.16 Representatives.
- 39.17 County officers.
- 39.18 Board of supervisors.
- 39.19 Repealed by 63GA, ch 218, §11.
- 39.20 City officers.
- 39.21 Nonpartisan offices.
- 39.22 Township officers.
- 39.23 Township clerk. Repealed by 87 Acts, ch 68, §3.
- 39.24 School officers.
- 39.25 Sex no disqualification.

39.1 General election.

The general election shall be held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.

[C51, §239; R60, §459; C73, §573; C97, §1057; S13, §1057a; C24, 27, 31, 35, 39, §504; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.1]

Constitution, Art. II, §7; Amendments of 1904 (No. 1), 1916

39.2 Special elections.

1. All special elections which are authorized or required by law, unless the applicable law otherwise requires, shall be held on Tuesday. A special election shall not be held on the first and second Tuesdays preceding and following the primary and the general elections.

A special election shall not be held in conjunction with the primary election. A special election shall not be held in conjunction with a school election unless the special election is for a school district or community college.

2. Except as otherwise provided in subsection 1, a special election may be held on the same day as a regularly scheduled election if the two elections are not in conflict within the meaning of section 47.6, subsection 2. A special election may be held on the same day as a regularly scheduled election with which it does so conflict if the commissioner who is responsible for conducting the elections concludes that to do so will cause no undue difficulties.

3. When voting is to occur on the same day in any one precinct for two or more elections, they shall be considered one election for purposes of administration including but not limited to publishing notice of the election, preparation of the precinct election register and completion of tally sheets after the polling place has closed.

[C51, §237; R60, §460; C73, §574; C97, §1058; C24, 27, 31, 35, 39, §505; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.2]

90 Acts, ch 1238, §1

39.3 Definitions.

The definitions established by this section shall apply wherever the terms so defined appear in this chapter and in chapters 43, 44, 45 and 47 to 53 and 56 unless the context in which any such term is used clearly requires otherwise.

1. "*Eligible elector*" means a person who possesses all of the qualifications necessary to entitle the person to be registered to vote, whether or not the person is in fact so registered.

2. "*Qualified elector*" means a person who is registered to vote pursuant to chapter 48.

3. "*General election*" means the biennial election for national or state officers, members of Congress and of the general assembly, county and township officers, and for the choice of other officers or the decision of questions as provided by law.

4. "*Primary election*" means that election by the members of various

political parties for the purpose of placing in nomination candidates for public office held as required by chapter 43.

5. "*City election*" means any election held in a city for nomination or election of the officers thereof including a city primary or runoff election.

6. "*School election*" means that election held pursuant to section 277.1.

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39.17 County officers.

There shall be elected in each county at the general election to be held in the year 1976 and every four years thereafter, an auditor and a sheriff, each to hold office for a term of four years.

There shall be elected in each county at the general election to be held in 1974 and each four years thereafter, a treasurer, a recorder and a county attorney who shall hold office for a term of four years.

[C51, §96, 239; R60, §224, 472, 473; C73, §589; C97, §1072; S13, §1072; C24, 27, 31, 35, 39, §520; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.17] 83 Acts, ch 186, §10015, 10201

39.18 Board of supervisors.

There shall be elected biennially in counties, members of the board of supervisors to succeed those whose terms of office will expire on the first day of January following the election which is not a Sunday or legal holiday. The term of office of each supervisor shall be four years, except as otherwise provided by section 331.208 or 331.209.

[C51, §239; R60, §475; C73, §295, 591; C97, §411, 1074; S13, §1074; SS15, §411; C24, 27, 31, 35, 39, §521; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §39.18; 81 Acts, ch 117, §1202] 87 Acts, ch 68, §1

39.19 Repealed by 63GA, ch 218, §11.

39.20 City officers.

The times at which officers of cities shall be elected and their terms of office shall be as provided by or established pursuant to sections 376.1 and 376.2.

[C75, 77, 79, 81, §39.20]

39.21 Nonpartisan offices.

There shall be elected at each general election, on a nonpartisan basis, the following officers:

1. Regional library trustees as required by section 303B.3.
2. County public hospital trustees as required by section 347.25.
3. Soil and water conservation district commissioners as required by section 467A.5.
4. County agricultural extension council members as provided in section 176A.6.

[C77, 79, 81, §39.21]

87 Acts, ch 23, §2; 90 Acts, ch 1149, §8

39.22 Township officers.

The offices of township trustee and township clerk shall be filled by appointment or election as follows:

1. *By appointment.* The county board of supervisors may pass a resolution in favor of filling the offices of trustee and clerk within a township by appointment by the board, and may direct the county commissioner of

elections to submit the question to the qualified electors of the township at the next general election. In a township which does not include a city, the voters of the entire township are eligible to vote on the question. In a township which includes a city, only those voters who reside outside the corporate limits of a city are eligible to vote on the question. The resolution shall apply to all townships which have not approved a proposition to fill township offices by appointment. If the proposition to fill the township offices by appointment is approved by a majority of those voting on the question, the board shall fill the offices by appointment as the terms of office of the incumbent township officers expire.

The election of the trustees and clerk of a township may be restored after approval of the appointment process under this subsection by a resolution of the board of supervisors submitting the question to the qualified electors who are eligible to vote for township officers of the township at the next general election. If the proposition to restore the election process is approved by a majority of those voting on the question, the election of the township officers shall commence with the next primary and general elections. A resolution submitting the question of restoring the election of township officers at the next general election shall be adopted by the board of supervisors upon petition of at least ten percent of the qualified electors of a township. The initial terms of the trustees shall be determined by lot, one for two years, and two for four years. However, if a proposition to change the method of selecting township officers is adopted by the electorate, a resolution to change the method shall not be submitted to the electorate for four years.

2. *By election.* If the county board of supervisors does not have the power provided under subsection 1 to fill the offices of trustee and clerk within a township by appointment, then the offices of township trustee and township clerk shall be filled by election. Township trustees and the township clerk, in townships which do not include a city, shall be elected by the voters of the entire township. In townships which include a city, the officers shall be elected by the voters of the township who reside outside the corporate limits of the city, but a township officer may be a resident of the city.

a. *Township trustees.* Township trustees shall be elected biennially to succeed those whose terms of office expire on the first day of January following the election which is not a Sunday or legal holiday. The term of office of each elected township trustee is four years, except as provided in subsection 1 for initial terms following restoration of the election process.

b. *Township clerk.* At the general election held in the year 1990 and every four years thereafter, in each civil township one township clerk shall be elected who shall hold office for the term of four years.

[C27, 31, 35, §523-b1; C39, §523.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.22]

85 Acts, ch 30, §1; 86 Acts, ch 1117, §1; 87 Acts, ch 68, §2; 88 Acts, ch 1119, §1; 88 Acts, ch 1134, §18, 19

39.23 Township clerk. Repealed by 87 Acts, ch 68, §3. See §39.22.

article III, section 6 of the Constitution of the State of Iowa. With respect to any plan drawn for consideration in the year 1991, those provisions shall be substantially as follows:

a. Each even-numbered senatorial district shall elect a senator in 1992 for a four-year term commencing in January 1993. If an incumbent senator who was elected to a four-year term which commenced in January 1991, or was subsequently elected to fill a vacancy in such a term, is residing in an even-numbered senatorial district on March 13, 1992, that senator's term of office shall be terminated on January 1, 1993.

b. Each odd-numbered senatorial district shall elect a senator in 1994 for a four-year term commencing in January 1995.

(1) If one and only one incumbent state senator is residing in an odd-numbered senatorial district on March 13, 1992, and that senator meets all of the following requirements, the senator shall represent the district in the senate for the Seventy-fifth General Assembly:

(a) The senator was elected to a four-year term which commenced in January 1991 or was subsequently elected to fill a vacancy in such a term.

(b) The senatorial district in the plan which includes the place of residence of the state senator on the date of the senator's last election to the senate is the same as the odd-numbered senatorial district in which the senator resides on March 13, 1992, or is contiguous to such odd-numbered senatorial district. Areas which meet only at the points of adjoining corners are not contiguous.

(2) Each odd-numbered senatorial district to which subparagraph (1) of this paragraph is not applicable shall elect a senator in 1992 for a two-year term commencing in January 1993.

[C81, §42.4]

90 Acts, ch 1244, §1

42.5 Temporary redistricting advisory commission.

1. Not later than February 15 of each year ending in one, a five member temporary redistricting advisory commission shall be established as provided by this section. The commission's only functions shall be those prescribed by section 42.6.

a. Each of the four selecting authorities shall certify to the chief election officer the authority's appointment of a person to serve on the commission. The certifications may be made at any time after the majority and minority floor leaders have been selected for the general assembly which takes office in the year ending in one, even though that general assembly's term of office has not actually begun.

b. Within thirty days after the four selecting authorities have certified their respective appointments to the commission, but in no event later than February 15 of the year ending in one, the four commission members so appointed shall select, by a vote of at least three members, and certify to the chief election officer the fifth commission member, who shall serve as chairperson.

c. A vacancy on the commission shall be filled by the initial selecting authority within fifteen days after the vacancy occurs.

d. Members of the commission shall receive a per diem as specified in section 7E.6, travel expenses at the rate provided by section 79.9, and reimbursement for other necessary expenses incurred in performing their duties under this section and section 42.6. The per diem and expenses shall be paid from funds appropriated by section 2.12.

2. No person shall be appointed to the commission who:

- a. Is not an eligible elector of the state at the time of selection.
- b. Holds partisan public office or political party office.
- c. Is a relative of or is employed by a member of the general assembly or of the United States Congress, or is employed directly by the general assembly or by the United States Congress.

[C81, §42.5]

90 Acts, ch 1256, §23

42.6 Duties of commission.

The functions of the commission shall be as follows:

1. If, in preparation of plans as required by this chapter, the legislative service bureau is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by section 42.4, the bureau may submit a written request for direction to the commission.

2. Prior to delivering any plan and the bill embodying that plan to the secretary of the senate and the chief clerk of the house of representatives in accordance with section 42.3, the legislative service bureau shall provide to persons outside the bureau staff only such information regarding the plan as may be required by policies agreed upon by the commission. This subsection does not apply to population data furnished to the legislative service bureau by the United States bureau of the census.

3. Upon each delivery by the legislative service bureau to the general assembly of a bill embodying a plan, pursuant to section 42.3, the commission shall at the earliest feasible time make available to the public the following information:

a. Copies of the bill delivered by the legislative service bureau to the general assembly.

b. Maps illustrating the plan.

c. A summary of the standards prescribed by section 42.4 for development of the plan.

d. A statement of the population of each district included in the plan, and the relative deviation of each district population from the ideal district population.

4. Upon the delivery by the legislative service bureau to the general assembly of a bill embodying an initial plan, as required by section 42.3, subsection 1, the commission shall:

a. As expeditiously as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of the state, on the

plan embodied in the bill delivered by the legislative service bureau to the general assembly.

b. Following the hearings, promptly prepare and submit to the secretary of the senate and the chief clerk of the house a report summarizing information and testimony received by the commission in the course of the hearings. The commission's report shall include any comments and conclusions which its members deem appropriate on the information and testimony received at the hearings, or otherwise presented to the commission.

[C81, §42.6]

BLANK

42.7 Special arrangements for 1980-1981. Repealed by 80 Acts, ch 1021, §7.

CHAPTER 43

PARTISAN NOMINATIONS — PRIMARY ELECTION

See also definitions in §39.3

- 43.1 Primary election construed.
- 43.2 "Political party" defined.
- 43.3 Offices affected by primary.
- 43.4 Political party precinct caucuses.
- 43.5 Applicable statutes.
- 43.6 Nomination of U. S. senators, state and county officers.
- 43.7 Time of holding.
- 43.8 State commissioner to furnish blanks.
- 43.9 Commissioner to furnish blanks.
- 43.10 Blanks furnished by others.
- 43.11 Filing of nomination papers.
- 43.12 Noting time of filing.
- 43.13 Failure to file nomination papers.
- 43.14 Form of nomination papers.
- 43.15 Requirements in signing.
- 43.16 Return of papers, additions not allowed.
- 43.17 Affidavit to nomination papers. Repealed by 86 Acts, ch 1224, §39.
- 43.18 Affidavit by candidate.
- 43.19 Manner of filing affidavit.
- 43.20 Signatures required — more than one office prohibited.
- 43.21 Township office.
- 43.22 Nominations certified.
- 43.23 Death or withdrawal of primary candidate.
- 43.24 Objections to nomination petitions or certificates of nomination.
- 43.25 Correction of errors.
- 43.26 Ballot — form.
- 43.27 Printing of ballots.
- 43.28 Names of candidates — arrangement.
- 43.29 Form of name on ballot.
- 43.30 Sample ballots.
- 43.31 to 43.35 Repealed by 65GA, ch 136, §401.
- 43.36 Australian ballot.
- 43.37 Number of votes permitted per office.
- 43.38 Voter confined to party ticket.
- 43.39 Ballot for another party's candidate.

- 43.40 Repealed by 65GA, ch 136, §401.
- 43.41 Change or declaration of party affiliation before primary.
- 43.42 Change or declaration of party affiliation at polls.
- 43.43 Repealed by 65GA, ch 136, §401.
- 43.44 Repealed by 66GA, ch 81, §154.
- 43.45 Canvass of votes.
- 43.46 Delivering returns.
- 43.47 Messenger sent for returns.
- 43.48 Elector may ascertain vote cast.
- 43.49 Canvass by county board.
- 43.50 Signing and filing of abstract.
- 43.51 Finality of canvass.
- 43.52 Nominees for county office.
- 43.53 Nominees for subdivision office — write-in candidates.
- 43.54 Right to place on ballot.
- 43.55 Nominee certified.
- 43.56 Primary election recount provisions.
- 43.57 and 43.58 Repealed by 81 Acts, ch 34, §48.
- 43.59 Repealed by 66GA, ch 81, §154.
- 43.60 Abstracts to state commissioner.
- 43.61 Returns filed and abstracts recorded.
- 43.62 Publication of proceedings.
- 43.63 Canvass by state board.
- 43.64 State canvass conclusive.
- 43.65 Who nominated.
- 43.66 Write-in candidates.
- 43.67 Nominee's right to place on ballot.
- 43.68 Certified list of nominees.
- 43.69 Certificates in case of failure to nominate.
- 43.70 Repealed by 66GA, ch 81, §154.
- 43.71 Messenger sent for abstracts.
- 43.72 State returns filed and recorded.
- 43.73 State commissioner to certify nominees.
- 43.74 Repealed by 66GA, ch 81, §154.
- 43.75 Tie vote.
- 43.76 Withdrawal of nominated candidates.
- 43.77 What constitutes a ballot vacancy.
- 43.78 Filling ballot vacancies.
- 43.79 Death of candidate after time for withdrawal.
- 43.80 Vacancies in nominations of presidential electors.
- 43.81 and 43.82 Repealed by 66GA, ch 81, §154.
- 43.83 Vacancies in office of U. S. representative.
- 43.84 Repealed by 66GA, ch 81, §154.
- 43.85 County convention reconvened.
- 43.86 and 43.87 Repealed by 66GA, ch 81, §154.
- 43.88 Certification of nominations.

43.10 Blanks furnished by others.

Blank nomination papers which are in form substantially as provided by this chapter may be used even though not furnished by the state commissioner or commissioner.

[C24, 27, 31, 35, 39, §536; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.10]

43.11 Filing of nomination papers.

Nomination papers in behalf of a candidate shall be filed:

1. For an elective county office, in the office of the county commissioner not earlier than ninety-two days nor later than five o'clock p.m. on the sixty-ninth day before the day fixed for holding the primary election.

2. For United States senator, for an elective state office, for representative in Congress, and for member of the general assembly, in the office of the state commissioner not earlier than ninety-nine days nor later than five o'clock p.m. on the eighty-first day before the day fixed for holding the primary election.

[S13, §1087-a10; C24, 27, 31, 35, 39, §537; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.11]

88 Acts, ch 1119, §2; 89 Acts, ch 136, §4 (SF371)

43.12 Noting time of filing.

The officer receiving nomination papers for filing shall endorse thereon the day, and time of day, of filing.

[C24, 27, 31, 35, 39, §538; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.12]

43.13 Failure to file nomination papers.

The name of a candidate for any office named in section 43.11 shall not be printed on the official primary ballot of the candidate's party unless nomination papers are filed as therein provided except as otherwise permitted by section 43.23.

[S13, §1087-a10; C24, 27, 31, 35, 39, §539; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.13]

43.14 Form of nomination papers.

All nomination papers shall be about eight and one-half by thirteen inches in size and in substantially the following form:

"I, the undersigned, an eligible elector of county or legislative district, and state of Iowa, hereby nominate..... of county or legislative district, state of Iowa, who has affiliated with and is a member of the party, as a candidate for the office of to be voted for at the primary election to be held on"

No signatures shall be counted unless they are on sheets each having such form written or printed at the top thereof. Nomination papers on behalf

of candidates for seats in the general assembly need only designate the number of the senatorial or representative district, as appropriate, and not the county or counties, in which the candidate and the petitioners reside.

[S13, §1087-a10; C24, 27, 31, 35, 39, §540; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.14]

43.15 Requirements in signing.

The following requirements shall be observed in the signing and preparation of nomination blanks:

1. A signer may sign nomination papers for more than one candidate for the same office, and the signature is not invalid solely because the signer signed nomination papers for one or more other candidates for the office.

2. Each signer shall add the signer's residence, with street and number, if any, and the date of signing.

3. All signers, for all nominations, of each separate part of a nomination paper, shall reside in the same county, representative or senatorial district for members of the general assembly. In counties where the supervisors are elected from districts, signers of nomination petitions for supervisor candidates shall reside in the supervisor district the candidate seeks to represent.

4. When more than one sheet is used, the sheets shall be neatly arranged and securely fastened together before filing, and shall be considered one nomination paper.

5. Only one candidate shall be petitioned for or nominated in the same nomination paper.

[S13, §1087-a10; C24, 27, 31, 35, 39, §541; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.15]

89 Acts, ch 136, §5, 6 (SF371)

43.16 Return of papers, additions not allowed.

After a nomination paper has been filed, it shall not be returned to the person who has filed the paper, nor shall any signature or other information be added to the nomination paper.

A person who has filed nomination petitions with the state commissioner may withdraw as a candidate not later than the seventy-sixth day before the primary election by notifying the state commissioner in writing.

A person who has filed nomination papers with the commissioner may withdraw as a candidate not later than the sixty-seventh day before the primary election by notifying the commissioner in writing.

The name of a candidate who has withdrawn or died at a time in accordance with this section shall be omitted from the certificate furnished by the state commissioner under section 43.22 and omitted from the primary election ballot.

[S13, §1087-a10; C24, 27, 31, 35, 39, §542; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.16]

86 Acts, ch 1224, §1; 89 Acts, ch 136, §7 (SF371)

Withdrawal of candidacy, §43.76, 44.9

43.17 Affidavit to nomination papers. Repealed by 86 Acts, ch 1224, §39.

43.18 Affidavit by candidate.

Every candidate shall make and file an affidavit in substantially the following form:

I,, being duly sworn, say that I reside at street, city of, county of in the state of Iowa; that I am eligible to the office for which I am a candidate, and that the political party with which I affiliate is the party; that I am a candidate for nomination to the office of to be made at the primary election to be held on, and hereby request that my name be printed upon the official primary ballot as provided by law, as a candidate of that party. I furthermore declare that if I am nominated and elected I will qualify as such officer.

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if my committee or I receive contributions, make expenditures, or incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

.....
(Signed)

Subscribed and sworn to (or affirmed) before me by on this day of, 19

.....
(Name)

.....
(Official title)

[S13, §1087-a10; C24, 27, 31, 35, 39, §544; C46, 50, 54, 58, 62, 66, 71, 73, §43.18; C75, §43.18, 56.5(4); C77, 79, 81, §43.18; 81 Acts, ch 35, §16] 90 Acts, ch 1238, §2

43.19 Manner of filing affidavit.

The affidavit provided in section 43.18 shall be filed with the nomination papers when such papers are required; otherwise alone.

[S13, §1087-a10; C24, 27, 31, 35, 39, §545; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.19]

Nomination paper not required, §43.21

43.20 Signatures required — more than one office prohibited.

Nomination papers shall be signed by eligible electors as follows:

1. If for governor, or United States senator, by at least one percent of the voters of the candidate's party, in each of at least ten counties of the state, and in the aggregate not less than one-half of one percent of the total vote of the candidate's party in the state, as shown by the last general election.

2. If for any other state office, by at least fifty signatures in each of at least ten counties of the state, and in the aggregate not less than one thousand signatures.

3. If for a representative in Congress, in districts composed of more than one county, by at least two percent of the voters of the candidate's party, as shown by the last general election, in each of at least one-half of the counties of the district, and in the aggregate not less than one percent of the total vote of the candidate's party in such district, as shown by the last general election. If for a representative in the general assembly, not less than fifty voters of the representative district; and if for a senator in the general assembly, not less than one hundred voters of the senatorial district.

4. If for an office to be filled by the voters of the county or for the office of county supervisor elected from a district within the county, by at least two percent of the party vote in the county or supervisor district, as shown by the last general election, or by at least one hundred persons, whichever is less.

In each of the above cases, the vote to be taken for the purpose of computing the percentage shall be the vote cast for president of the United States or for governor, as the case may be.

No candidate for public office shall cause nomination papers to remain filed in the office of the state commissioner or the commissioner on the last day for filing nomination papers, for more than one office to be filled at the primary election.

Any candidate for public office, to be voted for at a primary election, who has filed nomination papers for more than one office shall, not later than the final date for filing, notify the state commissioner or the commissioner by affidavit, for which office the person elects to be a candidate, which in no case shall be more than one. In the event no such election is made by such date by the candidate, the state commissioner shall not certify the person's name to be placed on the ballot for any office nor shall the commissioner place the person's name on the ballot in any county.

[S13, §1087-a10; C24, 27, 31, 35, 39, §546; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.20]

88 Acts, ch 1119, §3, 4

43.21 Township office.

The name of a candidate for a township office shall be printed on the official primary ballot of the candidate's party if the candidate files the candidate's personal affidavit, in the form prescribed by section 43.18, with the commissioner not earlier than ninety-two days nor later than five o'clock

p.m. of the sixty-ninth day before the primary election. If before that time there is presented to the commissioner a nomination paper signed by at least ten eligible electors of the township requesting that the name of any person be placed on the primary ballot as a candidate for a township office,

BLANK



CHANGE OR DECLARATION OF PARTY AFFILIATION

I do solemnly swear or affirm that I have in good faith changed my previously declared party affiliation, or declared my party affiliation, and now desire to be a member of the party.

.....
Signature of elector

.....
Address

Approved:

.....
Precinct election official

Each change or declaration of a qualified elector's party affiliation so received shall be reported by the precinct election officials to the commissioner of registration who shall enter a notation of the change on the registration records.

[S13, §1087-a8, -a9; C24, 27, 31, 35, 39, §570, 572; C46, 50, 54, 58, 62, 66, 71, 73, §43.42; C75, §43.42, 43.44; C77, 79, 81, §43.42]

43.43 Repealed by 65GA, ch 136, §401.

43.44 Repealed by 66GA, ch 81, §154.

43.45 Canvass of votes.

Upon the closing of the polls the precinct election officials shall immediately publicly canvass the vote in the following manner:

1. Place the ballots of the several political parties in separate piles.
2. Separately count the ballots of each party, and make the correct entries thereof on the tally sheets.
3. Certify to the number of votes cast upon the ticket of each political party for each candidate for each office.
4. Place the ballots cast on behalf of each of the parties in separate envelopes. Seal each envelope and place the signature of all board members of the precinct across the seal of the envelope so that it cannot be opened without breaking the seal.
5. On the outside of each envelope enter the number of ballots cast by each party in the precinct and contained in the envelope.
6. Seal the tally sheets and certificates of the precinct election officials in an envelope on the outside of which are written or printed the names of the several political parties with the names of the candidates for the different offices under their party name, and opposite each candidate's name enter the number of votes cast for such candidate in said precinct.
7. Enter on the envelope the total number of voters of each party who

cast ballots in the precinct.

8. Communicate the results of the ballots cast for each candidate for office upon the ticket of each political party, in the manner required by section 50.11, to the commissioner of the county in which said polls are located, who shall remain on duty until the results are communicated to the commissioner from each polling place in the county.

[S13, §1087-a17; C24, 27, 31, 35, 39, §573; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.45]

87 Acts, ch 221, §2; 89 Acts, ch 136, §14 (SF 371)

43.46 Delivering returns.

The precinct election officials shall deliver all election supplies, by noon of the day after the close of the polls, to the commissioner who shall carefully preserve them and deliver the returns and envelopes containing ballots, in the condition in which received except as is otherwise required by sections 50.20 to 50.22, to the county board of supervisors.

[S13, §1087-a17; C24, 27, 31, 35, 39, §574; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.46]

43.47 Messenger sent for returns.

If the returns from any precinct are not delivered as provided in section 43.46, the commissioner shall forthwith send a messenger for the missing returns, and the messenger shall be paid as provided by section 50.47 for such services.

[S13, §1087-a17; C24, 27, 31, 35, 39, §575; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.47]

43.48 Elector may ascertain vote cast.

Any elector of the county shall have the right, before the day fixed for canvassing the returns, to ascertain the vote cast for any candidate in any precinct in the county, as shown on the outside of the envelope containing the tally list.

[S13, §1087-a17; C24, 27, 31, 35, 39, §576; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.48]

89 Acts, ch 136, §15 (SF 371)

43.49 Canvass by county board.

On the Monday or Tuesday following the primary election, the board of supervisors shall meet, open and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating in words written at length:

1. The number of ballots cast in the county in each precinct by each political party, separately, for each office.

2. The name of each person voted for and the number of votes given to each person for each different office.

If the day designated by this section for the canvass is a public holiday, the provisions of section 4.1, subsection 22, shall apply.

[S13, §1087-a19; C24, 27, 31, 35, 39, §577; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.49]

90 Acts, ch 1238, §3

procedure prescribed in section 43.52 shall be applied to establish the minimum number of write-in votes necessary for nomination. If the primary is inconclusive, the necessary nominations shall be made in accordance with section 43.78, subsection 1.

[S13, §1087-a25, -a26; C24, 27, 31, 35, 39, §594, 625, 643; C46, 50, 54, 58, 62, 66, 71, 73, §43.66, 43.98, 43.106; C75, 77, 79, 81, §43.66; 81 Acts, ch 34, §2]

43.67 Nominee's right to place on ballot.

Each candidate nominated pursuant to section 43.66 is entitled to have the candidate's name printed on the official ballot to be voted at the general election without other certificate, except that a candidate whose name was not printed on the official primary election ballot must execute and deliver to the commissioner or the state commissioner, as the case may be, an affidavit in substantially the following form:

I,, being duly sworn, say that I reside atstreet, city of, county of in the state of Iowa; that I am a candidate for election to the office of at the election to be held on, as the candidate of the (name of political party) and hereby request that my name be so printed upon the official ballot for that election as provided by law. I furthermore declare that I am eligible to the office for which I am a candidate and that if I am elected I will qualify as such officer.

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if my committee or I receive contributions, make expenditures, or incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

.....
(Signed)

Subscribed and sworn to (or affirmed) before me by
on this day of 19.....

.....
(Name)

.....
(Official title)

Each candidate required to execute the foregoing affidavit shall be so notified by the commissioner immediately upon completion of the canvass held under section 43.49, or by the state commissioner immediately upon completion of the canvass held under section 43.63 as the case may be. If

the candidate does not execute and deliver the affidavit by five o'clock p.m. on the seventh day following completion of such canvass, the commissioner or state commissioner shall not cause that candidate's name to be placed upon the official general election ballot.

[S13, §1087-a22; C24, 27, 31, 35, 39, §595; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.67]

86 Acts, ch 1224, §3; 89 Acts, ch 136, §18 (SF 371); 90 Acts, ch 1238, §4

43.68 Certified list of nominees.

The state board of canvassers shall prepare and certify separate lists of the candidates nominated by each party, as shown by the state canvass, and deliver to the chairperson of each party central committee for the state a copy of the list of candidates nominated by the party which said chairperson represents.

[S13, §1087-a22; C24, 27, 31, 35, 39, §596; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.68]

43.69 Certificates in case of failure to nominate.

Said state board shall, at once after completing its canvass, prepare separate certificates for each political party as to each office for which no candidate was nominated by such party. Such certificates shall show the names of the several candidates for each of these offices who were voted for at the primary election and the number of votes received by each of said candidates. These certificates shall be sent to the respective chairpersons of the state central committee of each political party.

[S13, §1087-a22; C24, 27, 31, 35, 39, §597, 598; C46, 50, 54, 58, 62, 66, 71, 73, §43.69; C75, §43.69, 43.70; C77, 79, 81, §43.69]

43.70 Repealed by 66GA, ch 81, §154.

43.71 Messenger sent for abstracts.

If returns of abstracts have not been received by the state canvassing board from all the counties by the time fixed for the state canvass, the state commissioner shall immediately send a messenger after the missing abstracts, and the board may adjourn from time to time until the abstracts are received.

[S13, §1087-a22; C24, 27, 31, 35, 39, §599; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.71]

43.72 State returns filed and recorded.

When the canvass is concluded, the board shall deliver the original abstract returns to the state commissioner, who shall file the same in the state commissioner's office and record the abstracts of the canvass of the state board and certificates attached thereto in the book kept by the state commissioner known as the election book.

[S13, §1087-a23; C24, 27, 31, 35, 39, §600; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.72]

such a convention to be made proportionate to the vote cast for the party's candidate for the office in question in the respective precincts at the last general election for that office.

d. For any office to be filled by the voters of an entire county, by the party's county convention, which may be reconvened by the county party chairperson if the vacancy occurs after the convention has been held or too late to be filled at the time it is held.

e. For the office of county supervisor elected by the voters of a district within the county, by the delegates to the party's county convention who represent the precincts lying within that district, who shall be convened or reconvened as appropriate by the county party chairperson.

f. For any other partisan office filled by the voters of a subdivision of a county, by those members of the party's county central committee who represent the precincts lying within that district, who shall be convened or reconvened as appropriate by the county party chairperson. However this paragraph shall not apply to partisan city offices in special charter cities for which candidates are nominated under this chapter, but such ballot vacancies shall be filled as provided by section 43.116.

2. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection 1, paragraph "a", "b", or "c" shall be submitted in writing to the state commissioner not later than five o'clock p.m. on the eighty-first day before the date of the general election.

3. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection 1, paragraph "d", "e", or "f" shall be submitted in writing to the commissioner not later than five o'clock p.m. on the sixty-ninth day before the date of the general election.

4. Political party candidates for a vacant seat in the United States house of representatives, the board of supervisors, the elected county offices, or the general assembly which is to be filled at a special election called pursuant to section 69.14 or 69.14A shall be nominated in the manner provided by subsection 1 of this section for filling a vacancy on the general election ballot for the same office. The name of a candidate so nominated shall be submitted in writing to the appropriate commissioner, as required by section 43.88, at the earliest practicable time.

[S13, §1087-a24-1087-a27; C24, 27, 31, 35, 39, §604-607, 608, 609, 611, 614, 624, 633, 636, 637; C46, 50, 54, 58, 62, 66, 71, 73, §43.76-43.79, 43.81, 43.82, 43.84, 43.87, 43.97, 43.101, 43.106, 43.109, 43.110; C75, §43.76-43.79, 43.81, 43.82, 43.84, 43.87, 43.97, 43.101, 43.109, 43.110; C77, 79, 81, §43.78]

89 Acts, ch 136, §22 (SF 371); 89 Acts, ch 215, §1 (HF 522); 90 Acts, ch 1238, §5

See §69.8 and 69.13 for filling vacancies in office

43.79 Death of candidate after time for withdrawal.

The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the eighty-eighth day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning

on the seventy-third day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending on the last day before the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the Congress of the United States, governor, lieutenant governor, attorney general, senator or representative in the general assembly or county supervisor, section 49.58 shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter 69.

[S13, §1087-a24a; C24, 27, 31, 35, 39, §607; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.79]
89 Acts, ch 136, §23 (SF 371)

43.80 Vacancies in nominations of presidential electors.

Vacancies in nominations of presidential electors shall be filled by the party central committee for the state. The party central committee may at any time nominate alternate presidential electors to serve if the nominated or elected presidential electors are for any reason unable to perform their duties.

[C31, 35, §607-c1; C39, §607.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.80]

43.81 and 43.82 Repealed by 66GA, ch 81, §154.

43.83 Vacancies in office of U. S. representative.

A candidate to be voted on at a special election occasioned by a vacancy in the office of United States representative, shall be nominated by a convention duly called by the district central committee not less than twenty-five days prior to the date set for the special election.

[S13, §1087-a24; C24, 27, 31, 35, 39, §610; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.83]

43.84 Repealed by 66GA, ch 81, §154.

43.85 County convention reconvened.

When a nomination is directed to be made by a district convention composed of more than one county, and the county convention in any county of the district has adjourned without selecting delegates to such convention, the county convention shall be reconvened for the purpose of making such selection.

[C24, 27, 31, 35, 39, §612; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.85]

43.86 and 43.87 Repealed by 66GA, ch 81, §154.

43.105 Repealed by 66GA, ch 81, §154.

43.106 Repealed by 65GA, ch 1101, §105.

43.107 State convention.

Each political party shall hold a state convention either preceding or following the primary election. The state central committee of each political party shall designate the time and place of the state convention, which shall transact such business as is required or permitted by the party's state constitution or bylaws or by the rules of the convention.

[S13, §1087-a27; C24, 27, 31, 35, 39, §634; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.107]

43.108 Organization — proxies prohibited.

The convention shall be called to order by the chairperson of the state central committee, or that individual's designee who shall thereupon present a list of delegates, as certified by the various county conventions, and effect a temporary organization. If any county shall not be fully represented, the delegates present from such county shall cast the full vote thereof if the rules of the convention, party bylaws or constitution so allow, and there shall be no proxies.

[S13, §1087-a27; C24, 27, 31, 35, 39, §635; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.108]

Organization of district convention, §43.104

43.109 Nominations authorized.

The state convention may make nominations to fill vacancies on the general election ballot as provided by law.

[S13, §1087-a27; C24, 27, 31, 35, 39, §636; C46, 50, 54, 58, 62, 66, 71, 73, §43.109; C75, §43.109, 43.110; C77, 79, 81, §43.109]

Legally required vote, §43.65

43.110 Repealed by 66GA, ch 81, §154.

43.111 State party platform, constitution, bylaws and central committee.

The state convention held by each political party pursuant to section 43.107 shall adopt a state platform, adopt or amend a state party constitution, and bylaws if desired, and transact other business which may properly be brought before it. A copy of the constitution and any bylaws so adopted or amended shall be kept on file in the office of the state commissioner.

There shall be selected at or prior to each political party's state convention a state party central committee consisting of an equal number of members from each congressional district, which number shall be determined by the party constitution or bylaws, who shall be elected or nominated by the district convention or caucus.

The state central committee so selected may organize at pleasure for political work as is usual and customary with such committees, adopt bylaws, provide for the governing of party auxiliary bodies, and shall continue to act until succeeded by another central committee selected as required by this section. The receipts and disbursements of each political party's state party central committee shall be audited annually by a certified public accountant selected by the state party central committee and the audit report shall be filed with the state commissioner.

[S13, §1087-a27; C24, 27, 31, 35, 39, §638; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.111]

43.112 Nominations in certain cities.

This chapter shall, so far as applicable, govern the nominations of candidates by political parties for all offices to be filled by a direct vote of the people in cities acting under a special charter in 1973 and having a population of over fifty thousand, except all such cities as choose by special election to conduct nonpartisan city elections under the provisions of chapter 44, 45, or 376. An election on the question of conducting city elections in such a special charter city on a nonpartisan basis may be called by the city council on its own initiative, and shall be called by the council upon receipt of a petition of the voters which so requests and is presented in conformity with section 362.4, but a special election on that question shall be held concurrently with any election being held on the first Tuesday after the first Monday in November of any odd-numbered year.

Sections 43.114 to 43.118 shall apply only to cities to which this chapter is made applicable by this section.

[S13, §1087-a34; C24, 27, 31, 35, 39, §639; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.112; 82 Acts, ch 1097, §1]

See ch 376

43.113 Repealed by 66GA, ch 81, §154.

43.114 Time of holding special charter city primary.

In special charter cities holding a municipal primary election under the provisions of section 43.112 such primary shall be held on the first Tuesday in October of the year in which general municipal elections are held.

[S13, §1087-a34; C24, 27, 31, 35, 39, §641; C46, 50, §43.114, 420.2; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.114]

43.115 Nomination papers — number of signers.

All candidates for nominations to be made in primary elections held pursuant to section 43.112 shall file nomination papers with the city clerk no later than five p.m. forty days before the date of the election as established by section 43.114, except that candidates for precinct committee member shall file affidavits of candidacy as required by section 420.130. The number of eligible electors signing petitions required for printing the name of a candidate upon the official primary ballot shall be one hundred for an office

to be filled by the voters of the entire city and twenty-five for an office to be filled by the voters of a subdivision of the city.

A candidate for precinct committee member may also file as a candidate for one additional office, any statute to the contrary notwithstanding.

Objections to nomination petitions and certificates of nominations shall be filed and decided as provided in section 43.24.

[S13, §1087-a34; C24, 27, 31, 35, 39, §642; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.115]

84 Acts, ch 1291, §2; 88 Acts, ch 1119, §7; 90 Acts, ch 1238, §6

43.116 Ballot vacancies in special charter city elections.

1. A vacancy on the ballot for an election at which city officers are to be chosen, and for which candidates have been nominated under this chapter, exists when any political party lacks a candidate for an office to be filled at that election because:

a. No person filed at the time required by section 43.115 as a candidate for the party's nomination for that office in the city primary election held under section 43.112, or all persons who did so subsequently withdrew as candidates, were found to lack the requisite requirements for the office or died before the date of the city primary election, and no candidate received a number of write-in votes sufficient for nomination under section 43.53; or

b. The person nominated in the city primary election as the party's candidate for that office withdrew by giving written notice to that effect to the city clerk not later than five o'clock p.m. on the day of the canvass of that city primary election.

2. A ballot vacancy as defined by this section may be filled by the city central committee of the party on whose ticket the vacancy exists or, in the case of an officer elected by the voters of a district within the city, by those members of the committee who represent the precincts lying within that district. The name of a candidate so designated to fill such a ballot vacancy shall be submitted in writing to the city clerk not later than five o'clock p.m. on the seventh day following the city primary election.

[C77, 79, 81, §43.116]

43.117 Plurality vote nominates and elects.

A plurality shall nominate the party candidate for all offices filled by elections authorized by section 43.112, and a plurality shall elect the precinct committee members.

[S13, §1087-a34; C24, 27, 31, 35, 39, §644; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.117]

43.118 Expense.

The entire expense of conducting said municipal primary election and preparation of election registers shall be audited by the city council and paid by the city.

[S13, §1087-a34; C24, 27, 31, 35, 39, §645; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.118]

43.119 Criminal misconduct.

Any party committee member or any primary election officer or public officer upon whom a duty is imposed by this chapter or by chapters herein made applicable, who shall willfully neglect to perform any such duty, or who shall willfully perform it in such a way as to hinder the objects thereof, or shall disclose to anyone, except as may be ordered by any court of justice, the manner in which a ballot may have been voted, shall be guilty of a serious misdemeanor.

Any person who is designated pursuant to section 43.4 to report the results of a precinct caucus as it relates to the selection and reporting of delegates selected as part of the presidential nominating process or who is designated pursuant to section 43.4 to tabulate and report the number of persons attending the caucus favoring each presidential candidate who willfully fails to perform those duties, willfully falsifies the information, or willfully omits information required to be reported under section 43.4 commits a simple misdemeanor.

[S13, §1087-a31; C24, 27, 31, 35, 39, §646; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.119]

88 Acts, ch 1001, §2

Applicable chapters, §43.5

43.120 Bribery — illegal voting.

Whoever commits any of the following acts shall be guilty of a serious misdemeanor, to wit:

1. Offering or giving a bribe, either in money or other consideration, to any elector for the purpose of influencing the elector's vote at a primary election.
2. Receiving and accepting such bribe by an elector entitled to vote at any primary election.
3. Making false answers to any of the provisions of this chapter relative to the person's qualifications and party affiliations.
4. Willfully voting or offering to vote at a primary election by a person who has not met the qualifications to vote.
5. Willfully voting or offering to vote at a primary election by a person who knows the person is not a qualified elector of the precinct where the person votes or offers to vote.
6. Violating any provision of this chapter, or any provision of law made applicable to this chapter.
7. Knowingly procuring, aiding, or abetting any violation specified in this section.

[S13, §1087-a33; C24, 27, 31, 35, 39, §647; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.120]

Applicable chapters, §43.5

43.121 Nominations by petition or nonparty organizations.

This chapter shall not be construed to prohibit nomination of candidates for office by petition, or by nonparty organizations, as provided in chapters

- b. The office to which each candidate is nominated.
- c. The name of the political organization making such nomination, expressed in not more than five words.
- d. The place of residence of each nominee, with the street or number thereof, if any.
- e. In case of presidential candidates, the names and addresses of presidential electors shall be stated, and the names of the candidates for president and vice president shall be added to the name of the organization.
- f. The name and address of each member of the organization's executive or central committee.
- g. The provisions, if any, made for filling vacancies in nominations.
- h. The name and address of each delegate or voter in attendance at a convention or caucus where a nomination is made.

2. Be accompanied by an affidavit executed by the candidate nominated by the convention or caucus, in substantially the following form:

I,, being duly sworn, say that I reside at street, city of, county of, in the state of Iowa; that I am a candidate for election to the office of at the election to be held on, as the candidate of the (name of political organization) and hereby request that my name be so printed upon the official ballot for that election as provided by law. I furthermore declare that I am eligible to the office for which I am a candidate and that if I am elected I will qualify as such officer.

.....
(Signed)

Subscribed and sworn to (or affirmed) before me by
on this day of, 19

.....
(Name)

.....
(Official Title)

The affidavit required to be filed under the provisions of this section shall include a statement in substantially the following form:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if my committee or I receive contributions, make expenditures, or incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

[C97, §1099; C24, §650; C27, 31, 35, §655-a3; C39, §655.03; C46, 50, 54, 58, 62, 66, 71, 73, §44.3; C75, §44.3, 56.5(4); C77, 79, 81, §44.3; 81 Acts, ch 34, §5, ch 35, §17]

90 Acts, ch 1238, §7

Additional certification, §44.13

44.4 Nominations and objections — time and place of filing.

Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than ninety-nine days nor later than five o'clock p.m. on the eighty-first day before the date of the general election to be held in November. Nominations made for a special election called pursuant to section 69.14 shall be filed by five p.m. not less than twenty days before the date of an election called upon at least forty days' notice and not less than seven days before the date of an election called upon at least ten days' notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by five p.m. not less than twenty days before the date of the election. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ninety-two days nor later than five p.m. on the sixty-ninth day before the date of the general election. Nominations made pursuant to this chapter or chapter 45 for city office shall be filed not more than seventy-two days nor later than five p.m. on the forty-seventh day before the city election with the city clerk, who shall process them as provided by law.

Objections to the legal sufficiency of a certificate of nomination or nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. The objections must be filed with the officer with whom the certificate or petition is filed and within the following time:

1. Those filed with the state commissioner, not less than seventy-four days before the date of the election.
2. Those filed with the commissioner, not less than sixty-four days before the date of the election.
3. Those filed with the city clerk, at least forty-two days before the municipal election.
4. In the case of nominations to fill vacancies occurring after the time when an original nomination for an office is required to be filed, objections shall be filed within three days after the filing of the certificate.

Objections shall be filed no later than five p.m. on the final date for filing. [C97, §1103; C24, §654; C27, 31, 35, §655-a4; C39, §655.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.4]

87 Acts, ch 221, §3; 88 Acts, ch 1119, §8; 88 Acts, ch 1246, §1; 89 Acts, ch 136, §24 (SF 371); 90 Acts, ch 1238, §8

See §45.4

44.5 Notice of objections.

When objections are filed notice shall forthwith be given to the candidate affected thereby, addressed to the candidate's place of residence as given in the certificate of nomination, stating that objections have been made to said certificate, also stating the time and place such objections will be considered.

[C97, §1103; C24, §654; C27, 31, 35, §655-a5; C39, §655.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.5]

as follows:

a. For the office of mayor and alderman at large, nominations may be made by nomination papers signed by eligible electors residing in the city equal in number to at least two percent of the total vote received by all candidates for mayor at the last preceding city election.

b. For the office of ward alderman, nominations may be made by nomination papers signed by eligible electors residing in the ward equal in number to at least two percent of the total vote received by all candidates for ward alderman in that ward at the last preceding city election.

[C97, §1100; C24, §651; C27, 31, 35, §655-a17; C39, §655.17; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §45.1; 81 Acts, ch 34, §7]

86 Acts, ch 1224, §7; 88 Acts, ch 1119, §10, 11; 89 Acts, ch 136, §27 (SF 371)

45.2 Adding name by petition.

The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office in the same election.

[C97, §1100; C24, §651; C27, 31, 35, §655-a18; C39, §655.18; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §45.2]

Other methods, chs 43, 44

45.3 Preparation of petition and affidavit.

Each eligible elector who signs a nominating petition drawn up in accordance with this chapter shall add to the signature the elector's residence address and the date of signing. The person whose nomination is proposed by the petition shall not sign it. A person may sign nomination petitions under this chapter for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office.

Before the petition is filed, there shall be endorsed upon or attached to it an affidavit executed by that candidate, in substantially the following form:

I,, being duly sworn, say that I reside at street, city of, county of, in the state of Iowa; that I am a candidate for election to the office of, at the election to be held on, and hereby request that my name be printed upon the official ballot for that election as provided by law. I furthermore declare that I am eligible to the office for which I am a candidate and that if I am elected I will qualify as such officer.

.....
(Signed)

Subscribed and sworn to (or affirmed) before me by
on this day of, 19

.....
(Name)

.....
(Official title)

The affidavit required to be filed under the provisions of this section shall include a statement in substantially the following form:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if my committee or I receive contributions, make expenditures, or incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

[C97, §1100; C24, §651; C27, 31, 35, §655-a19; C39, §655.19; C46, 50, 54, 58, 62, 66, 71, 73, §45.3; C75, §45.3, 56.5(4); C77, 79, 81, §45.3; 81 Acts, ch 35, §18]

87 Acts, ch 221, §6; 89 Acts, ch 136, §28 (SF 371); 90 Acts, ch 1238, §9

45.4 Filing — presumption — withdrawals — objections.

The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the law relating to nominations by political organizations which are not political parties.

[C97, §1104; SS15, §1104; C24, §652, 654, 655; C27, 31, 35, §655-a20; C39, §655.20; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §45.4]

Statutes applicable, ch 44

CHAPTER 46

NOMINATION AND ELECTION OF JUDGES

- 46.1 Appointment of state judicial nominating commissioners.
- 46.2 Election of state judicial nominating commissioners.
- 46.3 Appointment of district judicial nominating commissioners.
- 46.4 Election of district judicial nominating commissioners.
- 46.5 Vacancies.
- 46.5A Judicial nominating commission expenses.
- 46.6 Equal seniority.

STATE OF IOWA
JUDICIAL BALLOT
(Date)

VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX AFTER EACH NAME.

SUPREME COURT

Shall the following judges of the Supreme Court be retained in office?

CANDIDATE'S NAME YES NO
CANDIDATE'S NAME YES NO

COURT OF APPEALS

Shall the following judges of the Court of Appeals be retained in office?

CANDIDATE'S NAME YES NO
CANDIDATE'S NAME YES NO

DISTRICT COURT

Shall the following judge or associate judge of the District Court be retained in office?

CANDIDATE'S NAME YES NO

Shall the following clerk of the District Court be retained in office?

CANDIDATE'S NAME YES NO

[C66, 71, 73, 75, 77, 79, 81, §46.21]
83 Acts, ch 186, §10024, 10201; 89 Acts, ch 136, §30 (SF 371)

Voting mark generally, see §49.92

Transition provisions relating to clerk of the district court: article 11, chapter 602 and Temporary Court Transition Rules, ch 6

46.22 Voting.

Voting at judicial elections shall be by separate paper ballot, special paper ballot, ballot cards, or by voting machine in the space provided for public measures. If paper ballots are used the election judges shall offer a ballot to each voter. If special paper ballots or ballot cards are used, either a separate ballot or a distinct heading may be used to distinguish the judicial ballot. Separate ballot boxes for the general election ballots and the judicial election ballots are not required. The general election ballot and the judicial election ballot may be voted in the same voting booth.

[C66, 71, 73, 75, 77, 79, 81, §46.22]
90 Acts, ch 1238, §10

46.23 General election and absent voter laws.

So far as applicable general election and absent voter laws shall apply to judicial elections. An application for an absent voter ballot for a general election shall also constitute an application for an absent voter ballot for a judicial election to be held at the same time, and the ballots shall be mailed or delivered to the voter together. The sealed envelope transmitted by the absent voter to the county commissioner of elections containing the absent voter general election ballot may also contain the judicial election ballot.

[C66, 71, 73, 75, 77, 79, 81, §46.23]

46.24 Results of election.

A judge of the supreme court, court of appeals, or district court including a district associate judge, or a clerk of the district court must receive more affirmative than negative votes to be retained in office. When the poll is closed, the election judges shall publicly canvass the vote forthwith. The board of supervisors shall canvass the returns on the Monday or Tuesday after the election, and shall promptly certify the number of affirmative and negative votes on each judge or clerk to the state commissioner of elections.

The state board of canvassers shall, at the time of canvassing the vote cast at a general election, open and canvass all of the returns for the judicial election. Each judge of the supreme court, court of appeals or district court including a district associate judge, or a clerk of the district court who has received more affirmative than negative votes shall receive from the state board of canvassers an appropriate certificate so stating.

[C66, 71, 73, 75, 77, 79, 81, §46.24]

83 Acts, ch 186, §10025, 10201; 90 Acts, ch 1238, §11

46.25 Eligible elector defined.

As used in this chapter, the term "eligible elector" has the meaning assigned that term by section 39.3.

[C75, 77, 79, 81, §46.25]

CHAPTER 47

ELECTION COMMISSIONERS

Chapter applicable to primary elections, §43.5

See also definitions in §39.3

- 47.1 State commissioner of elections.
- 47.2 County commissioner of elections.
- 47.3 Election expenses.
- 47.4 Voter qualifications.
- 47.5 Purchasing by competitive bidding.
- 47.6 Dates for special elections.
- 47.7 State registrar of voters.
- 47.8 Voter registration commission — composition — duties.

services data processing facilities through the registrar. Each contract for the furnishing of data processing services necessary in connection with the administration of elections, by any person other than the registrar or an employee of the county, shall be executed with the contractor by the board of supervisors of the county purchasing the services, but only after the contract has been reviewed and approved by the registration commission. The contract shall be of not more than one year's duration. Each county exercising the option to purchase such data processing services from a provider other than the registrar shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by rules adopted by the registration commission.

4. Any election or registration data or records which may be in the possession of a contractor shall remain the property of the commissioner. Contracts with a private person relating to the maintenance and use of voter registration data, which were properly entered into in compliance with this section and with all other laws relating to bidding on such contracts, shall remain in force only until the most recently negotiated termination date of that contract. A new contract with the same provider may be entered into in accordance with subsection 3.

[C75, 77, 79, 81, §47.5]
86 Acts, ch 1245, §312

47.6 Dates for special elections.

1. The governing body of any political subdivision which has authorized a special election to which section 39.2 is applicable shall by written notice inform the commissioner who will be responsible for conducting the election of the proposed date of the special election. If a public measure will appear on the ballot at the special election the governing body shall submit the complete text of the public measure to the commissioner with the notice of the proposed date of the special election.

If the proposed date of the special election coincides with the date of a regularly scheduled election, the notice shall be given no later than five p.m. on the last day on which nomination papers may be filed for the regularly scheduled election. Otherwise, the notice shall be given at least thirty-two days in advance of the date of the proposed special election. Upon receiving the notice, the commissioner shall promptly give written approval of the proposed date unless it appears that the special election, if held on that date, would conflict with a regular election or with another special election previously scheduled for that date.

2. For the purpose of this section, a conflict between two elections exists only when one of the elections would require use of precinct boundaries which differ from those to be used for the other election, or when some but not all of the qualified electors of any precinct would be entitled to vote in one of the elections and all of the qualified electors of the same precinct would be entitled to vote in the other election. Nothing in this subsection shall deny a commissioner discretionary authority to approve

holding a special election on the same date as another election, even though the two elections may be defined as being in conflict, if the commissioner concludes that to do so will cause no undue difficulties.

[C77, 79, 81, §47.6]

89 Acts, ch 136, §32 (SF 371); 90 Acts, ch 1238, §12

47.7 State registrar of voters.

1. The senior administrator of data processing services in the department of general services is designated the state registrar of voters, and shall regulate the preparation, preservation, and maintenance of voter registration records, the preparation of precinct election registers for all elections administered by the commissioner of any county, and the preparation of other data on voter registration and participation in elections which is requested and purchased at actual cost of preparation and production by a political party or any resident of this state. The registrar shall maintain a log, which is a public record, showing all lists and reports which have been requested or generated or which are capable of being generated by existing programs of the data processing services in the department of general services. In the execution of the duties provided by this chapter, the state registrar of voters and the state commissioner of elections shall provide the maximum public access to the electoral process permitted by law.

2. The registrar shall offer to each county in the state the opportunity to arrange for performance of all functions referred to in subsection 1 by the data processing facilities of the department of general services, commencing at the earliest practicable time, at a cost to the county determined in accordance with the standard charges for those services adopted by the registration commission. A county may accept this offer without taking bids under section 47.5.

3. Any county may use its own data processing facilities for voter registration record keeping and utilization functions, if the system design and the form in which the registration records are kept conform to specifications established by rules promulgated by the registration commission. Each county exercising the option to maintain its own voter registration records under this subsection shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by the registrar.

4. Not later than July 1, 1984, information listed in section 48.6 contained in a county's manual records but not on the county's computer readable records shall be provided to the registrar in a form specified by the registrar. The registrar shall require that any information supplied under section 48.6, except subsections 9 and 11, be provided to the registrar in a form specified by the registrar.

[C77, 79, 81, §47.7; 81 Acts, ch 34, §10]

83 Acts, ch 176, §1, 10; 86 Acts, ch 1245, §313

47.8 Voter registration commission — composition — duties.

1. There is established a state voter registration commission which shall meet at least once each month to make and review policy, promulgate rules and establish procedures to be followed by the registrar in discharging the duties of that office. The commission shall consist of the state commissioner of elections or the state commissioner's designee and the state chairpersons of the two political parties whose candidates for president of the United States or governor, as the case may be, received the greatest and next greatest number of votes in the most recent general election, or their respective designees, who shall serve without additional salary or reimbursement.

2. The registration commission shall prescribe the forms required for voter registration by rules promulgated pursuant to chapter 17A.

3. The registrar shall provide staff services to the commission and shall make available to it all information relative to the activities of the registrar's office in connection with the registration of voters in this state which may be requested by any commission member. The commission may authorize the registrar to employ such additional staff personnel as it deems necessary to permit the duties of the registrar's office to be adequately and promptly discharged. Such personnel shall be employed pursuant to chapter 19A.

4. The registration commission shall annually adopt a set of standard charges to be made for the services the registrar is required to offer to the several commissioners, and for furnishing of voter registration records which are requested by persons other than the registrar, the state commissioner or any commissioner pursuant to section 48.5, subsection 2. These charges shall be sufficient to reimburse the state for the actual cost of furnishing such services or information, and shall be specified by unit wherever possible. The standard charges shall be adopted by the commission by January 15 of each calendar year.

[C77, 79, 81, §47.8]

CHAPTER 48

PERMANENT REGISTRATION

Chapter applicable to primary elections, §43.5
See also definitions in §39.3

- 48.1 Commissioner of registration.
- 48.2 Who may register.
- 48.3 Registration form.
- 48.4 Commissioner of registration — duties.
- 48.5 Registration records.

- 48.6 Form of records.
- 48.7 Notice of change of name, address or telephone number.
- 48.8 Election registers.
- 48.9 Use of universities' facilities.
- 48.10 Deceased persons — record.
- 48.11 Registration time limits.
- 48.12 Registration receipt.
- 48.13 and 48.14 Repealed by 64GA, ch 1025, §35.
- 48.15 Challenges of voter registrations.
- 48.16 Penalties.
- 48.17 Qualification of officers.
- 48.18 Repealed by 64GA, ch 1025, §35.
- 48.19 Repealed by 65GA, ch 122, §26.
- 48.20 Registration in all state offices — commissioner's duties.
- 48.21 Voter registration forms in income tax returns and booklets.
- 48.22 Voter registration forms with driver's license and identification card forms.
- 48.23 Completing a voter registration form.
- 48.24 and 48.25 Repealed by 65GA, ch 136, §401.
- 48.26 Repealed by 64GA, ch 1025, §35.
- 48.27 Mobile deputy registrars — qualifications — duties. Repealed by 90 Acts, ch 1238, §43.
- 48.28 Repealed by 64GA, ch 1025, §35.
- 48.29 Removal of registration.
- 48.30 Notification of changes in registration.
- 48.31 Cancellation of registration.
- 48.32 Reports.

48.1 Commissioner of registration.

The commissioner of elections of each county is designated the commissioner of registration for that county, and may designate the city clerk of any city in the county, or the secretary of the board of directors of any school district which has its office in that county, as a deputy commissioner of registration who shall be responsible for voter registration, subject to the supervision of the county commissioner. The commissioner of registration or an employee of the commissioner of registration may visit each high school located in the county, during the month of May of each year, and at other times at the discretion of the commissioner of registration, and offer to register any person who is eligible under section 48.2 to be registered.

[C27, 31, 35, §718-b1; C39, §718.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §48.1]

88 Acts, ch 1119, §12

48.2 Who may register.

Any person who is an eligible elector may register to vote by personally submitting a completed voter registration form to the commissioner of registration or a deputy commissioner of registration in the elector's county of residence. Any person who is an eligible elector in all respects except age may, at any time during the six months next preceding the person's eighteenth birthday, register to vote in the county of the person's residence. When a person less than eighteen years of age registers, the commissioner shall maintain a record of the registration, so as to clearly indicate that it will not take effect until the registrant's eighteenth birthday and that the person is registered and qualifies to vote in any election held on or after that date.

[C75, 77, 79, 81, §48.2]

48.3 Registration form.

As an alternative to the method of registration prescribed by section 48.2, a person entitled to register under that section may cause delivery of a completed voter registration form to the commissioner of registration in the person's county of residence. A registration form or the envelope containing one or more registration forms for the use of individual registrants must be postmarked by the fifteenth day before an election or received by the county commissioner of registration no later than five p.m. on the date registration closes before an election or the registration will not take effect for that election. A separate registration form shall be signed by each individual registrant. Within five working days after receiving a registration, the commissioner shall send the registrant a receipt of the registration by first class mail marked "do not forward". If the receipt is returned by the postal service the commissioner shall treat the registration as prescribed by section 48.31, subsection 6. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official.

[C77, 79, 81, §48.3]

84 Acts, ch 1067, §11; 84 Acts, ch 1291, §4; 86 Acts, ch 1224, §8; 90 Acts, ch 1238, §13

48.4 Commissioner of registration — duties.

The commissioner of registration shall, under the direction of the registration commission and the registrar, supervise the registration of all eligible electors within the county, and shall appoint such deputies and clerks as may be necessary, from the two political parties receiving the highest vote at the last general election. The number of such deputies and clerks at the central registration office, shall be equally divided between the members of the two said political parties. These appointments shall be subject to the approval of the county board of supervisors. The commissioner of registration shall provide such printed forms and blanks as may be necessary, together with such other supplies and equipment as are necessary to properly

carry out the provisions of this chapter. Registration places shall be established throughout the cities and county.

[C27, 31, 35, §718-b4; C39, §718.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §48.4]

48.5 Registration records.

1. The county commissioner of registration shall maintain the registration records of all qualified electors in the county in accordance with rules promulgated by the registration commission. Registration records shall not be removed from that office or other designated locations except upon court order, and shall be open to inspection by the public at reasonable times.

2. Any person may request of the registrar and shall receive, upon payment of the cost of preparation, a list of qualified electors and other data on registration and participation in elections, in accordance with the following requirements and limitations:

a. Each list shall be produced in the order and form specified by the requester, so long as that order and form are within the capacity of the record maintenance system used by the registrar; however, the available residential telephone number provided by the registrant shall be included if requested.

b. Each list shall reflect all additions, changes and deletions made prior to the fifth day before the list was prepared.

c. The registrar shall not be required to provide lists or data during the fifteen days prior to the date of the primary election, the general election, the regular city election held pursuant to section 376.1, or the annual school election in any order or form other than that utilized to conduct the election, if the preparation of a list in any other order or form requested would impede the preparation of the election registers for that election.

d. A periodic updating of the registration lists showing all additions, changes and deletions since the previous updating shall be provided at least once each fourteen days except during the two weeks prior to the close of registration before any election, when it shall be provided daily if requested. Each requester under this paragraph shall receive the updating data at the same time, which shall be determined by the registrar, but in an order and form specified by the requester. Each requester shall pay the cost of duplicating the updating data before receiving a copy thereof.

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

3. The duplicate registration records open to public inspection and any list obtained under subsection 2 shall be used only to request a registrant's vote or for any other bona fide political purpose or for a bona fide official purpose by an elected official. The commissioner or registrar shall keep a list of the name, address, telephone number, and social security number of each person who copies or obtains copies of the registration lists. Any

person that uses such lists in violation of this section shall, upon conviction, be guilty of a serious misdemeanor.

4. Beginning not later than January 1, 1977, every voter registration record shall be maintained in computer readable form according to the specifications of the registrar.

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

[C27, 31, 35, §718-b5; C39, §718.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §48.5; 81 Acts, ch 34, §11-13]

87 Acts, ch 221, §7, 8

48.6 Form of records.

The registration forms shall be large enough to contain the necessary information required in legible writing and shall be suitable for mailing. The registration form shall require the following information to be provided:

- 1. The name of the applicant in full.
- 2. Residence, giving name and number of the street, avenue, or other location of the dwelling, and such additional clear and definite description as may be necessary to give the exact location of the residence of the applicant. Post office box numbers shall not be used unless no other method of identifying the residence exists for the community.
- 3. Date of birth.
- 4. Sex.
- 5. Date of registration.
- 6. Ward, precinct, school district, and such other districts in which the registrant resides which are empowered to call special elections. To assist in making this determination the commissioner may also request other information including but not limited to fire district number or township, range and section number of the location of the applicant's residence. The commissioner may if necessary obtain the needed information from other sources, but shall in no case decline to register an applicant because the applicant is unable to provide any of the information referred to in this subsection.
- 7. Name, if different than current name, and address given on applicant's last previous registration.

8. Party affiliation. No party affiliation need be stated if the applicant declines to make such statement.

9. A certification in substantially the following form: "I certify that I am a citizen of the United States, that I am or will be an eligible elector at any election at which I attempt to vote and that all of the information I have given upon this voter registration form is true. I authorize cancellation of any prior registration to vote in this or any other jurisdiction and my eligibility to vote in any jurisdiction where voter registration is not required.

I am aware that fraudulently registering, or attempting to do so, is an aggravated misdemeanor under Iowa law.”

10. The social security number of the applicant, if available.

11. The signature of the applicant.

12. Residential telephone number if available.

A receipt of registration shall be given to each applicant, indicating the date the registration will become effective.

[C27, 31, 35, §718-b6, 718-b11; C39, §718.06, 718.11; C46, 50, 54, 58, 62, 66, 71, §48.6, 48.11; C73, 75, 77, 79, 81, §48.6; 81 Acts, ch 34, §14, 15]

83 Acts, ch 176, §3, 10; 84 Acts, ch 1067, §12; 84 Acts, ch 1291, §5; 86 Acts, ch 1224, §9

48.7 Notice of change of name, address or telephone number.

1. A qualified elector may record a legal change of name or a change of telephone number or address, for voter registration purposes, by one of the following methods:

a. The qualified elector may submit to the commissioner a written notice of the change of name, telephone number, or address, bearing the elector's signature. Upon receipt of the notice, the commissioner shall change the registration records accordingly and the change shall be reflected in the election registers prepared for the next election held ten or more days after receipt of the qualified elector's notice. If the notice received by the commissioner does not contain the information regarding name and address necessary to properly update the registration records, the commissioner shall immediately send notice to the elector, by forwardable mail directed to the elector's last known address, that the elector's registration is defective. The commissioner's notice shall advise the elector of the corrections necessary.

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

49.81. If the name, telephone number, or address provided by the qualified elector on the special ballot envelope is different from the information on the elector's last previous registration, the commissioner shall change the registration records accordingly.

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

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

2. The commissioner shall record a change of address for a qualified elector, without the necessity of action by the elector, in any of the following circumstances in which the elector's mailing address is changed but the elector's place of residence has not actually changed:

a. Annexation of territory to a city. When a city annexes territory, the city clerk shall furnish the commissioner a detailed map of the annexed territory. The commissioner shall change the registration of persons residing in that territory to reflect the annexation and the city precinct to which each of those persons is assigned. If the commissioner cannot determine the names and addresses of the persons affected by the annexation, the commissioner shall send each person who may be involved a letter informing that person that the person's registration may be in error, and requesting that each person provide the commissioner the information necessary to correct the registration records.

b. Change of official street name or house or building number by a city. When the city changes the name of a street or the number of a house or other building in which an individual resides, the city clerk shall inform the commissioner of the change, and the commissioner shall change the registration of each person affected.

c. Change of rural route designation of the residence of a qualified elector. The commissioner shall request each postmaster in the county to inform the commissioner of each change of rural route designation and the names of the persons affected, and shall change the registration of each such person as appropriate.

[C27, 31, 35, §718-b6, -b7; C39, §718.06, 718.07; C46, 50, 54, 58, 62, 66, 71, 73, §48.7; C75, §48.6(1), 48.7; C77, 79, 81, §48.7; 81 Acts, ch 34, §16]

83 Acts, ch 176, §4; 84 Acts, ch 1291, §6; 86 Acts, ch 1224, §10; 87 Acts, ch 221, §9, 10

48.8 Election registers.

The commissioner shall prepare an election register for each county precinct between the time of the closing of registration and election day. The election register shall be a copy of the list of all qualified electors of the precinct and shall be in a form prescribed by the state voter registration commission.

If the name of a registered elector does not appear in the election register, the county commissioner of elections may authorize a correction to the election register by the precinct election officials at the precinct. Authorization to correct the election register need not be in writing and may be transmitted by telephone. The authorization must verify the registration in question and be made by the county commissioner of elections who shall make a written record verifying every authorized correction.

[C27, 31, 35, §718-b8, 718-b9, 718-b13; C39, §718.08, 718.09, 718.13; C46, 50, 54, 58, 62, 66, 71, §48.8, 48.9, 48.13; C73, 75, 77, 79, 81, §48.8; 81 Acts, ch 34, §17]

48.9 Use of universities' facilities.

The state board of regents shall provide access to the designated public portions of its university residence halls and lounges for a registrar, deputy registrar, person delivering voter registration forms provided in section 48.3 to register eligible electors, or a candidate. The state board of regents may establish reasonable restrictions on the time, manner and place of access by those registrars, persons and candidates.

83 Acts, ch 176, §2; 90 Acts, ch 1238, §14

48.10 Deceased persons — record.

The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, on or before the tenth day of each month, a certified list of all persons seventeen and one-half years of age and older in the state whose deaths have been reported to the records and statistics division of the Iowa department of public health since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications of the state registrar of voters, who shall determine whether each listed decedent was registered to vote in this state. If the decedent was registered in a county which uses its own data processing facilities for voter registration recordkeeping, the registrar shall notify the commissioner in that county who shall cancel the decedent's registration. If the decedent was registered in a county for which voter registration recordkeeping is performed under contract by the registrar, the registrar shall immediately cancel the registration and notify the commissioner of the county in which the decedent was registered to vote of the cancellation.

[C27, 31, 35, §718-b10; C39, §718.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §48.10; 81 Acts, ch 34, §18]

48.11 Registration time limits.

The county commissioner of registration shall register, on forms prescribed by the state commissioner of elections, electors for elections in a precinct until the close of registration in the precinct. An elector may register during the time registration is closed in the elector's precinct but the registration shall not become effective until registration opens again in the elector's precinct.

Registration shall close in a precinct at five p.m., ten days before a general or primary election and eleven days before all other elections. The commissioner's office shall be open from eight a.m. until at least five p.m. on the day registration closes prior to each regularly scheduled election.

[C27, 31, 35, §718-b11; C39, §718.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §48.11; 81 Acts, ch 34, §19]

88 Acts, ch 1119, §13; 90 Acts, ch 1238, §15

48.12 Registration receipt.

A receipt of registration shall be given or sent to each person who registers under this chapter. If any person registers to vote while registration is closed preceding any election, the commissioner shall maintain a record of the registration so as to clearly indicate that it will not take effect until the day after the election for which registration is closed and that the person is registered and qualified to vote in any election held on or after that date.

[C75, §48.6; C77, 79, 81, §48.12]

48.13 and 48.14 Repealed by 64GA, ch 1025, §35.

48.15 Challenges of voter registrations.

1. A person may challenge the registration to vote of any other person, by filing an individual challenge in writing with the commissioner of the county in which the person challenged is registered. The written challenge need not be in detail, but must allege one or more reasons why, under law, the registration of the person challenged should not have been accepted or should be canceled.

2. A challenge of a person's registration filed less than seventy days prior to a regularly scheduled election need not be processed by the commissioner prior to that election unless the registration, change of name or change of address has been recorded within twenty days prior to the date of the challenge.

3. The commissioner shall immediately give five days' notice of a hearing, by certified mail, to the person whose registration is challenged and to the

challenger. The notice shall set forth the reason for the challenge as stated by the challenger. The person challenged may either appear in person at the hearing, or respond in writing addressed to the commissioner and delivered by mail or otherwise prior to the time set for the hearing. However, if the person challenged notifies the commissioner prior to the date set for the hearing that the person wishes to appear in person but will be unable to do so on the date specified, the commissioner may reschedule the hearing. On the basis of the evidence presented by the challenger and the challenged elector, the commissioner shall either cancel the registration of the challenged elector or reject the challenge. Either party may appeal to the district court of the county in which the challenge is made, and the decision of the court shall be final.

[C27, 31, 35, §718-b15; C39, §718.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §48.15; 81 Acts, ch 34, §20]

48.16 Penalties.

Any officer or employee, or any person who has contracted with a commissioner to perform services in the implementation of this chapter, who shall willfully fail to perform or enforce any of the provisions of this chapter, or who shall unlawfully or fraudulently remove any registration card or record from its proper compartment in the registration records, or who shall willfully destroy any record provided by this chapter, or any person who shall willfully or fraudulently register more than once, or register under any but the person's true name, or votes or attempts to vote by impersonating another who is registered, or who willfully or fraudulently registers in any election precinct where the person is not a resident at the time of registering, or who adds a name or names to a page or pages, or who violates any of the provisions of this chapter, shall be guilty of an aggravated misdemeanor. For the purposes of this section, the alteration or destruction of any machine readable compilation of voter registration records which has not been replaced by a more recent revision of the same record shall constitute destruction of a record provided by this chapter.

[C27, 31, 35, §718-b16; C39, §718.16; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §48.16]

48.17 Qualification of officers.

Before entering upon any duties, each officer or clerk in whatever capacity shall subscribe to an oath in such form as provided by the state commissioner.

[C27, 31, 35, §718-b17; C39, §718.17; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §48.17]

48.18 Repealed by 64GA, ch 1025, §35.

48.19 Repealed by 65GA, ch 122, §26.

48.20 Registration in all state offices — commissioner's duties.

The registration forms provided in section 48.3 shall be available in all offices maintained by state agencies. The officers and employees of those agencies shall offer to each person doing business in that office the opportunity to register, unless the officer or employee is reasonably certain that a person doing business in the office has already been offered a registration form within the previous twelve-month period. If the person does execute the form, the form shall be sent to the appropriate commissioner of registration.

The state commissioner of elections is responsible for coordinating and encouraging voter registration activities required by this section. Each department where voter registration is conducted under this section shall report quarterly to the state commissioner the number of registrations completed by the office. The state commissioner shall adopt rules and forms necessary to carry out this section.

87 Acts, ch 221, §11; 88 Acts, ch 1171, §1

48.21 Voter registration forms in income tax returns and booklets.

The director of the department of revenue and finance shall insert securely in each individual income tax return form or instruction booklet two voter registration forms, designed according to rules adopted by the state voter registration commission.

89 Acts, ch 144, §1 (HF 255)

48.22 Voter registration forms with driver's license and identification card forms.

The state department of transportation shall design its forms for operators' licenses, chauffeurs' licenses, and nonoperators' identification cards so that the forms may also serve as voter registration cards. The forms shall contain spaces for the information required by section 48.6 and applicable rules of the state voter registration commission. All persons applying for operators' licenses, chauffeurs' licenses, and nonoperators' identification cards shall be asked if they desire to register to vote or change their voter registration at the same time. Each form containing a completed voter registration shall be sent to the county auditor of the county in which the voter maintains residence within one business day of completion. The state voter registration commission, in consultation with the director of the state department of transportation, shall adopt rules and forms for the implementation of this section.

89 Acts, ch 144, §2 (HF 255)

48.23 Completing a voter registration form.

A person offering a voter registration form to another person shall not complete any portion of the form without prior consent from the person being registered.

90 Acts, ch 1238, §16

48.24 and 48.25 Repealed by 65GA, ch 136, §401.

48.26 Repealed by 64GA, ch 1025, §35.

48.27 Mobile deputy registrars — qualifications — duties. Repealed by 90 Acts, ch 1238, §43.

48.28 Repealed by 64GA, ch 1025, §35.

48.29 Removal of registration.

Upon registration in any county of an eligible elector who was previously a resident of another county, if that individual was a qualified elector in the former county of residence, the individual's name shall be struck from the record of voters currently registered in the former county of residence.

If the registrar at any time discovers that the same individual is registered at more than one residence location, the commissioner or commissioners involved shall be informed and shall follow the procedure prescribed by section 48.31, subsection 6.

[C73, 75, 77, 79, 81, §48.29]

88 Acts, ch 1119, §14

48.30 Notification of changes in registration.

The clerk of the district court shall promptly notify the county commissioner of registration of changes of name and of convictions of felonies, as defined in section 701.7, of legal declarations of incompetence made after a proceeding held pursuant to section 229.27, and of diagnosis of severe or profound mental retardation of persons of voting age. The clerk of the district court shall also notify the county commissioner of registration of the restoration of citizenship of a person who has been convicted of a felony and of the finding that a person is of good mental health. The notice will not restore voter registration. The county commissioner of registration shall notify the person whose citizenship has been restored or who has been declared to be in good mental health that the person's registration to vote was canceled and the person must register again to become a qualified elector.

[C73, 75, 77, 79, 81, §48.30]

86 Acts, ch 1238, §4; 86 Acts, ch 1112, §1

48.31 Cancellation of registration.

The registration of a qualified elector shall be canceled in any of the following instances:

1. The elector fails to vote once in the last preceding four consecutive calendar years after the elector's most recent registration or change of name, address or party affiliation, or after the elector most recently voted. For the purpose of this subsection, registration includes the submission of a registration form which makes no change in the elector's existing registration.

2. The elector registers to vote in another place.

3. The elector dies.

4. The clerk of district court sends notification of an elector's conviction of a felony, as defined in section 701.7.

5. The clerk of district court sends notification of a legal determination that the elector is severely or profoundly mentally retarded, or has been found incompetent in a proceeding held pursuant to section 229.27, or is otherwise under conservatorship or guardianship by reason of incompetency. Certification by the clerk that any such person has been found no longer incompetent by a court, or the termination by the court of any such conservatorship or guardianship shall qualify any such ward to again be an elector, subject to the other provisions of this chapter.

6. When first-class mail, which is designated "not to be forwarded", was

addressed to the elector at the address shown on the registration records and is returned by the postal service.

7. Upon receipt of a written request from the qualified elector, presented in person with proper identification in the office of the county commissioner of registration.

Whenever a registration is canceled, notice of the cancellation shall be sent to the registrant at the registrant's last known address shown upon the registration records. Such notice shall be sent first-class mail and bear the words "Please Forward". However, notice is not necessary when the cancellation is due to death or if an authorization for the removal of the registration is received as provided in this chapter.

[C73, 75, 77, 79, 81, §48.31; 81 Acts, ch 34, §21, 22]

86 Acts, ch 1238, §5; 86 Acts, ch 1112, §2; 89 Acts, ch 136, §33 (SF 371)

48.32 Reports.

On March 1 of each year and at other times deemed appropriate, the registrar shall report the number of persons registered in each political party in each county.

[C73, 31, 35, §718-b14; C39, §718.14; C46, 50, 54, 58, 62, 66, 71, §48.14; C73, 75, 77, 79, 81, §48.32; 81 Acts, ch 34, §23]

CHAPTER 49

METHOD OF CONDUCTING ELECTIONS

See also definitions in §39.3

Chapter applicable to primary election, §43.5

Criminal offenses, §722.4-722.9; also §43.119, 43.120

- 49.1 Elections included.
- 49.2 Repealed by 65GA, ch 136, §401.
- 49.3 Election precincts.
- 49.4 Precincts drawn by county board.
- 49.5 City precincts.
- 49.6 Power to combine township and city precincts.
- 49.7 When reprecincting required.
- 49.8 Changes in precincts.
- 49.9 Proper place of voting.
- 49.10 Polling places for certain precincts.
- 49.11 Notice of boundaries of precincts — merger or division.
- 49.12 Election boards.
- 49.13 Commissioner to appoint members, chairperson.
- 49.14 Substitute precinct election officials.
- 49.15 Commissioner to draw up election board panel.

- 49.16 Tenure of election board panel.
- 49.17 Repealed by 65GA, ch 136, §401.
- 49.18 Vacancies occurring on election day.
- 49.19 Unpaid officials, paper ballots optional for certain city elections.
- 49.20 Compensation of members.
- 49.21 Polling places — accessible to elderly and handicapped persons.
- 49.22 Repealed by 65GA, ch 136, §401.
- 49.23 Notice of change.
- 49.24 Schoolhouses as polling places.
- 49.25 Equipment required at polling places.
- 49.26 Commissioner to decide method of voting.
- 49.27 Precincts where some electors may not vote for all candidates or questions.
- 49.28 Commissioner to furnish registers and supplies.
- 49.29 Voting by ballot or machine.
- 49.30 All candidates on one ballot — exceptions.
- 49.31 Arrangement of names on ballot — restrictions.
- 49.32 Candidates for president in place of electors.
- 49.33 Single square for certain paired offices.
- 49.34 Repealed by 66GA, ch 81, §154.
- 49.35 Order of arranging tickets on ballot.
- 49.36 Candidates of nonparty organization.
- 49.37 Arrangement of ballot.
- 49.38 Candidate's name to appear but once.
- 49.39 Dual nomination.
- 49.40 Failure to designate.
- 49.41 More than one office prohibited.
- 49.42 Form of official ballot.
- 49.43 Constitutional amendment or other public measure.
- 49.44 Summary.
- 49.45 General form of ballot.
- 49.46 Marking ballots on public measures.
- 49.47 Notice on ballots.
- 49.48 Notice for judicial officers and constitutional amendments.
- 49.49 Repealed by 66GA, ch 81, §154.
- 49.50 Endorsement and delivery of ballots.
- 49.51 Commissioner to control printing.
- 49.52 Repealed by 65GA, ch 136, §401.
- 49.53 Publication of ballot and notice.
- 49.54 Cost of publication.
- 49.55 Delivery of supplies to officials.
- 49.56 Maximum cost of printing.
- 49.57 Method and style of printing ballots.
- 49.58 Effect of death of certain candidates.
- 49.59 to 49.62 Repealed by 66GA, ch 81, §154.
- 49.63 Time of printing — inspection and correction.

following each year in which the federal decennial census is taken, unless the general assembly by joint resolution establishes different dates for compliance with these sections. Any or all of the publications required by section 49.11 may be made after November 15 if necessary. Each county board and city council shall notify the state commissioner and the commissioner when the boundaries of election precincts are changed, and shall provide a map delineating the new boundary lines. Each county board and city council shall certify to the state commissioner the population of the new election precincts or retained election precincts as determined under the latest federal decennial census. Upon failure of a county board or city council to make the required changes by the dates specified by this section, as determined by the state commissioner, the state commissioner shall make or cause to be made the necessary changes as soon as possible, and shall assess to the county or city, as the case may be, the expenses incurred in so doing. The state commissioner may request the services of personnel of and materials available to the legislative service bureau to assist the state commissioner in making required changes in election precinct boundaries which become the state commissioner's responsibility.

[C73, §603; C97, §1090; S13, §1090; C24, 27, 31, 35, 39, 722, 723; C46, 50, 54, 58, 62, 66, 71, 73, §49.4, 49.5; C75, 77, 79, 81, §49.7; 82 Acts, ch 1091, §1]

89 Acts, ch 296, §11 (SF 141); 90 Acts, ch 1233, §1

49.8 Changes in precincts.

After any required changes in precinct boundaries have been made following each federal decennial census, at the time established by or pursuant to section 49.7, the county board or city council shall make no further changes in precinct boundaries until after the next federal decennial census, except in the following circumstances:

1. When deemed necessary by the board of supervisors of any county because of a change in the location of the boundaries, dissolution or establishment of any civil township, the boundaries of precincts actually affected may be changed as necessary to conform to the new township boundaries.

2. When territory is annexed to a city the city council may attach all or any part of the annexed territory to any established precinct or precincts which are contiguous to the annexed territory, however this subsection shall not prohibit establishment of one or more new precincts in the annexed territory.

3. A city may have one special federal census taken each decade and the population figures obtained may be used to revise precinct boundaries in accordance with the requirements of sections 49.3 and 49.5.

4. When the boundaries of a county supervisor, city council, or school director district, or any other district from which one or more members of any public representative body other than the general assembly are elected by the voters thereof, are changed by annexation, reprecincting or other means, the change shall not result in the term of any officer elected from the former district being terminated before or extended beyond the

expiration of the term to which the officer was last elected, except as provided under section 275.23A.

5. When a city is changing its form of government from one which has council members elected at large to one which has council members elected from wards, or is changing its number of council members elected from wards, the city council may redraw the precinct boundaries in accordance with sections 49.3 and 49.5 to coincide with the new ward boundaries.

6. Precinct boundaries established by or pursuant to section 49.4, and not changed under subsection 1 since the most recent federal decennial census, may be changed once during the period beginning January 1 of the second year following a year in which a federal decennial census is taken and ending June 30 of the year immediately following the year in which the next succeeding federal decennial census is taken, if the commissioner recommends and the board of supervisors finds that the change will effect a substantial savings in election costs. Changes made under this subsection shall be made not later than ninety-nine days before a primary election, unless the changes will not take effect until January 1 of the next even-numbered year.

[C73, §603; C97, §1090; S13, §1090; C24, 27, 31, 35, 39, §722, 723; C46, 50, 54, 58, 62, 66, 71, 73, §49.4, 49.5; C75, 77, 79, 81, §49.8]

83 Acts, ch 77, §2; 84 Acts, ch 1052, §1; 89 Acts, ch 136, §34 (SF 371)

49.9 Proper place of voting.

No person shall vote in any precinct but that of the person's residence.

[C73, §605; C97, §1090; S13, §1090; C24, 27, 31, 35, 39, §727; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.9]

49.10 Polling places for certain precincts.

1. Polling places for precincts outside the limits of a city, but within the township, or originally within and set off as a separate township from the township in which the city is in whole or in part situated, and a polling place for a township which entirely surrounds another township containing a city, may be fixed at some room or rooms in the courthouse or in some other building within the limits of the city as the commissioner may provide.

2. If the commissioner determines, or if a petition be filed with the commissioner ninety days before any primary, general or special election stating that there is no suitable or adequate polling place within a township constituting a voting precinct and that it is desirable and to the interest of the voters of that township voting precinct that a voting place be designated for it outside its territorial limits, the commissioner shall fix a polling place for that precinct, outside its territorial limits, which the commissioner deems convenient to the electors of the township precinct. A petition submitted under this subsection must be signed by eligible electors of the precinct exceeding in number one-half the total number of votes cast in the township precinct for the office of president of the United States or governor, as the case may be, at the last preceding general election. When the

49.21 Polling places — accessible to elderly and handicapped persons.

It is the responsibility of the commissioner to designate a polling place for each precinct in the county.

Upon the application of the commissioner, the authority which has control of any buildings or grounds supported by taxation under the laws of this state shall make available the necessary space therein for the purpose of holding elections, without charge for the use thereof.

Except as otherwise provided by law, the polling place in each precinct in the state shall be located in a central location if a building is available. However, first consideration shall be given to the use of public buildings supported by taxation.

In the selection of polling places, preference shall also be given to the use of buildings accessible to elderly and physically disabled persons.

[C51, §222, 245; R60, §444, 480; C73, §391, 603; C97, §566, 1113, 2755; S13, §2755; C24, 27, §739, 4205; C31, 35, §739, 4216-c7; C39, §739, 4216.07; C46, 50, 54, 58, 62, 66, 71, 73, §49.21, 277.7; C75, 77, 79, 81, S81, §49.21; 81 Acts, ch 34, §26]

49.22 Repealed by 65GA, ch 136, §401.

49.23 Notice of change.

When a change is made from the usual polling place for the precinct or when the precinct polling place for any primary or general election is different from that used for the precinct at the last preceding primary or general election, notice of such change shall be given by publication in a newspaper of general circulation in the precinct not more than twenty nor less than four days before the day on which the election is to be held. In addition a notice of the present polling place for the precinct shall be posted, not later than the hour at which the polls open on the day of the election, on each door to the usual or former polling place in the precinct and shall remain there until the polls have closed.

[C51, §222; R60, §444; C73, §391; C97, §566; C24, 27, 31, 35, 39, §741; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.23]
89 Acts, ch 136, §35 (SF 371)

49.24 Schoolhouses as polling places.

In precincts outside of cities the election shall, if practicable, be held in a public school building. Any damage to the building or furniture resulting from the election shall be paid by the county.

[C97, §1113; C24, 27, 31, 35, 39, §742; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.24]

Schoolhouses as polling places, §297.9

49.25 Equipment required at polling places.

1. In any county or portion of a county for which voting machines have been acquired under section 52.2 the commissioner shall determine pursuant to section 49.26, in advance of each election conducted for a city of three thousand five hundred or less population, or any school district, and individually for each precinct, whether voting in that election shall be by machine or by paper ballot.

2. The commissioner shall furnish to each precinct, in advance of each election, voting machines meeting the requirements of chapter 52 or voting booths, as the case may be, in the following number:

a. At each regularly scheduled election, at least one for every three hundred fifty voters who voted in the last preceding similar election held in the precinct.

b. At any special election at which the ballot contains only a single public measure or only candidates for a single office or position, the number determined by the commissioner.

3. The commissioner shall furnish to each precinct where voting is to be by paper ballot, special paper ballot, or ballot card, rather than by voting machine, the necessary ballot boxes, suitably equipped with seals or locks and keys, and voting booths. The voting booths shall be approved by the board of examiners for voting machines and electronic voting systems and shall provide for voting in secrecy. At least one voting booth in each precinct shall be accessible to the handicapped. If the lighting in the polling place is inadequate, the voting booths used in that precinct shall include lights.

[C51, §254; R60, §489; C73, §614; C97, §1113, 1130, 2756; S13, §1130, 2756; C24, 27, §743, 744, 4209; C31, 35, §743, 744, 4216-c14; C39, §743, 744, 4216.14; C46, 50, 54, 58, 62, 66, 71, 73, §49.25, 49.26, 277.14; C75, 77, 79, 81, §49.25]

1990 amendment to subsection 3 takes effect May 3, 1990, and is retroactively applicable to voting booths and electronic voting systems approved by the board of examiners and furnished before that date; 90 Acts, ch 1238, §44

49.26 Commissioner to decide method of voting.

When voting machines are available for an election precinct, the commissioner shall determine in advance of each election conducted for a city of three thousand five hundred or less population or any school district in which voting occurs in that precinct whether voting there shall be by machine or paper ballot. If the commissioner concludes, on the basis of voter turnout for recent similar elections and factors considered likely to affect voter turnout for the forthcoming election, that voting will probably be so light as to make preparation and use of paper ballots less expensive than

preparation and use of a voting machine, paper ballots shall be used.

[S13, §2754; C24, 27, §4203; C31, 35, §4216-c15; C39, §4216.15; C46, 50, 54, 58, 62, 66, 71, 73, §277.15; C75, 77, 79, 81, §49.26]

49.27 Precincts where some electors may not vote for all candidates or questions.

When the territory of a precinct is such that one or more of the candidates or questions on the ballot in any election may not be legally voted upon by all qualified electors of the precinct, the commissioner may not place those candidates or questions upon a voting machine which may be used by qualified electors of the entire precinct unless the machine is equipped with a device, readily operable by the election official attending the machine, by which that portion of the machine on which those candidates or questions appear may be locked when the machine is to be used by a qualified elector not eligible to vote for those candidates or questions. If the voting machines in any precinct to which this section is applicable are not so designed, the commissioner may place the candidates or questions for which not all voters of the precinct may legally vote on one or more, but not all, of the voting machines in the precinct. In any precinct to which this section is applicable and in which neither of the foregoing procedures are feasible, or in which all voting is by paper ballot, the commissioner shall prepare separate ballots for the candidates or questions which may not be legally voted upon by all qualified electors of the precinct, and shall furnish a separate ballot box in which only those ballots shall be deposited.

[C60, §2097, 2105; C73, §1800, 1801; C97, §1107, 1130, 2794; S13, §1090, 1130; SS15, §1107, 2794, 2794-a; C24, 27, 31, 35, 39, §745, 770, 4142, 4168; C46, 50, §49.27, 49.52, 274.24, 276.15; C54, 58, 62, 66, 71, 73, §49.27, 49.52, 275.22; C75, 77, 79, 81, §49.27]

49.28 Commissioner to furnish registers and supplies.

The commissioner shall prepare and furnish to each precinct an election register, and all other books, blanks, materials, and supplies necessary to carry out the provisions of this chapter. Voter registration records shall be kept so that the election register for each precinct contains the names of no electors except those eligible to vote in that precinct. When a precinct lies in more than one political subdivision or district from which any officer is elected, the election register must clearly indicate who are the qualified electors of each political subdivision or district in which the precinct lies, including school director districts.

[C51, §255; R60, §490; C73, §615; C97, §1113, 1132, 2756; S13, §1087-a16, 2756; C24, 27, §561, 746, 4209; C31, 35, §561, 746, 4216-c14; C39, §561, 746, 4216.14; C46, 50, 54, 58, 62, 66, 71, 73, §43.33, 49.28, 277.14; C75, 77, 79, 81, §49.28]

49.29 Voting by ballot or machine.

In all elections regulated by this chapter, the voting shall be by ballots printed and distributed as provided by law, or by voting machines meeting the requirements of chapter 52.

[C73, §1808; C97, §1097, 2754; S13, §2754; C24, 27, §747, 4198; C31, 35, §747, 4216-c13; C39, §747, 4216.13; C46, 50, 54, 58, 62, 66, 71, 73, §49.29, 277.13; C75, 77, 79, 81, §49.29]

49.30 All candidates on one ballot — exceptions.

The names of all candidates to be voted for in each election precinct, other than presidential electors, shall be printed on one ballot, except that separate ballots are authorized under the following circumstances:

1. For judicial elections, separate ballots or headings shall be used as required by section 46.22.

2. At an election where voting machines are used, and it is impossible to place the names of all candidates on the machine ballot, the commissioner may provide a separate paper ballot for the candidates for judge of the district court and the township offices, or either; one of the paper ballots shall be furnished to each qualified elector.

3. Separate paper ballots may be used for the election of township officers in precincts including both incorporated and unincorporated areas.

[C51, §256; R60, §491; C73, §616; C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §748; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.30]

90 Acts, ch 1238, §17

49.31 Arrangement of names on ballot-restrictions.

1. All nominations of any political party or group of petitioners, except as provided in section 49.30, shall be placed under the party name or title of such party or group, as designated by them in their certificates of nomination or petitions, or if none be designated, then under some suitable title, and the ballot shall contain no other names, except as provided in section 49.32.

2. The commissioner shall prepare a list of the election precincts of the county, by arranging the various townships and cities in the county in alphabetical order, and the wards or precincts in each city or township in numerical order under the name of such city or township. The commissioner shall then arrange the surnames of each political party's candidates for each office to which two or more persons are to be elected at large alphabetically for the respective offices for the first precinct on the list; thereafter, for each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The commissioner may also rotate the names of candidates of a political party in the reverse order of that provided in this subsection or alternate the rotation so that the candidates of different parties shall not be paired as they proceed through the rotation.

The procedure for arrangement of names on ballots provided in this section shall likewise be substantially followed in elections in political subdivisions of less than a county.

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

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

5. The name of a candidate printed on the ballot shall not include parentheses, quotation marks, or any personal or professional title.

6. For the purposes of ballot rotation the absentee ballot and special voters precinct shall be considered a separate precinct, unless the office will appear on the ballot in only one precinct other than the absentee ballot and special voters precinct.

[C97, §1106; S13, §1106, 2754; C24, 27, §749, 4203; C31, 35, §749, 4216-c8; C39, §749, 4216.08; C46, 50, 54, 58, 62, 66, 71, 73, §49.31, 277.8; C75, 77, 79, 81, §49.31]

86 Acts, ch 1224, §11, 12; 87 Acts, ch 221, §13, 14; 89 Acts, ch 136, §36 (SF 371); 90 Acts, ch 1238, §18

49.32 Candidates for president in place of electors.

The candidates for electors of president and vice president of any political party or group of petitioners shall not be placed on the ballot, but in the years in which they are to be elected the names of candidates for president and vice president, respectively, of such parties or group of petitioners shall be placed on the ballot, as the names of candidates for United States senators are placed thereon, under their respective party, petition, or adopted titles for each political party, or group of petitioners, nominating a set of candidates for electors.

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §750; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.32]

49.33 Single square for certain paired offices.

Upon the left-hand margin of each separate column of the ballot, immediately opposite the names of the candidates for president and vice president, a single square, the sides of which shall not be less than one-fourth of an inch in length, shall be printed in front of the bracket enclosing the names of the candidates for president and vice president, and a separate square of the same size shall be printed in front of the bracket enclosing the names of the candidates for governor and lieutenant governor. The votes for a team of candidates shall be counted and certified to by the election board as a team. Write-in votes may be tabulated for each office separately.

[C24, 27, 31, 35, 39, §751; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.33]

90 Acts, ch 1238, §19

Canvass of votes, ch 50

49.34 Repealed by 66GA, ch 81, §154.**49.35 Order of arranging tickets on ballot.**

Each list of candidates nominated by a political party or a group of petitioners shall be termed a ticket. Each ticket shall be placed in a separate vertical column or horizontal row on the ballot, in the order determined pursuant to section 49.37 by the authorities charged with the printing of the ballots. However, if a total of more than seven tickets are to be placed on the ballot the state commissioner may authorize a method of placement in which the groups of petitioners are not all placed in separate individual columns or rows.

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §753; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.35]

Order of names in primaries, §43.28

49.36 Candidates of nonparty organization.

The term "group of petitioners" as used in the foregoing sections shall embrace an organization which is not a political party as defined by law.

[C24, 27, 31, 35, 39, §754; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.36]

Nonparty organization, §43.2; also ch 44

Political party defined, §43.2

49.37 Arrangement of ballot.

1. Each column or row containing a ticket or tickets, each preceded by the name of a political party or a group of petitioners, shall be separated by a distinct line appearing on the ballot. The names of candidates for nonpartisan offices shall be placed on a separate column or row on the ballot.

2. The commissioner shall arrange the ballot in conformity with the certificate issued by the state commissioner under section 43.73, in that the names of the respective candidates on each political party ticket shall appear in the order they appeared on the certificate, above or to the left

of the nonparty political organization tickets.

3. The commissioner shall arrange the partisan county offices on the ballot with the board of supervisors first, followed by the other county offices and township offices in the same sequence in which they appear in sections 39.17 and 39.22. Nonpartisan offices shall be listed below or to the right of partisan offices.

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §755; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.37]

89 Acts, ch 136, §37 (SF 371)

49.38 Candidate's name to appear but once.

The name of a candidate shall not appear upon the ballot in more than one place for the same office, whether nominated by convention, primary, caucus, or petition, except as hereinafter provided.

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §756; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.38]

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49.39 Dual nomination.

When two or more political parties, or when two or more political organizations which are not political parties, or when a political party and a political organization which is not a political party, nominate the same candidate for the same office, such nominee shall forthwith designate, in writing, the political party name, or the political organization name, under which the nominee desires to have the nominee's name printed on the official ballot for the ensuing general election; such written designation shall be filed with the officer with whom the nomination paper, or certificate of nomination by a convention or caucus, is filed and the name of such nominee shall appear on the ballot in accordance therewith.

[C97, §1106; S13, §1087-a6, 1106; C24, 27, 31, 35, 39, §757; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.39]

49.40 Failure to designate.

If the designation referred to in section 49.39 be not filed, the following rules shall govern:

1. If the nomination be by two or more political parties, the name of such nominee shall be printed under the party designation under which nomination papers were first filed in the nominee's behalf.

2. If the nomination be by a political party and also by a political organization which is not a political party, the name of such nominee shall be printed under the name of the political party or political organization first filing nomination papers, or certificate of nomination, as the case may be.

3. If the nomination be by two or more political organizations which are not political parties, the name of such nominee shall be printed under the name of the political organization first filing a certificate of nomination of such candidate.

[C97, §1106; S13, §1087-a6, 1106; C24, 27, 31, 35, 39, §758; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.40]

49.41 More than one office prohibited.

A candidate for public office shall not cause nomination papers to remain filed in the office of the state commissioner or the commissioner on the last day of filing nomination papers, for more than one office to be filled at the general election. A candidate for a public office to be filled at the general election who has filed nomination papers for more than one office shall, not later than the final date for filing, notify the state commissioner or commissioner by affidavit for which office the person elects to be a candidate, which in no case shall be more than one. In the event no such election is made by that date by the candidate, the state commissioner shall not certify the person's name to be placed on the ballot for any office nor shall the commissioner place the person's name on the ballot in any county.

88 Acts, ch 1119, §16

49.42 Form of official ballot.

The ballot for the general election shall be arranged in vertical columns or horizontal rows each of which shall be substantially in the following form:

- | | | | |
|--|---|--|--|
| <input type="radio"/> REPUBLICAN
<input style="margin-left: 1em;" type="checkbox"/> { For President,
A.... B....,
of Ohio.
For Vice
President,
C.... D....,
of New York.
For
United States
Senator.
<input style="margin-left: 1em;" type="checkbox"/> E.... F....,
For
United States
Representative,
<input style="margin-left: 1em;" type="checkbox"/> G.... H....,
<input style="margin-left: 1em;" type="checkbox"/> { For Governor,
I.... J....,
For Lieutenant
Governor,
K.... L.... | <input type="radio"/> DEMOCRATIC
<input style="margin-left: 1em;" type="checkbox"/> { For President,
N.... O....,
of Virginia.
For Vice
President,
P.... Q....,
of Indiana.
For
United States
Senator.
<input style="margin-left: 1em;" type="checkbox"/> R.... S....,
For
United States
Representative,
<input style="margin-left: 1em;" type="checkbox"/> T.... U....,
<input style="margin-left: 1em;" type="checkbox"/> { For Governor,
V.... W....,
For Lieutenant
Governor,
X.... Y.... | <input type="radio"/> PROHIBITION
<input style="margin-left: 1em;" type="checkbox"/> { For President,
A.... B....,
of Maine.
For Vice
President,
C.... D....,
of Illinois.
For
United States
Senator.
<input style="margin-left: 1em;" type="checkbox"/> E.... F....,
For
United States
Representative,
<input style="margin-left: 1em;" type="checkbox"/> G.... H....,
<input style="margin-left: 1em;" type="checkbox"/> { For Governor,
I.... J....,
For Lieutenant
Governor,
K.... L.... | <input type="radio"/> UNION LABOR
<input style="margin-left: 1em;" type="checkbox"/> { For President,
N.... O....,
of Idaho.
For Vice
President,
P.... Q....,
of Ohio.
For
United States
Senator.
<input style="margin-left: 1em;" type="checkbox"/> R.... S....,
For
United States
Representative,
<input style="margin-left: 1em;" type="checkbox"/> T.... U....,
<input style="margin-left: 1em;" type="checkbox"/> { For Governor,
V.... W....,
For Lieutenant
Governor,
X.... Y.... |
|--|---|--|--|

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §760; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.42]
90 Acts, ch 1238, §20

49.43 Constitutional amendment or other public measure.

In precincts using paper ballots all public measures to be voted upon by an elector at a given election shall be printed upon one ballot of some color other than white. In precincts using voting machines all public measures shall be placed in the question row on the machine; however, if it is impossible to place all the public measures on the machine ballot, or if only a portion of the qualified electors of the precinct are entitled to vote upon any measure presented, the commissioner may provide a separate paper ballot for the public measure or measures.

Constitutional amendments and other public measures may be summarized by the commissioner as provided in section 52.25.

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §761, 762, 767; C46, 50, 54, 58, 62, 66, 71, 73, §49.43, 49.44; C75, §49.43, 49.49; C77, 79, 81, §49.43]

88 Acts, ch 1119, §17

Constitution, Art. X, §1
See also §52.24

49.44 Summary.

When a proposed constitutional amendment or other public measure to be decided by the voters of the entire state is to be voted upon, the state commissioner shall prepare a written summary of the amendment or measure including the number of the amendment or statewide public measure assigned by the state commissioner. The summary shall be printed immediately preceding the text of the proposed amendment or measure on the paper ballot referred to in section 49.43 and, in precincts where the amendment or measure will be voted on by machine, shall be placed in the voting machine inserts as required by section 52.25.

The commissioner may prepare a summary for public measures if the commissioner finds that a summary is needed to clarify the question to the voters.

[C73, §49.43; C75, 77, 79, 81, §49.44; 81 Acts, ch 34, §27]
89 Acts, ch 136, §38 (SF 371)

Constitution, Art. X, §1

49.45 General form of ballot.

Ballots referred to in section 49.43 shall be substantially in the following form:

“Shall the following amendment to the Constitution (or public measure) be adopted?”

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

(Here insert the summary, if it be for a constitutional amendment or statewide public measure, and in full the proposed constitutional amendment or public measure. The number assigned by the state commissioner or the letter assigned by the county commissioner shall be included on the ballot.)

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §763; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §49.45; 81 Acts, ch 34, §28]

Constitution, Art. X, §1

49.46 Marking ballots on public measures.

The elector shall designate a vote by a cross mark, thus, “X”, or a check mark, thus, “√”, placed in the proper square.

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §764; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.46]

Constitution, Art. X, §1

49.47 Notice on ballots.

At the top of ballots on such public measures shall be printed the following: “[Notice to voters. For an affirmative vote upon any question submitted upon this ballot make a cross (X) mark or check (√) in the square after the word ‘Yes’. For a negative vote make a similar mark in the square following the word ‘No’.]”

[S13, §1106; C24, 27, 31, 35, 39, §765; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.47]

Constitution, Art. X, §1

49.48 Notice for judicial officers and constitutional amendments.

The state commissioner of elections shall prescribe a notice to inform voters of the location on the ballot of the form for retaining or removing judicial officers and for ratifying or defeating proposed constitutional amendments. The notice shall be conspicuously attached to the voting machine or to the ballot.

83 Acts, ch 186, §10026, 10201; 89 Acts, ch 136, §39 (SF 371)

49.49 Repealed by 66GA, ch 81, §154.**49.50 Endorsement and delivery of ballots.**

Ballots on such public measures shall be endorsed and given to each voter by the precinct election officials, as in case of ballots generally, and shall be subject to all other laws governing ballots for candidates, so far as the same shall be applicable.

[S13, §1106; C24, 27, 31, 35, 39, §768; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.50]

Constitution, Art. X, §1

49.51 Commissioner to control printing.

The commissioner shall have charge of the printing of the ballots to be used for any election held in the county, unless the commissioner delegates that authority as permitted by this section. The commissioner may delegate this authority only to another commissioner who is responsible under section 47.2 for conducting the elections held for a political subdivision which lies in more than one county, and only with respect to printing of ballots containing only public questions or the names of candidates to be voted upon by the qualified electors of that political subdivision. Only one facsimile signature, that of the commissioner under whose direction the ballot is printed, shall appear on the ballot. It is the duty of the commissioner to insure that the arrangement of any ballots printed under the commissioner's direction conforms to all applicable requirements of this chapter.

A sample ballot of any election held in the county shall be forwarded as soon as available to the campaign finance disclosure commission.

[C97, §1107; S13, §1106, 2754; SS15, §1107; C24, 27, §767, 769, 771, 4203; C31, 35, §767, 769, 771, 4216-c8; C39, §767, 769, 771, 4216.08; C46, 50, 54, 58, 62, 66, 71, 73, §49.51, 49.53, 277.8; C75, §49.49, 49.51; C77, 79, 81, §49.51]

83 Acts, ch 139, §1, 14

49.52 Repealed by 65GA, ch 136, §401.**49.53 Publication of ballot and notice.**

The commissioner shall not less than four nor more than twenty days before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a facsimile of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2, and shall show the

[C51, §259; R60, §494; C73, §620; C97, §1115; C24, 27, 31, 35, 39, §797; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.80] 90 Acts, ch 1238, §21

49.81 Procedure for challenged voter to cast ballot.

1. A prospective voter who is prohibited under section 49.77, subsection 4, or 49.80 from voting except under this section shall be permitted to cast a paper ballot. If a booth meeting the requirement of section 49.25 is not available at that polling place, the precinct election officials shall make alternative arrangements to insure the challenged voter the opportunity to vote in secret. The marked ballot, folded as required by section 49.84, shall be delivered to a precinct election official who shall immediately seal it in an envelope of the type prescribed by subsection 4. The sealed envelope shall be deposited in a special envelope marked "ballots for special precinct" and shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.

2. Each person who casts a special ballot under this section shall receive a printed statement in substantially the following form:

Your qualifications as an elector have been challenged for the following reasons:

- 1.
- 2.
- 3.

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

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

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

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

.....
(signature of elector)

.....
(date)

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

.....
.....

.....
(signature of precinct election official)

[C77, 79, 81, §49.81]
87 Acts, ch 221, §19, 20

49.82 Voter to receive one ballot — endorsement.

One of the precinct election officials shall give the voter one and only one of each of the ballots to be voted at that election in that precinct, except as provided by section 49.100, on the back of which a precinct election official shall endorse the official's initials so that they may be seen when the ballot is properly folded. No ballot without the required official endorsement shall be deposited in the ballot box.

[C97, §1116, 1117; C24, 27, 31, 35, 39, §799; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.82]

Endorsement in primary elections, §43.36

49.83 Names to be marked on election register.

The name of each voter shall be marked on the election register by a precinct election official when the voter's declaration of eligibility has been approved by the officials.

[C51, §260; R60, §495; C73, §621; C97, §1116; C24, 27, 31, 35, 39, §800; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.83]

49.84 Marking and return of ballot.

On receipt of the ballot, the voter shall immediately retire alone to one of the voting booths, and without delay mark the ballot, and, before leaving the voting booth, shall fold the ballot so as to conceal the marks thereon, and deliver it to one of the precinct election officials. No identifying mark or symbol shall be endorsed on the back of the voter's ballot.

[C51, §257; R60, §492; C73, §617; C97, §1117, 1119; S13, §1119; C24, 27, 31, 35, 39, §801; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.84]

49.94 How to mark a straight ticket.

If the names of all the candidates for whom a voter desires to vote in any election other than the primary election appear upon the same ticket, and the voter desires to vote for all candidates whose names appear upon such ticket the voter may do so in any one of the following ways:

1. The voter may place a cross or check in the circle at the top of such ticket without making a cross or check in any square beneath said circle.

2. The voter may place a cross or check in the square opposite the name of each such candidate without making any cross or check in the circle at the top of such ticket.

3. The voter may place a cross or check in the circle at the top of such ticket and also a cross or check in any or all of the squares beneath said circle.

[C97, §1119, 1120; S13, §1119, 1120; C24, 27, 31, 35, 39, §811; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.94]

49.95 Voting part of ticket only.

If the names of all the candidates for whom the voter desires to vote appear upon a single ticket but the voter does not desire to vote for all of the candidates whose names appear thereon, the voter shall place a cross or check in the square opposite the name of each such candidate for whom the voter desires to vote without making any cross or check in the circle at the top of such ticket.

[C97, §1119, 1120; S13, §1119, 1120; C24, 27, 31, 35, 39, §812; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.95]

49.96 Group candidates for offices of same class.

Where two or more offices of the same class are to be filled at the same election, and all of the candidates for such offices, for whom the voter desires to vote, appear upon the voter's party ticket at the top of which the voter has marked a cross or check in the circle, the voter need not otherwise indicate the vote for such candidate; but if the name of any candidate for whom the voter desires to vote for such office appears upon a different ticket, then as to such group of candidates the cross or check in the circle does not apply and to indicate the voter's choice the voter must place a cross or check in the square opposite the name of each such candidate for whom the voter desires to vote whether the same appears under such marked circle or not.

[C97, §1119, 1120; S13, §1119, 1120; C24, 27, 31, 35, 39, §813; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.96]

49.97 How to mark a mixed ticket.

If the names of all candidates for whom a voter desires to vote do not appear upon the same ticket, the voter may indicate the candidates of the voter's choice by marking the ballot in any one of the following ways:

1. The voter may place a cross or check in the circle at the top of a ticket

on which the names of some of the candidates for whom the voter desires to vote appear and also a cross or check in the square opposite the name of each other candidate of the voter's choice, whose name appears upon some ticket other than the one in which the voter has marked the circle at the top.

2. The voter may place a cross or check in the square opposite the name of each candidate for whom the voter desires to vote without placing any cross or check in any circle.

[C97, §1119, 1120; S13, §1119, 1120; C24, 27, 31, 35, 39, §814; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.97]

49.98 Counting ballots.

The ballots shall be counted according to the markings thereon, respectively, as provided in sections 49.92 to 49.97, and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, such ballot shall not be counted for such office. When there is a conflict between the cross or check in the circle on one ticket and the cross or check in the square on another ticket on the ballot, the cross or check in the square shall be held to control, and the cross or check in the circle in such case shall not apply as to that office. Any ballot marked in any other manner than as authorized in sections 49.92 to 49.97, and in such manner as to show that the voter employed such mark for the purpose of identifying the voter's ballot, shall be rejected.

[C97, §1120; S13, §1120; C24, 27, 31, 35, 39, §815; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.98]

49.99 Writing name on ballot.

The voter may also insert in writing in the proper place the name of any person for whom the voter desires to vote and place a cross or check in the square opposite the name. If the voter is using a voting system other than an electronic voting system, as defined in section 52.1, the writing of the name shall constitute a valid vote for the person whose name has been written on the ballot without regard to whether the voter has made a cross or check opposite the name. However, when a write-in vote is cast using an electronic voting system, the ballot must also be marked in the corresponding space in order to be counted. The making of a cross or check in a square opposite a blank without writing a name in the blank, shall not affect the validity of the remainder of the ballot.

If a voter writes the name of a person more than once in the proper places on a ballot or on a voting machine for an office to which more than one person is to be elected, all but one of those votes for that person for that office are void and shall not be counted.

[C97, §1119; S13, §1119; C24, 27, 31, 35, 39, §816; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.99]

86 Acts, ch 1224, §13; 90 Acts, ch 1238, §22

49.100 Spoiled ballots.

Any voter who shall spoil a ballot may, on returning the same to the precinct election officials, receive another in place thereof, but no voter shall receive more than three ballots, including the one first delivered. None but

BLANK



ballots provided in accordance with the provisions of this chapter shall be counted.

[C97, §1121; S13, §1121; C24, 27, 31, 35, 39, §817; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.100]

49.101 Defective ballot does not nullify vote.

No ballot properly marked by the voter shall be rejected:

1. Because of any discrepancy between the printed ballot and the nomination paper, or certificate of nomination, or certified abstract of the canvassing board.

2. Because of any error in stamping or writing the endorsement thereon by the officials charged with such duties.

3. Because of any error on the part of the officer charged with such duty in delivering the wrong ballots at any polling place.

[C97, §1122; C24, 27, 31, 35, 39, §818; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.101]

49.102 Defective ballots.

Said defective ballots shall be counted for the candidate or candidates for such offices named in the nomination papers, certificate of nomination, or certified abstract.

[C97, §1122; C24, 27, 31, 35, 39, §819; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.102]

49.103 Wrong ballots.

Said wrong ballots shall be counted as cast for all candidates for whom the voter had the right to vote, and for whom the voter did vote.

[C97, §1122; C24, 27, 31, 35, 39, §820; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.103]

49.104 Persons permitted at polling places.

The following persons shall be permitted to be present at and in the immediate vicinity of the polling places, provided they do not solicit votes:

1. Any person who is by law authorized to perform or is charged with the performance of official duties at the election.

2. Any number of persons, not exceeding three from each political party having candidates to be voted for at such election, to act as challenging committees, who are appointed and accredited by the executive or central committee of such political party or organization.

3. Any number of persons not exceeding three from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots. Subject to the restrictions of section 51.11, the witnesses may observe the counting of ballots by a counting board during the hours the polls are open in any precinct for which double election boards have been appointed.

4. Any peace officer assigned or called upon to keep order or maintain compliance with the provisions of this chapter, upon request of the commissioner or of the chairperson of the precinct election board.

5. One observer representing any nonparty political organization, any candidate nominated by petition pursuant to chapter 45, or any other nonpartisan candidate in a city or school election, appearing on the ballot of the election in progress.

6. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner before election day. If more than three persons file a notice of intent to serve at the same time with respect to ballot issues at an election, the commissioner shall appoint from those submitting a notice of intent the three persons who may serve at that time as observers, and shall provide a schedule to all persons who filed notices of intent. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues.

[C97, §1124; S13, §1087-a9; C24, 27, 31, 35, 39, §571, 821; C46, 50, 54, 58, 62, 66, 71, 73, §43.43, 49.104; C75, 77, 79, 81, S81, §49.104; 81 Acts, ch 34, §32]

90 Acts, ch 1238, §23

49.105 Ordering arrest.

Any precinct election official shall order the arrest of any person who behaves in a noisy, riotous, tumultuous or disorderly manner at or about the polls, so as to disturb the election, or insults or abuses the officials, or commits a breach of the peace, or violates any of the provisions of this chapter. If the person so arrested is a qualified elector of the precinct which that polling place serves, and has not yet voted, the person shall be permitted to do so before being removed from the polling place.

[C51, §253; R60, §488; C73, §613; C97, §1128; C24, 27, 31, 35, 39, §822, 823; C46, 50, 54, 58, 62, 66, 71, 73, §49.105, 49.106; C75, 77, 79, 81, §49.105]

49.106 Repealed by 65GA, ch 136, §401.

49.107 Prohibited acts on election day.

The following acts, except as specially authorized by law, are prohibited on any election day:

1. Loitering, congregating, electioneering, posting of signs, treating voters, or soliciting votes, during the receiving of the ballots, either on the premises of any polling place or within three hundred feet of any outside door of any building affording access to any room where the polls are held, or of any outside door of any building affording access to any hallway, corridor, stairway, or other means of reaching the room where the polls are held, except this subsection shall not apply to the posting of signs on private property not a polling place.

2. Interrupting, hindering, or opposing any voter while in or approaching the polling place for the purpose of voting.

3. A voter allowing any person to see how the voter's ballot is marked.

4. A false statement by a voter as to the voter's ability to mark a ballot.
5. Interfering or attempting to interfere with a voter when inside the enclosed space, or when marking a ballot.
6. Endeavoring to induce a voter to show how the voter marks, or has marked a ballot.
7. Marking, or causing in any manner to be marked, on any ballot, any character for the purpose of identifying such ballot.
8. Serving as a member of a challenging committee or observer under section 49.104, subsection 2, 5, or 6, by a precinct election official serving at the polls or by an incumbent office holder of, or a candidate for, an office being voted for at the election in progress.

[C97, §1124, 1134; S13, §1137-a5; C24, 27, 31, 35, 39, §824; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.107]

86 Acts, ch 1224, §14; 89 Acts, ch 136, §43 (SF 371); 90 Acts, ch 1238, §24

Assisting voter, §49.90

Opposing by challenge, §49.79

Voting mark, §49.92

49.108 Penalty. Repealed by 84 Acts, ch 1067, §51. See §49.119.

49.109 Employees entitled to time to vote.

Any person entitled to vote at an election in this state who does not have three consecutive hours in the period between the time of the opening and the time of the closing of the polls during which the person is not required to be present at work for an employer, is entitled to such time off from work time to vote as will in addition to the person's nonworking time total three consecutive hours during the time the polls are open. Application by any employee for such absence shall be made individually and in writing prior to the date of the election, and the employer shall designate the period of time to be taken. The employee is not liable to any penalty nor shall any deduction be made from the person's regular salary or wages on account of such absence.

[C97, §1123; C24, 27, 31, 35, 39, §826; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §49.109; 81 Acts, ch 34, §33]

49.110 Intimidation of employees by employer.

Any employer who shall refuse to an employee the privilege conferred by section 49.109, or shall subject such employee to a penalty or reduction of wages because of the exercise of such privilege, or shall in any manner attempt to influence or control such employee as to how the employee shall vote, by offering any reward, or threatening discharge from employment, or otherwise intimidating or attempting to intimidate such employee from exercising the employee's right to vote, shall be guilty of a simple misdemeanor.

[C97, §1123; C24, 27, 31, 35, 39, §827; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.110]

49.111 Unlawful acts.

It shall be unlawful for any person, prior to the closing of the polls, willfully to do any of the following acts:

1. Destroy, deface, tear down, or remove any list of candidates, card of instruction, or specimen ballot posted as provided by law.
 2. Remove or destroy any of the supplies or articles furnished for the purpose of enabling voters to prepare their ballots.
- [C97, §1135; C24, 27, 31, 35, 39, §828; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.111]

Posting required. §43.30, 49.71

49.112 Penalty. Repealed by 84 Acts, ch 1067, §51. See §49.119.

49.113 Official neglect or misconduct.

A public officer upon whom a duty is imposed by this chapter, who willfully neglects to perform the duty, or who willfully performs it in a way as to hinder the object of it, or discloses to anyone, except as ordered by a court, the manner in which a ballot has been voted, is guilty of a serious misdemeanor.

[C97, §1137; C24, 27, 31, 35, 39, §830; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.113]

84 Acts, ch 1219, §2

49.114 Repealed by 65GA, ch 136, §401.

49.115 Repealed by 64GA, ch 1124, §282.

49.116 and 49.117 Repealed by 65GA, ch 136, §401.

49.118 Repealed by 64GA, ch 1025, §35.

49.119 Penalty.

Any person violating or attempting to violate any provisions or requirements of this chapter, or failing or refusing to comply with any order or command of an election officer, made in pursuance of the provisions of this chapter, shall, unless otherwise provided, be guilty of a simple misdemeanor.

[C97, §1133; C24, 27, 31, 35, 39, §836; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.119]

49.120 Promise of position.

It shall be unlawful for any candidate for any office to be voted for at any election, prior to nomination or election, to promise, either directly or indirectly, to support or use the candidate's influence in behalf of any person or persons for any position, place, or office, or to promise directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting the candidate or using

- 50.19 Preservation and destruction of books.
 - 50.20 Notice of number of special ballots.
 - 50.21 Special precinct board reconvened.
 - 50.22 Special precinct board to determine challenges and canvass absentee ballots.
 - 50.23 Messengers for missing tally lists.
 - 50.24 Canvass by board of supervisors.
 - 50.25 Abstract of votes in the general election.
 - 50.26 Duplicate abstracts.
 - 50.27 Declaration of election.
 - 50.28 Tally lists filed.
 - 50.29 Certificate of election.
 - 50.30 Abstracts forwarded to state commissioner.
 - 50.31 Abstracts for governor and lieutenant governor.
 - 50.32 Endorsement on other envelopes.
 - 50.33 Forwarding of envelopes.
 - 50.34 Missing abstracts.
 - 50.35 Abstracts on governor.
 - 50.36 Envelopes containing other abstracts.
 - 50.37 State canvassing board.
 - 50.38 Time of state canvass.
 - 50.39 Abstract.
 - 50.40 Record of canvass.
 - 50.41 Certificate of election.
 - 50.42 Certificates mailed.
 - 50.43 Senator or representative.
 - 50.44 Tie vote.
 - 50.45 Canvass public — result determined.
 - 50.46 Special elections — canvass and certificate.
 - 50.47 Messengers for election tally lists.
 - 50.48 General recount provisions.
-

50.1 Canvass by officials.

At every election conducted under chapter 49, except the primary election provided for by chapter 43, and at every other election unless the law authorizing the election otherwise requires, the vote shall be canvassed at each polling place by the election board in the manner prescribed by this chapter. When the poll is closed, the precinct election officials shall forthwith, and without adjournment:

1. Publicly canvass the vote, and credit each candidate with the number of votes counted for the candidate.
2. Ascertain the result of the vote.
3. Prepare in writing a list of any apparently or possibly erroneous information appearing in the precinct election register.

4. Designate two election board members, not members of the same political party, who shall each separately keep a tally list of the count.

[C51, §261, 266; R60, §496, 501; C73, §622, 626; C97, §1138; C24, 27, 31, 35, 39, §840; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.1]

50.2 One tally list in certain machine precincts.

In any precinct where an election is held by means of voting machines which deliver, immediately upon conclusion of the voting, multiple copies of a printed record of the votes cast and the totals for each candidate or question appearing on the face of the machine, the requirement of section 50.1, subsection 4 that two election board members keep separate tally lists of the vote count shall not apply.

[C77, 79, 81, §50.2]

50.3 Double or defective ballots.

If two or more marked ballots are so folded together as to appear to be cast as one, the precinct election officials shall endorse thereon "Rejected as double". Such ballots shall not be counted, but shall be folded together and kept as hereinafter directed. Every ballot not counted shall be endorsed "Defective" on the back thereof.

[C51, §262; R60, §497; C73, §623; C97, §1139; C24, 27, 31, 35, 39, §842; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.3]

50.4 Ballots objected to.

Every ballot objected to by a precinct election official or challenger, but counted, shall be endorsed on the back thereof, "Objected to", and there shall also be endorsed thereon, and signed by the officials, a statement as to how it was counted.

[C97, §1139; C24, 27, 31, 35, 39, §843; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.4]

50.5 Disputed ballots returned separately.

All ballots endorsed as required by sections 50.3 and 50.4 shall be enclosed and securely sealed in an envelope, on which the precinct election officials shall endorse "Disputed ballots", with a signed statement of the precinct in which, and date of the election at which, they were cast.

[C97, §1139; C24, 27, 31, 35, 39, §844; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.5]

50.6 Votes in excess of voter declarations.

If the number of votes cast for any office or on any question exceeds the number of voters declarations of eligibility signed as required by section 49.77, such fact shall be certified, with the number of the excess, in the return.

[C51, §263; R60, §498; C73, §627; C97, §1140; C24, 27, 31, 35, 39, §845; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.6]

50.16 Tally list of board.

The tally list shall be prepared in writing by the election board, giving, in legibly printed numerals, the whole number of ballots cast for each officer, except those rejected, the name of each person voted for, and the number of votes given to each person for each different office; which tally list shall be signed by the precinct election officials, and be substantially as follows:

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

A B had votes.

C D had votes.

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

A true tally list:

L M Election Board

N O Members.

P Q

Attest:

R S Designated Tally

T U Keepers.

[C51, §267, 303; R60, §502, 537; C73, §628, 661; C97, §1144; C24, 27, 31, 35, 39, §855; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.16]

50.17 Return of election register.

The precinct election register prepared for each election, together with the ballots to be returned pursuant to section 50.12, if any, and the signed and attested tally list, shall be delivered to the commissioner by one of the precinct election officials by noon of the day following the election.

[C51, §268; R60, §333, 503, 1131; C73, §503, 629; C97, §1145; C24, 27, 31, 35, 39, §856; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.17]

50.18 Repealed by 65GA, ch 136, §401.

50.19 Preservation and destruction of books.

The commissioner may destroy precinct election registers, the declarations of eligibility signed by voters, and other material pertaining to any election in which federal offices are not on the ballot, except the tally lists, six months after the election if a contest is not pending. If a contest is pending all election materials shall be preserved until final determination of the contest. Before destroying the election registers and declarations of eligibility, the commissioner shall prepare records as necessary to permit compliance with section 48.31, subsection 1. Nomination papers for primary election candidates for state and county offices shall be destroyed ten days before the general election, if a contest is not pending.

Material pertaining to elections for federal offices, including ballots, precinct election registers, declarations of eligibility signed by voters, documents relating to absentee ballots, and challenges of voters, shall be preserved for twenty-two months after the election. If a contest is not pending the materials may be destroyed at the end of the retention period.

[C51, §268; R60, §333, 503, 1131; C73, §503, 629; C97, §1145; C24, 27, 31, 35, 39, §858; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.19] 89 Acts, ch 136, §46 (SF 371)

50.20 Notice of number of special ballots.

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

[C77, 79, 81, §50.20] 87 Acts, ch 221, §22]

50.21 Special precinct board reconvened.

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

If no special ballots were cast in the county pursuant to section 49.81 at any election, the special precinct election board need not be so reconvened. If the number of special ballots so cast at any election is not sufficient to require reconvening of the entire election board of the special precinct, the commissioner may reconvene only the number of members required. If the number of special ballots cast at any election exceeds the number of absentee ballots cast, the size of the special precinct election board may be increased at the commissioner's discretion. The commissioner shall observe the requirements of sections 49.12 and 49.13 in making adjustments to the size of the special precinct election board.

[C77, 79, 81, §50.21; 81 Acts, ch 34, §35] 87 Acts, ch 221, §23; 90 Acts, ch 1238, §25

50.22 Special precinct board to determine challenges and canvass absentee ballots.

Upon being reconvened, the special precinct election board shall review the information upon the envelopes bearing the special ballots, and all evidence submitted in support of or opposition to the right of each challenged person to vote in the election. The board may divide itself into panels of not less than three members each in order to hear and determine two or more challenges simultaneously, but each panel shall meet the requirements of section 49.12 as regards political party affiliation of the members of each panel.

The decision to count or reject each ballot shall be made upon the basis of the information given on the envelope containing the special ballot, the evidence concerning the challenge, the registration and the returned receipts of registration. If the challenged voter's registration was canceled in the same county where the person attempted to vote because first class mail other than the registration receipt mailed pursuant to section 48.3 was returned by the postal service during the four years preceding the election in progress, the person's ballot shall be accepted for counting and the elector's registration shall be reinstated.

If a special ballot is rejected, the person casting the ballot shall be notified by the commissioner within ten days of the reason for the rejection, on the form prescribed by the state commissioner pursuant to section 53.25, and the envelope containing the special ballot shall be preserved unopened and disposed of in the same manner as spoiled ballots. The special ballots which are accepted shall be counted in the manner prescribed by section 53.24. The commissioner shall make public the number of special ballots rejected and not counted, at the time of the canvass of the election.

The special precinct board shall also canvass any absentee ballots which were received after the polls closed in accordance with section 53.17. If necessary, they shall reconvene again on the day of the canvass by the board of supervisors to canvass any absentee ballots which were timely received. The special precinct board shall submit their tally list to the supervisors before the conclusion of the canvass by the board.

[C77, 79, 81, §50.22]

87 Acts, ch 221, §24; 88 Acts, ch 1119, §20; 89 Acts, ch 136, §47, 48 (SF 371)

50.23 Messengers for missing tally lists.

The commissioner shall send messengers for all tally lists not received in the commissioner's office by noon of the day following the election. The expense of securing such tally lists shall be paid by the county.

[C51, §270; R60, §505; C73, §634; C97, §1148; C24, 27, 31, 35, 39, §862; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.23]

Mileage paid messengers, §50.47

50.24 Canvass by board of supervisors.

The county board of supervisors shall meet to canvass the vote on the first Monday or Tuesday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass. If that Monday or Tuesday is a public holiday, section 4.1, subsection 22 controls. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating, in words written at length, the number of votes cast in the county, or in that portion of the county in which the election was held, for each office and on each question on the ballot for the election. The board shall contact the chairperson of the special precinct board before adjourning and include in the canvass any absentee ballots which were received after the polls closed in accordance with section 53.17 and which were canvassed by the special precinct board after election day. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election.

Any obvious clerical errors in the tally lists from the precincts shall be corrected by the supervisors. Complete records of any changes shall be recorded in the minutes of the canvass.

[C51, §271, 304, 305; R60, §335, 506, 538, 539, 1131; C73, §502, 503, 631, 635, 662; C97, §1146, 1149; C24, 27, 31, 35, 39, §859, 860, 863; C46, 50, 54, 58, 62, 66, 71, 73, §50.20, 50.21, 50.24; C75, 77, 79, 81, §50.24]

84 Acts, ch 1291, §10; 89 Acts, ch 136, §49 (SF 371); 90 Acts, ch 1238, §26

50.25 Abstract of votes in the general election.

At the canvass of the general election, the abstract of the votes for each of the following classes shall be made on a different sheet:

1. President and vice president of the United States.
2. Senator in the Congress of the United States.
3. Representative in the Congress of the United States.
4. Governor and lieutenant governor.
5. A state officer not otherwise provided for.
6. Senator or representative in the general assembly by districts.
7. A county officer.

[C51, §272, 304, 305; R60, §507, 538, 539; C73, §636, 662; C97, §1150; S13, §1150; C24, 27, 31, 35, 39, §864; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.25]

50.26 Duplicate abstracts.

All abstracts of votes cast in the general election, except the abstracts of votes for county officers, shall be made in duplicate, and signed by the board of county canvassers. One of said abstracts shall be forwarded to the state commissioner, and the other filed by the commissioner.

C51, §272, 304, 305; R60, §507, 538, 539; C73, §637, 662; C97, §1151; S13, §1151; C24, 27, 31, 35, 39, §865; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.26]

50.43 Senator or representative.

The certificate of the election of a senator or representative in Congress shall be signed by the governor, with the seal of the state affixed, and be countersigned by the secretary of state.

[C51, §294; R60, §528; C73, §658; C97, §1166; C24, 27, 31, 35, 39, §882; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.43]

50.44 Tie vote.

If more than the requisite number of persons, including presidential electors, are found to have an equal and the highest number of votes, the election of one of them shall be determined by lot. The name of each of such candidates shall be written on separate pieces of paper, as nearly uniform in size and material as possible, and placed in a receptacle so that the names cannot be seen. In the presence of the board of canvassers, one of them shall publicly draw one of such names, and such person shall be declared elected. The result of such drawing shall be entered upon the abstract of votes and duly recorded, and a certificate of election issued to such person, as provided in this chapter.

[C51, §281, 282, 307, 316; R60, §515, 516, 541, 547; C73, §632, 643, 644, 664; C97, §1169, 2754; S13, §2754; C24, §883, 4204; C27, §883, 4204, 4211-b8; C31, 35, §883, 4216-c21; C39, §883, 4216.21; C46, 50, 54, 58, 62, 66, 71, 73, §50.44, 277.21; C75, 77, 79, 81, §50.44]

50.45 Canvass public — result determined.

All canvasses of tally lists shall be public, and the persons having the greatest number of votes shall be declared elected. When a public measure has been submitted to the electors, the proposition shall be declared to have been adopted if the vote cast in favor of the question is greater than fifty percent of the total vote cast in favor and against the question, unless laws pertaining specifically to the public measure election establish a higher percentage of a favorable vote. All ballots cast and not counted as a vote in favor or against the proposition shall not be used in computing the total vote cast in favor and against the proposition.

[C51, §262, 273, 307; R60, §497, 508, 541; C73, §623, 638, 664; C97, §1170; C24, 27, 31, 35, 39, §884; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.45] 88 Acts, ch 1119, §21

50.46 Special elections — canvass and certificate.

When a special election has been held to fill a vacancy, pursuant to section 69.14, the board of county canvassers shall meet at one o'clock in the afternoon of the second day after the election, and canvass the votes cast at the election. The commissioner, as soon as the canvass is completed, shall transmit to the state commissioner an abstract of the votes so canvassed, and the state board, within five days after receiving such abstracts, shall canvass the tally lists. A certificate of election shall be issued by the county or state board of canvassers, as in other cases. All the provisions regulating elections,

obtaining tally lists, and canvass of votes at general elections, except as to time, shall apply to special elections.

[R60, §673; C73, §791-793; C97, §1171; C24, 27, 31, 35, 39, §885; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.46]

90 Acts, ch 1238, §27

50.47 Messengers for election tally lists.

Messengers sent for the tally lists of elections shall be paid from the state or county treasury for necessary travel expense.

[C51, §295; R60, §529; C73, §3827; C97, §1172; C24, 27, 31, 35, 39, §886; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.47]

50.48 General recount provisions.

1. The county board of canvassers shall order a recount of the votes cast for a particular office or nomination in one or more specified election precincts in that county if a written request therefor is made not later than five o'clock p.m. on the third day following the county board's canvass of the election in question. The request shall be filed with the commissioner of that county, or with the commissioner responsible for conducting the election if section 47.2, subsection 2 is applicable, and shall be signed by either of the following:

a. A candidate for that office or nomination whose name was printed on the ballot of the precinct or precincts where the recount is requested.

b. Any other person who receives votes for that particular office or nomination in the precinct or precincts where the recount is requested and who is legally qualified to seek and to hold the office in question.

2. The candidate requesting a recount under this section shall post a bond, unless the abstracts prepared pursuant to section 50.24, or section 43.49 in the case of a primary election, indicate that the difference between the total number of votes cast for the apparent winner and the total number of votes cast for the candidate requesting the recount is less than the greater of fifty votes or one percent of the total number of votes cast for the office or nomination in question. Where votes cast for that office or nomination were canvassed in more than one county, the abstracts prepared by the county boards in all of those counties shall be totaled for purposes of this subsection. If a bond is required, it shall be filed with the state commissioner for recounts involving a state office, including a seat in the general assembly, or a seat in the United States Congress, and with the commissioner responsible for conducting the election in all other cases, and shall be in the following amount:

a. For an office filled by the electors of the entire state, one thousand dollars.

b. For United States representative, five hundred dollars.

c. For senator in the general assembly, three hundred dollars.

d. For representative in the general assembly, one hundred fifty dollars.

e. For an office filled by the electors of an entire county having a population of fifty thousand or more, two hundred dollars.

- 52.5 Testing and examination of voting equipment.
- 52.6 Compensation.
- 52.7 Construction of machine approved.
- 52.8 Experimental use.
- 52.9 Duties of local authorities — certificate of test.
- 52.10 Ballots — form.
- 52.11 Locking of unused party row.
- 52.12 Exception — party circle and general form.
- 52.13 Sample ballots.
- 52.14 Two sets of ballots.
- 52.15 Delivery of ballots and supplies.
- 52.16 Duties of election officers — independent ballots.
- 52.17 Voting machine in plain view.
- 52.18 Method of voting.
- 52.19 Instructions.
- 52.20 Injury to machine.
- 52.21 Canvass of vote — tally sheet.
- 52.22 Locking machine.
- 52.23 Written statements of election — other papers.
- 52.24 What statutes apply — separate ballots.
- 52.25 Summary of amendment or public measure.

ELECTRONIC VOTING SYSTEMS

- 52.26 Authorized electronic voting system.
- 52.27 Commissioner to provide electronic voting equipment.
- 52.28 Electronic voting system ballot forms.
- 52.29 Electronic voting system sample ballots.
- 52.30 Procedure where votes cast on ballot cards.
- 52.31 Procedure where votes cast on special paper ballots.
- 52.32 Procedure upon closing polls.
- 52.33 Absentee voting by electronic voting system.
- 52.34 Counting center established.
- 52.35 Equipment tested.
- 52.36 Commissioner in charge of counting center.
- 52.37 Counting center tabulation procedure.
- 52.38 Testing portable tabulating devices.

52.1 Alternative voting systems — definitions.

1. At all elections conducted under chapter 49, and at any other election unless specifically prohibited by the statute authorizing the election, votes may be cast, registered, recorded and counted by means of either voting machines or electronic voting systems, in accordance with this chapter.
2. As used in this chapter, unless the context otherwise requires:

a. "*Voting machine*" means a mechanical or electronic device, meeting the requirements of section 52.7, designated for use in casting, registering, recording, and counting votes at an election.

b. "*Electronic voting system*" means a system employing special paper ballots or ballot cards and ballot labels, under which votes are:

(1) Cast by voters by marking special paper ballots with a vote marking device, or by marking ballot cards by use of a voting punch device; and

(2) Thereafter counted by use of automatic tabulating equipment.

c. "*Special paper ballot*" means a printed ballot designed to be marked by a voter with a vote marking device.

d. "*Vote marking device*" means a pen, pencil or similar writing tool for use in marking a special paper ballot, so designed or fabricated that the mark it leaves may be detected and the vote so cast counted by automatic tabulating equipment.

e. "*Ballot card*" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device.

f. "*Ballot label*" means the cards, papers, booklet, pages or other material on which appear the names of offices and candidates and the statements of public questions to be voted on at any election by means of ballot cards.

g. "*Voting punch device*" means an apparatus to which is affixed a ballot label, and in which a ballot card may be inserted and marked by the voter by piercing the ballot card at appropriate points with a stylus provided for the purpose. The hole or mark made by the stylus may be round, square, rectangular or any other shape that will clearly indicate the intent of the voter.

h. "*Ballot*" includes a special paper ballot and a ballot card and its associated ballot label. In appropriate contexts, "ballot" also includes conventional paper ballots.

i. "*Automatic tabulating equipment*" means apparatus, including but not limited to electronic data processing machines, which may be utilized to ascertain the manner in which either special paper ballots or ballot cards have been marked by voters, and count the votes marked thereon.

j. "*Counting center*" means any place selected by the commissioner where automatic tabulating equipment is available, or is placed, for the purpose of counting votes marked on ballots cast in two or more precincts.

k. "*Program*" means the written record of the set of instructions defining the operations to be performed by a computer in examining, counting, tabulating, and printing votes.

[S13, §1137-a7; C24, 27, 31, 35, 39, §904; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.1]

86 Acts, ch 1224, §17, 18

52.2 Purchase.

The board of supervisors of any county may, by a majority vote, authorize, purchase, and order the use of either voting machines or an electronic voting system in any one or more voting precincts within said county until otherwise

ordered by said board of supervisors. Voting machines and an electronic voting system may be used concurrently at different precincts within any county, but not at the same precinct.

[S13, §1137-a8; C24, 27, 31, 35, 39, §905; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.2]

52.3 Terms of purchase — tax levy.

The county board of supervisors, on the adoption and purchase of a voting machine or an electronic voting system, may issue bonds under section 331.441, subsection 2, paragraph “b”, subparagraph (1).

[S13, §1137-a14; C24, 27, 31, 35, 39, §906; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §52.3; 81 Acts, ch 117, §1009]

83 Acts, ch 123, §46, 209

52.4 Examiners — term — removal.

The governor shall appoint three members to a board of examiners for voting machines and electronic voting systems, not more than two of whom shall be from the same political party. The examiners shall hold office for the term of five years, subject to removal at the pleasure of the governor.

[S13, §1137-a9; C24, 27, 31, 35, 39, §907; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.4]

52.5 Testing and examination of voting equipment.

A person or corporation owning or being interested in a voting machine or electronic voting system may request that the state commissioner call upon the board of examiners to examine and test the machine or system. Within seven days of receiving a request for examination and test, the state commissioner shall notify the board of examiners of the request in writing and set a time and place for the examination and test.

The state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the testing and examination of any voting machine or electronic voting system by the board of examiners. The rules shall prescribe the method to be used in determining whether the machine or system is suitable for use within the state and performance standards for voting equipment in use within the state. The rules shall include standards for determining when recertification is necessary following modifications to the equipment or to the programs used in tabulating votes, and a procedure for rescinding certification if a system or machine is found not to comply with performance standards adopted by the state commissioner.

The state commissioner may employ a competent person or persons to assist the examiners in their evaluation of the equipment and to advise the examiners as to the sufficiency of the equipment. Consultant fees shall be paid by the person who requested the certification. Following the examination and testing of the voting machine or system the examiners shall report to the state commissioner describing the testing and examination

of the machine or system and upon the capacity of the machine or system to register the will of voters, its accuracy and efficiency, and with respect to its mechanical perfections and imperfections. Their report shall be filed in the office of the state commissioner and shall state whether in their opinion the kind of machine or system so examined can be safely used by voters at elections under the conditions prescribed in this chapter. If the report states that the machine or system can be so used, it shall be deemed approved by the examiners, and machines or systems of its kind may be adopted for use at elections as provided in this section. Any form of voting machine or system not so approved cannot be used at any election. Before actual use by a county of a particular electronic voting system which has been approved for use in this state, the state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the development of vote counting programs and all procedures used in actual counting of votes by means of that system.

[S13, §1137-a10; C24, 27, 31, 35, 39, §908; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.5]

86 Acts, ch 1224, §19; 89 Acts, ch 136, §50 (SF 371)

52.6 Compensation.

Each examiner is entitled to one hundred fifty dollars for compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination. No examiner shall have any interest whatever in any machine or system reported upon. Provided that each examiner shall receive not to exceed fifteen hundred dollars and reasonable expenses in any one year; and all sums collected for such examinations over and above said maximum salaries and expenses shall be turned in to the state treasury.

[S13, §1137-a10; C24, 27, 31, 35, 39, §909; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.6]

52.7 Construction of machine approved.

A voting machine approved by the state board of examiners for voting machines and electronic voting systems must be so constructed as to provide facilities for voting for the candidates of at least seven different parties or organizations, must permit a voter to vote for any person for any office although not nominated as a candidate by any party or organization, and must permit voting in absolute secrecy.

It must also be so constructed as to prevent voting for more than one person for the same office, except where the voter is lawfully entitled to vote for more than one person for that office; and it must afford the voter an opportunity to vote for any or all persons for that office as the voter is by law entitled to vote for and no more, at the same time preventing the voter from voting for the same person twice.

It may also be provided with one ballot in each party column or row containing only the words "presidential electors", preceded by the party

for machines which do not print such a record.

Whenever independent ballots have been voted, the officials shall return all of such ballots properly secured in a sealed package as prescribed by section 50.12.

[S13, §1137-a25; C24, 27, 31, 35, 39, §924; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.22]
88 Acts, ch 1119, §24

Independent ballots, §52.16
Locking unused party row, §52.11

52.23 Written statements of election — other papers.

After the total vote for each candidate has been ascertained, and before leaving the room or voting place, the precinct election officials shall make and sign the canvass forms referred to in section 52.21, which canvass shall serve as a written statement of election. Said canvass statement shall be in lieu of the tally list required in section 50.16.

The inspection sheets from each machine used in the election and one copy of the printed results from each machine shall be signed by all precinct election officials and, with any paper or papers upon which write-in votes were recorded by voters, shall be securely sealed in an envelope marked with the name and date of the election, the precinct, and the serial numbers of the machines from which the enclosed results were removed. This envelope shall be preserved, unopened, for six months unless a recount is requested pursuant to section 50.48. The envelope shall be destroyed in the same manner as ballots pursuant to section 50.13. Additional copies of the results, if any, shall be delivered to the commissioner with the other supplies from the election pursuant to section 50.17.

[S13, §1137-a26; C24, 27, 31, 35, 39, §925; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.23]
86 Acts, ch 1224, §23

52.24 What statutes apply — separate ballots.

All of the provisions of the election law not inconsistent with the provisions of this chapter shall apply with full force to all counties adopting the use of voting machines. Nothing in this chapter shall be construed as prohibiting the use of a separate ballot for public measures.

[S13, §1137-a27; C24, 27, 31, 35, 39, §926; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.24]

See also §49.43, 49.44

52.25 Summary of amendment or public measure.

The question of a constitutional convention, amendments, and public measures including bond issues may be voted on voting machines and on special paper ballots and ballot cards in the following manner:

The entire convention question, amendment or public measure shall be printed and displayed prominently in at least four places within the voting precinct, and inside each voting booth, or on the left-hand side inside the

curtain of each voting machine, the printing to be in conformity with the provisions of chapter 49. The public measure shall be summarized by the commissioner and in the largest type possible printed on the special paper ballots, ballot cards, or inserts used in the voting machines, except that:

1. In the case of the question of a constitutional convention, or of an amendment or measure to be voted on in the entire state, the summary shall be worded by the state commissioner of elections as required by section 49.44.

2. In the case of a public question to be voted on in a political subdivision lying in more than one county, the summary shall be worded by the commissioner responsible under section 47.2 for conducting that election.

[C62, 66, 71, 73, 75, 77, 79, 81, §52.25]

88 Acts, ch 1119, §25

ELECTRONIC VOTING SYSTEMS

52.26 Authorized electronic voting system.

Every electronic voting system approved by the state board of examiners for voting machines and electronic voting systems shall:

1. Provide for voting in secrecy, except as to persons entitled by sections 49.90 and 49.91 to assistance. The state board of examiners for voting machines and electronic voting systems shall determine whether the systems' voting booths provide for voting in secrecy.

2. Permit each voter to vote at any election for any candidate for each office and upon each public question with respect to which the voter is entitled by law to vote, while preventing the voter from voting more than once upon any public question or casting more votes for any office than there are persons to be elected to that office.

3. Permit a voter to vote for any person for any office on the ballot at that election, whether or not the person's name is printed on the ballot.

4. Be so constructed or designed that, when voting in a primary election in which candidates are nominated by political parties, a voter is limited to the candidates for the nominations of the political party with which that voter is affiliated.

5. Be so constructed or designed that in presidential elections the voter casts a vote for the presidential electors of any party or political organization by a single mark or punch made opposite the name of the candidates of that party or organization for the offices of both president and vice president of the United States, and so that the voter is also provided the opportunity to write in the name of any person for whom the voter desires to vote for president or vice president of the United States.

6. Be so constructed or designed as to permit voting for candidates for nomination or election of at least seven different political parties or organizations, and to permit voting for all of the candidates of any one political party or organization by a single mark or punch, at any one election.

7. The voting punch device shall be so constructed and designed so if an elector makes an error in marking the ballot, the machine shall indicate the error and permit the elector to make a correction according to the provisions of section 52.30, subsection 4.

[C77, 79, 81, §52.26]

90 Acts, ch 1007, §2

1990 amendment to subsection 1 takes effect May 3, 1990, and is retroactively applicable to voting booths and electronic voting systems approved by the board of examiners and furnished before that date; 90 Acts, ch 1238, §44

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52.38 Testing portable tabulating devices.

All portable tabulating devices shall be tested before any election in which they are to be used following the procedure in section 52.35, subsection 2. Testing shall be completed not later than twelve hours before the opening of the polls on the morning of the election. The portable tabulating devices shall be tested at the polling place where they are to be used. The chairperson of each political party shall be notified in writing of the time the devices will be tested so that the chairperson or a representative may be present. Those present for the test shall sign a certificate which shall read substantially as follows:

The undersigned certify that we were present and witnessed the testing of the portable tabulating devices in the following precincts, that we believe the devices are in proper condition for use in the election of, 19; that following the test the vote totals were erased from the memory of each portable tabulating device and a report was produced showing that all vote totals in the memory were set at 0000; that the devices were securely locked or sealed; and that the serial numbers and locations of the devices which were tested are listed below.

Signed
(name and political party affiliation)

.....
(name and political party affiliation)

.....
Voting equipment custodian

Dated 19

Precinct	Location	Serial Number
.....
.....
.....

86 Acts, ch 1224, §27

CHAPTER 53

ABSENT VOTERS LAW

Chapter applicable to primary elections, §43.5
Definitions in §39.3 applicable to this chapter

- 53.1 Right to vote — conditions.
- 53.2 Application for ballot.
- 53.3 Special absentee ballot. Repealed by 87 Acts, ch 221, §36.
- 53.4 through 53.6 Reserved.
- 53.7 Solicitation by public employees.
- 53.8 Ballot mailed.
- 53.9 and 53.10 Repealed by 64GA, ch 1025, §35.
- 53.11 Personal delivery of absentee ballot.
- 53.12 Duty of commissioner.
- 53.13 Voter's affidavit on envelope.
- 53.14 Party affiliation.
- 53.15 Marking ballot.
- 53.16 Subscribing to affidavit.
- 53.17 Mailing or delivering ballot.
- 53.18 Manner of preserving ballot and application.
- 53.19 Listing absentee ballots.
- 53.20 Special precinct established.
- 53.21 Replacement of lost absentee ballots.
- 53.22 Balloting by confined persons.
- 53.23 Special precinct election board.
- 53.24 Counties using voting machines.
- 53.25 Rejecting ballot.
- 53.26 Rejected ballots — how handled.
- 53.27 Rejection of ballot — return of envelope.
- 53.28 and 53.29 Repealed by 65GA, ch 136, §401.
- 53.30 Ballot envelope preserved.
- 53.31 Challenges.
- 53.32 Ballot of deceased voter.
- 53.33 Repealed by 65GA, ch 136, §401.
- 53.34 False affidavit.
- 53.35 Refusal to return ballot.
- 53.36 Offenses by officers.

ABSENT VOTING BY ARMED FORCES

- 53.37 "Armed forces" defined.
- 53.38 Affidavit constitutes registration.
- 53.39 Request for ballot — when available.
- 53.40 Request requirements — transmission of ballot.
- 53.41 Records by commissioner — excess requests or ballots.
- 53.42 Voting in person in commissioner's office.

- 53.43 Identification on envelope.
- 53.44 Affidavit to be signed and returned.
- 53.45 Special absentee ballot.
- 53.46 Powers and duties of state commissioner.
- 53.47 Materials furnished by department of general services.
- 53.48 Postage on ballots.
- 53.49 Applicable to armed forces and other citizens.
- 53.50 Appropriation.
- 53.51 Rule of construction.
- 53.52 Inconsistent provisions — rule.
- 53.53 Federal write-in ballots.

53.1 Right to vote — conditions.

Any qualified elector may, subject to the provisions of this chapter, vote at any election:

1. When the elector expects to be absent on election day during the time the polls are open from the precinct in which the elector is a qualified elector.
2. When, through illness or physical disability, the elector expects to be prevented from going to the polls and voting on election day.
3. When the elector expects to be unable to go to the polls and vote on election day.

[SS15, §1137-b; C24, 27, 31, 35, 39, §927; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.1]
90 Acts, ch 1238, §28

53.2 Application for ballot.

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

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

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

If the application is for a primary election ballot and the request is for a ballot of a party different from that recorded on the qualified elector's

voter registration record, the requested ballot shall be mailed or given to the applicant together with a "*Change or Declaration of Party Affiliation*" form as prescribed in section 43.42, to be completed by the qualified elector at the time of voting. Upon receipt of the properly completed form, the commissioner shall approve the change or declaration and enter a notation of the change on the registration records.

If an application for an absentee ballot is received from an eligible elector who is not a qualified elector the commissioner shall send a registration form under section 48.3 and an absentee ballot to the eligible elector. If the application is received so late that it is unlikely that the registration form can be returned in time to be effective on election day, the commissioner shall enclose with the absentee ballot a notice to that effect, informing the voter of the registration time limits in sections 48.3 and 48.11. The commissioner shall record on the elector's application that the elector is not currently registered to vote. If the registration form is properly returned by the time provided by section 48.3, the commissioner shall record on the elector's application the date of receipt of the registration form and enter a notation of the registration on the registration records.

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

[SS15, §1137-c, -d; C24, 27, 31, 35, 39, §928, 930; C46, 50, 54, 58, 62, 66, 71, §53.2, 53.4; C73, 75, 77, 79, 81, §53.2]

83 Acts, ch 176, §6; 84 Acts, ch 1291, §11; 86 Acts, ch 1224, §28; 87 Acts, ch 221, §25

53.3 Special absentee ballot. Repealed by 87 Acts, ch 221, §36. See §53.45.

53.4 through 53.6 Reserved.

53.7 Solicitation by public employees.

It shall be unlawful for any employee of the state or any political subdivision thereof to solicit any application or request for application for an absentee ballot, or to take an affidavit in connection with any absentee ballot. However, any such employee may take such affidavit in connection with an absentee ballot which is cast by the qualified elector in person in the office where such employee is employed in accordance with section 53.11. This section shall not apply to any elected official.

[SS15, §1137-d; C24, 27, 31, 35, 39, §933; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.7]

Qualified electors who are blind, cannot read, or because of any other physical disability, are unable to mark their own absentee ballot, may have the assistance of any person the qualified elector may select.

[SS15, §1137-g; C24, 27, 31, 35, 39, §941; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.15]

84 Acts, ch 1291, §15

53.16 Subscribing to affidavit.

After marking the ballot, the voter shall make and subscribe to the affidavit on the reverse side of the envelope, and fold the ballot or ballots, separately, so as to conceal the markings on them, and deposit them in the envelope, and securely seal the envelope.

[SS15, §1137-g; C24, 27, 31, 35, 39, §942; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.16]

84 Acts, ch 1291, §16

53.17 Mailing or delivering ballot.

The sealed envelope containing the absentee ballot shall be enclosed in a carrier envelope which shall be securely sealed. The sealed carrier envelope shall be returned to the commissioner by one of the following methods:

1. The sealed carrier envelope may be delivered by the qualified elector or the elector's designee to the commissioner's office no later than the time the polls are closed on election day.

2. The sealed carrier envelope may be mailed to the commissioner. The carrier envelope shall indicate that greater postage than ordinary first class mail may be required. The commissioner shall pay any insufficient postage due on a carrier envelope bearing ordinary first class postage and accept the ballot.

In order for the ballot to be counted, the carrier envelope must be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than noon on the Monday following the election.

If the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, absentee ballots returned through the mail must be received not later than the time established for the canvass by the board of supervisors for that election. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour before the canvass by the board of supervisors for that election, and shall arrange for absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office before the canvass for that election by the board of supervisors.

[SS15, §1137-g; C24, 27, 31, 35, 39, §943; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.17; 81 Acts, ch 34, §36]

84 Acts, ch 1291, §17; 87 Acts, ch 221, §26; 90 Acts, ch 1238, §29

53.18 Manner of preserving ballot and application.

Upon receipt of the absentee ballot, the commissioner shall at once record the number appearing on the application and return carrier envelope and time of receipt of such ballot and enclose the same, unopened, together with the application made by the qualified elector, in a large carrier envelope on which shall appear the words "This envelope contains an absent voter's ballot for the election", and securely seal the same.

[SS15, §1137-h, -i; C24, 27, 31, 35, 39, §944; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.18]

89 Acts, ch 136, §52 (SF 371)

53.19 Listing absentee ballots.

The commissioner shall maintain a list of the absentee ballots provided to qualified electors, the serial number appearing on the unsealed envelope, the date the application for the absentee ballot was received, and the date the absentee ballot was sent to the qualified elector requesting the absentee ballot.

The commissioner shall provide each precinct election board with a list of all qualified electors from that precinct who have received an absentee ballot. The precinct officials shall immediately designate on the election register those qualified electors who have received an absentee ballot and are not entitled to vote in person at the polls.

However, any qualified elector who has received an absentee ballot and not voted it, may surrender the unmarked absentee ballot to the precinct officials and vote in person at the polls. The precinct officials shall mark the uncast absentee ballot "void" and return it to the commissioner. Any qualified elector who has been sent an absentee ballot by mail but for any reason has not received it may appear at the elector's precinct polling place on election day and sign an affidavit to that effect, after which the elector shall be permitted to vote in person. The form of the affidavit for use in such cases shall be prescribed by the state commissioner.

[C71, §53.4; C73, §53.2; C75, 77, 79, 81, §53.19]

53.20 Special precinct established.

There is established in each county a special precinct to be known as the absentee ballot and special voters precinct. Its jurisdiction shall be conterminous with the borders of the county, for the purposes specified by sections 53.22 and 53.23, and the requirement that precincts not cross the boundaries of legislative districts shall not be applicable to it. The commissioner shall draw up an election board panel for the special precinct in the manner prescribed by section 49.15, having due regard for the nature and extent of the duties required of members of the election board and the election officers to be appointed from the panel.

[C77, 79, 81, §53.20]

53.21 Replacement of lost absentee ballots.

A voter who has requested an absentee ballot may obtain a replacement ballot if the voter declares that the original ballot was lost or did not arrive. The commissioner upon receipt of a written or oral request for a replacement ballot shall provide a duplicate ballot. The same serial number that was assigned to the records of the original absentee ballot request shall be used

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Absentee ballots voted under this subsection shall be delivered to the commissioner no later than the time the polls are closed on election day. If the ballot is returned by mail the carrier envelope must be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner no later than the time established for the canvass by the board of supervisors for that election.

[C71, 73, 75, §53.17; C77, 79, 81, §53.22; 81 Acts, ch 34, §37]

84 Acts, ch 1291, §18, 19; 85 Acts, ch 67, §8; 87 Acts, ch 221, §27, 28; 88 Acts, ch 1119, §28

53.23 Special precinct election board.

1. The election board of the absentee ballot and special voters precinct shall be appointed by the commissioner in the manner prescribed by sections 49.12 and 49.13, except that the number of precinct election officials appointed to the board shall be sufficient to complete the counting of absentee ballots by ten o'clock p.m. on election day.

2. The board's powers and duties shall be the same as those provided in chapter 50 for precinct election officials in regular precinct polling places. However, the election board of the special precinct shall receive from the commissioner and count all absentee ballots for all precincts in the county; when two or more political subdivisions in the county hold elections simultaneously the special precinct election board shall count absentee ballots cast in all of the elections so held. The tally list shall be recorded on forms prescribed by the state commissioner.

3. The commissioner shall set the convening time for the board, allowing a reasonable amount of time to complete counting all absentee ballots by ten o'clock p.m. on election day. The commissioner may direct the board to meet on the day prior to the election solely for the purpose of reviewing the absentee voters' affidavits appearing on the sealed ballot envelopes if in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, but under no circumstances shall a sealed ballot envelope be opened before the board convenes on election day.

4. The room where members of the special precinct election board are engaged in counting absentee ballots during the hours the polls are open shall be policed so as to prevent any person other than those whose presence is authorized by this subsection from obtaining information about the progress of the count. The only persons who may be admitted to that room are the members of the board, one challenger representing each political party, one observer representing any nonparty political organization or any candidate nominated by petition pursuant to chapter 45 or any other nonpartisan candidate in a city or school election appearing on the ballot of the election in progress, and the commissioner or the commissioner's designee. It shall be unlawful for any of these persons to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time before the polls are closed.

5. The special precinct election board shall preserve the secrecy of all absentee and special ballots. After the affidavits on the envelopes have been reviewed and the qualifications of the persons casting the ballots have been determined, those that have been accepted for counting shall be opened. The ballots shall be removed from the affidavit envelopes without being unfolded or examined, and then shall be thoroughly intermingled, after which they shall be unfolded and tabulated. If secrecy folders or envelopes are used with special paper ballots, the ballots shall be removed from the secrecy folders after the ballots have been intermingled.

6. The special precinct election board shall not release the results of its tabulation on election day until all of the ballots it is required to count on that day have been counted, nor release the tabulation of challenged ballots accepted and counted under chapter 50 until that count has been completed.

[SS15, §1137-j; C24, 27, 31, 35, 39, §949; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.23]

90 Acts, ch 1238 §30

53.24 Counties using voting machines.

In counties which provide the special precinct election board with voting machines, the absentee ballot envelopes shall be opened by the board and the ballots shall, without being unfolded, be thoroughly intermingled, after which they shall be unfolded and, under the personal supervision of precinct election officials of each of the political parties, be registered on voting machines the same as if the absent voter had been present and voted in person, except that a tally of the write-in votes may be kept in the tally list rather than on the machine. When two or more political subdivisions in the county are holding separate elections simultaneously, the commissioner may arrange the machine so that the absentee and special ballots for more than one election may be recorded on the same machine.

[C24, 27, 31, 35, 39, §950; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.24]

90 Acts, ch 1238, §31

53.25 Rejecting ballot.

In case the absentee voter's affidavit is found to be insufficient, or that the applicant is not a duly qualified elector in such precinct, or that the ballot envelope is open, or has been opened and resealed, or that the ballot envelope contains more than one ballot of any one kind, or that said voter has voted in person, such vote shall not be accepted or counted.

If the absentee ballot is rejected prior to the opening of the ballot envelope, the voter casting the ballot shall be notified by a precinct election official by the time the canvass is completed of the reason for the rejection on a form prescribed by the state commissioner of elections.

[SS15, §1137-j; C24, 27, 31, 35, 39, §951; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.25]

53.26 Rejected ballots — how handled.

Every ballot not counted shall be endorsed on the back thereof "Rejected because (giving reason therefor)." All rejected ballots shall be enclosed and securely sealed in an envelope on which the precinct election officials shall endorse "Defective ballots", with a statement of the precinct in which and the date of the election at which they were cast, signed by the precinct election officials and returned to the same officer and in the same manner as by law provided for the return and preservation of official ballots voted at such election.

[SS15, §1137-j; C24, 27, 31, 35, 39, §952; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.26]

Return of rejected ballots, §50.5

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place the voter's name on the registration record as a qualified elector, if it does not already appear there.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.38]

88 Acts, ch 1119, §29

53.39 Request for ballot — when available.

Section 53.2 does not apply in connection with the primary and general elections in the case of a qualified elector of the state of Iowa serving in the armed forces of the United States. In any such case an application for ballot as provided for in that section is not required and an absent voter's ballot shall be sent or made available to any such elector upon a request as provided in this division. All official ballots to be voted by qualified absent voters in the armed forces of the United States at the primary election and the general election shall be printed prior to forty days before the respective elections and shall be available for transmittal to such qualified electors in the armed forces of the United States at least forty days before the respective elections. The provisions of this chapter apply to absent voting by qualified voters in the armed forces of the United States at primary and general elections except as modified by the provisions of this division.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.39]

89 Acts, ch 136, §54 (SF 371)

53.40 Request requirements — transmission of ballot.

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

A request shall show the residence (including street address, if any) of the voter, the age of the voter, and length of residence in the city or township, county and state, and shall designate the address to which the ballot is to be sent, and in the case of the primary election, the party affiliation of such voter. Such request shall be made to the commissioner of the county of the voter's residence, provided that if the request is made by the voter to any elective state, city or county official, the said official shall forward it to the commissioner of the county of the voter's residence, and such request so forwarded shall have the same force and effect as if made direct to the commissioner by the voter.

The commissioner shall immediately on the fortieth day prior to the

particular election transmit ballots to the voter by mail or otherwise, postage prepaid, as directed by the state commissioner, requests for which are in the commissioner's hands at that time, and thereafter so transmit ballots immediately upon receipt of requests. A request for ballot for the primary election which does not state the party affiliation of the voter making the request is void and of no effect. A request which does not show that the person for whom a ballot is requested will be a qualified voter in the precinct in which the ballot is to be cast on the day of the election for which the ballot is requested, shall not be honored. However, a request which states the age and the city, including street address, if any, or township, and county where the voter resides, and which shows a sufficient period of residence, is sufficient to show that the person is a qualified voter. A request by the voter containing substantially the information required is sufficient.

If the affidavit on the ballot envelope shows that the affiant is not a qualified voter on the day of the election at which the ballot is offered for voting, the envelope shall not be opened, but the envelope and ballot contained in the envelope shall be preserved and returned by the precinct election officials to the commissioner, who shall preserve them for the period of time and under the conditions provided for in sections 50.12 through 50.15 and section 50.19.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.40]

84 Acts, ch 1219, §3; 87 Acts, ch 221, §18; 89 Acts, ch 136, §55 (SF 371)

53.41 Records by commissioner — excess requests or ballots.

The commissioner of each county shall establish and maintain a record of all requests for ballots which are made, and of all ballots transmitted, and the manner of transmittal, from and received in the commissioner's office under the provisions of this division. If more than one request for absent voter's ballot for a particular election is made to the commissioner by or on behalf of a voter in the armed forces of the United States, the request first received shall be honored, except that if one of the requests is made by the voter, and a request on the voter's behalf has not been previously honored, the request of the voter shall be honored in preference to a request made on the voter's behalf by another. Not more than one ballot shall be transmitted by the commissioner to any voter for a particular election. If the commissioner receives more than one absent voter's ballot, provided for by this division, from or purporting to be from any one voter for a particular election, all of the ballots so received from or purporting to be from such voter are void, and the commissioner shall not deliver any of the ballots to the precinct election officials, but shall retain them in the commissioner's office, and preserve them for the period and under the conditions provided for in sections 50.12 through 50.15 and section 50.19.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.41]

89 Acts, ch 136, §56 (SF 371)

53.42 Voting in person in commissioner's office.

Notwithstanding the provision as to time found in section 53.11 any qualified voter in the armed forces of the United States may personally appear in the office of the commissioner of the county of the voter's residence and there vote an absent voter's ballot at any time not earlier than forty days before the primary or general election, as the case may be.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.42]

53.43 Identification on envelope.

The envelopes used in connection with voting by absent voter's ballot by voters who are members of the armed forces of the United States, shall have stamped or printed on them the words "Armed Forces or Overseas Ballot" and a designation of the election at which said ballot is to be cast, either "Primary Election" or "General Election", as the case may be.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.43]

86 Acts, ch 1224, §31, 40

53.44 Affidavit to be signed and returned.

The affidavit on the envelope used in connection with voting by absentee ballot under this division by members of the armed forces of the United States need not be notarized or witnessed, but the affidavit on the ballot envelope shall be completed and signed by the voter.

Absentee ballots issued under this division shall be returned in the same manner and within the same time limits specified in section 53.17.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.44]

84 Acts, ch 1291, §20; 89 Acts, ch 136, §57 (SF 371)

53.45 Special absentee ballot.

1. As provided in this section, the commissioner shall provide special absentee ballots to be used for state general elections. A special absentee ballot shall only be provided to an eligible elector who completes an application stating both of the following to the best of the eligible elector's belief:

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

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

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

2. With any special absentee ballot issued under this section, the commissioner shall include a listing of any candidates who have filed before

the time of the application for offices that will appear on the ballot at that general election and a list of any measures that have been referred to the ballot before the time of the application.

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

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

87 Acts, ch 221, §29; 88 Acts, ch 1119, §30

53.46 Powers and duties of state commissioner.

The state commissioner is authorized and empowered:

1. To make rules for the purpose of carrying out the provisions and intent of this division;

2. To prescribe and direct the preparation of specially printed ballots, envelopes and other papers of different size and weight to be used in connection with absent voting by voters in the armed forces of the United States, if, in the discretion of the state commissioner, the state commissioner shall determine that such a special ballot and other papers will facilitate voting by such voters; provided that the content of any such specially printed matter shall be the same as that used for absent voters generally in the particular precinct in which said armed forces ballot is to be cast, and provided further that such ballots, envelopes and other papers shall be substantially uniform in size and weight throughout the state; and provided further that the provisions of section 49.56, establishing the maximum cost of printing ballots, shall apply to the cost of printing any such specially printed ballots by the several counties;

3. To prescribe any forms that are not otherwise prescribed by law, and which in the judgment of the state commissioner are necessary to facilitate the carrying out of the purposes and intent of this division;

4. To arrange for special transportation of ballots in cooperation with the government of the United States through any authorized instrumentality thereof and to that end the state commissioner is empowered to direct the commissioners of the several counties of the state to send ballots to voters in the armed forces of the United States other than in the usual course of mail;

5. To employ such clerical assistance as the state commissioner may require in carrying out the state commissioner's functions, to purchase and requisition any office supplies the state commissioner may require, and certify for payment the expenses of carrying out the state commissioner's

other employees to use accrued vacation leave or accrued compensatory leave instead of leave without pay to cover these periods. An employee who is a candidate for any elective public office shall not campaign while on duty as an employee.

This section does not apply to employees of the federal government or to a public employee whose position is financed by federal funds if the application of this section would be contrary to federal law or result in the loss of the federal funds.

86 Acts, ch 1021, §2

55.5 Penalties.

A person violating this chapter is guilty of a simple misdemeanor. Each day in which the violation continues is a separate offense.

84 Acts, ch 1233, §2

Transferred in Code 1987 from §55.2

CHAPTER 56

CAMPAIGN FINANCE DISCLOSURE

Chapter applicable to primary elections, §43.5

Definitions in §39.3 applicable to this chapter

- 56.1 Citation.
- 56.2 Definitions.
- 56.3 Committee treasurer — duties.
- 56.3A Funds from unknown source — escheat.
- 56.4 Reports filed with commission.
- 56.5 Organization statement.
- 56.5A Candidate's committee.
- 56.6 Disclosure reports.
- 56.7 Reports signed.
- 56.8 Commission — duties.
- 56.9 Campaign finance disclosure commission — created.
- 56.10 Duties of commission.
- 56.11 Complaints — procedure.
- 56.12 Contribution in name of another — prohibited.
- 56.13 Action of committee imputed to candidate.
- 56.14 Political advertisements.
- 56.15 Financial institution, insurance company, and corporation restrictions.
- 56.16 Penalty.
- 56.17 Applicability to federal candidates.
- 56.18 Checkoff — income tax.
- 56.19 Fund created.
- 56.20 Rules promulgated.
- 56.21 Funds.

- 56.22 Distribution of campaign fund — restrictions on use.
 - 56.23 Funds — campaign expenses only.
 - 56.24 Reversion of funds.
 - 56.25 Income tax form — checkoff space.
 - 56.26 Appropriation.
 - 56.27 Funds from unknown source — escheat. Transferred to §56.3A in Code 1991.
 - 56.28 Candidate's committee. Transferred to §56.5A in Code 1991.
 - 56.29 Insurance, savings and loan, bank, and corporation restrictions. Transferred to §56.15 in Code 1991.
 - 56.30 Forms mailed. Transferred to §56.10, subsection 9, in Code 1991.
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56.1 Citation.

This chapter may be cited as the "Campaign Disclosure-Income Tax Checkoff Act".

[C75, 77, 79, 81, §56.1]

56.2 Definitions.

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

1. "*Ballot issue*" means a question, other than the nomination or election of a candidate to a public office, which has been approved by a political subdivision or the general assembly or is required by law to be placed before the voters of the political subdivision by a commissioner of elections, or to be placed before the voters by the state commissioner of elections.

2. "*Campaign function*" means any meeting related to a candidate's campaign for election.

3. "*Candidate*" means any individual who has taken affirmative action to seek nomination or election to a public office but shall exclude any judge standing for retention in a judicial election.

4. "*Candidate's committee*" means the committee designated by the candidate to receive contributions, expend funds, or incur indebtedness in excess of two hundred fifty dollars in any calendar year on behalf of the candidate.

5. "*Commission*" means the campaign finance disclosure commission created under section 56.9.

6. "*Committee*" includes a political committee and a candidate's committee.

7. "*Consultant*" means a person who provides or procures services for or on behalf of a candidate including but not limited to consulting, public relations, advertising, fundraising, polling, managing or organizing services.

8. "*Contribution*" means:

a. A gift, loan, advance, deposit, rebate, refund, or transfer of money or a gift in kind.

b. The payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee for any such purpose.

"*Contribution*" shall not include services provided without compensation by individuals volunteering their time on behalf of a candidate's committee or political committee or a state or county statutory political committee except when organized or provided on a collective basis by a business, trade association, labor union, or any other organized group or association. "*Contribution*" shall not include refreshments served at a campaign function so long as such refreshments do not exceed fifty dollars in value or transportation provided to a candidate so long as its value computed at a rate of twenty cents per mile does not exceed one hundred dollars in value in any one reporting period. "*Contribution*" shall not include something provided to a candidate for the candidate's personal consumption or use and not intended for or on behalf of the candidate's committee.

9. "*County office*" includes the office of drainage district trustee.

10. "*County statutory political committee*" means a committee as defined in section 43.100.

11. "*Disclosure report*" means a statement of contributions received, expenditures made, and indebtedness incurred on forms prescribed by rules promulgated by the commission in accordance with chapter 17A.

12. "*Fundraising event*" means any campaign function to which admission is charged or at which goods or services are sold.

13. "*National political party*" means a party which meets the definition of a political party established for this state by section 43.2, and which also meets the statutory definition of the term "political party" or a term of like import in at least twenty-five other states of the United States.

14. "*Person*" means, without limitation, any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, labor union, or any other legal entity.

15. "*Political committee*" means a committee, but not a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than two hundred fifty dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office or ballot issue, or an association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional organization which makes contributions in the aggregate of more than two hundred fifty dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office or a ballot issue. "*Political committee*" also includes a committee which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than two hundred fifty dollars in a calendar year to cause the publication or broadcasting of material in which

the public policy positions or voting record of an identifiable candidate is discussed and in which a reasonable person could find commentary favorable or unfavorable to those public policy positions or voting record.

16. "*Public office*" means any federal, state, county, city, or school office filled by election.

17. "*State income tax liability*" means the state individual income tax imposed under section 422.5 reduced by the sum of the deductions from the computed tax as provided under section 422.12.

18. "*State statutory political committee*" means a committee as defined in section 43.111.

[C75, 77, 79, 81, §56.2; 81 Acts, ch 35, §1, 2]

83 Acts, ch 139, §2, 14; 86 Acts, ch 1023, §1; 87 Acts, ch 112, §1, 2

"State commissioner" and "commissioner" defined, §39.3

56.3 Committee treasurer — duties.

1. Every committee shall appoint a treasurer. An expenditure shall not be made by the treasurer or treasurer's designee for or on behalf of a committee without the approval of the chairperson of the committee, or the candidate.

2. A person who receives contributions in excess of one hundred dollars for a committee shall, not later than fifteen days from the date of receipt of the contributions or on demand of the treasurer, render to the treasurer the contributions and an account of the total of all contributions; including the name and address of each person making a contribution in excess of ten dollars, the amount of the contributions, and the date on which the contributions were received. The treasurer shall deposit all contributions within seven days of receipt by the treasurer in an account maintained by the committee in a financial institution. All funds of a committee shall be segregated from any other funds held by officers, members, or associates of the committee or the committee's candidate. However, if a candidate's committee receives contributions only from the candidate, or if a permanent organization temporarily engages in activity which qualifies it as a political committee and all expenditures of the organization are made from existing general operating funds and funds are not solicited or received for this purpose from sources other than operating funds, then that committee is not required to maintain a separate account in a financial institution. The funds of a committee are not attachable for the personal debt of the committee's candidate or an officer, member, or associate of the committee.

3. The treasurer of a committee shall keep a detailed and exact account of:

- a. All contributions made to or for the committee.
- b. The name and mailing address of every person making contributions in excess of ten dollars, and the date and amount of the contribution.
- c. All disbursements made from contributions by or on behalf of the committee.
- d. The name and mailing address of every person to whom any expenditure is made, the purpose of the expenditure, the date and amount of the expenditure and the name and address of, and office sought by each

candidate, if any, on whose behalf the expenditure was made. Notwithstanding this paragraph, the treasurer may keep a miscellaneous account for disbursements of less than five dollars which need only show the amount of the disbursement so long as the aggregate miscellaneous disbursements to any one person during a calendar year do not exceed one hundred dollars.

e. Notwithstanding the provisions of subsection 3, paragraph "d", of this section, when an expenditure is made by a committee in support of the entire state or local political party ticket, only the name of the party shall be given.

4. The treasurer shall preserve all records required to be kept by this section for a period of one year from the date of the election.

[C75, 77, 79, 81, §56.3; 81 Acts, ch 35, §3]

83 Acts, ch 139, §3, 14; 86 Acts, ch 1023, §2; 87 Acts, ch 112, §3; 88 Acts, ch 1158, §8

56.3A Funds from unknown source — escheat.

The expenditure of funds from an unknown or unidentifiable source received by a candidate or committee is prohibited. Such funds received by a candidate or committee shall escheat to the state. Any candidate or committee receiving such contributions shall remit such contributions to the director of revenue and finance for deposit in the general fund of the state. Persons requested to make a contribution at a fund-raising event shall be advised that it is illegal to make a contribution in excess of ten dollars unless the person making the contribution also provides the person's name and address.

[C77, 79, 81, §56.27]

Transferred from §56.27 in Code 1989 to §56.3A in Code 1991

56.4 Reports filed with commission.

All statements and reports required to be filed under this chapter for a state office shall be filed with the commission. All statements and reports required to be filed under this chapter for a county, city, or school office shall be filed with the commissioner. Statements and reports on a ballot issue shall be filed with the commissioner responsible under section 47.2 for conducting the election at which the issue is voted upon, except that statements and reports on a statewide ballot issue shall be filed with the commission. Copies of any reports filed with a commissioner shall be provided by the commissioner to the commission on its request. State statutory political committees shall file all statements and reports with the commission. All other statutory political committees shall file the statements and reports with the commissioner with a copy sent to the commission.

Political committees supporting or opposing candidates for both federal office and any elected office created by law or the Constitution of the state of Iowa shall file statements and reports with the commission in addition to any federal reports required to be filed with the secretary of state.

Political committees supporting or opposing candidates or ballot issues for statewide elections and for county, municipal or school elections may file

all activity on one report with the commission and shall send a copy to the commissioner responsible under section 47.2 for conducting the election.

[S13, §1137-a1, -a3; C24, 27, 31, 35, 39, §974, 975; C46, 50, 54, 58, 62, 66, 71, 73, §56.3, 56.4; C75, 77, 79, 81, §56.4; 81 Acts, ch 35, §4] 87 Acts, ch 112, §4

56.5 Organization statement.

1. Every committee, as defined in this chapter, shall file a statement of organization within ten days from the date of its organization.

2. The statement of organization shall include:

a. The name, purpose, mailing address and telephone number of the committee.

b. The name, mailing address, and position of the committee officers.

c. The name, address, office sought, and the party affiliation of all candidates whom the committee is supporting and if the committee is supporting the entire ticket of any party, the name of the party.

d. The disposition of funds which will be made in the event of dissolution if the committee is not a statutory committee.

e. Such other information as may be required by this chapter or rules adopted pursuant to this chapter.

f. A signed statement by the treasurer of the committee which shall be in the following form:

“I am aware that I am required to file disclosure reports if the committee receives contributions, makes expenditures, or incurs indebtedness in excess of two hundred fifty dollars in a calendar year for the purpose of supporting or opposing any candidate for public office or ballot issue.”

g. The identification of any parent entity or other affiliates or sponsors.

h. The name of the financial institution in which the committee receipts will be deposited.

3. Any change in information previously submitted in a statement of organization or notice in case of dissolution of the committee shall be reported to the commission or commissioner not more than thirty days from the date of the change or dissolution.

4. A list, by office and district, of all candidates who have filed an affidavit of candidacy in the office of the secretary of state shall be prepared by the secretary of state and delivered to the commission not more than ten days after the last day for filing nomination papers.

5. A committee not domiciled in Iowa which makes a contribution to a candidate’s committee or political committee domiciled in Iowa shall disclose each contribution to the commission. The committee shall either file a statement of organization under subsections 1 and 2 and file disclosure reports, the same as those required of Iowa-domiciled committees, under section 56.6, or shall file one copy of a verified statement with the commission and a second copy with the treasurer of the committee receiving the contribution. The form shall be completed and filed at the time the contribution is made. The verified statement shall be on forms prescribed

by the commission and be attached to the report required of the committee receiving the contribution under section 56.6. The form shall include the complete name, address, and telephone number of the contributing committee, the state or federal jurisdiction under which it is registered or operates, the identification of any parent entity or other affiliates or sponsors, its purpose, the name and address of an Iowa resident authorized to receive service of original notice and the name and address of the receiving committee, the amount of the cash or in-kind contribution, and the date the contribution was made.

[S13, §1137-a1; C24, 27, 31, 35, 39, §973; C46, 50, 54, 58, 62, 66, 71, 73, §56.2; C75, 77, 79, 81, §56.5; 81 Acts, ch 35, §5]
86 Acts, ch 1023, §3, 4; 87 Acts, ch 112, §5

56.5A Candidate's committee.

Each candidate for public office shall organize one, and only one, candidate's committee for a specific office sought when the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of two hundred fifty dollars in a calendar year.

[C77, 79, 81, §56.28; 81 Acts, ch 35, §13]
83 Acts, ch 139, §12, 14

Transferred from §56.28 in Code 1989 to §56.5A in Code 1991

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- (3) For any candidate for county office\$ 25
- (4) For any candidate for the general assembly\$ 25
- (5) For any candidate for the Congress of the United States\$100
- (6) For any candidate for statewide office\$ 25
- (7) For any committee of a national political party\$200
- (8) For any state statutory political committee\$200
- (9) For any county statutory political committee\$ 50
- (10) For any other political committee\$ 25
- (11) For any ballot issue\$ 25

c. The total amount of contributions made to the political committee during the reporting period and not reported under paragraph "b" of this subsection.

d. The name and mailing address of each person who has made one or more in-kind contributions to the committee when the aggregate market value of the in-kind contribution in a calendar year exceeds the amount specified in subsection 3, paragraph "b," of this section. In-kind contributions shall be designated on a separate schedule from schedules showing contributions of money and shall identify the nature of the contribution and provide its estimated fair market value.

e. Each loan to any person or committee within the calendar year in an aggregate amount in excess of those amounts enumerated in the schedule in paragraph "b" of this subsection, together with the name and mailing address of the lender and endorsers, the date and amount of each loan received, and the date and amount of each loan repayment. Loans received and loan repayments shall be reported on a separate schedule.

f. The total amount of proceeds from any fund-raising event. Contributions and sales at fund-raising events which involve the sale of a product acquired at less than market value and sold for an amount of money in excess of the amount specified in paragraph "b" of this subsection shall be designated separately from in-kind and monetary contributions and the report shall include the name and address of the donor, a description of the product, the market value of the product, the sales price of the product, and the name and address of the purchaser.

g. The name and mailing address of each person to whom disbursements or loan repayments have been made by the committee from contributions during the reporting period and the amount, purpose, and date of each disbursement except that disbursements of less than five dollars may be shown as miscellaneous disbursements so long as the aggregate miscellaneous disbursements to any one person during a calendar year do not exceed one hundred dollars. If disbursements are made to a consultant, the consultant shall provide the committee with a statement of disbursements made by the consultant during the reporting period showing the name and address of the recipient, amount, purpose, and date to the same extent as if made by the candidate, which shall be included in the report by the committee.

h. The amount and nature of debts and obligations owed in excess of those amounts stated in the schedule in paragraph "b" of this section by the committee. Loans made to a committee and reported under paragraph "b"

of this subsection shall not be considered a debt or obligation under this paragraph. A loan made by a committee to any person shall be considered a disbursement.

i. If a person listed under paragraph “*b*”, “*d*”, “*e*”, or “*f*” as making a contribution or loan to or purchase from a candidate’s committee is related to the candidate within the third degree of consanguinity or affinity, the existence of that person’s family relationship shall be indicated on the report.

j. The name and mailing address of each person with whom a candidate’s committee has entered into a contract during the reporting period for future or continuing performance and the nature of the performance, period of performance and total, anticipated compensation for performance. For a report filed under subsection 1, paragraph “*b*”, this paragraph also requires the reporting of estimates of performance which the candidate’s committee reasonably expects to contract for during the balance of the period running until thirty days after the election.

k. Other pertinent information required by this chapter, by rules adopted pursuant to this chapter, or forms approved by the commission.

4. If no contributions have been accepted nor any disbursements made or indebtedness incurred during that reporting period, the treasurer of the committee shall file a disclosure statement which shows only the amount of cash on hand at the beginning of the reporting period.

5. A committee shall not dissolve until all loans, debts and obligations are paid, forgiven or transferred and the remaining money in the account is distributed according to the organization statement. If a loan is transferred or forgiven, the amount of the transferred or forgiven loan must be reported as an in-kind contribution and deducted from the loans payable balance on the disclosure form. A statutory political committee is prohibited from dissolving, but may be placed in an inactive status upon the approval of the commission. Inactive status may be requested for a statutory political committee when no officers exist and the statutory political committee has ceased to function. The request shall be made by the previous treasurer or chairperson of the committee and by the appropriate state statutory political committee. A statutory political committee granted inactive status shall not solicit or expend funds in its name until the committee reorganizes and fulfills the requirements of a political committee under this chapter.

6. A permanent organization temporarily engaging in activity which would qualify it as a political committee shall organize a political committee and shall keep the funds relating to that political activity segregated from its operating funds. The political committee shall file reports in accordance with this chapter. When the permanent organization ceases to be involved

in the political activity, it shall dissolve the political committee.

[S13, §1137-a1, -a3; C24, 27, 31, 35, 39, §972, 973, 975, 976; C46, 50, 54, 58, 62, 66, 71, 73, §56.1, 56.2, 56.4, 56.5; C75, 77, 79, 81, §56.6; 81 Acts, ch 35, §6-8]

83 Acts, ch 139, §4-9, 14; 86 Acts, ch 1023, §5-9; 86 Acts, ch 1224, §38; 87 Acts, ch 112, §6, 7; 89 Acts, ch 107, §1 (SF 365); 90 Acts, ch 1233, §2

56.7 Reports signed.

1. A report or statement required to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be signed by the person filing the report.

2. A copy of every report or statement shall be preserved by the person filing it or the person's successor for at least one year following the filing of the report or statement.

[C75, 77, 79, 81, §56.7]

56.8 Commission — duties. Transferred to §56.10, subsections 6-8, in Code 1991.

56.9 Campaign finance disclosure commission — created.

1. There is created a campaign finance disclosure commission which shall consist of five members, not more than three of whom shall be from the same political party. The governor shall appoint the members of the commission for staggered terms of six years beginning and ending as provided in section 69.19, subject to the confirmation of the senate. Any vacancy shall be filled by appointment for the unexpired portion of the term in accordance with the provisions for regular appointment as applicable.

2. The commission shall elect one member to serve as chairperson and one member to serve as vice chairperson. The vice chairperson shall act as the chairperson in the absence or disability of the chairperson or in the event of a vacancy in that office.

3. Members of the commission shall, while serving on the business of the commission, be entitled to receive a per diem as specified in section 7E.6 and actual and necessary expenses actually incurred in the performance of their duties.

4. The commission shall employ a full-time executive secretary who shall be the chief administrative officer and such personnel as are necessary to carry out the duties of the commission. Notwithstanding the provisions of section 19A.3, all of its employees, except the executive secretary, shall be employed subject to the provisions of chapter 19A.

[C75, 77, 79, 81, §56.9]

90 Acts, ch 1256, §24

Confirmation, §2.32

56.10 Duties of commission.

The commission shall:

1. Review the contents of all disclosure reports and other statements filed with the commission and promptly advise each committee of errors found. The commission may verify information contained in the reports with other parties to assure accurate disclosure. The commission may, upon its own motion, initiate action and conduct a hearing under section 56.11, subsections 1 and 2. The commission may require the county commissioner to file summary reports with it periodically.

2. Prepare and publish a manual setting forth examples of approved uniform systems of accounts for use by persons required to file statements and reports by this chapter.

3. Assure that the statements and reports which have been filed in accordance with this chapter are available for public inspection and copying during the regular office hours of the commission and county commissioners.

4. Adopt rules pursuant to chapter 17A and levy civil penalties to carry out this chapter. The rules shall provide that the candidate, or the treasurer of a candidate's committee, or the chairperson or treasurer of a political committee, is responsible for filing disclosure reports as required by this chapter, and shall receive notice from the commission if the committee has failed to file a disclosure report at the time required by this chapter. A candidate, or treasurer of a candidate's committee, or chairperson or treasurer of a political committee, may be subject to a civil penalty for failure to file a disclosure report required by this chapter if the report has not been filed when required by section 56.6, subsection 1.

5. Determine, in case of dispute, at what time a person has become a candidate.

6. The commission shall:

a. Develop forms for the filing of reports and statements required to be filed under this chapter.

b. Furnish the necessary forms to persons required to file reports and statements and to the commissioners.

c. Distribute the necessary forms to each commissioner to be furnished to persons required to file reports and statements.

7. The commissioners shall furnish the necessary forms to persons required to file reports and statements in their office.

8. The commission and the commissioner shall:

a. Make the reports and statements filed available for public inspection and copying, not later than the end of the day following the day during which a report or statement was received. There may be a charge which shall be established by rule as provided under chapter 17A for copying these reports and statements. Upon receipt of payment, the commission shall mail copies of reports to persons requesting them. Information copied from reports and statements shall not be used by any person other than statutory political committees for the purpose of soliciting contributions or for any commercial purpose.

b. Preserve the reports and statements for a period of five years from the date of receipt.

c. Prepare and publish such other reports as may be deemed appropriate.

9. The commission and the commissioners shall provide proper forms to each committee which is required to file a report with them. A form packet shall be mailed to each active committee on or about April 25 of each year.

[S13, §1137-a4; C24, 27, 31, 35, 39, §977; C46, 50, 54, 58, 62, 66, 71, 73, §56.6; C75, §56.8, 56.10; C77, 79, 81, §56.8, 56.10, 56.30; 81 Acts, ch 35, §9, 15]

83 Acts, ch 139, §10, 11, 14

Subsections 6-8 in Code 1991 transferred from §56.8 in Code 1989

Subsection 9 in Code 1991 transferred from §56.30 in Code 1989

56.10A Reporting of honoraria.

1. The commission shall adopt rules requiring the filing of periodic reports by officeholders showing all honoraria received during the reporting period.

2. The rules shall require that:

a. Holders of statewide office must file reports with the state commissioner of elections.

b. Holders of the office of state senator must file reports with the secretary of the senate.

c. Holders of the office of state representative must file reports with the chief clerk of the house of representatives.

d. Holders of county and other offices must file reports with the county commissioner of elections.

3. The reports shall be available for public inspection.

90 Acts, ch 1233, §3

56.11 Complaints — procedure.

1. Any eligible elector may file a complaint of an alleged violation with the commission. The complaint shall be verified and supported by affidavit detailing the circumstances of the violation alleged. The commission may initiate action on its own motion by filing a complaint accompanied by such an affidavit. Within twenty-four hours after receipt of a complaint or initiation of its own complaint, the commission shall notify the person, candidate or committee against whom the complaint is made of receipt or initiation of the complaint, and until it has done so it shall make no investigation of any kind into the campaign affairs of the person, candidate or committee. Unless the commission concludes that there is no reasonable basis for a complaint which has been filed, it shall set a date for a hearing on the complaint which shall be not more than thirty days after the date the complaint is received or initiated by the commission. The commission shall serve the person, candidate or committee against whom the complaint is made a copy of the complaint and supporting affidavit and notice of the hearing in the manner provided by the rules of civil procedure. Copies of the complaint, affidavit and notice shall also be sent to each of the other

candidates, if any, for the office affected. If a complaint is filed or initiated less than thirty days before the election at which the office affected is to be filled, the commission shall set the hearing at the earliest possible date so as to allow the issue to be resolved prior to the election. An extension of time for the hearing may be granted when both parties mutually agree on an alternate date for the hearing.

2. The commission shall investigate the complaint and conduct the hearing. Upon request of the commission, the county attorney or the attorney general shall assist the commission in any investigation and report to it as directed. The commission shall have the power to subpoena and review all records of a candidate or committee required to be kept under this chapter. Due process, including the right to be represented by counsel, shall be accorded the accused. The commission shall provide for the confidentiality of the records of a candidate or committee during the investigation and hearing process and shall provide for confidential hearings only if requested by either party to the complaint, except that if the commission itself is a complainant it may not request a confidential hearing. After the hearing the commission shall determine whether or not there are reasonable grounds to believe that a violation of the provisions of this chapter did occur. The commission shall send a copy of its findings of fact and decision to the person, candidate or committee against which the complaint was filed and to each candidate for the public office affected. The commission may assess the cost of such hearings against either party involved in the hearing.

3. If the commission finds reasonable grounds to believe that the person, candidate, or committee has engaged in an act or practice which constitutes a violation of this chapter, the commission shall report the suspected violation of law to the United States attorney, the attorney general, or the county attorney, as the case may be, with a recommendation of appropriate action to be taken.

4. Upon receipt of the report and recommendations of the commission, the county attorney or attorney general shall review the report and recommendation and within five days of receiving the report institute the recommended actions and any other action for relief, including a permanent or temporary injunction, restraining order or other appropriate remedy in the district court in and for the county in which the accused resides or shall advise the commission that in the county attorney's or attorney general's judgment the case does not merit prosecution. In the event the county attorney or attorney general does not initiate the recommended action within five days of receipt or if the county attorney or attorney general advises against prosecution of the report, the commission may take the report before any judge of the district court, who shall determine if sufficient cause exists to warrant action. If the judge of the district court finds that the report warrants prosecution, the county attorney or attorney general shall immediately commence the action unless disqualified. In the event of disqualification, the commission may retain an attorney to represent it and commence the action. The county attorney, attorney general, or United States

attorney, may also institute criminal action.

[C75, 77, 79, 81, §56.11; 81 Acts, ch 35, §10]

56.12 Contribution in name of another — prohibited.

A person shall not make a contribution or expenditure in the name of another person, and a person shall not knowingly accept a contribution or expenditure made by one person in the name of another.

Any candidate or committee receiving funds, the original source of which was a loan, shall be required to list the lender as a contributor. No candidate or committee shall knowingly receive funds from a contributor who has borrowed the money without listing the original source of said money.

[C75, 77, 79, 81, §56.12]

56.13 Action of committee imputed to candidate.

Action involving a contribution or expenditure which must be reported under this chapter and which is taken by any person, candidate's committee or political committee on behalf of a candidate, if known and approved by the candidate, shall be deemed action by the candidate and reported by the candidate's committee. It shall be presumed that a candidate approves the action if the candidate had knowledge of it and failed to file a statement of disavowal with the commissioner or commission and take corrective action within seventy-two hours of the action. A person, candidate's committee or political committee taking such action independently of that candidate's committee shall notify that candidate's committee in writing within twenty-four hours of taking the action. The notification shall provide that candidate's committee with the cost of the promotion at fair market value. A copy of the notification shall be sent to the commission.

Any person who makes expenditures or incurs indebtedness, other than incidental expenses incurred in performing volunteer work, in support or opposition of a candidate for public office shall notify the appropriate committee and provide necessary information for disclosure reports.

However, this section shall not be construed to require duplicate reporting of anything reported under this chapter, by a political committee, or of action by any person which does not constitute a contribution.

[C75, 77, 79, 81, §56.13; 81 Acts, ch 35, §11]

86 Acts, ch 1023, §10

56.14 Political advertisements.

A person who causes the publication or distribution of published material after July 1, 1984, designed to promote or defeat the nomination or election of a candidate for public office or the passage of a constitutional amendment or public measure shall include conspicuously on the published material the identity and address of the person responsible for the material. If the person responsible is an organization, the name of one officer of the organization shall appear on the material. However, if the organization is a committee which has filed a statement of organization under this chapter,

only the name of the committee is required to be included on the published material. This section does not apply to the editorials or news articles of a newspaper or magazine which are not political advertisements. For the purpose of this section, "*published material*" means any newspaper, magazine, shopper, outdoor advertising facility, poster, yard sign including hand lettered signs, direct mailing, brochure, or any other form of printed general public political advertising; however, the identification need not be conspicuous on posters. This section requires that the identification on yard signs be in letters at least one inch high; however, if the yard sign is authorized by the candidate's committee or the candidate, no identification is required by this section. This section does not apply to bumper stickers, pins, buttons, pens, matchbooks, and similar small items upon which the inclusion of the disclaimer would be impracticable or to published material which is subject to federal regulations regarding a disclaimer requirement. Yard signs are subject to removal by highway authorities as provided in section 319.13. Notice may be provided to the chairperson of the appropriate county central committee if the highway authorities are unable to provide notice to the candidate, candidate's committee, or political committee regarding the yard sign.

86 Acts, ch 1023, §11; 86 Acts, ch 1246, §620; 87 Acts, ch 112, §8

56.15 Financial institution, insurance company, and corporation restrictions.

1. Except as provided in subsection 3, it is unlawful for an insurance company, savings and loan association, bank, credit union, or corporation organized pursuant to the laws of this state or any other state, territory, or foreign country, whether for profit or not, or an officer, agent or representative acting for such insurance company, savings and loan association, bank, credit union, or corporation, to contribute any money, property, labor, or thing of value, directly or indirectly, to a committee, or for the purpose of influencing the vote of an elector, except that such resources may be so expended in connection with a utility franchise election held pursuant to section 364.2, subsection 4, or a ballot issue. All such expenditures are subject to the disclosure requirements of this chapter.

2. Except as provided in subsection 3, it is unlawful for a member of a committee, or its employee or representative, except a ballot issue committee, or for a candidate for office or the representative of the candidate, to solicit, request, or knowingly receive from an insurance company, savings and loan association, bank, credit union, or corporation organized pursuant to the laws of this state or any other state, territory, or foreign country, whether for profit or not, or its officer, agent, or representative, any money, property, or thing of value belonging to the insurance company, savings and loan association, bank, or corporation for campaign expenses, or for the purpose of influencing the vote of an elector. This section does not restrain or abridge the freedom of the press or prohibit the consideration and discussion in the press of candidacies, nominations, public officers, or public

questions.

3. It is lawful for an insurance company, savings and loan association, bank, credit union, and corporation organized pursuant to the laws of this state or any other state or territory, whether or not for profit, and for their officers, agents and representatives, to use the money, property, labor, or any other thing of value of the entity for the purposes of soliciting its stockholders, administrative officers and members for contributions to a committee sponsored by that entity and of financing the administration of a committee sponsored by that entity. The entity's employees to whom the foregoing authority does not extend may voluntarily contribute to such a committee but shall not be solicited for contributions. All contributions made under this subsection are subject to the disclosure requirements of this chapter. A committee member, committee employee, committee representative, candidate or representative referred to in subsection 2 lawfully may solicit, request, and receive money, property and other things of value from a committee sponsored by an insurance company, savings and loan association, bank, credit union, or corporation as permitted by this subsection.

4. The restrictions imposed by this section relative to making, soliciting or receiving contributions shall not apply to a nonprofit corporation or organization which uses those contributions to encourage registration of voters and participation in the political process, or to publicize public issues, or both, but does not use any part of those contributions to endorse or oppose any candidate for public office or support or oppose ballot issues.

5. Any person convicted of a violation of any of the provisions of this section shall be guilty of a serious misdemeanor.

[S13, §1641-h, -i, -k; C24, 27, 31, 35, 39, §8405-8407; C46, 50, 54, 58, §491.69-491.71; C62, 66, 71, 73, 75, §491.69-491.71, 496A.145; C77, 79, 81, §56.29; 81 Acts, ch 35, §41]

83 Acts, ch 139, §13, 14

Transferred from §56.29 in Code 1989 to §56.15 in Code 1991

56.16 Penalty.

Any person who willfully violates any provisions of this chapter shall upon conviction, be guilty of a serious misdemeanor.

[S13, §1137-a6; C24, 27, 31, 35, 39, §980; C46, 50, 54, 58, 62, 66, 71, 73, §56.9; C75, 77, 79, 81, §56.16]

56.17 Applicability to federal candidates.

1. The requirements of this chapter relative to disclosure of contributions shall apply to candidates and political committees for federal office only in the event such candidates are not subject to a federal law requiring the disclosure of campaign financing. Any such federal law shall supersede the provisions of this chapter.

2. The provisions of this chapter under which money from the Iowa election campaign fund may be made available to or used for the benefit of candidates and candidates' committees shall apply to candidates for federal office and

their candidates' committees only if matching funds to pay a portion of their campaign expenses are not available to such candidates or their committees from the federal government.

[C75, 77, 79, 81, §56.17]

56.18 Checkoff — income tax.

A person whose state income tax liability for any taxable year is one dollar and fifty cents or more may direct that one dollar and fifty cents of that liability be paid over to the Iowa election campaign fund when submitting the person's state income tax return to the department of revenue and finance. In the case of a joint return of husband and wife having a state income tax liability of three dollars or more, each spouse may direct that one dollar and fifty cents be paid to the fund. The director of revenue and finance shall draft the income tax form to provide spaces on the tax return which the taxpayer may use to designate that contributions made under this section be credited to a specified political party as defined by section 43.2, or to the Iowa election campaign fund as a contribution to be shared by all such political parties in the manner prescribed by section 56.19. The form shall inform the taxpayer of the consequences of the choices provided under this section, but this information may be contained in a footnote or other suitable form if the director of revenue and finance finds it is not feasible to place the information immediately above the signature line. The action taken by a person for the checkoff is irrevocable.

[C75, 77, 79, 81, §56.18]

83 Acts, ch 176, §8, 11; 84 Acts, ch 1263, §1; 85 Acts, ch 230, §1; 86 Acts, ch 1236, §1, 2

1985 amendment retroactive to January 1, 1985, for tax years beginning on or after that date; 85 Acts, ch 230, §14

1986 amendments retroactive to January 1, 1986, for tax years beginning on or after that date; 86 Acts, ch 1236, §10

56.19 Fund created.

The "Iowa election campaign fund" is created within the office of the treasurer of state. The fund shall consist of funds paid by persons as provided in section 56.18. The treasurer of state shall maintain within the fund a separate account for each political party as defined in section 43.2. The director of revenue and finance shall remit funds collected as provided in section 56.18 to the treasurer of state who shall deposit such funds in the appropriate account within the Iowa election campaign fund. All contributions directed to the Iowa election campaign fund by taxpayers who do not designate any one political party to receive their contributions shall be divided by the director of revenue and finance equally among each account currently maintained in the fund. However, at any time when more than two accounts are being maintained within the fund contributions to the fund by taxpayers who do not designate any one political party to receive their contributions shall be divided among the accounts in the same proportion as the number of qualified electors declaring affiliation with

each political party for which an account is maintained bears to the total number of qualified electors who have declared an affiliation with a political party. Any interest income received by the treasurer of state from investment of moneys deposited in the fund shall be deposited in the Iowa election campaign fund. Such funds shall be subject to payment to the chairperson of the specified political party by the director of revenue and finance in the manner provided by section 56.22.

[C75, 77, 79, 81, §56.19]

83 Acts, ch 176, §9

56.20 Rules promulgated.

The director of revenue and finance, in co-operation with the director of the department of management and campaign finance disclosure commission, shall administer the provisions of sections 56.18 to 56.26 and they shall promulgate all necessary rules in accordance with chapter 17A.

[C75, 77, 79, 81, §56.20]

56.21 Funds.

Any candidate for a partisan public office, except as otherwise provided by section 56.17, subsection 2, may receive campaign funds from the Iowa election campaign fund through the state central committee of the candidate's political party. However, the state central committee of each political party shall have discretion which of the party's candidates for public office shall be allocated campaign funds out of money received by that party from the Iowa election campaign fund.

[C75, 77, 79, 81, §56.21]

56.22 Distribution of campaign fund — restrictions on use.

1. The money accumulated in the Iowa election campaign fund to the account of each political party in the state shall be remitted to the party on the first business day of each month by warrant of the director of revenue and finance drawn upon the fund in favor of the state chairperson of that party. The money received by each political party under this section shall be used as directed by the party's state statutory political committee.

2. Funds distributed to statutory political committees pursuant to this chapter shall not be used to support or oppose the nomination of any candidate. Nothing in this subsection shall be construed to prohibit a statutory political committee from using such funds to pay expenses incurred in arranging and holding a nominating convention.

[C75, 77, 79, 81, §56.22]

56.23 Funds — campaign expenses only.

The chairperson of the state statutory political committee shall produce evidence to the director of revenue and finance and campaign finance disclosure commission not later than the twenty-fifth day of January each year, that all income tax checkoff funds expended for campaign expenses

have been utilized exclusively for campaign expenses.

The campaign finance disclosure commission shall issue, prior to the payment of any money, guidelines which explain which expenses and evidence thereof qualify as acceptable campaign expenses.

Should the campaign finance disclosure commission and the director of revenue and finance determine that any part of the funds have been used for noncampaign or improper expenses, they may order the political party or the candidate to return all or any part of the total funds paid to that political party for that election. When such funds are returned, they shall be deposited in the general fund of the state.

[C75, 77, 79, 81, §56.23; 81 Acts, ch 35, §12]

56.24 Reversion of funds.

All funds on account for the campaign expenses of any designated political party which are not utilized by that political party by January 1 of the year following a general election, shall revert to the general fund of the state.

[C75, 77, 79, 81, §56.24]

56.25 Income tax form — checkoff space.

The director of revenue and finance shall provide space for this campaign finance income tax checkoff on the most frequently used Iowa income tax form. An explanation shall be included which clearly states that this checkoff does not constitute an additional tax liability. The form shall provide for the taxpayer to designate that the checkoff shall go either to the political party of the taxpayer's choice or be divided among all political parties as prescribed by section 56.19.

[C75, 77, 79, 81, §56.25]

56.26 Appropriation.

There is appropriated from the Iowa election campaign fund within the office of the treasurer of state such funds as are legally payable from such fund in accordance with the provisions of this chapter.

[C75, 77, 79, 81, §56.26]

56.27 Funds from unknown source — escheat. Transferred to §56.3A in Code 1991.

56.28 Candidate's committee. Transferred to §56.5A in Code 1991.

56.29 Insurance, savings and loan, bank, and corporation restrictions. Transferred to §56.15 in Code 1991.

56.30 Forms mailed. Transferred to §56.10, subsection 9, in Code 1991.

CHAPTER 60

CONTESTING ELECTIONS OF PRESIDENTIAL ELECTORS,
SENATORS, AND REPRESENTATIVES

- 60.1 Court of contest.
- 60.2 Clerk.
- 60.3 Oath.
- 60.4 Statement.
- 60.5 Organization and trial.
- 60.6 Judgment.
- 60.7 Contestant to file bond.

60.1 Court of contest.

The court for the trial of contested elections for presidential electors or for the office of senator or representative in Congress shall consist of the chief justice of the supreme court, who shall be presiding judge of the court, and four judges of the district court to be selected by the supreme court, two of whom, with the chief justice, shall constitute a quorum for the transaction of the business of the court. If the chief justice should for any cause be unable to attend at the trial, the judge longest on the supreme court bench shall preside in place of the chief justice; and any question arising as to the membership of the court shall be determined by the members of the court not interested in the question.

[C97, §1246; C24, 27, 31, 35, 39, §1000; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §60.1]

60.2 Clerk.

The secretary of state shall be the clerk of the court, or, in the secretary of state's absence or inability to act, the clerk of the supreme court.

[C97, §1246; C24, 27, 31, 35, 39, §1001; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §60.2]

60.3 Oath.

Each member of the court, before entering upon the discharge of the member's duties, shall take an oath before the secretary of state, or some officer qualified to administer oaths, that the member will support the Constitution of the United States and that of the state of Iowa, and that, without fear, favor, affection, or hope of reward, the member will, to the best of the member's knowledge and ability, administer justice according to law and the facts in the case.

[C97, §1246; C24, 27, 31, 35, 39, §1002; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §60.3]

60.4 Statement.

The contestant shall file the statement provided for in chapter 62 in the office of the secretary of state within ten days from the day on which the returns are canvassed by the state board of canvassers, and, within the same time, serve a copy of the same, with a notice of the contest, on the incumbent in the manner provided by the rules of civil procedure for service of an original notice.

[C97, §1247; C24, 27, 31, 35, 39, §1003; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §60.4; 81 Acts, ch 34, §43]

60.5 Organization and trial.

The clerk of the court shall, immediately after the filing of the statement, notify the judges herein named, and fix a day for the organization of the court within three days thereafter, and also notify the parties to the contest. The judges shall meet on the day fixed, and organize the court, and make and announce such rules for the trial of the case as they shall think necessary for the protection of the rights of each party and a just and speedy trial of the case, and commence the trial of the case as early as practicable thereafter, and so arrange for and conduct the trial that a final determination of the same and judgment shall be rendered at least six days before the first Monday after the second Wednesday in December next following.

[C97, §1248; C24, 27, 31, 35, 39, §1004; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §60.5]

60.6 Judgment.

The judgment of the court shall determine which of the parties to the action is entitled to hold the office and shall be authenticated by the presiding judge and clerk of the court and filed with the secretary of state; and the judgment so rendered shall constitute a final determination of the title to the office, and a certificate of appointment shall be issued to the successful party.

[C97, §1249; C24, 27, 31, 35, 39, §1005; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §60.6]

60.7 Contestant to file bond.

The contestant shall file in the office of the clerk of the supreme court a bond, with security to be approved by the clerk of the supreme court, in such amount as shall be set by the presiding judge of the court, conditional to pay all costs in case the election be confirmed or the contest dismissed. The presiding judge shall further set the date upon which the required bond shall be filed. If the required bond is not filed by the date set, the contest shall stand dismissed by operation of law.

[C71, 73, 75, 77, 79, 81, §60.7]

causes, for the preparation of which the incumbent needs further time. Such adjournment shall be upon such terms as the court thinks reasonable; but if all the causes are held insufficient and an amendment is asked, the adjournment shall be at the cost of contestant. If no amendment is asked for or made, or in case of entire failure to prosecute, the proceedings may be dismissed.

[C51, §355, 361; R60, §585, 591; C73, §705; C97, §1211; C24, 27, 31, 35, 39, §1034; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.15]

62.16 Testimony.

The testimony may be oral or by deposition, taken as in an action at law in the district court.

[C51, §351; R60, §581; C73, §703; C97, §1209; C24, 27, 31, 35, 39, §1035; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.16]

Depositions in general, R.C.P. 140 et seq.

62.17 Voters required to testify.

The court may require any person called as a witness, who voted at such election, to answer touching the person's qualifications as a voter, and, if the person was not a qualified voter in the county where the person voted, then to answer for whom the person voted.

[C51, §360; R60, §590; C73, §709; C97, §1215; C24, 27, 31, 35, 39, §1036; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.17]

62.18 Judgment.

The court shall adjudge whether the incumbent or any other person was duly elected, and that the person elected is entitled to the certificate. If the court finds that the election resulted in a tie vote for any office, the tie shall be resolved pursuant to section 50.44. If the judgment is against the incumbent, and the incumbent has already received the certificate, the judgment shall annul the certificate. If the court finds that no person was elected, the judgment shall be that the election be set aside.

[C51, §362; R60, §592; C73, §714; C97, §1220; C24, 27, 31, 35, 39, §1037; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.18]

90 Acts, ch 1238, §32

62.19 How enforced.

When either the contestant or incumbent shall be in possession of the office, by holding over or otherwise, the presiding judge shall, if the judgment be against the party so in possession of the office and in favor of the party's antagonist, issue an order to carry into effect the judgment of the court, which order shall be under the seal of the county, and shall command the sheriff of the county to put the successful party into possession of the office without delay, and to deliver to the successful party all books and papers belonging to the same; and the sheriff shall execute such order as other writs.

[C73, §715; C97, §1221; C24, 27, 31, 35, 39, §1038; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.19]

62.20 Appeal.

The party against whom judgment is rendered may appeal within twenty days to the district court, but, if the party be in possession of the office, such appeal will not supersede the execution of the judgment of the court as provided in section 62.19, unless the party gives a bond, with security to be approved by the district judge in a sum to be fixed by the judge, and which shall be at least double the probable compensation of such officer for six months, which bond shall be conditioned that the party will prosecute the appeal without delay, and that, if the judgment appealed from be affirmed, the party will pay over to the successful party all compensation received by the party while in possession of said office after the judgment appealed from was rendered. The court shall hear the appeal in equity and determine anew all questions arising in the case.

[C73, §716; C97, §1222; S13, §1222; C24, 27, 31, 35, 39, §1039; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.20]

Presumption of approval of bond, §682.10

62.21 Judgment.

If, upon appeal, the judgment is affirmed, the district court may render judgment upon the bond for the amount of damages, against the appellant and the sureties thereon.

[C73, §717; C97, §1223; C24, 27, 31, 35, 39, §1040; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.21]

62.22 Process — fees.

The style, form, and manner of service of process and papers, and the fees of officers and witnesses, shall be the same as in the district court, so far as the nature of the case admits.

[C51, §356, 374; R60, §586, 604; C73, §706, 724; C97, §1212; C24, 27, 31, 35, 39, §1041; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.22]

62.23 Compensation.

The judges shall be entitled to receive four dollars a day for the time occupied by the trial.

[C51, §363; R60, §593; C73, §710; C97, §1216; C24, 27, 31, 35, 39, §1042; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.23]

62.24 Costs.

The contestant and the incumbent are liable to the officers and witnesses for the costs made by them, respectively; but if the election be confirmed, or the statement be dismissed, or the prosecution fail, judgment shall be rendered against the contestant for costs; and if the judgment be against the incumbent, or the election be set aside, it shall be against the incumbent for costs.

[C51, §364; R60, §594; C73, §711; C97, §1217; C24, 27, 31, 35, 39, §1043; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.24]

If the unexpired term of office in which the vacancy occurs will expire within seventy days after the date of the next pending election, section 69.11 applies.

[C77, 79, 81, §69.13]

89 Acts, ch 136, §62 (SF 371)

69.14 Special election to fill vacancies.

A special election to fill a vacancy shall be held for a representative in Congress, or senator or representative in the general assembly, when the body in which such vacancy exists is in session, or will convene prior to the next general election, and the governor shall order, not later than five days from the date the vacancy exists, a special election, giving not less than forty days' notice of such election. In the event the special election is to fill a vacancy in the general assembly while it is in session or within forty-five days of the convening of any session, the time limit herein provided shall not apply and the governor shall order such special election at the earliest practical time, giving at least ten days' notice thereof. Any special election called under this section must be held on a Tuesday and shall not be held on the same day as a school election within the district.

[C51, §443; R60, §672; C73, §789; C97, §1279; C24, 27, 31, 35, 39, §1158; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §69.14]

86 Acts, ch 1224, §33

See §43.78, subsection 4

69.14A Filling vacancy of elected county officer.

1. When a vacancy exists on the board of supervisors, the committee of county officers designated to fill the vacancy shall publish notice as provided in section 331.305 indicating the method, appointment or special election, by which the committee intends to fill the vacancy. If appointment is selected by the committee, the appointment may be made before publication of the notice, but the appointment shall be made within forty days after the vacancy occurs. However, if within fourteen days after the date of the notice or within fourteen days after the appointment is made, whichever date is later, a petition requesting a special election to fill the vacancy is filed with the county auditor, the appointment is temporary and a special election shall be called as provided in subsection 3. The petition shall meet the requirements of section 331.306.

2. a. When a vacancy exists in an elected county office, the board of supervisors shall publish notice as provided in section 331.305 indicating the method, appointment or special election, by which the board intends to fill the vacancy. If appointment is selected by the board, the appointment may be made before publication of the notice, but the appointment shall be made within forty days after the vacancy occurs.

b. When the board is notified, in writing, by the county officer of the officer's wish to vacate an office, the board shall publish notice of the vacancy if the board selects appointment by which to fill the vacancy. Following

publication of notice of the vacancy, the board may appoint a prospective appointee, to serve as a deputy, no earlier than fourteen days before the vacancy occurs.

c. If within fourteen days after the date of the notice or within fourteen days after the appointment is made, whichever date is later, a petition requesting a special election to fill the vacancy is filed with the county auditor, the appointment is temporary and a special election shall be called as provided in subsection 3. The petition shall meet the requirements of section 331.306.

3. The committee of county officers or board of supervisors as applicable may, on its own motion, or shall, upon receipt of a petition as provided in this section, call for a special election to fill the vacancy in lieu of appointment if section 69.13, subsection 2, does not apply. The committee or board shall order the special election at the earliest practicable date, but giving at least thirty days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county.

89 Acts, ch 215, §4 (HF 522); 90 Acts, ch 1238, §33

69.15 Board members — nonattendance — vacancy.

Any person who has been appointed by the governor to any board under the laws of this state shall be deemed to have submitted a resignation from such office if either of the following events occurs:

1. The person does not attend three or more consecutive regular meetings of such board. This paragraph does not apply unless the first and last of the consecutive meetings counted for this purpose are at least thirty days apart.

2. The person attends less than one-half of the regular meetings of such board within any period of twelve calendar months beginning on July 1 or January 1. This paragraph does not apply unless such board holds at least four regular meetings during such period. This paragraph applies only to such a period beginning on or after the date when the person takes office as a member of such board.

If such person received no notice and had no knowledge of a regular meeting and gives the governor a sworn statement to that effect within ten days after the person learns of the meeting, such meeting shall not be counted for the purposes of this section.

The governor in the governor's discretion may accept or reject such resignation. If the governor accepts it, the governor shall notify such person, in writing, that the resignation is accepted pursuant to this section. The governor shall then make another appointment to such office. Such appointment shall be made in the same manner and for the same term as in the case of other vacancies caused by resignation from such office.

As used in this section, "board" includes any commission, committee, agency, or governmental body which has three or more members.

[C71, 73, 75, 77, 79, 81, §69.15]

69.16 Appointive boards — political affiliation.

All appointive boards, commissions, and councils of the state established by the Code if not otherwise provided by law shall be bipartisan in their composition. No person shall be appointed or reappointed to any board, commission, or council established by the Code if the effect of that appointment or reappointment would cause the number of members of the board, commission, or council belonging to one political party to be greater than one-half the membership of the board, commission, or council plus one.

In the case where the appointment of members of the general assembly is allowed, and the law does not otherwise provide, if an even number of legislators are appointed they shall be equally divided by political party affiliation; if an odd number of members of the general assembly are appointed, the number representing a certain political party shall not exceed by more than one the legislative members of the other political party who may be appointed. If there are multiple appointing authorities for a board, commission or council, the appointing authorities shall consult to avoid a violation of this section. This section shall not apply to any board, commission, or council established by the Code for which other restrictions regarding the political affiliations of members are provided by law.

[C77, 79, 81, §69.16]

86 Acts, ch 1245, §2040; 87 Acts, ch 218, §7

69.16A Gender balance.

All appointive boards, commissions, committees and councils of the state established by the Code if not otherwise provided by law shall be gender balanced. No person shall be appointed or reappointed to any board, commission, committee, or council established by the Code if that appointment or reappointment would cause the number of members of the board, commission, committee, or council of one gender to be greater than one-half the membership of the board, commission, committee, or council plus one if the board, commission, committee, or council is composed of an odd number of members. If the board, commission, committee, or council is composed of an even number of members, not more than one-half of the membership shall be of one gender. If there are multiple appointing authorities for a board, commission, committee, or council, they shall consult each other to avoid a violation of this section. This section shall not prohibit an individual from completing a term being served on June 30, 1987.

86 Acts, ch 1245, §2041; 87 Acts, ch 218, §8; 88 Acts, ch 1150, §1

69.17 Employees as members — voting.

If an employee of an appointive board, commission, or council is a member of the board, commission, or council, that employee shall not be a voting member. Payment of per diem and expenses shall not cause a member to be considered an employee of that board, commission or council.

[C77, 79, 81, §69.17]

69.18 Salary of acting appointees.

If a vacancy occurs in a position which is appointed by the governor subject to confirmation by the senate and the governor designates a person to serve in that position in an acting capacity, that person shall not receive compensation in excess of that authorized by law for a person holding that position.

[C81, §69.18]

69.19 Terms of appointments confirmed by the senate.

All terms of office of positions which are appointed by the governor, have a fixed term and are subject to confirmation by the senate shall begin at 12:01 a.m. on May 1 in the year of appointment and expire at 12:00 midnight on April 30 in the year of expiration.

[C81, §69.19]

Senate confirmation. §2.32

MISCELLANEOUS SECTIONS

AUTHORIZATION AND SALE OF PUBLIC BONDS

75.1 Bonds — election — vote required.

When a proposition to authorize an issuance of bonds by a county, township, school corporation, city, or by any local board or commission, is submitted to the electors, such proposition shall not be deemed carried or adopted, anything in the statutes to the contrary notwithstanding, unless the vote in favor of such authorization is equal to at least sixty percent of the total vote cast for and against said proposition at said election.

All ballots cast and not counted as a vote for or against the proposition shall not be used in computing the total vote cast for and against said proposition.

When a proposition to authorize an issuance of bonds has been submitted to the electors under this section and the proposal fails to gain approval by the required percentage of votes, such proposal, or any proposal which incorporates any portion of the defeated proposal, shall not be submitted to the electors for a period of six months from the date of such regular or special election.

[C31, 35, §1171-d4; C39, §1171.18; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §75.1]

IOWA PARI-MUTUEL WAGERING ACT

99D.14 Racing meets — tax — fees — tax exemption.

1. to 5. Not reprinted.

6. Any property used in the operation of a racetrack which is not exempt from property tax on July 1, 1989, or which becomes taxable property as a result of a court decision or change of ownership, or the construction of

a new track that is not otherwise exempt shall be exempt from property taxation for three years beginning January 1 of the 1989 assessment year or beginning January 1 of the assessment year in which the property first becomes taxable as a result of a court decision or change in ownership, or the construction of a new track that is not otherwise exempt, whichever is applicable. During the last assessment year for which the property is exempt, the county board of supervisors shall present the question of the extension for an additional ten years of the tax exemption at a regular state election or a special election. If a majority of those voting on the question favor the tax exemption of the property, the property shall be exempt for an additional ten years. The exemption may be extended for additional ten-year periods in the same manner as was done for the first ten-year period.

83 Acts, ch 187, §14; 84 Acts, ch 1266, §15, 16; 89 Acts, ch 216, §6

EXCURSION BOAT GAMBLING

99F.7 Licenses — terms and conditions — revocation.

1. to 9. Not reprinted.

10. *a.* A license to conduct gambling games on an excursion gambling boat in a county shall be issued only if the county electorate approves the conduct of the gambling games as provided in this subsection. The board of supervisors, upon receipt of a valid petition meeting the requirements of section 331.306, shall direct the commissioner of elections to submit to the qualified voters of the county a proposition to approve or disapprove the conduct of gambling games on an excursion gambling boat in the county. The proposition shall be submitted at a general election or at a special election called for that purpose. To be submitted at a general election, the petition must be received by the board of supervisors at least sixty days before the election. If a majority of the county voters voting on the proposition favor the conduct of gambling games, the commission may issue one or more licenses as provided in this chapter. If a majority of the county voters voting on the proposition do not favor the conduct of gambling games, a license to conduct gambling games in the county shall not be issued. After a referendum has been held, another referendum requested by petition shall not be held for at least two years.

b. If licenses to conduct gambling games and to operate an excursion gambling boat are in effect, pursuant to a referendum as set forth in this section and are subsequently disapproved by a referendum of the county electorate, the licenses issued by the commission after a referendum approving gambling games on excursion gambling boats shall remain valid and are subject to renewal for a total of nine years from the date of original issue unless the commission revokes a license at an earlier date as provided in this chapter.

c. If, after July 1, 1989, section 99F.1, subsection 5, 99F.4, subsection 4, or 99F.9, subsection 2 is amended, the board of supervisors of a county

in which excursion boat gambling has been approved, shall submit to the county electorate a proposition to approve or disapprove the conduct of gambling games on excursion gambling boats at a special election at the earliest practicable time. If excursion boat gambling is not approved at the election, paragraph "b" does not apply to the licenses and the commission shall cancel the licenses issued for the county within sixty days of the unfavorable referendum.

11. to 15. Not reprinted.

89 Acts, ch 67, §7 (SF 124); 89 Acts, ch 139, §2-5 (SF 525)

COUNTY CONSERVATION BOARD

111A.2 Petition — board membership.

Upon a petition to the board of supervisors which meets the requirements of section 331.306, the board shall submit to the voters at the next general election the question of whether a county conservation board shall be created as provided for in this chapter. If at the election the majority of votes favors the creation of a county conservation board, the board of supervisors within sixty days after the election shall create a county conservation board to consist of five bona fide residents of the county. The members first appointed shall hold office for the term of one, two, three, four, and five years respectively, as indicated and fixed by the board of supervisors. Thereafter, succeeding members shall be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term. When a member of the board, during the term of office, ceases to be a bona fide resident of the county, the member is disqualified as a member and the office becomes vacant. Members of the board shall be selected and appointed on the basis of their demonstrated interest in conservation matters, and shall serve without compensation, but may be paid their actual and necessary expenses incurred in the performance of their official duties. Members of the county conservation board may be removed for cause by the board of supervisors as provided in section 331.321, subsection 3, if the cause is malfeasance, nonfeasance, disability, or failure to participate in board activities as set forth by the rules of the conservation board.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §111A.2; 81 Acts, ch 117, §1012]
90 Acts, ch 1238, §34

AREA HOSPITALS

145A.2 Definitions.

As used in this chapter, unless the context indicates otherwise:

1. "*Political subdivision*" means any county, township, school district or city.
2. "*Officials*" means the respective governing bodies of political subdivisions.
3. "*Merged area*" means a public corporation formed by the residents of two or more contiguous or noncontiguous political subdivisions which have

merged resources to establish and operate an area hospital.

4. "*Area hospital*" means a hospital established and operated by a merged area.

5. "*Board*" means the board of trustees of an area hospital.

[C71, 73, 75, 77, 79, 81, §145A.2]

85 Acts, ch 123, §1, 2

145A.6 Petition of protest.

The plans formulated for the area hospital shall be deemed approved unless, within sixty days after the third and final publication of the order, a petition protesting the proposed plan containing the signatures of at least five percent of the qualified voters of any political subdivision within the proposed merged area is filed with the respective officials of the protesting petitioners.

[C71, 73, 75, 77, 79, 81, §145A.6]

145A.7 Special election.

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

[C71, 73, 75, 77, 79, 81, §145A.7]

145A.8 Effect on other subdivisions.

A protest petition filed in one political subdivision shall have no effect upon the other political subdivisions of the proposed merged area; and in the portion of the proposed area where no protest petition is filed within sixty days after the last published notice, the residents of that portion of the area shall be deemed to have approved the proposed plan, and shall not take part in any special election.

[C71, 73, 75, 77, 79, 81, §145A.8]

145A.9 Continuance or abandonment.

If the voters at the special election approve by a majority vote the proposed plan, then the plan may be carried out as originally proposed. However, if the voters of any political subdivision within the proposed area reject the plan as set out in the original order, then said original order shall be wholly nullified.

[C71, 73, 75, 77, 79, 81, §145A.9]

145A.10 Board of hospital trustees.

Upon acceptance of a plan, the officials of the merged area acting as a committee of the whole shall appoint a board of hospital trustees. The

board of trustees shall then meet, elect a chairperson and adopt such rules for the organization of the board as may be necessary. The number and composition of the board shall be determined by the committee appointing the board; but as a matter of public policy the committee is directed to apportion the board into area districts in such a way that the residents of all of the merged area will be represented as nearly equally as possible on the board.

[C71, 73, 75, 77, 79, 81, §145A.10]

145A.11 Terms of members.

The terms of members of the board shall be four years, except that members of the initial board shall determine their respective terms by lot so that the terms of one-half of the members, as nearly as may be, shall expire at the next general election. The remaining initial terms shall expire at the following general election. The successors of the initial board shall be chosen from area districts at regular elections, and shall be nominated and elected in the same manner as county hospital trustees as provided in section 347.25, except that nomination papers on behalf of a candidate shall be signed by not less than twenty-five eligible electors from the area district.

[C71, 73, 75, 77, 79, 81, §145A.11]

145A.17 Indebtedness and bonds.

Boards of hospital trustees may by resolution acquire sites and buildings by purchase, lease, construction, or otherwise, for use by area hospitals and may by resolution contract indebtedness on behalf of the merged area and issue bonds bearing interest at a rate not exceeding the rate of interest permitted by chapter 74A, to raise funds in accordance with chapter 75 for the purpose of acquiring the sites and buildings.

[C71, 73, 75, 77, 79, 81, §145A.17]

85 Acts, ch 123, §8

145A.18 Taxes.

Taxes for the payment of bonds issued under section 145A.17 shall be levied in accordance with chapter 76 and in the same proportion as provided in section 145A.14. Any indebtedness incurred shall not be considered an indebtedness incurred for general and ordinary purposes.

[C71, 73, 75, 77, 79, 81, §145A.18]

85 Acts, ch 123, §9

145A.19 Special tax.

In addition to the tax authorized in connection with the annual budget and with the issuance of bonds, the voters in any merged area may at any regular election vote a special tax for a period not to exceed five years for the purchase of grounds, purchase or construction of buildings, purchase of equipment, and for the purpose of maintaining, remodeling, improving, or expanding the hospital area. Such a tax shall not exceed one-fourth of

the maximum levy of each political subdivision as set out in the published order of merger, but the total tax levy for annual budget, bonds, and special purposes shall not exceed the maximum levy as proposed in the published order of merger.

[C71, 73, 75, 77, 79, 81, §145A.19]

145A.21 Amendment of plan of merger — procedures — qualifications.

A plan of merger once approved may be amended. An amendment shall be formulated and approved in the same manner and subject to the same limitations as provided in sections 145A.3 through 145A.9 for the formulation and approval of an original plan of merger. However, an amendment to a plan of merger shall not in any way impair the obligation of or source of payment for bonds or other indebtedness duly contracted prior to the effective date of the amendment to the plan of merger.

85 Acts, ch 123, §11

145A.22 Actions subject to contest of elections — filing actions — limitation.

A special election called to approve or reject an original plan of merger or an amendment to an approved plan of merger is subject to the provisions for contest of elections for public measures set forth in chapter 57. Except as provided with respect to election contests, after one hundred twenty days following the third and final publication of the order of approval of the plan or amendment to the plan of merger, an action shall not be filed to contest the regularity of the proceedings with respect to a plan of merger or amendment to a plan of merger. After one hundred twenty days the organization of the merged area is conclusively presumed to have been lawful.

85 Acts, ch 123, §12

COUNTY AND DISTRICT FAIRS

174.10 Appropriation — availability.

1. The appropriation which is made biennially for state aid to the foregoing societies shall be available and applicable to incorporated societies of a purely agricultural nature which were entitled to draw eight hundred fifty dollars or more state aid in 1926, or societies located in counties that have no other fair or agricultural society, and which were in existence and drew state aid in 1926, except that in a county where there are two definitely separate county extension offices, two agricultural societies may receive state aid. The provisions of section 174.1 as to ownership of property shall not apply to societies under this section.

2. In counties having two incorporated agricultural societies conducting county fairs, but not having two definitely separate county extension offices, the state aid shall be prorated between the two societies or, if an official

county fair is designated by election, shall be paid to that society determined to be conducting the official county fair. The board of supervisors, upon receiving a petition which meets the requirements of section 331.306, shall submit to the qualified electors of the county at the next general election following submission of the petition or at a special election if requested by the petitioners at no cost to the county, the question of which fair shall be designated as the official county fair. Notice of the election shall be given as provided in section 49.53. The fair receiving a majority of the votes cast on the question shall be designated the official county fair. To qualify as the official county fair, the sponsoring society need not meet the conditions provided in subsection 1.

[R60, §1698, 1704; C73, §1110, 1112; C97, §1661; S13, §1659; SS15, §1661-a; C24, 27, §2902; C31, 35, §2902-d1; C39, §2902.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §174.10; 81 Acts, ch 117, §1023]

COUNTY AGRICULTURAL EXTENSION LAW

176A.4 Establishment — body corporate — county agricultural extension districts.

Each county, except Pottawattamie, is constituted and established as a “county agricultural extension district” and shall be a public body corporate organized in accordance with the provisions of this chapter for the purposes, with the powers and subject to the restrictions hereinafter set forth. Pottawattamie county shall be divided into and constitute two districts with one district to be known as “East Pottawattamie” which shall include the following townships: Pleasant, Layton, Knox, James, Valley, Lincoln, Washington, Belknap, Center, Wright, Carson, Macedonia, Grove, Waveland; and the other “West Pottawattamie” which shall include the following townships: Rockford, Boomer, Neola, Minden, Hazel Dell, York, Crescent, Norwalk, Lake, Garner, Hardin, Kane, Lewis, Keg Creek, Silver Creek.

[C24, 27, 31, 35, 39, §2930; C46, 50, 54, §176.8; C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.4]

176A.5 County agricultural extension council.

There shall be elected in each extension district an extension council consisting of nine members. Each member of the extension council shall be a resident qualified elector of the extension district.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.5]

90 Acts, ch 1149, §1

176A.6 Elections.

An election shall be held biennially at the time of the general election in each extension district for the election of members of the extension council. All qualified electors of the extension district are entitled to vote in the election.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.6]

90 Acts, ch 1149, §2

176A.7 Terms — meetings.

1. Except as otherwise provided pursuant to law for members elected in 1990, the term of office of an extension council member is four years. The term shall commence on the first day of January following the date of the member's election which is not a Sunday or legal holiday.

2. Each extension council shall meet during the months of January and July each year and at other times during the year as the council determines. The date, time and place of each meeting shall be fixed by the council.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.7]
90 Acts, ch 1149, §3

176A.8 Powers and duties of county agricultural extension council.

The extension councils of each extension district of the state shall have, exercise, and perform the following powers and duties:

1. Not reprinted.

2. To and shall each year at the meeting preceding the election of council members, appoint from their own number one member whose term does not expire as of December 31 following the election to act as temporary chairperson of the first meeting of the extension council to be held in January after the election, and one to act as temporary secretary of the meeting.

3. Not reprinted.

4. To cause notice of the date, time, and place of the election to be published as provided in section 331.305 in a newspaper having general circulation in the extension district. The cost of publishing the notice shall be paid by the extension council.

5. To and shall, at least ninety days prior to the date fixed for the election of council members, appoint a nominating committee consisting of four persons who are not council members and designate the chairperson. The membership of the nominating committee shall be gender balanced. The nominating committee shall consider the geographic distribution of potential nominees in nominating one or more resident qualified electors of the extension district as candidates for election to each office to be filled at the election. To qualify for the election ballot, each nominee shall file a nominating petition signed by at least twenty-five qualified electors of the district with the county commissioner of elections at least sixty-nine days before the date of election.

The council shall also provide for the nomination by petition of candidates for election to membership on the extension council. A nominating petition shall be signed by at least twenty-five qualified electors of the extension district and shall be filed with the county commissioner of elections at least sixty-nine days before the date of the election.

6. to 10. Not reprinted.

11. To fill all vacancies in its membership to serve for the unexpired term of the member creating the vacancy by appointing a resident qualified elector of the extension district. However, if an unexpired term in which

the vacancy occurs has more than seventy days to run after the date of the next pending election and the vacancy occurs seventy-four or more days before the election, the vacancy shall be filled at the next pending election.

12. To and shall, as soon as possible following the meeting at which the officers are elected, file in the office of the board of supervisors and of the county treasurer a certificate signed by its chairperson and secretary certifying the names, addresses and terms of office of each member, and the names and addresses of the officers of the extension council with the signatures of the officers affixed thereto, and said certificate shall be conclusive as to the organization of the extension district, its extension council, and as to its members and its officers.

13. to 16. Not reprinted.

[S13, §1683-j, -m; C24, 27, 31, 35, 39, §2930, 2933, 2938; C46, 50, 54, §176.8, 176.11, 176.16; C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.8]

83 Acts, ch 123, §77, 209; 87 Acts, ch 43, §5; 90 Acts, ch 1149, §4-6

176A.15 Consolidation of extension districts.

Any two or more extension districts may be consolidated to form a single extension district, by resolution duly adopted by the extension council of each such extension district. Upon adoption of such resolutions providing for such consolidation, the extension councils shall do all things which may be necessary or convenient to carry into effect such consolidation. The initial extension council for such new extension district shall consist of the members of the extension councils of the consolidated extension districts. The extension council of such new extension district shall promptly elect officers as provided in this chapter, and upon such election the terms of the officers of the extension councils of the consolidated extension districts shall terminate. The extension council of the new extension district shall select a name for such district and shall file the name, together with copies of the resolution providing for such consolidation, with the recorder of each county affected thereby. The new extension district shall be regarded for all purposes as an extension district, the same as if such extension district consisted of a single county, and its extension council and officers thereof shall have all the powers and duties which now or hereafter may pertain to extension councils and officers thereof. All assets and liabilities of the consolidated extension districts shall become the assets and liabilities of the new extension district. The tax rate for the "county agricultural extension education fund" shall be the same in each county included in an extension district formed by consolidation. For the purposes of any law requiring extension districts to file any document with or certify any information to any county officer or board, an extension district formed by consolidation shall file or certify the same with or to the appropriate officer or board of each county included in the extension district. An extension district formed by consolidation may be dissolved and the original extension districts as they existed prior to such consolidation may be re-established, by resolution duly adopted by the extension council of such extension district; and upon adoption of such

resolution, the extension council shall do all things which may be necessary or convenient to carry into effect such dissolution and the re-establishment of the original extension districts.

[C62, 66, 71, 73, 75, 77, 79, 81, §176A.15]

176A.16 General election law applicable.

The provisions of chapter 49 apply to the elections held pursuant to this chapter, and the county commissioner of elections has responsibility for the conducting of those elections.

[C75, 77, 79, 81, §176A.16]

90 Acts, ch 1149, §7

COMMUNITY MENTAL HEALTH CENTERS

230A.4 Trustees — qualifications — manner of selection.

When the board or boards of supervisors of a county or affiliated counties decides to directly establish a community mental health center under this chapter, the supervisors, acting jointly in the case of affiliated counties, shall appoint a board of community mental health center trustees to serve until the next succeeding general election. The board of trustees shall consist of at least seven members each of whom shall be a resident of the county or one of the counties served by the center. An employee of the center is not eligible for the office of community mental health center trustee. At the first general election following establishment of the center, all members

BLANK



of the board of trustees shall be elected. They shall assume office on the second day of the following January which is not a Sunday or legal holiday, and shall at once divide themselves by lot into three classes of as nearly equal size as possible. The first class shall serve for terms of two years, the second class for terms of four years, and the third class for terms of six years. Thereafter, a member shall be elected to the board of trustees for a term of six years at each general election to succeed each member whose term will expire in the following year.

[C75, 77, 79, 81, S81, §230A.4; 81 Acts, ch 117, §1030]

230A.5 Election of trustees.

The election of community mental health center trustees shall take place at the general election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections, signed by eligible electors of the county or affiliated counties equal in number to one percent of the vote cast therein for president of the United States or governor, as the case may be, in the last previous general election, and shall be filed with the county commissioner of elections at least fifty-five days prior to the date of the general election. A plurality shall be sufficient to elect community mental health center trustees, and no primary election for that office shall be held.

[C75, 77, 79, 81, §230A.5]

COUNTY CARE FACILITIES

253.1 Establishment — submission to vote.

If the board of supervisors proposes to establish a county care facility under this chapter at a cost in excess of fifteen thousand dollars, it shall first submit the proposition to a vote of the people.

[C51, §828; R60, §1396; C73, §1372; C97, §2241; SS15, §2241; C24, 27, 31, 35, §5338; C39, §3828.115; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §253.1; 81 Acts, ch 117, §1041]

DEPARTMENT OF EDUCATION

256.11 Educational standards.

The state board shall adopt rules under chapter 17A and a procedure for accrediting all public and nonpublic schools in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. The rules of the state board shall require that a multicultural, nonsexist approach is used by schools and school districts. The educational program shall be taught from a multicultural, nonsexist approach. Global perspectives shall be

incorporated into all levels of the educational program.

The rules adopted by the state board pursuant to section 256.17, Code Supplement 1987, to establish new standards shall satisfy the requirements of this section to adopt rules to implement the educational program contained in this section.

The educational program shall be as follows:

1. to 4. Not reprinted.

5. In grades nine through twelve, a unit of credit consists of a course or equivalent related components or partial units taught throughout the academic year. The minimum program to be offered and taught for grades nine through twelve is:

a. Not reprinted.

b. Five units of the social studies including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

The county auditor, upon request and at a site chosen by the county auditor, shall make available to schools within the county voting machines or sample ballots that are generally used within the county, at times when these machines or sample ballots are not in use for their recognized purpose.

c. to j. Not reprinted.

6. to 14. Not reprinted.

86 Acts, ch 1245, §1411; 87 Acts, ch 233, §451; 87 Acts, ch 224, §26; 88 Acts, ch 1262, §1, 2; 88 Acts, ch 1018, §1, 2; 89 Acts, ch 210, §4, 5; 89 Acts, ch 265, §23-26 (HF 794); 89 Acts, ch 319, §39, 40 (HF774); 90 Acts, ch 1272, §39, 40

SCHOOL FOUNDATION PROGRAM

[Section 257.18 is effective July 1, 1990, for purpose of computations required for payment of state aid to and levying of property taxes by school districts for the budget year beginning July 1, 1991; 89 Acts, ch 135, §141 (HF 535)]

257.18 Instructional support program.

1. An instructional support program that provides additional funding for school districts is established. A board of directors that wishes to consider participating in the instructional support program shall hold a public hearing on the question of participation. The board shall set forth its proposal including the method that will be used to fund the program, in a resolution and shall publish the notice of the time and place of a public hearing on the resolution. Notice of the time and place of the public hearing shall be

published in one or more newspapers not less than ten nor more than twenty days before the public hearing. For the purpose of establishing and giving assured circulation to the proceedings, only a newspaper which is a newspaper of general circulation issued at a regular frequency, distributed in the school district's area, and regularly delivered or mailed through the post office during the preceding two years may be used for the publication. In addition, the newspaper must have a list of subscribers who have paid, or promised to pay, at more than a nominal rate, for copies to be received during a stated period. At the hearing, the board shall announce a date certain, no later than thirty days after the date of the hearing, that it will take action to adopt a resolution to participate in the instructional support program for a period not exceeding five years or to direct the county commissioner of elections to call an election to submit the question of participation in the program for a period not exceeding ten years to the qualified electors of the school district at the next following regular school election in the base year or a special election held not later than December 1 of the base year. If the board calls an election on the question of participation, if a majority of those voting on the question favors participation in the program, the board shall adopt a resolution to participate and certify the results of the election to the department of management.

2. If the board does not provide for an election and adopts a resolution to participate in the instructional support program, the district shall participate in the instructional support program unless within twenty-eight days following the action of the board, the secretary of the board receives a petition containing the required number of signatures, asking that an election be called to approve or disapprove the action of the board in adopting the instructional support program. The petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding regular school election, whichever is greater. The board shall either rescind its action or direct the county commissioner of elections to submit the question to the qualified electors of the school district at the next following regular school election or a special election held not later than December 1 of the base year. If a majority of those voting on the question at the election favors disapproval of the action of the board, the district shall not participate in the instructional support program. If a majority of those voting on the question favors approval of the action, the board shall certify the results of the election to the department of management and the district shall participate in the program.

At the expiration of the twenty-eight day period, if no petition is filed, the board shall certify its action to the department of management and the district shall participate in the program.

89 Acts, ch 135, §18 (HF 535)

[Section 257.27 is effective July 1, 1990, for purpose of computations required for payment of state aid to and levying of property taxes by school districts for the budget year beginning July 1, 1991; 89 Acts, ch 135, §141 (HF 535)]

257.27 Continuation of instructional support program.

At the expiration of the period for which the instructional support program was adopted, the program may be extended for a period of not exceeding five or ten years in the manner provided in section 257.18.

If the voters do not approve adoption of the instructional support program, the board shall wait at least one hundred twenty days following the election before taking action to adopt the program or resubmit the proposition.

89 Acts, ch 135, §27 (HF 535)

[Section 257.29 is effective July 1, 1990, for purpose of computations required for payment of state aid to and levying of property taxes by school districts for the budget year beginning July 1, 1991; 89 Acts, ch 135, §141 (HF 535)]

257.29 Educational improvement program.

An educational improvement program is established to provide additional funding for school districts in which the regular program district cost per pupil for a budget year is one hundred ten percent of the regular program state cost per pupil for the budget year and which have approved the use of the instructional support program established in section 257.18. A board of directors that wishes to consider participating in the educational improvement program shall hold a hearing on the question of participation and the maximum percent of the regular program district cost of the district that will be used. The hearing shall be held in the manner provided in section 257.18 for the instructional support program. Following the hearing, the board may direct the county commissioner of elections to submit the question to the qualified electors of the school district at the next following regular school election or a special election held not later than the following February 1. If a majority of those voting on the question favors participation in the program, the board shall adopt a resolution to participate and shall certify the results of the election to the department of management and the district shall participate in the program. If a majority of those voting on the question does not favor participation, the district shall not participate in the program.

The educational improvement program shall provide additional revenues each fiscal year equal to a specified percent of the regular program district cost of the district, as determined by the board but not more than the maximum percent authorized by the electors if an election has been held. Certification of a district's participation for a budget year, the method of funding, and the amount to be raised shall be made to the department of management not later than March 15 of the base year.

The educational improvement program shall be funded by either an

educational improvement property tax or by a combination of an educational improvement property tax and an educational improvement income surtax. The method of raising the educational improvement moneys shall be determined by the board. Subject to the limitation in section 298.14, if the board uses a combination of an educational improvement property tax and an educational improvement income surtax, the board shall determine the percent of income surtax to be imposed, expressed as full percentage points, not to exceed twenty percent.

The department of management shall establish the amount of the educational improvement property tax to be levied or the amount of the combination of the educational improvement property tax to be levied and the amount of the school district income surtax to be imposed for each school year that the educational improvement amount is authorized. The educational improvement property tax and income surtax, if an income surtax is imposed, shall be levied and imposed, collected, and paid to the school district in the manner provided for the instructional support program in sections 257.21 through 257.26. Moneys received by a school district under the educational improvement program are miscellaneous income.

Once approved at an election, the authority of the board to use the educational improvement program shall continue until the board votes to rescind the educational improvement program or the voters of the school district by majority vote order the discontinuance of the program. The board shall call an election to vote on the proposition whether to discontinue the program upon the receipt of a petition signed by not less than one hundred eligible electors or thirty percent of the number of electors voting at the last preceding school election, whichever is greater.

89 Acts, ch 135, §29; 90 Acts, ch 1190, §9

Limit on total surtax, §298.14

AREA EDUCATION AGENCY

273.8 Area education agency board of directors.

1. *Board of directors.* The board of directors of an area education agency shall consist of not less than five nor more than nine members, each a resident of and elected in the manner provided in this section from a director district that is approximately equal in population to the other director districts in the area education agency. Each director shall serve a three-year term which commences at the organization meeting.

2. *Election of directors.* The board of directors of the area education agency shall be elected at director district conventions attended by members of the boards of directors of the local school districts located within the director district. The member of the area education agency board to be elected at the director district convention may be a member of a local school district board of directors and shall be an elector and a resident of the director district, other than school district employees.

The director district conventions shall be called and the locations of the

conventions shall be determined by the area education agency administrator. Annually the director district conventions shall be held within two weeks following the regular school election. Notice of the time, date and place of a director district convention shall be published by the area education agency administrator at least forty-five days prior to the day of the district conventions in at least one newspaper of general circulation in the director district. The cost of publication shall be paid by the area education agency.

The board of each separate school district which is located entirely or partially inside an area education agency director district shall cast a vote for director of the area education agency board based upon the ratio that the population of the school district, or portion of the school district, in the director district bears to the total population in the director district. The population of each school district or portion shall be determined by

275.23A Redistricting following federal decennial census.

1. School districts which have directors who represent director districts as provided in section 275.12, subsection 2, paragraphs *b* through *e*, shall be divided into director districts on the basis of population as determined from the most recent federal decennial census. The director districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of director districts to be established into the population of the school district. The director districts shall be composed of contiguous territory as compact as practicable.

2. If following a federal decennial census a school district fails to meet population equality requirements, the board of directors of the school district shall adopt a resolution redrawing the director districts not earlier than November 15 of the year immediately following the year in which the federal decennial census is taken nor later than May 30 of the second year immediately following the year in which the federal decennial census is taken. A copy of the adopted plan shall be filed with the area education agency administrator of the area education agency in which the school's electors reside.

3. The school board shall notify the state commissioner of elections and the county commissioner of elections of each county in which a portion of the school district is located when the boundaries of director districts are changed. The board shall provide the commissioners with maps showing the new boundaries and shall also certify to the state commissioner the populations of the new director districts as determined under the latest federal decennial census. If, following a federal decennial census a school district elects not to redraw director districts under this section, the school board shall so certify to the state commissioner of elections, and the school board shall also certify to the state commissioner the populations of the retained director districts as determined under the latest federal decennial census. Upon failure of a district board to make the required changes by the dates established under this section as determined by the state commissioner of elections, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible, and shall assess any expenses incurred to the school district. The state commissioner may request the services of personnel of and materials available to the legislative service bureau to assist the commissioner in making any required boundary changes.

4. If more than one incumbent director, whose term extends beyond the organizational meeting of the board of directors after the regular school election following the adoption of the redrawn districts, reside in a redrawn director district, the terms of office of the affected directors expire at the organizational meeting of the board of directors following the next regular school election.

5. The boundary changes under this section take effect July 1 following their adoption for the next regular school election.

6. Section 275.9 and sections 275.14 through 275.23 do not apply to changes in director district boundaries made under this section.

[83 Acts, ch 77, §3, 4]

89 Acts, ch 296, §24 (SF 141); 90 Acts, ch 1233, §9

275.24 Effective date of change.

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

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.24]

83 Acts, ch 53, §3

275.25 Election of directors.

1. If the proposition to establish a new school district carries under the method provided in this chapter, the area education agency administrator with whom the petition was filed shall give written notice of a proposed date for a special election for directors of the newly formed school district to the commissioner of elections of the county in the district involved in the reorganization which has the greatest taxable base. The proposed date shall be as soon as possible pursuant to sections 39.2, subsections 1 and 2, and 47.6, subsections 1 and 2, but not later than the third Tuesday in January of the calendar year in which the reorganization takes effect. The election shall be conducted as provided in section 277.3, and nomination petitions shall be filed pursuant to section 277.4, except as otherwise provided in this subsection. Nomination petitions shall be filed with the secretary of the board of the existing school district in which the candidate resides, signed by not less than ten eligible electors of the newly formed district, and filed not less than thirty days prior to the date set for the special school election.

2. The number of directors of a school district is either five or seven as provided in section 275.12. In school districts that include a city of fifteen thousand or more population as shown by the most recent decennial federal census, the board shall consist of seven members elected in the manner provided in subsection 3. If it becomes necessary to increase the membership of a board, two directors shall be added according to the procedure described in section 277.23. The county board of supervisors shall canvass the votes and the county commissioner of elections shall report the results to the area education agency administrator who shall notify the persons who are elected directors.

3. The directors who are elected and qualify to serve shall serve until their successors are elected and qualify. At the special election, the newly elected director receiving the most votes shall be elected to serve until the director's successor qualifies after the fourth regular school election date occurring after the effective date of the reorganization; the two newly elected

directors receiving the next largest number of votes shall be elected to serve until the directors' successors qualify after the third regular school election date occurring after the effective date of the reorganization; and the two newly elected directors receiving the next largest number of votes shall be elected to serve until the directors' successors qualify after the second

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to sections 39.2, subsections 1 and 2 and 47.6, subsections 1 and 2. The county commissioner of elections shall give notice of the election by one publication in the same newspaper in which the previous notice was published about the hearing, which publication shall not be less than four nor more than twenty days prior to the election.

The proposition shall be adopted if a majority of the electors voting on the proposition approve its adoption.

The attachment is effective July 1 following its approval. If the dissolution proposal is for the dissolution of a school district with a certified enrollment of fewer than six hundred, the territory located in the school district that dissolved is eligible, if approved by the director of the department of education, for a reduction in the foundation property tax levy under section 257.3, subsection 1. If the director approves a reduction in the foundation property tax levy as provided in this section, the director shall notify the director of the department of management of the reduction.

[C81, §275.55]

88 Acts, ch 1263, §4; 89 Acts, ch 135, §69 (HF 535)

CHAPTER 277

SCHOOL ELECTIONS

- 277.1 Regular election.
- 277.2 Special election.
- 277.3 Election laws applicable.
- 277.4 Nominations required.
- 277.5 Objections to nominations.
- 277.6 Territory outside county.
- 277.7 to 277.19 Repealed by 65GA, ch 136, §401.
- 277.20 Canvassing returns.
- 277.21 Repealed by 65GA, ch 136, §401.
- 277.22 Contested elections.
- 277.23 Directors — number — change.
- 277.24 Repealed by 63GA, ch 1025, §40.
- 277.25 Directors in new districts.
- 277.26 Repealed by 66GA, ch 81, §154.
- 277.27 Qualification.
- 277.28 Oath required.
- 277.29 Vacancies.
- 277.30 Vacancies filled by election.
- 277.31 Surrendering office.
- 277.32 Penalties.
- 277.33 Transferred to §277.3.
- 277.34 Repealed by 65GA, ch 136, §401.

277.1 Regular election.

The regular election shall be held annually on the second Tuesday in September in each school district for the election of officers of the district and merged area and for the purpose of submitting to the voters any matter authorized by law.

[C51, §1111, 1114; R60, §2027, 2030, 2031; C73, §1717-1719; C97, §2746, 2751; C24, §4194, 4211; C27, §4194, 4211, 4216-b1; C31, 35, §4216-c1; C39, §4216.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.1]

83 Acts, ch 101, §63

277.2 Special election.

The board of directors in a school corporation may call a special election at which the voters shall have the powers exercised at the regular election with reference to the sale of school property and the application to be made of the proceeds, the authorization of seven members on the board of directors, the authorization to establish or change the boundaries of director districts, and the authorization of a voter-approved physical plant and equipment levy or indebtedness, as provided by law.

[C97, §2750; S13, §2750; C24, 27, §4197; C31, 35, §4216-c2; C39, §4216.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.2]

89 Acts, ch 135, §70 (HF 535)

1989 amendment takes effect July 1, 1990, for purposes of computations for school budget year beginning July 1, 1991; 89 Acts, ch 135, §141

277.3 Election laws applicable.

The provisions of chapters 39 to 53 shall apply to the conduct of all school elections and the school elections shall be conducted by the county commissioner of elections, except as otherwise specifically provided in this chapter.

[C97, §2754; S13, §2754; C24, 27, §4204; C31, 35, §4216-c33; C39, §4216.33; C46, 50, 54, 58, 62, 66, 71, 73, 75, §277.33; C77, 79, 81, §277.3]

277.4 Nominations required.

Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-four days, nor less than forty days before the election. Nomination petitions shall be filed not later than five p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the school secretary shall remain open until five p.m.

Each candidate shall be nominated by a petition signed by not less than ten eligible electors of the district. Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same district as the candidate if directors are elected by district, rather than at large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office.

The secretary of the school board shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The secretary of the school board shall note upon each petition and affidavit accepted for filing the date and time that the petition was filed. The secretary of the school board shall deliver all nomination petitions, together with the complete text of any public measure being submitted by the board to the electorate, to the county commissioner of elections not later than five o'clock p.m. on the day following the last day on which nomination petitions can be filed.

Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect with the secretary at any time prior to five o'clock p.m. on the thirty-fifth day before the election.

[S13, §2754; C24, §4201; C27, §4201, 4216-b4, -b5; C31, 35, §4216-c4; C39, §4216.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.4]

87 Acts, ch 221, §32; 88 Acts, ch 1119, §32; 89 Acts, ch 136, §63 (SF 371); 90 Acts, ch 1238, §35

277.5 Objections to nominations.

Objections to the legal sufficiency of a nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. The objection must be filed with the secretary of the school board at least thirty days before the day of the school election. When objections are filed notice shall forthwith be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of

the candidate, and also stating the time and place the objections will be considered.

Objections shall be considered not later than two working days following the receipt of the objections by the president of the school board, the secretary of the school board, and one additional member of the school board chosen by ballot. If objections have been filed to the nominations of either of those school officials, that official shall not pass on the objection.

The official's place shall be filled by a member of the school board against whom no objection exists. The replacement shall be chosen by ballot.

88 Acts, ch 1119, §33

277.6 Territory outside county.

If there is within a school corporation any territory not within the limits of the county whose county commissioner of elections is responsible under section 47.2 for conducting that school corporation's elections, the commissioner may divide the territory which lies outside the county but within the school district into additional precincts, or may attach the various parts thereof to contiguous precincts within the responsible commissioner's county in accordance with section 49.3, and as will best serve the convenience of the electors of said territory in voting on school matters.

[C24, §4205, 4207; C27, §4205, 4207, 4216-b2; C31, 35, §4216-c6; C39, §4216.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.6]

277.7 to 277.19 Repealed by 65GA, ch 136, §401.

277.20 Canvassing returns.

On the next Friday after the regular school election, the county board of supervisors shall canvass the returns made to the county commissioner of elections from the several precinct polling places and the absentee ballot counting board, ascertain the result of the voting with regard to every matter voted upon and cause a record to be made thereof as required by section 50.24. Special elections held in school districts shall be canvassed at the time and in the manner required by that section. The board shall declare the results of the voting for members of boards of directors of school corporations nominated pursuant to section 277.4, and the commissioner shall at once issue a certificate of election to each person declared elected. The board shall also declare the results of the voting on any public question submitted to the voters of a single school district, and the commissioner shall certify the result as required by section 50.27.

The abstracts of the votes cast for members of the board of directors of any merged area, and of the votes cast on any public question submitted to the voters of any merged area, shall be promptly certified by the commissioner to the county commissioner of elections who is responsible under section 47.2 for conducting the elections held for that merged area.

[C97, §2756; S13; §2756; C24, §4210; C27, §4210, 4211-b6; C31, 35, §4216-c20; C39, §4216.20; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.20]

destroyed.

8. Authorize a change to either five or seven directors. The proposition for the change shall specify the number of directors to be elected, and which of the methods of election authorized by section 275.12, subsection 2 is to be used if the change is approved by the voters.

9. Authorize the establishment or abandonment of director districts or a change of boundaries of director districts. If a proposition submitted to the voters under this subsection or subsection 8 of this section is rejected, it may not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this subsection or subsection 8 of this section within the next six years.

10. Change the name of the school district, without affecting its corporate existence, rights, or obligations, and subject to the requirements of section 274.6.

The board may, with approval of sixty percent of the voters, voting in a regular or special election in the school district, make extended time contracts not to exceed twenty years in duration for rental of buildings to supplement existing schoolhouse facilities; and where it is deemed advisable for buildings to be constructed or placed on real estate owned by the school district, such contracts may include lease-purchase option agreements, such amounts to be paid out of the schoolhouse fund.

Before entering into a rental or lease-purchase option contract, authorized by the electors, the board shall first adopt plans and specifications for a building or buildings which it considers suitable for the intended use and also adopt a form of rental or lease-purchase option contract. The board shall then invite bids thereon, by advertisement published once each week for two consecutive weeks, in a newspaper published in the county in which the building or buildings are to be located, and the rental or lease-purchase option contract shall be awarded to the lowest responsible bidder, but the board may reject any and all bids and advertise for new bids.

The voters at the regular or special election shall have power to vote a schoolhouse tax not exceeding one dollar and thirty-five cents per thousand dollars of assessed value in any one year providing for lease-purchase option of school buildings.

[C51, §1115; R60, §2028, 2033; C73, §1717, 1807; C97, §2749; C24, 27, 31, 35, 39, §4217; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §278.1]

Applicability to reorganized districts; 68GA, ch 1080, §4

[Section 278.1 as printed below is effective July 1, 1991; 89 Acts, ch 135, §142 (HF 535)]

278.1 Enumeration.

The voters at the regular election shall have power to:

1. *Direct a change of textbooks regularly adopted.*
2. *Direct the sale, lease, or other disposition of any schoolhouse or*

site or other property belonging to the corporation, and the application to be made of the proceeds thereof, provided, however, that nothing herein shall be construed to prevent the sale, lease, exchange, gift or grant and acceptance of any interest in real or other property by the board of directors without an election to the extent authorized in section 297.22.

3. Determine upon additional branches that shall be taught.

4. Instruct the board that school buildings may or may not be used for meetings of public interest.

5. Direct the transfer of any surplus in the schoolhouse fund to the general fund.

6. Authorize the board to obtain, at the expense of the corporation, roads for proper access to its schoolhouses.

7. Authorize a change to either five or seven directors. The proposition for the change shall specify the number of directors to be elected, and which of the methods of election authorized by section 275.12, subsection 2 is to be used if the change is approved by the voters.

8. Authorize the establishment or abandonment of director districts or a change of boundaries of director districts. If a proposition submitted to the voters under this subsection or subsection 8 of this section is rejected, it may not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this subsection or subsection 8 of this section within the next six years.

9. Change the name of the school district, without affecting its corporate existence, rights, or obligations, and subject to the requirements of section 274.6.

The board may, with approval of sixty percent of the voters, voting in a regular or special election in the school district, make extended time contracts not to exceed twenty years in duration for rental of buildings to supplement existing schoolhouse facilities; and where it is deemed advisable for buildings to be constructed or placed on real estate owned by the school district, such contracts may include lease-purchase option agreements, such amounts to be paid out of the schoolhouse fund.

Before entering into a rental or lease-purchase option contract, authorized by the electors, the board shall first adopt plans and specifications for a building or buildings which it considers suitable for the intended use and also adopt a form of rental or lease-purchase option contract. The board shall then invite bids thereon, by advertisement published once each week for two consecutive weeks, in a newspaper published in the county in which the building or buildings are to be located, and the rental or lease-purchase option contract shall be awarded to the lowest responsible bidder, but the board may reject any and all bids and advertise for new bids.

[C51, §1115; R60, §2028, 2033; C73, §1717, 1807; C97, §2749; C24, 27, 31, 35, 39, §4217; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §278.1]

89 Acts, ch 135, §71, 72, (HF 535)

1989 amendments striking former subsection 7 and last unnumbered paragraph effective July 1, 1991; 89 Acts, ch 135, §142

Physical plant and equipment levy; see §298.2

Continuation of schoolhouse tax levy approved prior to March 15, 1991; 89 Acts, ch 135, §125, 141; 90 Acts, ch 1190, §11

278.2 Submission of proposition.

The board may, and upon the written request of one hundred eligible electors or a number of electors which equals thirty percent of the number of electors who voted in the last regular school board election, whichever number is greater, shall, direct the county commissioner of elections to provide in the notice of the regular election for the submission of any proposition authorized by law to the voters. When the board has directed the commissioner to submit to the voters a proposition authorized by section 278.1, subsection 8 or 9, it shall not thereafter direct the commissioner to submit at the same election any other proposition under either of those subsections.

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

[R60, §2028; C97, §2749; C24, 27, 31, 35, 39, §4218; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §278.2]

89 Acts, ch 30, §1 (HF 418); 89 Acts, ch 136, §64 (SF 371); 90 Acts, ch 1238, §36

278.3 Power given electors not to limit directors' power.

The power vested in the electors by section 278.1 shall not affect or limit the power granted to the board of directors of a school district in section 297.7, subsection 2, and the authority granted in said subsection shall be construed as independent of the power vested in the electors by section 278.1.

[C75, 77, 79, 81, §278.3]

MISCELLANEOUS SECTIONS

DIRECTORS — POWERS AND DUTIES

279.6 Vacancies — qualification — tenure.

Vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until a successor is elected and qualified pursuant to section 69.12. A person appointed to fill a vacancy in an appointive office shall hold such office for the residue of the unexpired term and until a successor is appointed and qualified.

Any person so appointed shall qualify within ten days thereafter in the manner required by section 277.28.

However, if a member of a school board resigns from the board prior to the time for filing nomination papers for office as a school board member, as provided in section 277.4, and specifies in the resignation that the resignation will be effective on the date the next term of office for elective

school officials begins, the president of the board shall declare the office vacant as of that date and nomination papers shall be received for the unexpired term of the resigning member. The person elected at the next regular school election to fill the vacancy shall take office at the same time and place as the other elected school board members.

[C51, §1120; R60, §2037, 2038, 2079; C73, §1730, 1738; C97, §2758, 2771, 2772; S13, §2758, 2771, 2772; C24, §4223; C27, 31, 35, §4223-a2; C39, §4223.2; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.6]

279.7 Vacancies filled by special election — qualification — tenure.

In any case where a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of such board have not filled such vacancy within ten days after the occurrence thereof, or when the board is reduced below a quorum for any cause, the secretary of the board, or if there be no secretary, the area education agency administrator shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill such vacancy or vacancies. The county commissioner of elections shall publish the notices required by law for such special elections, which election shall be held not sooner than thirty days nor later than forty days after the tenth day following the occurrence of the vacancy. In any case where the secretary fails for more than three days to call such election, the administrator shall call it.

Any appointment by the board to fill any vacancy in an elective office on or after the day notice has been given for a special election to fill such vacancy as provided herein shall be null and void.

In any case of a special election as provided herein to fill a vacancy occurring among the elective officers or members of a school board before the expiration of a full term, the person so elected shall qualify within ten days thereafter in the manner required by section 277.28 and shall hold office for the residue of the unexpired term and until a successor is elected, or appointed, and qualified.

Nomination petitions shall be filed in the manner provided in section 277.4, except that the petitions shall be filed not less than twenty-five days before the date set for the election.

[C51, §1120; R60, §2037, 2038, 2079; C73, §1730, 1738; C97, §2758, 2771, 2772; S13, §2758, 2771, 2772; C24, §4223; C27, 31, 35, §4223-b1; C39, §4223.3; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.7]

87 Acts, ch 48, §1; 89 Acts, ch 136, §65 (SF 371)

279.43 Optional funding of asbestos removal or encapsulation.

1. The board of directors may pay the actual cost of removal or encapsulation of asbestos existing in its school buildings from any funds in the general fund of the district, funds received from the schoolhouse tax authorized under section 278.1, subsection 7, funds from the tax levy certified under section 297.5 or moneys obtained through a federal asbestos loan program, to be repaid from any of the funds specified in this subsection.

[Section 279.54 is effective July 1, 1990, for purpose of computations required for payment of state aid to and levying of property taxes by school districts for the budget year beginning July 1, 1991; 89 Acts, ch 135, §141 (HF 535)]

279.54 School district income surtax.

If a majority of those voting in an election approves raising the additional enrichment amount for an asbestos project under section 279.53 and this section, not later than March 15 of the previous school year the board shall certify to the department of management that the required procedures have been carried out, the method of funding the amount to be raised, and the department of management shall establish the amount of additional enrichment property tax to be levied or the amount of the combination of the enrichment property tax and the amount of enrichment income surtax to be imposed for each school year for which the additional enrichment amount for an asbestos project is authorized. The enrichment property tax and income surtax, if an income surtax is imposed, shall be levied and imposed, collected, and paid to the school district in the manner provided for the instructional support program in sections 257.21 through 257.26.

Moneys received are miscellaneous income for purposes of chapter 257.
89 Acts, ch 135, §79 (HF 535)

UNIFORM SCHOOL REQUIREMENTS

280.9A History and government required — voter registration.

1. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall require that all students in grades nine through twelve complete, as a condition of graduation, instruction in American history and the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

2. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall submit a list of currently enrolled full-time and part-time students who have attained the age of eighteen years or will attain the age of eighteen years within six months, twice each calendar year, to the county commissioner of elections in the county or counties in which the public school district or nonpublic school is located. The list shall be submitted on September 30 and March 30 of each school year and shall list the student's name, address, and date of birth. The county commissioner of elections may use this list to send a voter registration form to the student.

88 Acts, ch 1129, §1; 90 Acts, ch 1238, §38

MERGED AREAS — COMMUNITY COLLEGES

280A.2 Definitions.

When used in this chapter, unless the context otherwise requires:

1. "*Community college*" means a publicly supported school which may offer programs of adult and continuing education, lifelong learning, community education, and up to two years of liberal arts, preprofessional, or occupational instruction partially fulfilling the requirements for a baccalaureate degree but confers no more than an associate degree; or which offers as the whole or as part of the curriculum up to two years of vocational or technical education, training, or retraining to persons who are preparing to enter the labor market.

2. "*Director*" means the director of the department of education.

3. "*Merged area*" means an area where two or more school systems or parts of school systems merge resources to operate a community college in the manner provided in this chapter.

4. "*State board*" means the state board of education.

[C66, 71, 73, 75, 77, 79, 81, §280A.2]

85 Acts, ch 212, §21, 22; 90 Acts, ch 1253, §27

280A.10 Procedure of state board. Repealed by 90 Acts, ch 1253, §126.

280A.11 Governing board.

The governing board of a merged area is a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be chosen at the annual school elections for members whose terms expire. The term of a member of the board of directors is three years and commences at the organization meeting. Vacancies on the board shall be filled at the next regular meeting of the board by appointment by the remaining members of the board. A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until a member is elected pursuant to section 69.12 to fill the vacancy for the balance of the unexpired term. A vacancy is defined in section 277.29. A member shall not serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Commencing with the regular school election in 1981, the governing board of a merged area shall consist of not less than five nor more than nine members.

Director districts shall be of approximately equal population within each merged area.

[C66, 71, 73, 75, §280A.12; C77, §280A.12, 280A.23(2); C79, 81, §280A.12, 280A.28; 82 Acts, ch 1136, §7]

84 Acts, ch 1219, §15; 89 Acts, ch 136, §66 (SF 371)

Transferred from §280A.12 in Code 1981 to §280A.11 in Code 1983

280A.12 Directors of merged area.

The board of directors of the merged area shall organize at the first regular meeting in October of each year. Organization of the board shall be effected by the election of a president and other officers from the board membership as board members determine. The board of directors shall appoint a secretary and a treasurer who shall each give bond as prescribed in section 291.2 and who shall each receive the salary determined by the board. The secretary and treasurer shall perform duties under chapter 291 and additional duties the board of directors deems necessary. However, the board may appoint one person to serve as the secretary and treasurer. If one person serves as the secretary and treasurer, only one bond is necessary for that person. The frequency of meetings other than organizational meetings shall be as determined by the board of directors but the president or a majority of the members may call a special meeting at any time.

Members of the board, other than the secretary and the treasurer, shall be allowed their actual expenses incurred in the performance of their duties and may be eligible to receive per diem compensation.

[C66, 71, 73, 75, 77, 79, 81, §280A.13; 82 Acts, ch 1039, §1, ch 1086, §1] 90 Acts, ch 1253, §28

Transferred from §280A.13 in Code 1981 to §280A.12 in Code 1983

280A.13 Director districts.

1. The board of a merged area may change the number of directors on the board and shall make corresponding changes in the boundaries of director districts. Changes shall be completed not later than July 1 of a fiscal year for the regular school election to be held the next following September.

2. The board of the merged area shall redraw boundary lines of director districts in the merged area after each census to compensate for changes in population if changes in population have taken place.

3. Where feasible boundary lines of director districts shall coincide with the boundary lines of school districts and the boundary lines of election precincts established pursuant to sections 49.3 to 49.6.

4. To the extent possible the board shall provide that changes in the boundary lines of director districts of merged areas do not lengthen or diminish the term of office of a director of the board. Initial terms of office shall be set by the board so that as nearly as possible the terms of one-third of the members expire annually.

[C66, 71, 73, 75, 77, §280A.23(2); C79, §280A.28, 280A.30; C81, §280A.28, 280A.29; 82 Acts, ch 1136, §9]

280A.14 Expenses prorated. Repealed by 90 Acts, ch 1253, §126.

280A.15 Conduct of elections.

1. Regular elections held annually by the merged area for the election of members of the board of directors as required by section 280A.11, for the renewal of the twenty and one-fourth cents per thousand dollars of assessed valuation levy authorized in section 280A.22, or for any other matter authorized by law and designated for election by the board of directors of the merged area, shall be held on the date of the school election as fixed by section 277.1. The election notice shall be made a part of the local school election notice published as provided in section 49.53 in each local school district where voting is to occur in the merged area election and the election shall be conducted by the county commissioner of elections pursuant to chapters 39 to 53 and section 277.20.

2. A candidate for member of the board of directors of a merged area shall be nominated by a petition signed by not less than fifty eligible electors of the director district from which the member is to be elected. The petition shall state the number of the director district from which the candidate

seeks election, and the candidate's name and status as an eligible elector of the director district. Signers of the petition, in addition to signing their names, shall show their residence, including street and number if any, the school district in which they reside, and the date they signed the petition. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall include the affidavit of the candidate being nominated, stating the candidate's name and residence, and that the individual is a candidate, is eligible for the office sought, and if elected will qualify for the office.

3. Nomination papers in behalf of candidates for member of the board of directors of a merged area shall be filed with the secretary of the board not earlier than sixty-five days nor later than five o'clock p.m. on the fortieth day prior to the election at which members of the board are to be elected. The secretary shall deliver all nomination petitions so filed, together with the text of any public measure being submitted by the board of directors to the electorate, to the county commissioner of elections who is responsible under section 47.2 for conducting elections held for the merged area, not later than five o'clock p.m. on the day following the last day on which nomination petitions can be filed. That commissioner shall certify the names of candidates, and the text and summary of any public measure being submitted to the electorate, to all county commissioners of elections in the merged area by the thirty-fifth day prior to the election.

4. The votes cast in the election shall be canvassed and abstracts of the votes cast shall be certified as required by section 277.20. In each county whose commissioner of elections is responsible under section 47.2 for conducting elections held for a merged area, the county board of supervisors shall convene at ten o'clock a.m. on the last Monday in September, canvass the abstracts of votes cast and declare the results of the voting. The commissioner shall at once issue certificates of election to each person declared elected, and shall certify to the merged area board in substantially the manner prescribed by section 50.27 the result of the voting on any public question submitted to the voters of the merged area. Members elected to the board of directors of a merged area shall qualify by taking the oath of office prescribed in section 277.28.

[C66, 71, 73, 75, 77, 79, 81, §280A.15]

88 Acts, ch 1119, §34; 88 Acts, ch 1158, §57; 89 Acts, ch 136, §67 (SF 371)

280A.19 Acquisition of sites and buildings.

Boards of directors of merged areas may acquire sites and erect and equip buildings for use by community colleges and may contract indebtedness and issue bonds to raise funds for such purposes.

[C66, 71, 73, 75, 77, 79, 81, §280A.19]

90 Acts, ch 1253, §30

280A.21 Election to incur indebtedness.

No indebtedness shall be incurred under section 280A.19 until authorized by an election. A proposition to incur indebtedness and issue bonds for community college purposes shall be deemed carried in a merged area if approved by a sixty percent majority of all voters voting on the proposition in the area. However, if the costs of utilities are paid by a community college with funds derived from the levy authorized under section 280A.22, the community college may use the general fund moneys that would have been used to pay the costs of utilities for capital expenditures, may invest the funds, or may incur indebtedness without an election, provided that the payments on the indebtedness incurred, and any interest on the indebtedness, can be made using general funds of the community college and the total payments on the principal and interest on the indebtedness do not exceed the amount of the costs of the utilities.

[C66, 71, 73, 75, 77, 79, 81, §280A.21]

90 Acts, ch 1253, §31

280A.22 Facilities levy by vote — borrowing — temporary cash reserve levy.

1. a. In addition to the tax authorized under section 280A.17, the voters in any merged area may at the annual school election vote a tax not exceeding twenty and one-fourth cents per thousand dollars of assessed value in any one year for a period not to exceed ten years for the purchase of grounds, construction of buildings, payment of debts contracted for the construction of buildings, purchase of buildings and equipment for buildings, and the acquisition of libraries, for the purpose of paying costs of utilities, and for the purpose of maintaining, remodeling, improving, or expanding the community college of the merged area. If the tax levy is approved under this section, the costs of utilities shall be paid from the proceeds of the levy. The tax shall be collected by the county treasurers and remitted to the treasurer of the merged area as provided in section 331.552, subsection 29. The proceeds of the tax shall be deposited in a separate and distinct fund to be known as the voted tax fund, to be paid out upon warrants drawn by the president and secretary of the board of directors of the merged area district for the payment of costs incurred in providing the school facilities for which the tax was voted.

b. In order to make immediately available to the merged area the proceeds of the voted tax hereinbefore authorized to be levied, the board of directors of any such merged area is hereby authorized, without the necessity for any further election, to borrow money and enter into loan agreements in anticipation of the collection of such tax, and such board shall, by resolution, provide for the levy of an annual tax, within the limits of the special voted tax hereinbefore authorized, sufficient to pay the amount of any such loan and the interest thereon to maturity as the same becomes due. A certified copy of this resolution shall be filed with the county auditors of the counties in which such merged area is located, and the filing thereof shall make

it a duty of such auditors to enter annually this levy for collection until funds are realized to repay the loan and interest thereon in full. Said loan must mature within the number of years for which the tax has been voted and shall bear interest at a rate or rates not exceeding that permitted by chapter 74A. Any loan agreement entered into pursuant to authority herein contained shall be in such form as the board of directors shall by resolution provide and the loan shall be payable as to both principal and interest from the proceeds of the annual levy of the voted tax hereinbefore authorized, or so much thereof as will be sufficient to pay the loan and interest thereon.

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In furtherance of the foregoing the board of directors of such merged area may, with or without notice, negotiate and enter into a loan agreement or agreements with any bank, investment banker, trust company, insurance company or group thereof, whereunder the borrowing of the necessary funds may be assured and consummated. The proceeds of such loan shall be deposited in a special fund, to be kept separate and apart from all other funds of the merged area, and shall be paid out upon warrants drawn by the president and secretary of the board of directors to pay the cost of acquiring the school facilities for which the tax was voted.

c. If the boundary lines of a merged area are changed, the levy of the annual tax provided in this section sufficient to pay the amount due for a loan agreement and the interest on the loan agreement to maturity shall continue in any territory severed from the merged area until the loan with interest on the loan has been paid in full.

d. Nothing herein contained shall be construed to limit the authority of the board of directors to levy the full amount of the voted tax, but if and to whatever extent said tax is levied in any year in excess of the amount of principal and interest falling due in such year under any loan agreement, the first available proceeds thereof, to an amount sufficient to meet maturing installments of principal and interest under the loan agreement, shall be paid into the sinking fund for such loan before any of such taxes are otherwise made available to the merged area for other school purposes, and the amount required the money borrowed under such loan agreement shall constitute a first charge upon all of the proceeds of such annual special voted tax, which tax shall be pledged to pay said loan and the interest thereon.

e. This law shall be construed as supplemental and in addition to existing statutory authority and as providing an independent method of financing the cost of acquiring school facilities for which a tax has been voted under this section and for the borrowing of money and execution of loan agreements in connection therewith and shall not be construed as subject to the provisions of any other law. The fact that a merged area may have previously borrowed money and entered into loan agreements under authority herein contained shall not prevent such merged area from borrowing additional money and entering into further loan agreements provided that the aggregate of the amount payable under all of such loan agreements does not exceed the proceeds of the voted tax. All acts and proceedings heretofore taken by the board of directors or by any official of any merged area for the exercise of any of the powers granted by this section are hereby legalized and validated in all respects.

2. The proceeds of the tax voted under subsection 1, paragraph "a", prior to July 1, 1987 shall be used for the purposes for which it was approved by the voters and may be used for the purpose of paying the costs of utilities.

3. In addition to the tax authorized under section 280A.17, the board of directors of an area school may certify for levy by March 15, 1982 and March 15, 1983, a tax on taxable property in the merged area at rates that will provide total revenues for the two years equal to five percent of

the area school's general fund expenditures for the fiscal year ending June 30, 1980 in order to provide a cash reserve for that area school. As nearly as possible, one-half the revenue for the cash reserve fund shall be collected during each year.

The revenues derived from the levies shall be placed in a separate cash reserve fund. Moneys from the cash reserve fund shall only be used to alleviate temporary cash shortages. If moneys from the cash reserve fund are used to alleviate a temporary cash shortage, the cash reserve fund shall be reimbursed immediately from the general fund of the community college as funds in the general fund become available, but in no case later than June 30 of the current fiscal year, to repay the funds taken from the cash reserve fund.

[C66, 71, 73, 75, 77, 79, 81, §280A.22; 81 Acts, ch 88, §1; 82 Acts, ch 1136, §10]

84 Acts, ch 1003, §3; 87 Acts, ch 233, §476, 477; 90 Acts, ch 1253, §32

Exception for certain final year levies; see 65GA, ch 1096, §58, 61

280A.25 Duties of director.

The director shall:

1. Not reprinted.
2. Change boundaries of director districts in a merged area when the board fails to change boundaries as required by law.
3. Make changes in boundaries of merged areas with the approval of the board of directors of each merged area affected by the change. When the boundaries of a merged area are changed, the director of the department of education may authorize the board of directors of the merged area to levy additional taxes upon the property within the merged area, or any part of the merged area, and distribute the taxes so that all parts of the merged area are paying their share toward the support of the college.

4. to 12. Not reprinted.

[C66, 71, 73, 75, 77, 79, 81, §280A.25; 82 Acts, ch 1136, §11]

85 Acts, ch 212, §12; 86 Acts, ch 1245, §1470; 87 Acts, ch 115, §41; 87 Acts, ch 224, §57, 58; 90 Acts, ch 1253, §36

280A.39 Combining merged areas — election.

Any merged area may combine with any adjacent merged area after a favorable vote by the electors of each of the areas involved. If the boards of directors of two or more merged areas agree to a combination, the question shall be submitted to the electors of each area at a special election to be held on the same day in each area. The special election shall not be held within thirty days of any general election. Prior to the special election, the board of each merged area shall notify the county commissioner of elections of the county in which the greatest proportion of the merged area's taxable base is located who shall publish notice of the election according to section 49.53. The two respective county commissioners of elections shall conduct

the election pursuant to the provisions of chapters 39 to 53. The votes cast in the election shall be canvassed by the county board of supervisors and the county commissioners of elections who conducted the election shall certify the results to the board of directors of each merged area.

If the vote is favorable in each merged area, the boards of each area shall proceed to transfer the assets, liabilities, and facilities of the areas to the combined merged area, and shall serve as the acting board of the combined merged area until a new board of directors is elected. The acting board shall submit to the director of the department of education a plan for redistricting the combined merged area, and upon receiving approval from the director, shall provide for the election of a director from each new district at the next regular school election. The directors elected from each new district shall determine their terms by lot so that the terms of one-third of the members, as nearly as may be, expire each year. Election of directors for the combined merged area shall follow the procedures established for election of directors of a merged area. A combined merged area is subject to all provisions of law and rules governing merged areas.

Any merged area which combines with another merged area under this section for purposes of combining community colleges under the control of the boards shall be eligible to receive additional state funds from the community college excellence 2000 account under section 286A.14A in an amount which equals ten percent of the state general aid received by each of the colleges during the first year of merger, in addition to any state general aid received, based upon the availability of funds. Community colleges which intend to merge under this section shall submit applications to the department describing the merger proposal and plans developed to implement the merger. Any application which results in a merger of colleges shall be subject to the review and approval of the department before the merger is eligible to receive funds for the merger.

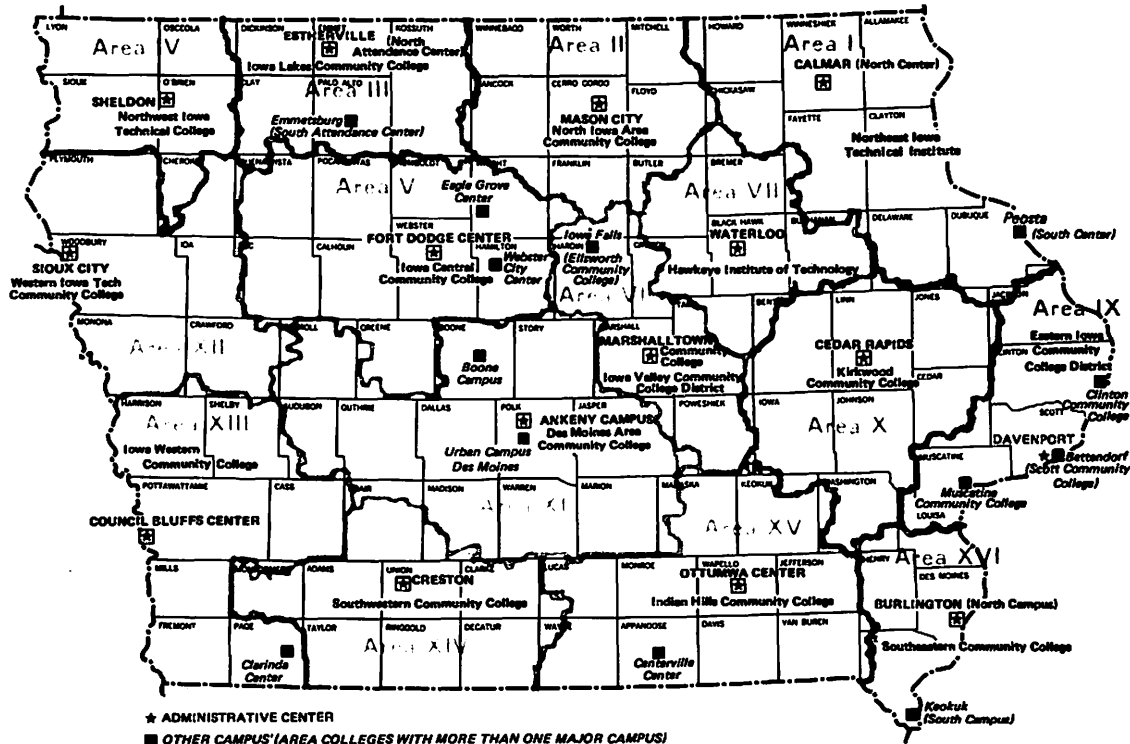
In years succeeding the first year of merger, the merged colleges shall receive additional funds in an amount which is two percent less than the percent received during the previous year.

[C71, 73, 75, 77, 79, 81, §280A.39]

86 Acts, ch 1245, §1475; 90 Acts, ch 1168, §40; 90 Acts, ch 1253, §44

Iowa Community Colleges

(Iowa Area Community Colleges and Area Vocational Schools)



- ★ ADMINISTRATIVE CENTER
- OTHER CAMPUS (AREA COLLEGES WITH MORE THAN ONE MAJOR CAMPUS)
- ⊠ ADMINISTRATIVE CENTER AND CAMPUS

PRESIDENT, SECRETARY, AND TREASURER OF BOARD

[Section 291.13 as printed below is effective until July 1, 1991. For language effective July 1, 1991, see italicized section below.]

291.13 General and schoolhouse funds.

The money collected by a tax authorized by the electors or the proceeds of the sale of bonds authorized by law or the proceeds of a tax estimated and certified by the board for the purpose of paying interest and principal on lawful bonded indebtedness or for the purchase of sites as authorized by law, shall be called the schoolhouse fund and, except when authorized by the electors, may be used only for the purpose for which originally authorized or certified. All other moneys received for any other purpose shall be called the general fund. The treasurer shall keep a separate account with each fund, paying no order that fails to state the fund upon which it is drawn and the specific use to which it is to be applied.

[C51, §1139; R60, §2049; C73, §1748; C97, §2768; C24, 27, 31, 35, 39, §4317; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.13]

Deposits in general, ch 453

[Section 291.13 as printed below is effective July 1, 1991; 89 Acts, ch 135, §142 (HF 535)]

291.13 General and schoolhouse funds.

The money received from the regular and voter-approved physical plant and equipment levies, the levy for public educational and recreational activities imposed under chapter 300, the proceeds of the sale of bonds authorized by law, and the proceeds of a tax estimated and certified by the board for the purpose of paying interest and principal on lawful bonded indebtedness, shall be deposited in the schoolhouse fund and, except when authorized by the electors, shall be used only for the purpose for which originally authorized or certified. The money received from the district management levy shall be deposited in a subfund of the general fund of the school district. All other moneys received for any other purpose shall be deposited in the general fund of the school district. The treasurer shall keep a separate account for each fund, and shall not pay an order that fails to state the fund upon which it is drawn and the specific use to which it is to be applied.

[C51, §1139; R60, §2049; C73, §1748; C97, §2768; C24, 27, 31, 35, 39, §4317; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.13]

89 Acts, ch 135, §95 (HF 535); 90 Acts, ch 1190, §10

Deposits in general, ch 453

TEACHERS

294.8 Pension system.

Any school district located in whole or in part within a city having a population of twenty-five thousand one hundred or more may establish a pension and annuity retirement system for the public school teachers of such district provided said system, in cities having a population less than seventy-five thousand, be ratified by a vote of the people at a general election.

[C24, 27, 31, 35, 39, §4345; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §294.8]

CHAPTER 296

INDEBTEDNESS OF SCHOOL CORPORATIONS

- 296.1 Indebtedness authorized.
- 296.2 Petition for election.
- 296.3 Election called.
- 296.4 Notice — ballots.
- 296.5 Repealed by 66GA, ch 81, §154.
- 296.6 Bonds.
- 296.7 Indebtedness for insurance authorized — tax levy.

296.1 Indebtedness authorized.

Subject to the approval of the voters thereof, school districts are hereby authorized to contract indebtedness and to issue general obligation bonds to provide funds to defray the cost of purchasing, building, furnishing, reconstructing, repairing, improving or remodeling a schoolhouse or schoolhouses and additions thereto, gymnasium, stadium, field house, school bus garage, teachers' or superintendent's home or homes, and procuring a site or sites therefor, or purchasing land to add to a site already owned, or procuring and improving a site for an athletic field, or improving a site already owned for an athletic field, and for any one or more of such purposes. Taxes for the payment of said bonds shall be levied in accordance with chapter 76, and said bonds shall mature within a period not exceeding twenty years from date of issue, shall bear interest at a rate or rates not exceeding that permitted by chapter 74A and shall be of such form as the board of directors of such school district shall by resolution provide, but the aggregate indebtedness of any school district shall not exceed five percent of the actual value of the taxable property within said school district, as ascertained by the last preceding state and county tax lists.

[S13, §2820-d1; C24, 27, 31, 35, 39, §4353; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §296.1]

296.2 Petition for election.

Before indebtedness can be contracted in excess of one and one-quarter percent of the assessed value of the taxable property, a petition signed by a number equal to twenty-five percent of those voting at the last election of school officials shall be filed with the president of the board of directors, asking that an election be called, stating the amount of bonds proposed to be issued and the purpose or purposes for which the indebtedness is to be created, and that the purpose or purposes cannot be accomplished within the limit of one and one-quarter percent of the valuation. The petition may request the calling of an election on one or more propositions and a proposition may include one or more purposes.

[S13, §2820-d2; C24, 27, 31, 35, 39, §4354; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §296.2]

83 Acts, ch 90, §18

296.3 Election called.

The president of the board of directors, within ten days of receipt of a petition under section 296.2, shall call a meeting of the board which shall call the election, fixing the time of the election, which may be at the time and place of holding the regular school election, unless the board determines by unanimous vote that the proposition or propositions requested by a petition to be submitted at an election are grossly unrealistic or contrary to the needs of the school district. The decision of the board may be appealed to the state board of education as provided in chapter 290. The president shall notify the county commissioner of elections of the time of the election.

[S13, §2820-d3; C24, 27, 31, 35, 39, §4355; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §296.3; 81 Acts, ch 91, §1]

83 Acts, ch 90, §19; 85 Acts, ch 67, §33

296.4 Notice — ballots.

Notice of the election shall be given by the county commissioner of elections by publication in accordance with section 49.53. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 to 53 and certify the results to the board of directors.

[S13, §2820-d3; C24, 27, 31, 35, 39, §4356; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §296.4]

Form of ballot, §49.44 et seq.; also §331.305

296.5 Repealed by 66GA, ch 81, §154.**296.6 Bonds.**

If the vote in favor of the issuance of such bonds is equal to at least sixty percent of the total vote cast for and against said proposition at said election, the board of directors shall issue the same and make provision for payment thereof.

[S13, §2820-d4; C24, 27, 31, 35, 39, §4358; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §296.6]

Vote required to authorize bonds, §75.1

296.7 Indebtedness for insurance authorized — tax levy.

1. A school district or community college corporation may contract indebtedness and issue general obligation bonds or enter into insurance agreements obligating the school district or corporation to make payments beyond its current budget year for one or more of the following mechanisms to protect the school district or corporation from tort liability, loss of property, environmental hazards, or any other risk associated with the operation of the school district or corporation:

- a. To procure or provide for a policy of insurance.
- b. To provide a self-insurance program.
- c. To establish and maintain a local government risk pool.

However, this subsection does not apply to an insurance program described in subsection 3.

2. For purposes of subsection 1, an employee benefit plan which includes a specific or aggregate excess loss coverage or a program that self-insures only a per-employee or per-family deductible for each year and which transfers the risk remaining beyond this deductible is not a self-insurance program, but is instead an insurance program. As used in this section, an "employee benefit plan" includes, but is not limited to benefits for hospital and surgical, medical expense, major medical, dental, prescription drug, disability, or life insurance costs or benefits.

3. A school district, providing an insurance program as described in subsection 2, shall not contract indebtedness and issue general obligation bonds or enter into insurance agreements obligating the school district to make payments beyond its current budget year for that employee benefit plan. A school district may, however, apply to the school budget review committee for relief if necessitated by the expenses in the school district's insurance program as described in subsection 2.

4. Taxes may be levied in excess of any limitation imposed by statute for payment of one or more of the following authorized by subsection 1:

- a. Principal, premium, or interest on bonds.
- b. Premium on an insurance policy, including a stop loss or reinsurance policy, except as limited by subsection 3.
- c. Costs of a self-insurance program.
- d. Costs of a local government risk pool.
- e. Amounts payable under an insurance agreement.

However, for a school district, a tax levied under this section shall be included in the district management levy under section 298.4.

5. A self-insurance program or local government risk pool authorized by subsection 1 is not insurance and is not subject to regulation under chapters 505 through 523C. However, those self-insurance plans regulated pursuant to section 509A.14 shall remain subject to the requirements of section 509A.14 and rules adopted pursuant to that section.

6. Notwithstanding the other provisions of this section or any other statute, the tax levy authorized by this section shall not be used to pay the costs of employee benefits, including, but not limited to costs for hospital and

surgical, medical expense, major medical, dental, prescription drug, disability, or life insurance benefits.

7. If the board by resolution restricts the use of money in a fund as a reserve for uninsured liability or a self-insurance program, the use shall be restricted and unavailable for any other purpose until the board removes the restriction. The removal is not effective until all obligations of the restricted fund have been satisfied, or the next fiscal year, whichever occurs later.

86 Acts, ch 1211, §18; 89 Acts, ch 135, §103 (HF 535); 90 Acts, ch 1234, §1; 90 Acts, ch 1253, §121

Effective date and applicability; 90 Acts, ch 1234, §74, 75

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years, in the notice of the regular school election. The proposition is adopted if a majority of those voting on the proposition at the election approves it. The voter-approved physical plant and equipment levy shall be funded either by a physical plant and equipment property tax or by a combination of a physical plant and equipment property tax and a physical plant and equipment income surtax, as determined by the board. However, if the board intends to enter into a rental or lease arrangement under section 279.26, or intends to enter into a loan agreement under section 297.36, only a property tax shall be levied for those purposes. Subject to the limitations of section 298.14, if the board uses a combination of a physical plant and equipment property tax and a physical plant and equipment surtax, for each fiscal year the board shall determine the percent of income surtax to be imposed expressed as full percentage points, not to exceed twenty percent.

If a combination of a property tax and income surtax is used, by March 15 of the previous school year, the board shall certify the percent of the income surtax to be imposed and the amount to be raised to the department of management and the department of management shall establish the rate of the property tax and income surtax for the school year. The physical plant and equipment property tax and income surtax shall be levied or imposed, collected, and paid to the school district in the manner provided for the instructional support program in sections 257.21 through 257.26.

4. The proposition to levy the voter-approved physical plant and equipment levy is not affected by a change in the boundaries of the school district, except as otherwise provided in this section. If each school district involved in a school reorganization under chapter 275 has adopted the voter-approved physical plant and equipment levy and if the voters have not voted upon the proposition to levy the voter-approved physical plant and equipment levy in the reorganized district, the existing voter-approved physical plant and equipment levy is in effect for the reorganized district for the least amount and the shortest time for which it is in effect in any of the districts.

Authorized levies for the period of time approved are not affected as a result of a failure of a proposition proposed to expand the purposes for which the funds may be expended.

5. If the board of directors of a school district in which the voters have authorized the schoolhouse tax prior to July 1, 1991, has entered into a rental or lease arrangement under section 279.26, Code 1989, or has entered into a loan agreement under section 297.36, Code 1989, the levy shall continue for the period authorized and the maximum levy that can be authorized under the voter-approved physical plant and equipment levy is reduced by the rate of the schoolhouse tax.

89 Acts, ch 135, §107 (HF 535)

298.9 Special levies.

If the voter-approved physical plant and equipment levy, consisting solely of a physical plant and equipment property tax levy, is voted at a special election and certified to the board after the regular levy is made, the board shall at its next regular meeting levy the tax and cause it to be entered upon the tax list to be collected as other school taxes. If the certification is filed prior to April 1, the annual levy shall begin with the tax levy of the year of filing. If the certification is filed after April 1 in a year, the levy shall begin with the levy of the fiscal year succeeding the year of the filing of the certification.

[C97, §2807; SS15, §1303; C24, 27, 31, 35, 39, §4394; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.9]
89 Acts, ch 135, §110 (HF 535)

1989 amendments take effect July 1, 1990, for purpose of computations required for school budget year beginning July 1, 1991; 89 Acts, ch 135, §141

298.18 Bond tax — election — leasing buildings.

The board of each school corporation shall, when estimating and certifying the amount of money required for general purposes, estimate and certify to the board of supervisors of the proper county for the schoolhouse fund the amount required to pay interest due or that may become due for the fiscal year beginning July 1, thereafter, upon lawful bonded indebtedness, and in addition thereto such amount as the board may deem necessary to apply on the principal.

The amount estimated and certified to apply on principal and interest for any one year shall not exceed two dollars and seventy cents per thousand dollars of the assessed valuation of the taxable property of the school corporation except as hereinafter provided.

For the sole purpose of computing the amount of bonds which may be issued as a result of the application of any limitation referred to in this section, all interest on the bonds in excess of that accruing in the first twelve months may be excluded from the first annual levy of taxes, so that the need for including more than one year's interest in the first annual levy of taxes to pay the bonds and interest shall not operate to further restrict the amount of bonds which may be issued, and in certifying the annual levies to the county auditor or auditors such first annual levy of taxes shall be sufficient to pay all principal of and interest on said bonds becoming due prior to the next succeeding annual levy and the full amount of such first annual levy shall be entered for collection by said auditor or auditors, as provided in chapter 76.

The amount estimated and certified to apply on principal and interest for any one year may exceed two dollars and seventy cents per thousand dollars of assessed value by the amount approved by the voters of the school corporation, but not exceeding four dollars and five cents per thousand of the assessed value of the taxable property within any school corporation, provided that the qualified voters of such school corporation have first approved such increased amount at a special election, which may be held at the same time as the regular school election. The proposition submitted to the voters at such special election shall be in substantially the following form:

Shall the board of directors of the (insert name of school corporation) in the County of, State of Iowa, be authorized to levy annually a tax exceeding two dollars and seventy cents per thousand dollars, but not exceeding dollars and cents per thousand dollars of the assessed value of the taxable property within said school corporation to pay the principal of and interest on bonded indebtedness of said school corporation, it being understood that the approval of this proposition shall not limit the source of payment of the bonds and interest but shall only operate to restrict the amount of bonds which may be issued?

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

The voted tax levy referred to herein shall not limit the source of payment of bonds and interest but shall only restrict the amount of bonds which may be issued.

The ability of a school corporation to exceed two dollars and seventy cents per thousand dollars of assessed value to service principal and interest payments on bonded indebtedness is limited and conferred only to those school corporations engaged in the administration of elementary and secondary education.

Provided further that if a school corporation leases a building or property, which has been used as a junior college by such corporation, to a community college, the annual amounts certified as herein provided by such leasing school corporation for payment of interest and principal due on lawful bonded indebtedness incurred by such leasing school corporation for purchasing, building, furnishing, reconstructing, repairing, improving or remodeling the building leased or acquiring or adding to the site of such property leased, to the extent of the respective annual rent the school corporation will receive under such lease, shall not be considered as a part of the total amount

estimated and certified for the purposes of determining if such amount exceeds any limitation contained in this section.

[C73, §1823; C97, §2813; S13, §2813; C24, 27, 31, 35, 39, §4403; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.18]

90 Acts, ch 1253, §109

Maturity and payment of bonds, ch 76

298.21 School bonds.

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

1. To acquire sites for school purposes.
2. To erect, complete, or improve buildings authorized for school purposes.
3. To acquire equipment for schools, sites, and buildings.

[S13, §2812-d; C24, 27, 31, 35, 39, §4406; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.21]

Vote required to authorize bonds, §75.1

EDUCATIONAL AND RECREATIONAL TAX

300.2 Tax levy.

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

If a majority of the votes cast upon the proposition is in favor of the proposition, the board shall certify the amount required for a fiscal year to the county board of supervisors by March 15 of the preceding fiscal year. The board of supervisors shall levy the amount certified. The amount shall be placed in the schoolhouse fund of the district and shall be used only for the purposes specified in this chapter.

[S13, §2823-u1, -u2; C24, 27, 31, 35, 39, §4434, 4435; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §300.2, 300.3; 81 Acts, ch 95, §3]

300.3 Discontinuance of levy.

Once approved at an election, the authority of the board to levy and collect the tax under section 300.2 shall continue until the board votes to rescind the levy and collection of the tax or the voters of the school district by majority vote order the discontinuance of the levy and collection of the tax. The tax

shall be discontinued in the manner provided in this section or in the manner provided for imposition of the tax in section 300.2.

[S13, §2823-u4, -u5; C24, 27, 31, 35, 39, §4437, 4438; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §300.5, 300.6; 81 Acts, ch 95, §4]

300.4 Community education.

The tax levied under sections 300.2 and 300.3 may also be used for community education purposes under chapter 276.

[81 Acts, ch 95, §5]

TEXTBOOKS

301.24 Petition — election.

Whenever a petition signed by ten percent of the qualified voters, to be determined by the school board of any school district, shall be filed with the secretary thirty days or more before the regular election, asking that the question of providing free textbooks for the use of pupils in the public schools thereof be submitted to the voters at the next regular election, the secretary shall cause notice of such proposition to be given in the notice of such election.

[C97, §2836; C24, 27, 31, 35, 39, §4464; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.24]

301.25 Loaning books.

If, at such election, a majority of the legal voters present and voting by ballot thereon shall authorize the board of directors of said school district to loan textbooks to the pupils free of charge, then the board shall procure such books as shall be needed, in the manner provided by law for the purchase of textbooks, and loan them to the pupils.

[C97, §2837; C24, 27, 31, 35, 39, §4465; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.25]

301.27 Discontinuance of loaning.

The electors may, at any election called as provided in section 301.24, direct the board to discontinue the loaning of textbooks to pupils.

[C97, §2837; C24, 27, 31, 35, 39, §4467; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.27]

HISTORICAL PRESERVATION DISTRICTS

303.20 Definitions.

As used in this subchapter of this chapter, unless the context otherwise requires:

1. "*Area of historical significance*" means contiguous pieces of property of no greater area than one hundred sixty acres under diverse ownership which:

a. Are significant in American history, architecture, archaeology and culture, and

b. Possess integrity of location, design, setting, materials, skill, feeling and association, and

c. Are associated with events that have been a significant contribution to the broad patterns of our history, or

d. Are associated with the lives of persons significant in our past, or

e. Embody the distinctive characteristics of a type; period; method of construction; represent the work of a master; possess high artistic values; represent a significant and distinguishable entity whose components may lack individual distinction.

f. Have yielded, or may be likely to yield, information important in prehistory or history.

2. "*Commission*" is the five-person body, elected by the qualified electors in the historical preservation district from persons living in the district for the purpose of administering this subchapter of this chapter.

3. "*District*" means a historical preservation district established under this subchapter of this chapter.

4. "*Department*" means the department of cultural affairs.

5. "*Exterior features*" means the architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of an outdoor advertising sign, "exterior features" means the style, material, size and location of the sign.

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384b

in an airport commission. If a majority of the voters favors placing the management and control of the airport in an airport commission, the commission shall be established as provided in this chapter.

The management and control of an airport by an airport commission may be ended in the same manner. If a majority of the voters does not favor continuing the management and control of the airport in an airport commission, the commission shall stand abolished sixty days from and after the date of the election, and the power to maintain and operate the airport shall revert to the city or county.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §330.17; 81 Acts, ch 117, §1054]

330.18 Notice of election.

Notice of the election shall be given by publication in a newspaper of general circulation in the city, subject to section 362.3 or in the county, subject to section 331.305.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §330.18; 81 Acts, ch 117, §1055]

330.19 Form of question.

The question to be submitted shall be in the following form:

Shall the City (or County) of place (or continue) the management and control of its airport (or airports) in an Airport Commission?

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §330.19; 81 Acts, ch 117, §1056]

CHAPTER 330B

QUAD CITIES INTERSTATE METROPOLITAN AUTHORITY COMPACT

330B.1 Quad cities interstate metropolitan authority compact.

330B.1 Quad cities interstate metropolitan authority compact.

The quad cities interstate metropolitan authority compact is entered into and enacted into law with the state of Illinois if the state of Illinois joins the compact, in the form substantially as follows:

Article 1 — SHORT TITLE

This compact may be cited as the *“Quad Cities Interstate Metropolitan Authority Compact”*.

Article 2 — AUTHORIZATION

The states of Illinois and Iowa authorize the creation of the quad cities interstate authority to include the territories of Scott county in the state

of Iowa and Rock Island county in the state of Illinois.

Article 3 — PURPOSES

The purposes of the authority are to provide facilities and to foster cooperative efforts, all for the development and public benefit of its territory. This compact shall be liberally interpreted to carry out these purposes.

Article 4 — CREATION

The authority is created when the secretary of state of Iowa certifies to the secretary of state of Illinois that a majority of the electors of Scott county voting on the proposition voted to approve creation of the authority and the secretary of state of Illinois certifies to the secretary of state of Iowa that a majority of the electors of Rock Island county voting on the proposition voted to approve creation of the authority. A referendum approving creation of the authority must be held before January 1, 1993.

Article 5 to Article 21

Not reprinted.

89 Acts, ch 213, §1 (HF 721)

MISCELLANEOUS SECTIONS

COUNTIES

DEFINITIONS

331.101 Definitions.

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

1. "*Board*" means the board of supervisors of a county.
2. "*Supervisor*" means a member of the board of supervisors.
3. "*Auditor*" means the county auditor or a deputy auditor or employee designated by the county auditor.
4. "*Treasurer*" means the county treasurer or a deputy treasurer or employee designated by the county treasurer.
5. "*Recorder*" means the county recorder or a deputy recorder or employee designated by the county recorder.
6. "*County attorney*" means the county attorney or a deputy county attorney or assistant county attorney designated by the county attorney.
7. "*Sheriff*" means the county sheriff or a deputy sheriff designated by the sheriff.
8. "*Clerk*" means the clerk of the district court or the clerk's designee.
9. "*Measure*" means an ordinance, amendment, resolution, or motion.
10. "*Ordinance*" means a county law of a general and permanent nature.
11. "*Amendment*" means a revision or repeal of an existing ordinance or code of ordinances.
12. "*Resolution*" or "*motion*" means a statement of policy or an order for action to be taken.

13. "*Recorded vote*" means a record, roll call vote.

14. "*State law*" includes the Constitution of the state of Iowa and state statutes.

15. "*Book*", "*record*", and "*register*" include any mode of permanent recording including but not limited to, card files, microfilm or microfiche, electronic records and the like.

16. "*Commission*" means a body of eligible electors authorized to study, review, analyze, and recommend an alternative form of county government.

17. "*Charter*" means a formal document establishing the functions, powers, organization, structure, privileges, rights, and duties of county government not inconsistent with state law.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §343.13; S81, §331.101; 81 Acts, ch 117, §100]

88 Acts, ch 1229, §2; 90 Acts, ch 1233, §23

ALTERNATIVE FORMS OF COUNTY GOVERNMENT

BOARD OF SUPERVISORS

331.201 Board membership — qualifications — term.

1. The board shall consist of three members unless the membership is increased to five as provided in section 331.203.

2. A supervisor must be a qualified elector of the county or supervisor district of the county which the supervisor represents.

3. The office of supervisor is an elective office except that if a vacancy occurs on the board, a successor shall be appointed to the unexpired term as provided in chapter 69.

4. The term of office of a supervisor is four years unless a change in the supervisor district representation plan or in the number of supervisors on the board requires the election of one or two supervisors for an initial term of two years.

[R60, §303; C73, §294, 299; C97, §410; SS15, §410; C24, 27, 31, 35, 39, §5106; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.1; S81, §331.201; 81 Acts, ch 117, §200]

331.203 Membership increased — vote.

1. The board may by resolution, or shall upon petition of the number of eligible electors of the county as specified in section 331.306, submit to the qualified electors of the county at a general election a proposition to increase the number of supervisors to five.

2. If a majority of the votes cast on the proposition is in favor of the increase to five members, the board shall be increased to five members effective on the first day in January which is not a Sunday or holiday following the next general election. The five-member board shall be elected according to the supervisor representation plan in effect in the county.

a. If plan "one" as defined in section 331.206 is in effect, two additional supervisors shall be elected at the next general election, one for a two-year term and one for a four-year term.

b. If plan "two" or plan "three" as defined in section 331.206 is in effect, the board shall divide the county into five equal-population districts by December 15 of the year preceding the year of the next general election and at that general election, five board members shall be elected, two for initial terms of two years and three for four-year terms. The terms of the three incumbent supervisors shall expire on the date that the five-member board becomes effective.

c. The length of term for which a person is a candidate and the date when the term begins shall be indicated on the ballot.

[R60, §303; C73, §294, 299; C97, §410; SS15, §410; C24, 27, 31, 35, 39, §5107; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.2; S81, §331.203; 81 Acts, ch 117, §202; 82 Acts, ch 1091, §2, ch 1104, §29]

88 Acts, ch 1119, §35

331.204 Membership reduced — vote — new members.

1. In a county having a five-member board, the board may by resolution, or shall upon petition of the number of eligible electors of the county as specified in section 331.306, submit to the qualified electors of the county at a general election a proposition to reduce the number of supervisors to three.

2. If a majority of the votes cast on the proposition is in favor of the reduction to three members, the membership of the board shall remain at five until the first day in January which is not a Sunday or holiday following the next general election, at which time the terms of the five members shall expire.

3. At the next general election following the one at which the proposition to reduce the membership of the board to three is approved, the membership of the board shall be elected according to the supervisor representation plan in effect in the county. If the supervisor representation plan includes equal-population districts, the districts shall be designated by December 15 of the year preceding the year of the next general election. One member of the board shall be elected to a two-year term and the remaining two members shall be elected to four-year terms. The length of the term for which a person is a candidate and the date when the term begins shall be indicated on the ballot.

[C73, §299; C97, §410; SS15, §410; C24, 27, 31, 35, 39, §5108-5110; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.3, 331.6, 331.7; S81, §331.204; 81 Acts, ch 117, §203; 82 Acts, ch 1091, §3, ch 1104, §30]

88 Acts, ch 1119, §36

331.209 Plan "two" terms of office.

If plan "two" is selected pursuant to section 331.206 or 331.207, the board shall be elected as provided in this section.

1. Before December 15 of the nonelection year following each federal decennial census the board shall divide the county into a number of supervisor districts corresponding to the number of supervisors in the county. However, if the plan is selected pursuant to section 331.207, the board shall divide the county before March 15 of the election year. The supervisor districts shall be drawn, to the extent applicable, in compliance with the redistricting standards provided for legislative and congressional districts in section 42.4. If more than one incumbent supervisor resides in the same supervisor district after the districts have been redrawn following the federal decennial census, the terms of office of those supervisors shall expire on the first day of January that is not a Sunday or a holiday following the next general election.

2. Each supervisor must reside in a separate supervisor district but shall be elected by the electors of the county at large. Election ballots shall be prepared to specify the district which each candidate seeks to represent and each elector may cast a vote for one candidate from each district for which a supervisor is to be chosen in the general election.

3. The board may redesignate supervisor districts only once in two years. If the board redesignates districts, the redesignation must be completed and available to the public by December 15 of the year before the election to be applicable in that election year. This subsection does not lengthen or diminish the term of office of a member of the board as a result of the redesignation and districts shall not be redesignated except in compliance with this section.

4. At the primary and general elections the number of supervisors, or candidates for the offices, which constitute the board in the county shall be elected as provided in this section. Terms of supervisors shall be the same as provided in section 331.208.

5. Each county board shall notify the state commissioner of elections when the boundaries of supervisor districts are changed and shall provide a map delineating the new boundary lines, and shall certify to the state commissioner of elections the populations of the new supervisor districts as determined under the latest federal decennial census. Upon failure of a county board to make the required changes by the dates specified by this section as determined by the state commissioner of elections, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible, and shall assess to the county the expenses incurred in so doing. The state commissioner of elections may request the services of personnel and materials available to the legislative service bureau to assist the state commissioner in making required changes in supervisor district boundaries which become the state commissioner's responsibility.

[C71, 73, 75, 77, 79, 81, §331.26; S81, §331.209; 81 Acts, ch 117, §208; 82 Acts, ch 1091, §4, 5]

89 Acts, ch 296, §38 (SF 141); 90 Acts, ch 1233, §24

331.210 Plan "three."

If plan "three" is selected pursuant to section 331.206 or 331.207, the supervisor districts shall be drawn and supervisors shall be elected as provided in section 331.209, except the boundaries of supervisor districts shall follow voting precinct lines and each member of the board and each candidate for the office shall be elected or nominated at the primary and general elections by only the electors of the district which that candidate seeks to represent.

[C71, 73, 75, 77, 79, 81, §331.27; S81, §331.210; 81 Acts, ch 117, §209]

331.214 Vacancy of supervisor's office.

In addition to the circumstances which constitute a vacancy in office under section 69.2, the absence of a supervisor from the county for sixty consecutive days shall be treated as a resignation of the office. At its next meeting after the sixty-day absence, the board, by resolution adopted and included in its minutes, shall declare the absent supervisor's seat vacant.

[C73, §298; C97, §414; C24, 27, 31, 35, 39, §5115; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.12; S81, §331.214; 81 Acts, ch 117, §213]

ALTERNATIVE FORMS

331.231 Alternative forms of county government.

The alternative forms of county government are as follows:

1. Board of supervisor form as provided in division II, part 1.
 2. Board-elected executive form as provided in section 331.239.
 3. Board-manager form as provided in section 331.241.
 4. Charter government form as provided in section 331.246.
 5. City-county consolidated form as provided in section 331.247.
 6. County-county consolidated form as provided in section 331.253.
- 88 Acts, ch 1229, §3

331.232 Plan for an alternative form of government.

1. A charter to change a form of county government may be submitted to the electors of a county only by a commission established by resolution of the board upon petition of the number of eligible electors of the county equal to at least twenty-five percent of the votes cast in the county for the office of president of the United States or governor at the preceding general election or the signatures of at least ten thousand eligible electors of the county, whichever number is fewer.

2. An alternative form of county government shall be submitted to the county electorate by the commission in the form of a charter or charter amendment.

88 Acts, ch 1229, §4

to 50.47, 275.25, 277.20, 280A.39, 376.1, 376.7, and 376.9. The board shall prepare and deliver a list of persons nominated in accordance with section 43.55, provide for a recount in accordance with section 50.48, provide for election precincts in accordance with sections 49.3, 49.4, 49.6 to 49.8 and 49.11, pay election costs as provided in section 47.3, participate in election contests as provided in sections 62.1 and 62.9, and perform other election duties required by state law. The board may authorize additional precinct election officials as provided in section 51.1, provide for the use of a voting machine or electronic voting system as provided in sections 52.2, 52.3, 52.8 and 52.34, and exercise other election powers as provided by state law.

[S81, §331.383; 81 Acts, ch 117, §382; 82 Acts, ch 1104, §36]

COUNTY LEVIES, FUNDS, BUDGETS, AND EXPENDITURES

331.424 Supplemental levies.

To the extent that the basic levies are insufficient to meet the county's needs for the following services, the board may certify supplemental levies as follows:

1. For general county services, an amount sufficient to pay the charges for the following:

a. to h. Not reprinted.

i. Elections, and voter registration pursuant to chapter 48.

j. to o. Not reprinted.

2. Not reprinted.

83 Acts, ch 123, §8, 209; 84 Acts, ch 1178, §7; 84 Acts, ch 1312, §8; 86 Acts, ch 1211, §20; 90 Acts, ch 1233, §25

331.425 Additions to levies — special levy election.

The board may certify an addition to a levy in excess of the amounts otherwise permitted under sections 331.423, 331.424, and 331.426 if the proposition to certify an addition to a levy has been submitted at a special levy election and received a favorable majority of the votes cast on the proposition. A special levy election is subject to the following:

1. The election shall be held only if the board gives notice to the county commissioner of elections, not later than February 15, that the election is to be held.

2. The election shall be held on the second Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

3. The proposition to be submitted shall be substantially in the following form:

Vote for only one of the following:

Shall the county of levy an additional tax at a rate of \$ each year for years beginning next July 1 in excess of the statutory limits otherwise applicable for the (general county services or rural county services) fund?

or

The county of shall continue the (general county services or rural county services fund) under the maximum rate of \$.....

4. The canvass shall be held beginning at one o'clock on the second day which is not a holiday following the special levy election.

5. Notice of the proposed special levy election shall be published at least twice in a newspaper as specified in section 331.305 prior to the date of the special levy election. The first notice shall appear as early as practicable after the board has decided to seek a special levy.

83 Acts, ch 123, §9, 209

331.427 General fund.

1. Not reprinted.

2. The board may make appropriations from the general fund for general county services, including but not limited to the following:

a. and b. Not reprinted.

c. Purchase of voting machines under chapter 52.

d. to l. Not reprinted.

3. Not reprinted.

83 Acts, ch 123, §11, 209; 84 Acts, ch 1107, §1; 84 Acts, ch 1206, §1; 85 Acts, ch 195, §40; 85 Acts, ch 201, §2; 89 Acts, ch 83, §48; 90 Acts, ch 1230, §90; 90 Acts, ch 1236, §47

GENERAL OBLIGATION BONDS

331.441 Definitions.

1. As used in this part, the use of the conjunctive "and" includes the disjunctive "or" and the use of the disjunctive "or" includes the conjunctive "and," unless the context clearly indicates otherwise.

2. As used in this part, unless the context otherwise requires:

a. "General obligation bond" means a negotiable bond issued by a county and payable from the levy of ad valorem taxes on all taxable property within the county through its debt service fund which is required to be established by section 331.430.

b. "Essential county purpose" means any of the following:

(1) Voting machines or an electronic voting system.

(2) Bridges on highways or parts of highways which are located along the corporate limits of cities and are partly within and partly without the limits and are in whole or in part secondary roads.

(3) Sanitary disposal projects as defined in section 455B.301.

(4) Works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner, for the collection and disposal of solid waste, and for the collection and disposal of surface waters and streams, including the planning, acquisition, leasing, construction, reconstruction, extension, remodeling, improvement, repair, equipping, maintenance, and operation of the works and facilities.

(5) Public buildings, including the site or grounds of, and the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, and including the provision and maintenance of juvenile detention or shelter care facilities, when the cost does not exceed the following limits:

(a) Two hundred thousand dollars in a county having a population of twenty-five thousand or less.

(b) Two hundred fifty thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.

(c) Three hundred thousand dollars in a county having a population of more than fifty thousand but not more than one hundred thousand.

(d) Four hundred thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

(e) Five hundred thousand dollars in a county having a population of more than two hundred thousand.

(6) Funding or refunding outstanding indebtedness if the outstanding indebtedness exceeds five thousand dollars on the first day of January, April, June or September in any year. However, a county shall not levy taxes to repay refunding bonds for bridges on property within cities.

(7) Enlargement and improvement of a county hospital acquired and operated under chapter 347A, subject to a maximum of two percent of the assessed value of the taxable property in the county. However, notice of the proposed bond issue shall be published once each week for two consecutive weeks and if, within twenty days following the date of the first publication, a petition requesting an election on the proposal and signed by qualified voters of the county equal to at least twenty percent of the votes cast at the preceding election for governor is filed with the county auditor, the proposal is subject to the election requirements in section 331.442, subsections 2, 3 and 4 for general county purpose bonds.

(8) The provision of insurance, or funding a self-insurance program or local government risk pool, including but not limited to the investigation and defense of claims, the payment of claims, and the administration and management of such selfinsurance program or local government risk pool.

(9) The acquisition, restoration, or demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance.

(10) The establishment or funding of programs to provide for or assist in providing for the acquisition, restoration, or demolition of housing, or for other purposes as may be authorized under chapter 403A.

(11) The acquiring, developing, and improving of a geographic computer data base system suitable for automated mapping and facilities management.

(12) Funding the construction, reconstruction, improvement, repair, and equipping of waterworks, water mains and extensions, ponds, reservoirs, wells, dams, pumping installations or other facilities for the storage, transportation, or utilization of potable water owned and operated by a rural water district established pursuant to chapter 357A, only when the rural water district and a sufficient number of participating members have entered into agreements which satisfy the board of supervisors that sufficient revenue to retire the principal and interest on the county general obligation bonds will be generated by the rural water district, and the rural water district and the board of supervisors have agreed that the interest and principal on the county general obligation bonds will be retired from the rural water district revenues.

If the rural water district revenues are insufficient to pay the principal and interest on the county's general obligation bonds, the county's debt service tax levy for the county general obligation bonds shall not be levied against property located in any city except a city which has entered into the chapter 28E agreement with the rural water district.

The county and the cities entering into the rural water district agreement may provide in the agreement for a different rate of the county's debt service tax levy against property in unincorporated areas of the county and property within those cities.

c. "General county purpose" means any of the following:

(1) A memorial building or monument to commemorate the service rendered by soldiers, sailors, and marines of the United States, including the acquisition of ground and the purchase, erection, construction, reconstruction, and equipment of the building or monument, to be managed by a commission as provided in chapter 37.

(2) Acquisition and development of land for a public museum, park, parkway, preserve, playground, or other recreation or conservation purpose to be managed by the county conservation board. The board may submit a proposition under this subparagraph only upon receipt of a petition from the county conservation board asking that bonds be issued for a specified amount.

(3) The building and maintenance of a bridge over state boundary line streams. The board shall submit a proposition under this subparagraph to an election upon receipt of a petition which is valid under section 331.306.

(4) Contributions of money to the state department of transportation to help finance the construction of toll bridges across navigable rivers constituting boundaries between the county and an adjoining state.

(5) An airport, including establishment, acquisition, equipment, improvement, or enlargement of the airport.

(6) A joint city-county building, established by contract between the county and its county seat city, including purchase, acquisition, ownership, and equipment of the county portion of the building.

(7) A county health center as defined in section 346A.1, including additions and facilities for the center and including the acquisition, reconstruction, completion, equipment, improvement, repair, and remodeling of the center, additions, or facilities. Bonds for the purpose specified in this subparagraph are exempt from taxation by the state and the interest on the bonds is exempt from state income taxes.

(8) A county public hospital, including procuring a site and the erection, equipment, and maintenance of the hospital, and additions to the hospital, subject to the levy limits in section 347.7.

(9) Public buildings, including the site or grounds of, the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, and including the provision and maintenance of juvenile detention or shelter care facilities, when the cost exceeds the limits stated in subsection 2, paragraph "b", subparagraph (5).

(10) The undertaking of any project jointly or in cooperation with any other governmental body which, if undertaken by the county alone, would be for a general county purpose, including the joint purchase, acquisition, construction, ownership, or control of any real or personal property.

(11) Any other purpose which is necessary for the operation of the county or the health and welfare of its citizens.

3. The "cost" of a project for an essential county purpose or general county

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purpose includes construction contracts and the cost of engineering, architectural, technical, and legal services, preliminary reports, property valuations, estimates, plans, specifications, notices, acquisition of real and personal property, consequential damages or costs, easements, rights-of-way, supervision, inspection, testing, publications, printing and sale of bonds, interest during the period or estimated period of construction and for twelve months thereafter or for twelve months after the acquisition date, and provisions for contingencies.

- 1, 2a. [S81, §331.441(1, 2a); 81 Acts, ch 117, §440]
- 2b(1). [S13, §1137-a14; C24, 27, 31, 35, 39, §906; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.3; S81, §331.441(2b); 81 Acts, ch 117, §440]
- b(2). [SS15, §1527-s3; C24, 27, 31, 35, 39, §4666; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.73; S81, §331.441(2b); 81 Acts, ch 117, §440]
- b(3). [C71, 73, 75, 77, 79, 81, §346.23; S81, §331.441(2b); 81 Acts, ch 117, §440]
- b(4). [C79, 81, §332.52; S81, §331.441(2b); 81 Acts, ch 117, §440]
- b(5). [C51, §114, 117; R60, §250, 253; C73, §309, 312; C97, §443, 448; SS15, §448; C24, 27, 31, 35, 39, §5263, 5268; C46, 50, 54, 58, 62, §345.4, 345.9; C66, 71, 73, 75, 77, §232.22, 345.4, 345.9; C79, 81, §232.142, 345.4, 345.9; S81, §331.441(2b); 81 Acts, ch 117, §440]
- b(6). [C73, §289; C97, S13, §403; C24, 27, 31, 35, 39, §5275, 5276; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §346.1, 346.2; S81, §331.441(2b); 81 Acts, ch 117, §440]
- b(7). [C62, 66, 71, 73, 75, 77, 79, 81, §347A.7; S81, §331.441(2b); 81 Acts, ch 117, §440]
- 2c(1). [C24, 27, 31, 35, 39, §488; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.6; S81, §331.441(2c); 81 Acts, ch 117, §440; 82 Acts, ch 1104, §45]
- c(2). [C62, 66, 71, 73, 75, 77, 79, 81, §111A.6; S81, §331.441(2c); 81 Acts, ch 117, §440]
- c(3). [S13, §424-b; C24, 27, 31, 35, 39, §4682; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.89; S81, §331.441(2b); 81 Acts, ch 117, §440; 82 Acts, ch 1104, §44, 46]
- c(4). [C71, 73, 75, 77, 79, 81, §313A.35; S81, §331.441(2c); 81 Acts, ch 117, §440]
- c(5). [C31, 35, §5903-c6, -c8; C39, §5903.06, 5903.08; C46, 50, §330.8, 330.10, 330.16; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.7, 330.10, 330.16; S81, §331.441(2c); 81 Acts, ch 117, §440]
- c(6). [C50, §368.58, 368.59; C54, 58, 62, 66, 71, 73, §368.20, 368.21; C75, 77, 79, 81, §346.26; S81, §331.441(2c); 81 Acts, ch 117, §440]
- c(7). [C71, 73, 75, 77, 79, 81, §346A.3-346A.5; S81, §331.441(2c); 81 Acts, ch 117, §440]
- c(8). [S13, §409-a, -b, -f; C24, 27, 31, 35, §5348-5351, 5354; C39, §5348, 5348.1, 5349-5351, 5354; C46, 50, 54, 58, §347.1-347.5, 347.8; C62, 66, 71, 73, 75, 77, 79, 81, §37.27, 347.1-347.5, 347.8; S81, §331.441(2c); 81 Acts, ch 117, §440]

c(9). [C51, §114, 117; R60, §250, 253; C73, §309, 312; C97, §443, 448; SS15, §448; C24, 27, 31, 35, 39, §5263, 5268; C46, 50, 54, 58, 62, §345.4, 345.9; C66, 71, 73, 75, 77, §232.22, 345.4, 345.9; C79, 81, §232.142, 345.4, 345.9; S81, §331.441(2c); 81 Acts, ch 117, §440]

c(10, 11). [S81, §331.441(2c); 81 Acts, ch 117, §440]

3. [S81, §331.441(3); 81 Acts, ch 117, §440]
83 Acts, ch 123, §136-139, 209; 86 Acts, ch 1211, §21; 87 Acts, ch 103, §2-4; 89 Acts, ch 189, §2 (HF 675); 90 Acts, ch 1255, §18

331.442 General county purpose bonds.

1. A county which proposes to carry out any general county purpose within or without its boundaries, and to contract indebtedness and issue general obligation bonds to provide funds to pay all or any part of the costs of a project, shall do so in accordance with this part.

2. Before the board may institute proceedings for the issuance of bonds for a general county purpose, it shall call a county special election to vote upon the question of issuing the bonds. At the election the proposition shall be submitted in the following form:

Shall the county of, state of Iowa, be authorized to (state purpose of project) at a total cost not exceeding \$ and issue its general obligation bonds in an amount not exceeding \$ for that purpose?

3. Notice of the election shall be given by publication as specified in section 331.305. At the election the ballot used for the submission of the proposition shall be in substantially the form for submitting special questions at general elections.

4. The proposition of issuing bonds for a general county purpose is not carried or adopted unless the vote in favor of the proposition is equal to at least sixty percent of the total vote cast for and against the proposition at the election. If the proposition of issuing the general county purpose bonds is approved by the voters, the board may proceed with the issuance of the bonds.

5. a. Notwithstanding subsection 2, a board, in lieu of calling an election, may institute proceedings for the issuance of bonds for a general county purpose by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, and the right to petition for an election, to be published as provided in section 331.305 at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds subject to the following limitations:

(1) In counties having a population of twenty thousand or less, in an amount of not more than fifty thousand dollars.

(2) In counties having a population of over twenty thousand and not over fifty thousand, in an amount of not more than one hundred thousand dollars.

(3) In counties having a population of over fifty thousand, in an amount

331.510 Reports by the auditor.

The auditor shall make:

1. A report to the governor of a vacancy, except by resignation, in the office of state representative or senator as provided in section 69.5.

2. A report to the secretary of state of the name, office, and term of office of each appointed or elected county officer within ten days of the officer's election or appointment and qualification.

3. and 4. Not reprinted.

[R60, §291; C73, §324; C97, §474; C24, 27, 31, 35, 39, §5150; C46, 50, 54, 58, 62, 66, 71, §333.10; C73, 75, 77, §333.10, 442.2; C79, 81, §333.10, 333.16; S81, §331.510; 81 Acts, ch 117, §509]

83 Acts, ch 123, §141, 209; 85 Acts, ch 21, §42; 85 Acts, ch 197, §7; 88 Acts, ch 1134, §72

COUNTY TREASURER

331.551 Office of county treasurer.

1. The office of treasurer is an elective office except that if a vacancy occurs in the office, a successor shall be appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of treasurer shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.10.

3. The term of office of the treasurer is four years.

[C51, §96, 151, 239; R60, §224, 473; C73, §589; C97, S13, §1072; C24, 27, 31, 35, 39, §520; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.17; S81, §331.551; 81 Acts, ch 117, §550]

331.552 General duties.

The treasurer shall:

1. to 7. Not reprinted.

8. Serve on a nomination appeals commission to hear nomination objections filed with the county commissioner of elections as provided in section 44.7.

9. to 30. Not reprinted.

5-15. [S81, §331.552(5-17); 81 Acts, ch 117, §551]

83 Acts, ch 123, §143-146, 209; 83 Acts, ch 185, §31, 32, 62; 83 Acts, ch 186, §10088, 10089, 10201, 10204; 84 Acts, ch 1003, §1; 86 Acts, ch 1001, §20; 86 Acts, ch 1155, §5

COUNTY RECORDER

331.601 Office of county recorder.

1. The office of recorder is an elective office except that if a vacancy occurs in the office, a successor shall be appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of recorder shall qualify by taking the oath of office as provided in section 63.10 and giving bond as provided in section 64.8.

3. The term of office of the recorder is four years.

[C51, §96, 239; R60, §224, 473; C73, §589; C97, §1072; S13, §1072; C24, 27, 31, 35, 39, §520; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.17; S81, §331.601; 81 Acts, ch 117, §600]

331.602 General duties.

The recorder shall:

1. to 5. Not reprinted.

6. Carry out duties as a member of a nomination appeals commission as provided in section 44.7.

7. to 44. Not reprinted.

6-44. [S81, §331.602(6-44); 81 Acts, ch 117, §601; 82 Acts, ch 1104, §57]

83 Acts, ch 101, §78; 85 Acts, ch 195, §41; 86 Acts, ch 1091, §1-3; 86 Acts, ch 1108, §4; 86 Acts, ch 1155, §6; 87 Acts, ch 30, §17; 88 Acts, ch 1046, §1; 90 Acts, ch 1081, §1; 90 Acts, ch 1205, §11; 90 Acts, ch 1236, §49

COUNTY SHERIFF

331.651 Office of county sheriff.

1. The office of sheriff is an elective office except that if a vacancy occurs in the office, the first deputy shall assume the office after qualifying as provided in this section and shall hold the office until a successor is appointed to the unexpired term as provided in chapter 69. If a sheriff is suspended from office, the district court may appoint a sheriff until a temporary appointment is made by the board as provided in section 66.19.

2. A person elected or appointed to the office of sheriff shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.8.

3. The term of office of the sheriff is four years.

[C51, §96, 239; R60, §224, 473; C73, §589; C97, S13, §1072; C24, 27, 31, 35, 39, §520; C46, §39.17; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.17, 337.20; S81, §331.651; 81 Acts, ch 117, §650]

331.653 General duties of the sheriff.

The sheriff shall:

1. to 6. Not reprinted.

7. Carry out duties relating to election contests as provided in sections 57.6, 62.4 and 62.19.

8. to 71. Not reprinted.

5-71. [S81, §331.653(5-71); 81 Acts, ch 117, §652]

83 Acts, ch 101, §79; 83 Acts, ch 186, §10090, 10091, 10201; 85 Acts, ch 67, §41; 86 Acts, ch 1108, §5; 86 Acts, ch 1121, §2; 86 Acts, ch 1155, §7; 86 Acts, ch 1220, §39; 87 Acts, ch 115, §54

COUNTY ATTORNEY

331.751 Office of county attorney.

1. The office of county attorney is an elective office except that if a vacancy occurs in the office, a successor shall be appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of county attorney shall be a qualified elector of the county, be admitted to the practice of law in the courts of this state as provided by law, qualify by taking the oath of office as provided in section 63.10, and give bond as provided in section 64.8. A person is not qualified for the office of county attorney while the person's license to practice law in this or any other state is suspended or revoked.

3. The term of office of the county attorney is four years.

[C51, §96, 239; R60, §224; C97, §1072; S13, §308-b, 1072; C24, 27, 31, 35, 39, §520, 5179; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.17, 336.1; S81, §331.751; 81 Acts, ch 117, §750]

331.753 Multicounty office.

1. If two or more counties agree, pursuant to chapter 28E, to share the services of a county attorney, the county attorney shall be elected by a majority of the votes cast for the office of county attorney in all of the counties which the county attorney will serve as provided in the agreement. The election shall be conducted in accordance with section 47.2, subsection 2.

2. The effective date of the agreement shall be January 1 of the year following the next general election at which the county attorney is elected as provided by this section and section 39.17.

[C79, 81, §336.6; S81, §331.753; 81 Acts, ch 117, §753]

331.756 Duties of the county attorney.

The county attorney shall:

1. to 13. Not reprinted.

14. Hear and decide objections to a nomination filed with the county election commissioner as provided in section 44.7.

15. to 85. Not reprinted.

[C97, SS15, §301; C24, 27, 31, 35, 39, §5180; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §336.2; S81, §331.756; 81 Acts, ch 117, §756; 82 Acts, ch 1021, §10, 12(1), ch 1100, §28, ch 1104, §59]

83 Acts, ch 96, §111, 112, 157, 159; 84 Acts, ch 1163, §2; 84 Acts, ch 1299, §9; 85 Acts, ch 195, §42; 86 Acts, ch 1001, §21; 86 Acts, ch 1112, §11; 86 Acts, ch 1155, §8; 86 Acts, ch 1238, §17; 86 Acts, ch 1245, §1117; 87 Acts, ch 30, §18; 87 Acts, ch 98, §4; 88 Acts, ch 1134, §73; 89 Acts, ch 197, §30; 90 Acts, ch 1165, §17

CIVIL SERVICE FOR DEPUTY COUNTY SHERIFFS

341A.7 Classifications.

The classified civil service positions covered by this chapter include persons actually serving as deputy sheriffs who are salaried pursuant to section 331.904, subsection 2, but do not include a chief deputy sheriff, two second deputy sheriffs in counties with a population of more than one hundred thousand, and four second deputy sheriffs in counties with a population of more than two hundred thousand. However, a chief deputy sheriff or second deputy sheriff who becomes a candidate for a partisan elective office for remuneration is subject to section 341A.18. A deputy sheriff serving with permanent rank under this chapter may be designated chief deputy sheriff or second deputy sheriff and retain that rank during the period of service as chief deputy sheriff or second deputy sheriff and shall, upon termination of the duties as chief deputy sheriff or second deputy sheriff, revert to the permanent rank.

[C75, 77, 79, 81, S81, §341A.7; 81 Acts, ch 117, §1219]

90 Acts, ch 1119, §1

341A.18 Civil rights respected.

A person shall not be appointed or promoted to, or demoted or discharged from, any position subject to civil service, or in any way favored or discriminated against with respect to employment in the sheriff's office because of the person's political or religious opinions or affiliations or race or national origin or sex, or age.

A person holding a position subject to civil service shall not, during the person's scheduled working hours or when performing duties or when using county equipment or at any time on county property, take part in any way in soliciting any contribution for any political party or any person seeking political office, nor shall such employee engage in any political activity that will impair the employee's efficiency during working hours or cause the employee to be tardy or absent from work. The provisions of this section do not preclude any employee from holding any office for which no pay is received or any office for which only token pay is received.

A person shall not seek or attempt to use any political endorsement in connection with any appointment to a position subject to civil service.

A person shall not use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in the appointment to a position subject to civil service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person or for any consideration.

An employee shall not use the employee's official authority or influence for the purpose of interfering with an election or affecting the results thereof.

Any officer or employee subject to civil service who violates any of the provisions of this section shall be subject to suspension, dismissal, or demotion subject to the right of appeal herein.

All employees shall retain the right to vote as they please and to express their opinions on all subjects.

An officer or employee subject to civil service and a chief deputy sheriff or second deputy sheriff, who becomes a candidate for a partisan elective office for remuneration, unless running unopposed, shall, automatically be given a leave of absence without pay, commencing thirty days before the date of the primary election and continuing until the person is eliminated as a candidate or wins the primary, and commencing thirty days before the date of the general election and continuing until the person is eliminated as a candidate or wins the general election, and during the leave period shall not perform any duties connected with the office or position so held. The officer or employee subject to civil service, or chief deputy sheriff or second deputy sheriff, may, however, use accumulated paid vacation time for part or all of the leave of absence required under this section. The county shall continue to provide health benefit coverages, and may continue to provide other fringe benefits, to any officer or employee subject to civil service, or to any chief deputy sheriff or second deputy sheriff during any leave of absence required under this section.

[C75, 77, 79, 81, §341A.18]

90 Acts, ch 1119, §2

COUNTY BONDS

346.27 "Authority" for control of joint property.

1. to 9. Not reprinted.

10. After the incorporation of an authority, and before the sale of any issue of revenue bonds, except refunding bonds, the authority shall submit in a single countywide election to the qualified voters of the city and county, at a general, primary, or special election called for that purpose, the question of whether an authority shall issue and sell revenue bonds, stating the amount, for any of the purposes for which it is incorporated. An affirmative vote of a majority of the votes cast on the proposition is required to authorize the issuance and sale of revenue bonds. A notice of the election shall be

published once each week for at least two weeks in some newspaper published in the county. The notice shall name the time when the question shall be submitted, and a copy of the question to be submitted shall be posted at each polling place during the day of election. The authority shall call this election with the concurrence of both incorporating units, and it shall establish the voting precincts and polling places, and appoint the election judges, and in so doing such election procedures shall be in accordance with the provisions of chapters 49 and 50.

11. to 25. Not reprinted.

[C62, §368.50-368.53; C66, 71, 73, §368.54, 368.55, 368.57-368.71; C75, 77, 79, 81, §346.27]

PUBLIC HOSPITALS

347.7 Tax levies.

If a county hospital is established, the board of supervisors, at the time of levying ordinary taxes, shall levy a tax at the rate voted not to exceed fifty-four cents per thousand dollars of assessed value in any one year for the erection and equipment of the hospital, and also a tax not to exceed twenty-seven cents per thousand dollars of value for the improvement, maintenance, and replacements of the hospital, as certified by the board of hospital trustees. However, in counties having a population of two hundred twenty-five thousand or over, the levy for improvements and maintenance of the hospital shall not exceed one dollar and thirty-five cents per thousand dollars of assessed value in any one year. The proceeds of the taxes constitute the county public hospital fund and the fund is subject to review by the board of supervisors in counties over two hundred twenty-five thousand. However, the board of trustees of a county hospital, where funds are available in the county public hospital fund of the county which are unappropriated, may use the unappropriated funds for erecting and equipping hospital buildings and additions thereto without authority from the voters of the county.

No levy shall be made for the improvement, maintenance, or replacements of the hospital until the hospital has been constructed, staffed, and receiving patients. If revenue bonds are issued and outstanding under section 331.461, subsection 1, paragraph "d", the board may levy a tax to pay operating and maintenance expenses in lieu of the authority otherwise contained in this section not to exceed twenty-seven cents per thousand dollars of assessed value or not to exceed one dollar and twenty-one and one-half cents per thousand dollars of assessed value for improvements and maintenance of the hospital in counties having a population of two hundred twenty-five thousand or over.

In addition to levies otherwise authorized by this section, the board of supervisors may levy a tax at the rate, not to exceed twenty-seven cents per thousand dollars of assessed value, necessary to raise the amount budgeted by the board of hospital trustees for support of ambulance service

as authorized in section 347.14, subsection 13.

The tax levy authorized by this section for operation and maintenance of the hospital may be available in whole or in part to any county with or without a county hospital organized under this chapter, to be used to enhance rural health services in the county. However, the tax levied may be expended for enhancement of rural health care services only following a local planning process. The Iowa department of public health shall establish guidelines to be followed by counties in implementing the local planning process which shall require legal notice, public hearings, and a referendum in accordance with this section and section 347.30 prior to the authorization of any new levy or a change in the use of a levy. Enhancement of rural health services for which the tax levy pursuant to this section may be used includes but is not limited to emergency medical services, health care services shared with other hospitals, rural health clinics, and support for rural health care practitioners and public health services. When alternative use of funds from the tax levy authorized by this section is proposed in a county with a county hospital organized under this chapter, use of the funds shall be agreed upon by the elected board of trustees of the county hospital. When alternative use of funds from the tax levy authorized by this section is proposed in a county without a county hospital organized under this chapter, use of the funds shall be agreed upon by the board of supervisors and any publicly elected hospital board of trustees within the county prior to submission of the question to the voters. Moneys raised from a tax levied in accordance with this paragraph shall be designated and administered by the board of supervisors in a manner consistent with the purposes of the levy.

[S13, §409-b, -j; C24, 27, 31, 35, 39, §5353; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §347.7; 81 Acts, ch 117, §1061]

85 Acts, ch 185, §2; 89 Acts, ch 304, §704 (SF 538)

347.9 Trustees — appointment — terms of office.

When it has been determined by the voters of a county to establish a county public hospital, the board shall appoint seven trustees chosen from among the resident citizens of the county with reference to their fitness for office, and not more than four of the trustees shall be residents of the city at which the hospital is located. The trustees shall hold office until the following general election, at which time their successors shall be elected, two for a term of two years, two for four years, and three for six years, and they shall determine by lot their respective terms, and thereafter their successors shall be elected for regular terms of six years each. A person or spouse of a person with medical or special staff privileges in the county public hospital or who receives direct or indirect compensation from the

county public hospital or direct or indirect compensation from a person contracting for services with the hospital shall not be eligible to serve as a trustee for that county public hospital.

[S13, §409-c; C24, 27, 31, 35, 39, §5355; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §347.9]

86 Acts, ch 1200, §3

Completion of term of trustee no longer eligible because of 1986 amendment: 86 Acts, ch 1200, §9

citizens of the county with reference to their fitness for office, and not more than two of the trustees shall be residents of the same township.

The trustees shall hold office until the next succeeding election, at which time their successors shall be elected, two for a term of two years, two for a term of four years and one for a term of six years, and thereafter their successors shall be elected for regular terms of six years each. Vacancies in the board of trustees may be filled in the same manner as original appointments, to hold office until the vacancies are filled pursuant to section 69.12. The trustees, within ten days after their appointment or election, shall qualify by taking the usual oath of office, but no bond shall be required of them. The trustees shall receive no compensation but shall be reimbursed for all expenses incurred by them with the approval of the board of trustees in the performance of their duties. The board first appointed shall organize promptly following its appointment, and shall serve until successors are elected and qualified; thereafter no later than December 1 of each year the board shall reorganize by the appointment of a chairperson, secretary, and treasurer. The secretary and treasurer shall each file with the chairperson of the board a surety bond in the amount the board of trustees requires, with sureties to be approved by the board of trustees, for the use and benefit of the county hospital. The reasonable cost of the bonds shall be paid from the operating funds of the hospital. The secretary shall report to the county auditor and the county treasurer the names of the chairperson, secretary, and treasurer of the board as soon as practicable after the appointment of each.

The treasurer of the county hospital shall receive and disburse all funds. Warrants shall be drawn by the secretary and countersigned by the chairperson of the board after the claim has been certified by the board. The treasurer of the county hospital shall keep an accurate account of all receipts and disbursements and shall register all orders drawn and reported by the secretary, showing the number, date, to whom drawn, the fund upon which drawn, the purpose, and amount. The secretary of the board of trustees shall file with the board on or before the tenth day of each month, a complete statement of all receipts and disbursements from all funds during the preceding month, and also the balance remaining on hand in all funds at the close of the period covered by the statement. Before the fifteenth day of each month, the county treasurer shall give notice to the chairperson of the board of trustees of the amount of revenue collected for each fund of the hospital to the first day of that month and the county treasurer shall pay the taxes to the treasurer of the hospital as provided in section 331.552, subsection 29.

The board of hospital trustees may employ, fix the compensation of, and remove at pleasure professional, technical, and other employees as it deems necessary for the operation and maintenance of the hospital, and disbursement of funds for operation and maintenance shall be made upon order and approval of the board of hospital trustees. A county hospital may include a nurses home and nurses training school. The board of trustees

shall make all rules and regulations governing its meetings and the operation of the county hospital and shall fix charges for the services furnished so that the revenues will be at all times sufficient in the aggregate to provide for the payment of the interest on and principal of all revenue bonds issued and outstanding for the hospital, and for the payment of all operating and maintenance expenses of the hospital.

The board of hospital trustees may establish a fund for depreciation as a separate fund. Depreciation fund moneys may be invested in United States government bonds and the accumulation of interest on the bonds shall be used for the purposes of the depreciation fund. The moneys shall remain invested in the bonds until the board of hospital trustees determines the moneys shall be used for hospital purposes.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §347A.1; 81 Acts, ch 117, §1063]

84 Acts, ch 1003, §7; 90 Acts, ch 1118, §1

OFFICIAL NEWSPAPERS

349.16 What published.

There shall be published in each of said official newspapers at the expense of the county during the ensuing year:

1. The proceedings of the board of supervisors, excluding from the publication of said proceedings, its canvass of the various elections, as provided by law; witness fees of witnesses before the grand jury and in the district court in criminal cases.

2. to 4. Not reprinted.

[R60, §313; C73, §304; C97, §441; SS15, §441; C24, 27, 31, 35, 39, §5411; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.16]

BENEFITED WATER DISTRICTS

357.12 Election.

When the preliminary design and assessment have been approved by the board of supervisors, a date not more than thirty days after such approval shall be set for an election within the district to determine whether or not the proposed improvement shall be constructed and to choose candidates for the offices of trustee within the district. Notice of the election, including the time and place of holding the same, shall be given in the same manner as for the public hearing heretofore provided for. The vote shall be by ballot which shall state clearly the proposition to be voted upon, and any qualified elector residing within the district at the time of the election shall be entitled to vote. It shall not be mandatory for the county commissioner of elections to conduct elections held pursuant to this chapter, but they shall be conducted in accordance with the provisions of chapter 49 where not in conflict with

this chapter. Judges will be appointed to serve without pay, by the board of supervisors from among the qualified electors of the district who will have charge of the election. The proposition shall be deemed to have carried if a majority of those voting thereon vote in favor of the same.

[C24, 27, 31, 35, §5524; C39, §5526.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.12]

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Vacancies in the office of trustee of a sanitary district shall be filled by the remaining members of the board for the period until a successor is chosen in the manner prescribed by this section or by section 69.12, whichever is applicable.

However, for districts formed after July 1, 1984, successors to the initial trustees shall be elected at the next general election or at an annual meeting of the board of trustees called for that purpose. Upon petition of a majority of the landowners owning more than fifty percent of the total land in the district, the board of trustees shall call an annual meeting of the residents of the district to elect successors to trustees of the board. Vacancies shall be filled by the remaining trustees in the same manner as city council members as provided in section 372.13, subsection 2.

In cases where the state of Iowa owns at least four hundred acres of land contiguous to lakes within the district, the natural resource commission shall appoint two members of the board of trustees in addition to the three members provided in this section. The additional two members shall be United States citizens, not less than eighteen years of age, and property owners within the district. The two additional appointive members shall have equal vote and authority with other members of trustees and shall hold office at the pleasure of the natural resource commission.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.9; 82 Acts, ch 1199, §66, 96]

84 Acts, ch 1009, §1; 84 Acts, ch 1051, §3; 85 Acts, ch 135, §2

358.40 Dissolution.

1. After three years from the establishment of a sanitary sewer district, a petition may be filed in the office of the county auditor, addressed to the board of supervisors, signed by a majority of persons owning land in the district and who in aggregate own at least sixty percent of the land in the district. The petition shall include the above facts and recite each of the following:

a. That more than three years has passed since the date of the election which established the district.

b. That there are no bonds or other evidences of indebtedness outstanding against the district, or if there is indebtedness, the petition shall contain a plan of dissolution which makes adequate provisions for payment of the indebtedness.

c. That a construction contract has not been let or work done on any improvements in the district or if either has occurred, the petition shall contain a plan of dissolution which makes adequate provisions for payment of the contract price or for the work.

2. All costs and expenses of the district shall be assessed against the district before dissolution by the levy of an annual tax necessary to accomplish payment, but the levy shall not exceed the rate provided in this section.

3. The board shall examine the petition at its next meeting after its filing

or within twenty days of the filing, whichever date is earlier. Within ten days of the meeting, the board shall publish notice of the petition and the date, time, and place of the meeting at which time the board proposes to take action on the petition. The notice shall be published in a newspaper of general circulation published in the district and, if no newspaper is published within the district, in a newspaper published in the county in which the major part of the district is located. At the board's meeting, or subsequent meetings as necessary, if the petition is found to comply with the requirements of this section and the board of trustees consents by majority vote, the board of supervisors may provide for payment as requested or modify the method of payment of costs and expenses.

4. If the board decides that dissolution is warranted for the best interest of the public, it shall publish a notice in a newspaper of general circulation published in the district or, if no newspaper is published in the district, in a newspaper published in the county in which the major part of the district is located and give notice by mail to all known claimants or creditors of the district that it will receive and adjudicate claims against the district for four months from the date the notice is published and shall levy an annual tax as necessary against all property in the district for the number of years required to pay all claims allowed. However, the annual tax levied under this subsection shall not exceed four dollars per thousand dollars of assessed valuation of the taxable property within the district at the time of dissolution. The levy shall be made in the same manner as provided in section 76.2. After the board makes a specific finding that all indebtedness, costs, and expenses have been paid or levies approved for their payment, the board shall dissolve the district by resolution entered upon its records. The dissolution order shall be noted by the auditor on the county records, showing the date when the dissolution became effective.

5. The records of a dissolved district including, but not limited to, copies of all engineering files and work undertaken by engineers of a dissolved district, shall be deposited with the county auditor of the county designated by the board. Any remaining balances shall be deposited in the general fund of the county designated by the board. All other assets of the dissolved district shall become, by dissolution, assets of the county.

6. An action shall not be commenced to contest action of the board of supervisors under this section in adjudicating claims, providing for the levy of a tax, or dissolving the district unless it is brought within thirty days of the entry of the dissolution order on the county record.

84 Acts, ch 1051, §4

COUNTY LIBRARIES

358B.2 Library districts formed.

A county library district may be established composed of one county or

from residents of the petitioning area. Vacancies shall be filled by the board.

d. The board of trustees may contract with any library for library use or service for the benefit of the residents and area represented by it.

[S13, §592-a, 792-a; SS15, §422; C24, 27, 31, 35, 39, §5859, 5861—5863; C46, 50, 54, 58, 62, 66, 71, 73, §378.11, 378.13—378.15; C75, 77, 79, 81, S81, §358B.18; 81 Acts, ch 117, §1075]

83 Acts, ch 123, §166, 167, 209

TOWNSHIPS AND TOWNSHIP OFFICERS

359.10 New township — first election.

When a new township is formed, in which township officers are to be elected, the board of supervisors shall call the first township election, to be held at such place as it may designate, on the day of the next general election. If at any time a new township has been created in a year in which no general election is held, the board may call a special election for the election of the township officers of the new township, who shall continue in office until their successors are elected and qualified.

[C51, §231; R60, §453; C73, §385; C97, §557; S13, §1074-a; C24, 27, 31, 35, 39, §5536; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.10]

359.11 Officers to be elected.

At said election there shall be elected one trustee for a term of two years, one trustee for a term of three years, and one trustee for a term of four years, and other officers as provided by law.

[S13, §1074-a; C24, 27, 31, 35, 39, §5537; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.11]

359.12 Order for election.

The county commissioner of elections shall issue an order for such first election, stating the time and place of the same, the officers to be elected, and any other business to be transacted; and no business not named in such order shall be transacted at such election.

[C51, §232; R60, §454; C73, §386; C97, §558; C24, 27, 31, 35, 39, §5538; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.12]

359.13 Service and return.

Such order may be directed to any citizen of the same township, by name, and shall be served by posting copies thereof, in three of the most public places in the township, fifteen days before the day of the election; the original order shall be returned to the presiding officer of the election, to be returned to the clerk when elected, with a return thereon of the manner of service, verified by oath, if served by any other than an officer.

[C51, §233; R60, §455; C73, §387; C97, §559; C24, 27, 31, 35, 39, §5539; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.13]

359.22 Notify auditor of elections. Repealed by 90 Acts, ch 1238, §43.

TOWNSHIP HALLS

360.1 Election.

The trustees, on a petition of a majority of the resident freeholders of any civil township, shall request the county commissioner of elections to submit the question of building or acquiring by purchase, or acquiring by a lease with purchase option, a public hall to the electors thereof. The county commissioner shall conduct the election pursuant to the applicable provisions of chapters 39 to 53 and certify the result to the trustees. The form of the proposition shall be: "Shall the proposition to levy a tax of cents per thousand dollars of assessed value for the erection of a public hall be adopted?" Notice of the election shall be given as provided by chapter 49.

[C97, §567; C24, 27, 31, 35, 39, §5574; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §360.1]

Gifts and donations, §359.29

WEATHER MODIFICATION

361.5 Election on question.

Upon request of the weather modification board, the county board of supervisors shall submit to the owners and tenants of agricultural land in the county at any general election or special election called for that purpose, the question of whether a tax in accordance with section 361.3, subsection 4, shall be levied annually on agricultural land. Notice of the election shall be published each week for two consecutive weeks as provided in section 331.305. The notice shall include the date and time of the election and the question to be voted upon. A majority of the agricultural landowners and tenants voting shall determine the question.

[C73, 75, 77, 79, 81, S81, §361.5; 81 Acts, ch 117, §1079]

361.7 Cancellation of program.

If a tax levy has been authorized under section 361.5, the county board of supervisors shall, upon receipt of a petition signed by at least one hundred owners and tenants of agricultural land located in the county, submit to the owners and tenants of agricultural land at any general election or special

transactions or bond issues or accurate reproductions of those ordinances, resolutions, council proceedings, and records and documents relating to real property transactions or bond issues, shall be maintained permanently.

6. Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be published in a newspaper of general circulation in the city. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim. Matters discussed in closed session pursuant to section 21.3 shall not be published until entered on the public minutes. However, in cities having more than one hundred fifty thousand population the council shall each month print in pamphlet form a detailed itemized statement of all receipts and disbursements of the city, and a summary of its proceedings during the preceding month, and furnish copies to the city library, the daily newspapers of the city, and to persons who apply at the office of the city clerk, and the pamphlet shall constitute publication as required. Failure by the clerk to make publication is a simple misdemeanor. The provisions of this subsection are applicable in cities in which a newspaper is published, or in cities of two hundred population or over, but in all other cities, posting the statement in three public places in the city which have been permanently designated by ordinance is sufficient compliance with this subsection.

7. By ordinance, the council may divide the city into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.

8. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor does not become effective during the term in which the change is adopted, and the council shall not adopt an ordinance changing the compensation of the mayor, council members, or other elected officers during the months of November and December in the year of a regular city election. A change in the compensation of council members becomes effective for all council members at the beginning of the term of the council members elected at the election next following the change in compensation. Except as provided in section 362.5, an elected city officer is not entitled to receive any other compensation for any other city office or city employment during that officer's tenure in office, but may be reimbursed for actual expenses incurred. However, if the mayor pro tem performs the duties of the mayor during the mayor's absence or disability for a continuous period of fifteen days or more, the mayor pro tem may be paid for that period the compensation determined by the council, based upon the mayor pro tem's performance of the mayor's duties and upon the compensation of the mayor.

9. A council member, during the term for which that member is elected, is not eligible for appointment to any city office if the office has been created or the compensation of the office has been increased during the term for which that member is elected. A person who resigns from an elective office

is not eligible for appointment to the same office during the time for which that person was elected if during that time, the compensation of the office has been increased.

10. A council member, during the term for which that member is elected, is not precluded from holding the office of chief of the volunteer fire department if the fire department serves an area with a population of not more than two thousand, and if no other candidate who is not a city council member is available to hold the office of chief of the volunteer fire department.

1. [R60, §1081, 1093; C73, §511, 522; C97, §668, S13, §668; C24, 27, 31, 35, 39, §5663; C46, 50, §363.36; C54, 58, 62, 66, 71, 73, §368A.1(2); C75, 77, 79, 81, §372.13(1)]

2. [R60, §1101; C73, §514, 524; C97, §668; S13, §668; C24, 27, 31, 35, 39, §5663; C46, 50, §363.36; C54, 58, 62, 66, 71, 73, §368A.1(8); C75, 77, 79, 81, §372.13(2); 81 Acts, ch 34, §46]

3. [R60, §1082, 1093; C73, §512, 522; C97, §651, 659, 940; S13, §651; SS15, §1056-a26, 1056-b18; C24, 27, 31, 35, 39, §5633, 5640, 5663, 6528, 6651, 6703; C46, 50, §363.11, 363.19, 363.36, 416.52, 419.37, 420.13; C54, 58, 62, 66, 71, 73, §368A.1(1), 368A.3; C75, 77, 79, 81, §372.13(3)]

4. [R60, §1086, 1093, 1095, 1098, 1103, 1105, 1134; C73, §493, 515, 522, 524, 528, 532, 534; C97, §651, 657, 668, 676; S13, §651, 657, 668, 1056-a27, 1056-a28; SS15, §1056-a26, 1056-b14, 1056-b17, 1056-b18; C24, 27, 31, 35, 39, §5638, 5663, 5671, 6519, 6528, 6529, 6533, 6651, 6666, 6674; C46, 50, §363.11, 363.17, 363.36, 363.45, 416.43, 416.52, 416.53, 416.57, 419.37, 419.52, 419.60; C54, 58, 62, 66, 71, 73, §363.40, 363A.4, 363B.11, 363C.4, 363C.9, 368A.1(7, 9, 10); C75, 77, 79, 81, §372.13(4)]

5, 6. [R60, §1082, 1093; C73, §512, 522; C97, §659, 668; S13, §687-a; C24, 27, 31, 35, 39, §5640, 5663, 5722; C46, 50, §363.19, 363.33, 366.10; C54, 58, 62, 66, 71, 73, §368A.1(4), 368A.3; C75, 77, 79, 81, §372.13(5,6); 82 Acts, ch 1047, §1]

7. [R60, §1092; C73, §520; C97, §641; S13, §641; C24, 27, 31, 35, 39, §5626; C46, 50, §363.4; C54, 58, 62, 66, 71, 73, §363.7; C75, 77, 79, 81, §372.13(7)]

8. [R60, §1091, 1095, 1098; C73, §505, 519, 524, 528; C97, §669, 676, 943, 945; S13, §669, 1056-a28, SS15, §1056-b9; C24, 27, 31, 35, 39, §5664, 5671, 6517, 6633, 6704, 6705; C46, 50, §363.38, 363.45, 416.41, 419.19, 420.14, 420.15; C54, 58, 62, 66, §363.39, 363A.4, 363B.9, 363C.2, 420.14, 420.15; C71, 73, §363.39, 363A.4, 363B.9, 363C.2 363E.1, 420.14, 420.15; C75, 77, 79, 81, §372.13(8)]

9. [R60, §1091, 1122; C73, §490, 491, 519; C97, §668, 677; S13, §668; C24, 27, 31, 35, 39, §5672; C46, 50, §363.46, 420.17-420.19; C54, 58, 62, 66, 71, 73, §368A.21; C75, 77, 79, 81, §372.13(9)]

85 Acts, ch 107, §1; 87 Acts, ch 203, §3; 88 Acts, ch 1052, §1; 88 Acts, ch 1246, §4; 89 Acts, ch 39, §9 (SF 500); 89 Acts, ch 136, §71 (SF 371); 90 Acts, ch 1106, §1

Removal of appointees, §372.15
Removal of officers, ch 66

372.14 The mayor.

1. The mayor is the chief executive officer of the city and presiding officer of the council. Except for the supervisory duties which have been delegated by law to a city manager, the mayor shall supervise all city officers and departments.

2. The major may take command of the police and govern the city by

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After July 1, 1986, a petition submitted under this section to change the term of council members from two to four years shall specify if the terms are to be staggered or run concurrently. If the petition provides for concurrent terms and the changed term is approved by the voters, unnumbered paragraph 3 of this section shall not apply and the terms shall be concurrent. If valid petitions for staggered and concurrent terms are submitted, the first filed shall govern.

[R60, §1081, 1084, 1091, 1093, 1106; C73, §390, 511, 514, 518, 521, 535; C97, §646-649; S13, §646-649; SS15, §1056-b3; C24, 27, 31, 35, 39, §5632, 6625, 6626; C46, 50, §363.10, 419.11, 419.12; C54, 58, 62, 66, 71, 73, §363.9, 363.10, 363.28; C75, 77, 79, 81, §376.2]

86 Acts, ch 1224, §34

376.3 Nominations.

Candidates for elective city offices must be nominated as provided in sections 376.4 to 376.9 unless by ordinance a city chooses the provisions of chapters 44 or 45. However, a city acting under a special charter in 1973 and having a population of over fifty thousand shall continue to hold partisan elections as provided in sections 43.112 to 43.118 and 420.126 to 420.137 unless the city by election as provided in section 43.112 chooses to conduct city elections under this chapter or chapter 44 or 45. The choice of one of these options by such a special charter city does not otherwise affect the validity of the city's charter. However, special charter cities which choose to exercise the option to conduct nonpartisan city elections may choose in the same manner the original decision was made, to resume holding city elections on a partisan basis.

[S13, §1056-a21; SS15, §1056-b4; C24, 27, 31, 35, 39, §6492, 6496, 6634, 6638; C46, 50, §416.16, 416.20, 419.20, 419.24; C54, 58, 62, 66, 71, 73, §363.11, 363.16; C75, 77, 79, 81, §376.3; 82 Acts, ch 1097, §2]

376.4 Candidacy.

An eligible elector of a city may become a candidate for an elective city office by filing with the city clerk a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than seventy-one days nor less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing.

The petitioners for an individual seeking election from a ward must be residents of the ward at the time of signing the petition. An individual is not eligible for election from a ward unless the individual is a resident of the ward at the time the individual files the petition and at the time

of election.

The petition must include the signature of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office.

If the city clerk is not readily available during normal office hours, the city clerk shall designate other employees or officials of the city who are ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the city clerk shall remain open until five p.m.

The city clerk shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The city clerk shall note upon each petition and affidavit accepted for filing the date and time that they were filed.

The city clerk shall deliver all nomination petitions together with the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections not later than five o'clock p.m. on the day following the last day on which nomination petitions can be filed.

Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect as prescribed in section 44.9. Objections to the legal sufficiency of petitions shall be filed in accordance with the provisions of sections 44.4, 44.5, and 44.8.

[S13, §1053-a21, -a40; SS15, §1056-b4; C24, 27, 31, 35, 39, §6478, 6495-6498, 6634-6638; C46, 50, §416.2, 416.79-416.22, 419.20-419.24; C54, 58, 62, 66, 71, 73, §363.11-363.16; C75, 77, 79, 81, §376.4]

86 Acts, ch 1224, §35; 87 Acts, ch 1221, §33; 88 Acts, ch 1119, §39; 89 Acts, ch 136, §72 (SF 371); 90 Acts, ch 1238, §40

376.5 Publication of ballot.

Notice containing a copy of the ballot for each regular, special, primary, or runoff city election must be published by the county commissioner of elections as provided in section 362.3, except that notice of a regular, primary, or runoff election may be published not less than four days before the date of the election. The published ballot must contain the names of all candidates, and may not contain any party designations. The published ballot must contain any question to be submitted to the voters.

[S13, §1056-a21; SS15, §1056-b4; C24, 27, 31, 35, 39, §6499, 6500, 6501, 6503, 6640; C46, 50, §416.23-416.25, 416.27, 419.26; C58, 62, 66, 71, 73, §363.19; C75, 77, 79, 81, §376.5]

376.6 Primary or other method of nomination — certification.

An individual for whom a valid petition is filed becomes a candidate in the regular city election for the office for which the individual has filed, except that a primary election must be held for offices for which the number

35, 39, §5882-5887, 6209, 6221; C46, 50, §381.9-381.14, 404.3, 404.15; C54, 58, 62, 66, 71, 73, §381.9-381.14, 404.7; C75, 77, 79, 81, S81, §384.12(5, 6)]

7. [S13, §766-a, 766-b; C24, 27, 31, 35, 39, §5890, 5891, 5894; C46, 50, 54, 58, 62, 66, 71, 73, §381.17, 381.18, 382.1; C75, 77, 79, 81, S81, §384.12(7)]

8. [C97, §766; C24, 27, 31, 35, 39, §5889; C46, 50, 54, 58, 62, 66, 71, 73, §381.16; C75, 77, 79, 81, S81, §384.12(8)]

9. [C58, 62, 66, 71, 73, §386A.1, 386A.4, 386A.9, 386A.12; C75, 77, 79, 81, S81, §384.12(9)]

10. [C58, 62, 66, 71, 73, §386B.12; C75, 77, 79, 81, S81, §384.12(10)]

11. [C71, 73, §378A.6; C75, 77, 79, 81, S81, §384.12(11)]

12. [C71, 73, §378A.10; C75, 77, 79, 81, S81, §384.12(12)]

13. [C71, 73, §404.27; C75, 77, 79, 81, S81, §384.12(13)]

14. [C75, 77, 79, 81, S81, §384.12(14)]

15. [C66, 71, 73, §368.67; C75, 77, 79, 81, S81, §384.12(15); 81 Acts, ch 117, §1081; 82 Acts, ch 1104, §14]

16. [C75, 77, 79, 81, S81, §384.12(16)]

17. [S13, §740; C24, 27, 31, 35, 39, §10190; C46, 50, 54, 58, 62, 66, 71, 73, §565.8; C75, 77, 79, 81, S81, §384.12(18); 81 Acts, ch 117, §1081]

18. [C75, 77, 79, 81, S81, §384.12(19)]

19. [C81, S81, §384.12(20)]

83 Acts, ch 101, §82; 85 Acts, ch 195, §46; 86 Acts, ch 1211, §23; 88 Acts, ch 1213, §1; 89 Acts, ch 203, §1 (SF 86)

GENERAL OBLIGATION BONDS

384.24 Definitions.

"As used in this division, unless the context otherwise requires:

1. "*General obligation bond*" means a negotiable bond issued by a city and payable from the levy of unlimited ad valorem taxes on all the taxable property within the city through its debt service fund which is required to be established by section 384.4.

2. "*City enterprise*" means any of the following, including the real estate, fixtures, equipment, accessories, appurtenances, and all property necessary or useful for the operation of any of the following:

a. Parking facilities systems, which may include parking lots and other off-street parking areas, parking ramps and structures on, above, or below the surface, parking meters, both on-street and off-street, and all other fixtures, equipment, accessories, appurtenances, and requisites useful for the successful operation of a parking facilities system.

b. Civic centers or civic center systems, which may include auditoriums, music halls, theatres, sports arenas, armories, exhibit halls, meeting rooms, convention halls, or combinations of these.

c. Recreational facilities or recreational facilities systems, including,

without limitation, real and personal property, water, buildings, improvements, and equipment useful and suitable for administering recreation programs, and also including without limitation, zoos, museums, and centers for art, drama, and music, as well as those programs more customarily identified with the term "recreation" such as public sports, games, pastimes, diversions, and amusement, on land or water, whether or not such facilities are located in or as a part of any public park.

d. Port facilities or port facilities systems, including without limitation, real and personal property, water, buildings, improvements and equipment useful and suitable for taking care of the needs of commerce and shipping, and also including without limitation, wharves, docks, basins, piers, quay walls, warehouses, tunnels, belt railway facilities, cranes, dock apparatus, and other machinery necessary for the convenient and economical accommodation and handling of watercraft of all kinds and of freight and passengers.

e. Airport and airport systems.

f. Solid waste collection systems and disposal systems.

g. Bridge and bridge systems.

h. Hospital and hospital systems.

i. Transit systems.

j. Stadiums.

k. Housing for the elderly or physically handicapped.

3. "Essential corporate purpose" means:

a. The opening, widening, extending, grading, and draining the right-of-way of streets, highways, avenues, alleys, public grounds, and market places, and the removal and replacement of dead or diseased trees thereon; the construction, reconstruction, and repairing of any street improvements; the acquisition, installation, and repair of traffic control devices; and the acquisition of real estate needed for any of the foregoing purposes.

b. The acquisition, construction, improvement, and installation of street lighting fixtures, connections, and facilities.

c. The construction, reconstruction, and repair of sidewalks and pedestrian underpasses and overpasses, and the acquisition of real estate needed for such purposes.

d. The acquisition, construction, reconstruction, extension, improvement, and equipping of works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner, for the collection and disposal of solid waste, and for the collection and disposal of surface waters and streams.

e. The acquisition, construction, reconstruction, enlargement, improvement, and repair of bridges, culverts, retaining walls, viaducts, underpasses, grade crossing separations, and approaches thereto.

f. The settlement, adjustment, renewing, or extension of any part or all of the legal indebtedness of a city, whether evidenced by bonds, warrants, or judgments, or the funding or refunding of the same, whether or not such indebtedness was created for a purpose for which general obligation bonds

Shall the (insert the name of the city) issue its bonds in an amount not exceeding the amount of \$ for the purpose of?

3. Notice of the election must be given by publication as required by section 49.53 in a newspaper of general circulation in the city. At the election the ballot used for the submission of the proposition must be in substantially the form for submitting special questions at general elections.

4. The proposition of issuing general corporate purpose bonds is not carried or adopted unless the vote in favor of the proposition is equal to at least sixty percent of the total vote cast for and against the proposition at the election. If the proposition of issuing the general corporate purpose bonds is approved by the voters, the city may proceed with the issuance of the bonds.

5. a. Notwithstanding the provisions of subsection 2, a council may, in lieu of calling an election, institute proceedings for the issuance of bonds for a general corporate purpose by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, together with the maximum rate of interest which the bonds are to bear, and the right to petition for an election, to be published at least once in a newspaper of general circulation within the city at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds subject to the following limitations:

(1) In cities having a population of five thousand or less, in an amount of not more than twenty-five thousand dollars.

(2) In cities having a population of more than five thousand and not more than seventy-five thousand, in an amount of not more than seventy-five thousand dollars.

(3) In cities having a population in excess of seventy-five thousand, in an amount of not more than one hundred fifty thousand dollars.

b. If at any time before the date fixed for taking action for the issuance of the bonds, a petition is filed with the clerk of the city in the manner provided by section 362.4, asking that the question of issuing the bonds be submitted to the qualified electors of the city, the council shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in the preceding subsections of this section.

c. If no petition is filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the council may proceed with the authorization and issuance of the bonds.

[C73, §461; C97, §727, 741-4, 852-855; S13, §727, 741-g, -r, -v, -w2, 850-c, -e, -f, 1306-d, -e; SS15, §696-b, 741-f, -g, -h, 879-r, -s; C24, 27, §5793-5795, 5800-5804, 5902, 6241, 6244-6246, 6248; C31, 35, §5793-5795, 5800-5804, 5902, 5903-c5, 6241, 6244-6246, 6248; C39, §5793-5795, 5800-5804, 5902, 5903.05, 6241, 6244-6246, 6248, 6261.1; C46, 50, §330.7, 330.8, 370.7-370.9, 370.15-370.19, 384.3, 407.5, 407.8-407.10, 407.12, 408.11; C54, 58, 62, 66, §330.7, 370.7, 384.3, 390.13, 407.5, 407.8-407.10, 407.12; C71, 73, §330.7, 370.7, 378A.11, 384.3, 390.13, 407.5, 407.8-407.10, 407.12, 408A.1, 408A.2, 408A.6; C75, 77, 79, 81, §384.26]

REVENUE FINANCING

384.84A Special election.

1. The governing body of a city may institute proceedings to issue revenue bonds for storm water drainage construction projects under section 384.84, subsection 1, by causing notice of the proposed project, with a description of the proposed project and a description of the formula for the determination of the rate or rates applied to users for payment of the bonds, and a description of the bonds and maximum rate of interest and the right to petition for an election if the project meets the requirement of subsection 2, to be published at least once in a newspaper of general circulation within the city at least thirty days before the meeting at which the governing body proposes to take action to institute proceedings for issuance of revenue bonds for the storm water drainage construction project.

2. If, before the date fixed for taking action to authorize the issuance of revenue bonds for the storm water drainage construction project, a petition signed by three percent of the qualified electors of the city, asking that the question of issuing revenue bonds for the storm water drainage construction project be submitted to the qualified electors of the city, the council, by resolution, shall declare the project abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds for the storm water drainage construction project if the cost of the project and population of the city meet one of the following criteria:

a. The project cost is seven hundred fifty thousand dollars or more in a city having a population of five thousand or less.

b. The project cost is one million five hundred thousand dollars or more in a city having a population of more than five thousand but not more than seventy-five thousand.

c. The project cost is two million dollars or more in a city having a population of more than seventy-five thousand.

3. The proposition of issuing revenue bonds for a storm water drainage

construction project under this section is not approved unless the vote in favor of the proposition is equal to a majority of the votes cast on the proposition.

4. If a petition is not filed, or if a petition is filed and the proposition is approved at an election, the council may issue the revenue bonds.

5. If a city is required by the federal environmental protection agency to file application for storm water sewer discharge or storm water drainage system under the federal Clean Water Act of 1987, this section does not apply to that city with respect to improvements and facilities required for compliance with EPA regulations, or any city that enters into a chapter 28E agreement to implement a joint storm water discharge or drainage system with a city that is required by the federal environmental protection agency to file application for storm water discharge or storm water drainage system.

90 Acts, ch 1206, §3

CITY UTILITIES

388.2 Submission to voters.

The proposal of a city to establish, acquire, lease, or dispose of a city utility, except a sanitary sewage or storm water drainage system, in order to undertake or to discontinue the operation of the city utility, or the proposal to establish or dissolve a combined utility system, or the proposal to establish or discontinue a utility board, is subject to the approval of the voters of the city, except that a board may be discontinued by resolution of the council when the city utility, city utilities, or combined utility system it administers is disposed of or leased for a period of over five years.

The proposal may be submitted to the voters at any city election by the council on its own motion. Upon receipt of a valid petition as defined in section 362.4, requesting that a proposal be submitted to the voters, the council shall submit the proposal at the next regular city election.

A proposal for the establishment of a utility board must specify a board of either three or five members.

If a majority of those voting for and against the proposal approves the proposal, the city may proceed as proposed.

If a majority of those voting for and against the proposal does not approve the proposal, the same or a similar proposal may not be submitted to the voters of the city for at least four years from the date of the election at which the proposal was defeated.

[C73, §471; C97, §720, 721; S13, §720, 721; C24, 27, 31, 35, 39, §6131-6133, 6144; C46, 50, 54, 58, §397.5-397.7, 397.29; C62, 66, 71, 73, §397.5-397.7, 397.29, 397.43; C75, 77, 79, 81, §388.2]

90 Acts, ch 1206, §4

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section 422.43. Sections 422.25, subsection 4, 422.30, 422.48 to 422.52, 422.54 to 422.58, 422.67, 422.68, 422.69, subsection 1, and 422.70 to 422.75, consistent with the provisions of this chapter, apply with respect to the taxes authorized under this chapter, in the same manner and with the same effect as if the hotel and motel taxes were retail sales taxes within the meaning of those statutes. Notwithstanding this paragraph, the director shall provide for quarterly filing of returns as prescribed in section 422.51 and for other than quarterly filing of returns as prescribed in section 422.51, subsection 2. The director may require all persons, as defined in section 422.42, who are engaged in the business of deriving gross receipts subject to tax under this chapter, to register with the department.

[C79, 81, §422A.1]

86 Acts, ch 1199, §1; 86 Acts, ch 1241, §30; 86 Acts, ch 1244, §49; 87 Acts, ch 136, §2; 88 Acts, ch 1153, §5; 89 Acts, ch 294, §1 (SF 185); 89 Acts, ch 251, §30 (SF 154)

422A.2 Local transient guest tax fund.

1. to 3. Not reprinted.

4. The revenue derived from any hotel and motel tax authorized by this chapter shall be used as follows:

a. to e. Not reprinted.

f. A city or county acting on behalf of an unincorporated area may, in lieu of calling an election, institute proceedings for the issuance of bonds under this section by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, together with the maximum rate of interest which the bonds are to bear, and the right to petition for an election, to be published at least once in a newspaper of general circulation within the city or unincorporated area at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds.

If at any time before the date fixed for taking action for the issuance of the bonds, a petition signed by three percent of the qualified electors of the city or unincorporated area, asking that the question of issuing the bonds be submitted to the qualified electors of the city or unincorporated area, the council or board of supervisors acting on behalf of an unincorporated area shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds.

The proposition of issuing bonds under this section is not approved unless the vote in favor of the proposition is equal to a majority of the vote cast.

If no petition is filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the council or board of supervisors acting on behalf of an unincorporated area may proceed with the authorization and issuance of the bonds.

Bonds may be issued for the purpose of refunding outstanding and previously issued bonds under this subsection without otherwise complying with this paragraph.

[C79, 81, §422A.2; 82 Acts, ch 1178, §1]

83 Acts, ch 123, §175; 84 Acts, ch 1067, §38; 90 Acts, ch 1024, §1

LOCAL OPTION TAXES

422B.1 Authorization — election — imposition and repeal.

1. A county may impose by ordinance of the board of supervisors local option taxes authorized by this chapter, subject to this section.

2. A local option tax shall be imposed only after an election at which a majority of those voting on the question favors imposition and shall then be imposed until repealed as provided in subsection 5, paragraph "a". If the tax is a local vehicle tax imposed by a county, it shall apply to all incorporated and unincorporated areas of the county. If the tax is a local sales and services tax imposed by a county, it shall only apply to those incorporated areas and the unincorporated area of that county in which a majority of those voting in the area on the tax favor its imposition. For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favor its imposition. For purposes of the local sales and services tax, a city is not contiguous to another city if the only road access between the two cities is through another state.

3. *a.* A county board of supervisors shall direct within thirty days the county commissioner of elections to submit the question of imposition of a local vehicle tax or a local sales and services tax to the qualified electors of the incorporated and unincorporated areas of the county upon receipt of a petition, requesting imposition of a local vehicle tax or a local sales and services tax, signed by eligible electors of the whole county equal in number to five percent of the persons in the whole county who voted at the last preceding state general election. In the case of a local vehicle tax, the petition requesting imposition shall specify the rate of tax and the classes, if any, that are to be exempt. If more than one valid petition is received, the earliest received petition shall be used.

b. The question of the imposition of a local sales and services tax shall be submitted to the qualified electors of the incorporated and unincorporated areas of the county upon receipt by the county commissioner of elections of the motion or motions, requesting such submission, adopted by the governing body or bodies of the city or cities located within the county or of the county, for the unincorporated areas of the county, representing at least one half of the population of the county. Upon adoption of such motion, the governing body of the city or county, for the unincorporated areas, shall submit the motion to the county commissioner of elections and in the case

of the governing body of the city shall notify the board of supervisors of the adoption of the motion. The county commissioner of elections shall keep a file on all the motions received and, upon reaching the population requirements, shall publish notice of the ballot proposition concerning the imposition of the local sales and services tax. A motion ceases to be valid at the time of the holding of the regular election for the election of members of the governing body which adopted the motion. The county commissioner of elections shall eliminate from the file any motion that ceases to be valid. The manner provided under this paragraph for the submission of the question of imposition of a local sales and services tax is an alternative to the manner provided in paragraph "a".

4. The county commissioner of elections shall submit the question of imposition of a local option tax at a state general election or at a special election held at any time other than the time of a city regular election. The election shall not be held sooner than sixty days after publication of notice of the ballot proposition. The ballot proposition shall specify the type and rate of tax and in the case of a vehicle tax the classes that will be exempt and in the case of a local sales and services tax the date it will be imposed. The ballot proposition shall also specify the approximate amount of local option tax revenues that will be used for property tax relief and shall contain a statement as to the specific purpose or purposes for which the revenues shall otherwise be expended. If the county board of supervisors decides under subsection 5 to specify a date on which the local option sales and services tax shall automatically be repealed, the date of the repeal shall also be specified on the ballot. The rate of the vehicle tax shall be in increments of one dollar per vehicle as set by the petition seeking to impose the tax. The rate of a local sales and services tax shall not be more than one percent as set by the governing body. The state commissioner of elections shall establish by rule the form for the ballot proposition which form shall be uniform throughout the state.

5. *a.* If a majority of those voting on the question of imposition of a local option tax favor imposition of a local option tax, the governing body of that county shall impose the tax at the rate specified for an unlimited period. However, in the case of a local sales and services tax, the county shall not impose the tax in any incorporated area or the unincorporated area if the majority of those voting on the tax in that area did not favor its imposition. For purposes of the local sales and services tax, all cities contiguous to each

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other shall be treated as part of one incorporated area and the tax shall be imposed in each of those contiguous cities only if the majority of those voting on the tax in the total area covered by the contiguous cities favored its imposition. The local option tax may be repealed or the rate increased or decreased after an election at which a majority of those voting on the question of repeal or rate change favored the repeal or rate change. The election at which the question of repeal or rate change is offered shall be called and held in the same manner and under the same conditions as provided in subsections 3 and 4 for the election on the imposition of the local option tax. However, in the case of a local sales and services tax where the tax has not been imposed countywide, the question of repeal or imposition shall be voted on only by the qualified electors of the areas of the county where the tax has been imposed or has not been imposed, as appropriate.

When submitting the question of the imposition of a local sales and services tax, the county board of supervisors may direct that the question contain a provision for the repeal, without election, of the local sales and services tax on a specific date, which date shall be the end of a calendar quarter.

b. Within ten days of the election at which a majority of those voting on the question favors the imposition, repeal, or change in the rate of a local option tax, the governing body shall give written notice to the director of revenue and finance or, in the case of a local vehicle tax, to the director of the department of transportation, of the result of the election.

6. More than one of the authorized local option taxes may be submitted at a single election and the different taxes shall be separately implemented as provided in this section.

7. Local option taxes authorized to be imposed as provided in this chapter are a local sales and services tax and a local vehicle tax. The rate of the tax shall be in increments of one dollar per vehicle for a vehicle tax as set on the petition seeking to impose the vehicle tax. The rate of a local sales and services tax shall not be more than one percent as set by the governing body.

8. In a county that has imposed a local option sales and services tax, the board of supervisors shall, notwithstanding any contrary provision of this chapter, repeal the local option sales and services tax in the unincorporated areas or in an incorporated city area in which the tax has been imposed upon adoption of its own motion for repeal in the unincorporated areas or upon receipt of a motion adopted by the governing body of that incorporated city area requesting repeal. The board of supervisors shall repeal the local option sales and services tax effective at the end of the calendar quarter during which it adopted the repeal motion or the motion for the repeal was received. For purposes of this subsection, incorporated city area includes an incorporated city which is contiguous to another incorporated city.

85 Acts, ch 32, §89; 85 Acts, ch 198, §6; 86 Acts, ch 1199, §2-6; 89 Acts, ch 146, §1 (SF 167); 89 Acts, ch 276, §1 (HF 271); 90 Acts, ch 1256, §21

SCHOOL FOUNDATION PROGRAM

Chapter is repealed June 30, 1991; 87 Acts, ch 224, §81

442.14 Additional enrichment amount.

1. For the budget year beginning July 1, 1980, and each succeeding school year, if a school board wishes to spend more than the amount permitted under sections 442.1 to 442.13, and the school board has not attempted by resolution to raise an additional enrichment amount for that budget year, the school board may raise an additional enrichment amount not to exceed ten percent of the state cost per pupil multiplied by the budget enrollment in the district, as provided in this section. For the budget year beginning July 1, 1988 and each succeeding school year, the additional enrichment amount that may be raised is an amount not to exceed fifteen percent of the state cost per pupil multiplied by the budget enrollment in the district. The additional five percent is to provide additional moneys for districts because of budget reductions incurred beginning July 1, 1988 under sections 442.4, subsections 3 and 5.

2. The board shall determine the additional enrichment amount per pupil needed, within the limits of this section, and shall direct the county commissioner of elections to submit the question of whether to raise that amount under this section and section 442.15, to the qualified electors of the school district at a regular school election held during September of the base year or at a special election held not later than February 15 of the base year. Only one election on the question shall be held during a twelve-month period. If a majority of those voting favors raising the enrichment amount, the board may include the approved amount in its certified budget.

3. The additional enrichment amount needed shall be raised within the limits provided in this section by a combination of an enrichment property tax and a school district income surtax imposed in the proportion of a property tax of twenty-seven cents per thousand dollars of assessed valuation of taxable property in the district for each five percent of income surtax.

4. The additional enrichment amount for a district is limited to the amount which may be raised by a combination tax in the prescribed proportion which does not exceed a property tax of one dollar and sixty-two cents per thousand dollars of assessed valuation and an income surtax of thirty percent.

5. Any additional enrichment amount of a school district, not exceeding five percent of the state cost per pupil, which was approved at a referendum prior to July 1, 1978, shall remain in effect for the period for which it was approved.

[C73, 75, 77, 79, 81, §442.14; 82 Acts, ch 1092, §1]
87 Acts, ch 224, §69, 70

442.43 Supplemental school income surtax.

1. For the budget school year beginning July 1, 1981, if the board of a school district wishes to spend more than the amount permitted under sections 442.1 to 442.13, the board may call a special election to determine whether to impose a supplemental school income surtax on individual state

income tax for the calendar year beginning January 1, 1981. The supplemental school income surtax for the school district shall not exceed an amount equal to the difference between the portion of district cost of the district attributable to regular program costs for the school year beginning July 1, 1981 if the state percent of growth had been nine and twenty-six thousandths percent and the portion of the actual district cost of the district attributable to regular program costs for the school year beginning July 1, 1981. Any income derived from the supplemental school income surtax is miscellaneous income.

2. The board shall determine the amount needed, within the limits of this section, and shall set the date of a special election, which shall not be later than July 1, 1981. The board shall direct the county commissioner of elections to submit the question of whether to raise that amount to the qualified electors of the school district. If a majority of those voting on the proposition at the special election favors the imposition of the supplemental school income surtax, the board may amend its certified budget to include the amount imposed.

3. Following approval at the special election, the board shall certify to the department of management that the required procedures have been carried out and the department of management shall establish the amount of supplemental school income surtax to be imposed based upon the most recent figures available for the district's individual state income tax paid. The department of management shall certify to the director of revenue and finance the amount of supplemental school income surtax to be imposed.

The supplemental school income surtax shall be imposed on the state individual income tax for the calendar year beginning January 1, 1981, or for a taxpayer's fiscal year ending during the second half of that calendar year or the first half of the succeeding calendar year, and shall be imposed on all individuals residing in the school district on the last day of the applicable tax year. As used in this section, "state individual income tax" means the tax computed under section 422.5, less the deductions allowed in section 422.12.

4. Sections 442.16, 442.17, 442.19, and 442.20 apply to the supplemental school income surtax established in this section. The director of revenue shall deposit all moneys received as supplemental school income surtax to the credit of each district from which the moneys are received, in a "supplemental school income surtax fund" which is established in the office of the treasurer of state.

[81 Acts, ch 94, §17]

SOIL AND WATER CONSERVATION DISTRICTS

467A.5 Soil and water conservation districts.

1. The one hundred soil and water conservation districts* established in the manner which was prescribed by law prior to July 1, 1975 shall continue in existence with the boundaries and the names* in effect on July 1, 1975. If the existence of a district so established is discontinued pursuant to section 467A.10, a petition for re-establishment of the district or for annexation of the former district's territory to any other abutting district may be submitted to, and shall be acted upon by, the state soil conservation committee in substantially the manner provided by section 467A.5, Code 1975.

2. The governing body of each district shall consist of five commissioners elected on a nonpartisan basis for staggered six-year terms commencing on the first day of January that is not a Sunday or holiday following their election. Any eligible elector residing in the district is eligible to the office of commissioner, except that no more than one commissioner shall at any one time be a resident of any one township. A vacancy is created in the office of any commissioner who changes residence into a township where another commissioner then resides. A vacancy in the office of commissioner shall be filled by appointment of the state soil conservation committee until the next succeeding general election, at which time the balance of the unexpired term shall be filled as provided by section 69.12.

3. At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner, and that if elected the candidate will qualify for the office. The signed petitions shall be filed with the county commissioner of elections not later than five p.m. on the sixty-ninth day before the general election. The votes for the office of district commissioner shall be canvassed in the same manner as the votes for county officers, and the returns shall be certified to the commissioners of the district. A plurality is sufficient to elect commissioners, and a primary election for the office shall not be held. If the canvass shows that the two candidates receiving the highest and the second highest number of votes for the office

of district commissioner are both residents of the same township, the board shall certify as elected the candidate who received the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township as the candidate receiving the highest number of votes.

[C39, §2603.06; C46, §160.5; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.5]

87 Acts, ch 23, §18; 89 Acts, ch 136, §73 (SF 371); 90 Acts, ch 1238, §41

*Established as "soil conservation districts"

467A.6 Appointment, qualifications and tenure of commissioners.

The commissioners of each soil and water conservation district shall convene on the first day of January that is not a Sunday or holiday in each odd-numbered year. Those commissioners whose term of office begins on that day shall take the oath of office prescribed by section 63.10. The commissioners shall then organize by election of a chairperson and a vice chairperson.

The commissioners of the respective districts shall submit to the department such statements, estimates, budgets, and other information at such times and in such manner as the department may require.

A commissioner shall receive no compensation for the commissioner's services but the commissioner may be paid expenses, including traveling expenses, necessarily incurred in the discharge of the commissioner's duties, if funds are available for that purpose.

The commissioners may call upon the attorney general of the state for such legal services as they may require. The commissioners may delegate to their chairperson, to one or more commissioners or to one or more agents, or employees, such powers and duties as they may deem proper. The commissioners shall furnish to the division of soil conservation, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this chapter.

The commissioners shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for a biennial audit of the accounts of receipts and disbursements.

The commissioners may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the commissioners of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

[C39, §2603.08; C46, §160.6; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.6]

87 Acts, ch 23, §19

467A.10 Discontinuance of districts.

At any time after five years after the organization of a district under this chapter, any twenty-five owners of land lying within the boundaries of the district, but in no case less than twenty percent of the owners of land lying within the district, may file a petition with the committee asking that the operations of the district be terminated and the existence of the district discontinued. The committee may conduct public meetings and public hearings upon the petition as necessary to assist in the consideration of the petition. Within sixty days after a petition has been received by the committee, the division shall give due notice of the holding of a referendum, shall supervise the referendum, and shall issue appropriate rules governing the conduct of the referendum. The question is to be submitted by ballots upon which the words "*For terminating the existence of the (name of the soil and water conservation district to be here inserted)*" and "*Against terminating the existence of the (name of the soil and water conservation district to be here inserted)*" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions as the voter favors or opposes discontinuance of the district. All owners of lands lying within the boundaries of the district are eligible to vote in the referendum. No informalities in the conduct of the referendum or in any matters relating to the referendum invalidate the referendum or the result of the referendum if notice was given substantially as provided in this section and if the referendum was fairly conducted.

When sixty-five percent of the landowners vote to terminate the existence of the district, the committee shall advise the commissioners to terminate the affairs of the district. The commissioners shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of the sale to be deposited into the state treasury. The commissioners shall then file an application, duly verified, with the secretary of state for the discontinuance of the district, and shall transmit with the application the certificate of the committee setting forth the determination of the committee that the continued operation of the district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as provided in this section, and shall set forth a full accounting of the properties and proceeds of the sale. The secretary of state shall issue to the commissioners a certificate of dissolution and shall record the certificate in an appropriate book of record in the secretary of state's office.

Upon issuance of a certificate of dissolution under this section, all ordinances and regulations previously adopted and in force within the districts are of no further force and effect. All contracts previously entered into, to which the district or commissioners are parties, remain in force and effect for the period provided in the contracts. The committee is substituted for the district or commissioners as party to the contracts. The committee is entitled to all benefits and subject to all liabilities under the

contracts and has the same right and liability to perform, to require performance, to sue and be sued, and to modify or terminate the contracts by mutual consent or otherwise, as the commissioners of the district would have had.

The committee shall not entertain petitions for the discontinuance of any district nor conduct referenda upon discontinuance petitions nor make determinations pursuant to the petitions in accordance with this chapter, more often than once in five years.

[C39, §2603.12; C46, §160.10; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.10]

86 Acts, ch 1245, §652; 87 Acts, ch 23, §21; 89 Acts, ch 106, §3 (SF 318)

DISSOLUTION OF DRAINAGE DISTRICTS

468.259 Election in lieu of hearings.

In lieu of the hearings provided for in section 468.258, the board of either district may call an election for the purpose of determining the dissolution of the contained district or the acceptance of that district's improvements and rights of way by the overlying district. The questions may be submitted at a regular election of the district or at a special election called for that purpose. It is not mandatory for the county commissioner of elections to conduct the elections, however, the provisions of sections 49.43 to 49.47, and of subchapter III of this chapter, as they are applicable, shall govern the elections, and the question to be submitted shall be set forth in the notice of election.

1. If sixty percent or more of the votes cast are in favor of the proposed dissolution of the contained district involved, the board of that district shall enter an order dissolving the contained district and directing the surrender of its improvements and rights of way, conditioned on acceptance by the overlying district.

2. If sixty percent or more of the votes cast in the overlying district are in favor of the proposed acceptance by that district of the contained district's improvements and rights of way, the board of the overlying district shall enter an order accepting the improvements and rights of way of the contained district.

3. Orders issued pursuant to subsections 1 and 2 shall be filed with the county auditor of the county or counties in which the affected districts are situated and noted on the drainage record.

[C81, §456.14]

89 Acts, ch 126, §2, 3

Transferred from §456.14 in 1989 Code to §468.259 in 1989 Code Supplement

468.261 Costs borne by overlying district.

The overlying district shall pay all costs of the proceedings held pursuant to sections 468.256 through 468.259.

[C81, §456.16]

89 Acts, ch 126, §2, 3

Transferred from §456.16 in 1989 Code to §468.261 in 1989 Code Supplement

**MANAGEMENT OF DRAINAGE OR LEVEE
DISTRICTS BY TRUSTEES**

468.500 Trustees authorized.

In the manner provided in this chapter, any drainage or levee district in which the original construction has been completed and paid for by bond issue or otherwise, may be placed under the control and management of a board of three trustees to be elected by the persons owning land in the district that has been assessed for benefits.

A district under the control of a city council as provided in subchapter II, part 3, may be placed under the control and management of a board of trustees by the city council following the procedures provided in this subchapter for the county board of supervisors.

[SS15, §1989-a52a, -a61; C24, 27, 31, 35, 39, §7674; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.1]

83 Acts, ch 163, §1; 89 Acts, ch 126, §2, 3

Transferred from §462.1 in 1989 Code to §468.500 in 1989 Code Supplement

468.501 Petition.

A petition shall be filed in the office of the auditor signed by a majority of the persons including corporations owning land within the district assessed for benefits.

[S13, §1989-a52b; SS15, §1989-a52a; C24, 27, 31, 35, 39, §7675; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.2]

89 Acts, ch 126, §2, 3

Transferred from §462.2 in 1989 Code to §468.501 in 1989 Code Supplement

468.502 Election.

The board, at the next regular, adjourned, or special session shall canvass the petition and if signed by the requisite number of landowners, it shall order an election to be held at some convenient place in the district not less than forty nor more than sixty days from the date of such order, for the election of three trustees of such district. It shall appoint from the freeholders of the district who reside in the county or counties, three judges and two clerks of election. It shall not be mandatory for the county commissioner of elections to conduct elections held pursuant to this subchapter, but they shall be conducted in accordance with the provisions

of chapter 49 where not in conflict with this subchapter.

[S13, §1989-a52b; SS15, §1989-a63; C24, 27, 31, 35, 39, §7676; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.3]

89 Acts, ch 126, §2, 3

Transferred from §462.3 in 1989 Code to §468.502 in 1989 Code Supplement

468.503 Intercounty district.

If the district extends into two or more counties, a duplicate of the petition shall be filed in the office of the auditor of each county. The boards of supervisors shall, within thirty days after the filing of such petition, meet in joint session and canvass the same, and if found to be signed by a majority of the owners of land in the district assessed for benefits, they shall by joint action order such election and appoint judges and clerks of election as provided in section 468.502.

[S13, §1989-a52b; SS15, §1989-a62, -a63; C24, 27, 31, 35, 39, §7677; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.4]

89 Acts, ch 126, §2, 3

Transferred from §462.4 in 1989 Code to §468.503 in 1989 Code Supplement

468.504 Election districts.

When a petition has been filed for the election of trustees to manage a district containing three thousand acres or more, the board, or, if the district extends into more than one county, the boards of such counties by joint action, shall, before the election, divide the district into three election districts for the purpose of securing a proper distribution of trustees in such district, and such division shall be so made that each election district will have substantially equal voting power and acreage, as nearly as may be. After such division is made there shall be elected one trustee for each of said election districts, but at such election all the qualified voters for the entire district shall be entitled to vote for each trustee. The division here provided for shall be for the purposes only of a proper distribution of trustees in the district and shall not otherwise affect said district or its management and control.

[C24, 27, 31, 35, 39, §7678; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.5]

89 Acts, ch 126, §2, 3

Transferred from §462.5 in 1989 Code to §468.504 in 1989 Code Supplement

468.505 Record and plat of election districts.

At the time of making a division into election districts, as provided in section 468.504, the board or boards shall designate by congressional divisions, subdivisions, metes and bounds, or other intelligible description, the lands embraced in each election district, and the auditor, or auditors if more than one county shall make a plat thereof in the drainage record of the district indicating thereon the boundary lines of each election district, numbering them, one, two, and three, respectively.

[C24, 27, 31, 35, 39, §7679; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.6]

89 Acts, ch 126, §2, 3

Transferred from §462.6 in 1989 Code to §468.505 in 1989 Code Supplement

468.506 Eligibility of trustees.

Each trustee shall be a citizen of the United States not less than eighteen years of age, and one of the following:

1. The bona fide owner of agricultural land in the election district for which the trustee is elected, and a resident of the county in which that district is located or of a county which is contiguous to or corners on that county.

2. The bona fide owner of nonagricultural land in the election district for which the trustee is elected, and a resident of that district. This subsection applies only when the election district is wholly within the corporate limits of a city.

3. A stockholder of a family farm corporation as defined in section 172C.1, subsection 8, which owns land in the election district who is a resident of the county in which that district is located or of a county which is contiguous to or corners on that county.

4. In a district which is a levee and drainage district which has eighty-five percent of its acreage within the corporate limits of a city and has been under the control of a city under subchapter II, part 3, a bona fide owner of benefited land in the district. If the owner is a family farm corporation as defined by section 172C.1, subsection 8, a business corporation organized and existing under chapter 490, 491, or 494, or a partnership, a stockholder or officer authorized by the corporation or a general partner may be elected as a trustee of the district.

[C24, 27, 31, 35, 39, §7680; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.7]

83 Acts, ch 163, §2; 89 Acts, ch 126, §2, 3; 90 Acts, ch 1205, §15

Transferred from §462.7 in 1989 Code to §468.506 in 1989 Code Supplement

468.507 Notice of election.

The board, or, if in more than one county, the boards acting jointly, shall cause notice of said election to be given, setting forth the time and place of holding the same and the hours when the polls will open and close. Such notice shall be published for two consecutive weeks in a newspaper in which the official proceedings of the board are published in the county, or if the

district extends into more than one county, then in such newspaper of each county. The last of such publications shall not be less than ten days before the date of said election.

[S13, §1989-a52b; SS15, §1989-a63; C24, 27, 31, 35, 39, §7681; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.8]

89 Acts, ch 126, §2, 3

Transferred from §462.8 in 1989 Code to §468.507 in 1989 Code Supplement

468.508 Assessment to determine right to vote.

Before any election is held, the election board shall obtain from the county auditor or auditors a certified copy of so much of the record of the establishment of such district as will show the lands embraced therein, the assessment and classification of each tract, and the name of the person against whom the same was assessed for benefits, and the present record owner, and such certified record shall be kept by the trustees after they are elected, for use in subsequent elections. They shall, preceding each subsequent election, procure from the county auditor or auditors additional certificates showing changes of title of land assessed for benefits and the names of the new owners.

[SS15, §1989-a75; C24, 27, 31, 35, 39, §7682; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.9]

89 Acts, ch 126, §2, 3

Transferred from §462.9 in 1989 Code to §468.508 in 1989 Code Supplement

468.509 New owner entitled to vote.

Anyone who has acquired ownership of assessed lands since the latest certificate from the auditor shall be entitled to vote at any election if the person presents to the election board for its inspection at the time the person demands the right to vote evidence showing that the person has title.

[SS15, §1989-a75; C24, 27, 31, 35, 39, §7683; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.10]

89 Acts, ch 126, §2, 3

Transferred from §462.10 in 1989 Code to §468.509 in 1989 Code Supplement.

468.510 Qualifications of voters.

Each landowner eighteen years of age or over without regard to sex and any railway or other corporation owning land in said district assessed for benefits shall be entitled to one vote only, except as provided in section 468.511.

[SS15, §1989-a73; C24, 27, 31, 35, 39, §7684; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.11]

89 Acts, ch 126, §2, 3

Transferred from §462.11 in 1989 Code to §468.510 in 1989 Code Supplement

468.511 Votes determined by assessment.

1. When a petition asking for the right to vote in proportion to assessment of benefits at all elections for any purpose thereafter to be held within said district, signed by a majority of the landowners owning land within said district assessed for benefits, is filed with the board of trustees, then, in all elections of trustees thereafter held within said district, any person whose land is assessed for benefits without regard to age, sex, or condition shall be entitled to one vote for each ten dollars or fraction thereof of the original assessment under the current classification against the land actually owned by the person in said district at the time of the election, but in order to have such ballot counted for more than one vote the voter shall write the voter's name upon the ballot. The vote of any landowner of the district may be cast by absent voters ballot as provided in chapter 53 except that the form of the applications for ballots, the voters' affidavits on the envelopes, and the endorsement of the carrier envelope for preserving the ballot shall be substantially in the form provided in subsections 2, 3 and 4, below. Application blanks, envelopes and ballots shall be provided by and submitted to the office of the county auditor in which the election is held. The cost of such blanks, envelopes, ballots and postage shall be paid by the district. For the purpose of this chapter all landowners of the district shall be considered qualified voters, regardless of their place of residence.

2. For the purpose of this chapter, applications for ballots shall be made on blanks substantially in the following form:

Application for ballot to be voted at the
.....(Name of District) District Election
on(Date)

State of ss.
..... County

I, (Applicant), do solemnly swear that I am a landowner in the (Name of District) and that I am a duly qualified voter entitled to vote in said election, and that on account of (business, illness, residence outside of the county, etc.) I cannot be at the polls on election day, and I hereby make application for an official ballot or ballots to be voted by me at such election, and that I will return said ballot or ballots to the officer issuing same before the day of said election.

Signed
Date

Residence (street number if any)

City State

Subscribed and sworn to before me this day of,
A.D. 19

3. For the purpose of this chapter, the affidavit on the reverse side of the envelopes used for enclosing the marked ballots shall be substantially as follows:

State of County ss.

I, (Applicant), do solemnly swear that I am a landowner in the (Name of District) and that I am a duly qualified voter to vote in the election of trustees of said district and that I shall be prevented from attending the polls on the day of election because of(business, illness, residence outside of the county, etc.) and that I have marked the enclosed ballot in secret.

Signed

Subscribed and sworn to before me this day of, A.D. 19, and that I hereby certify that the affiant exhibited the enclosed ballot to me unmarked; that the affiant then in my presence and in the presence of no other person and in such manner that I could not see the affiant's vote, marked such ballot, enclosed and sealed the same in this envelope; and that the affiant was not solicited or advertised by me for or against any candidate or measure.

.....
.....
(Official Title)

4. For the purposes of this chapter, upon receipt of the ballot, the auditor shall at once enclose the same, unopened, together with the application made by the voter in a large carrier envelope, securely seal the same, and endorse thereon over the auditor's official signature, the following:

- a. Name of the district in which the voter is a landowner.
- b. Date of the election for which the ballot is cast.
- c. Location of the polling place at which the ballot would be legally and properly cast if voted in person.
- d. Names of the judges of the election of that polling place, and the statement that this envelope contains an absent voters ballot and must be opened only at the polls on election day while said polls are opened.

[SS15, §1989-a73; C24, 27, 31, 35, 39, §7685; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.12]

89 Acts, ch 126, §2, 3

Transferred from §462.12 in 1989 Code to §468.511 in 1989 Code Supplement

468.512 Vote by agent.

Except where the provisions of section 468.511, providing for vote in proportion to assessment are invoked, any person or corporation owning land or right of way within the district and assessed for benefits may have the person's or the corporation's vote cast by the person's or the corporation's agent or proxy authorized to cast such vote by a power of attorney signed and acknowledged by such person or corporation, and filed before such vote is cast in the auditor's office of the county in which such election is held. Every such power of attorney shall specify the particular election for which it is to be used, indicating the day, month, and year of such election, and shall be void for all elections subsequently held. The vote of the owner of any land in a drainage or levee district in any election, where the vote is not determined by assessment, may be cast by absent voters ballot in the same manner and form and subject to the same rights and restrictions as is provided in section 468.511 relating to vote by absentee ballot when votes are determined by assessment.

[SS15, §1989-a73; C24, 27, 31, 35, 39, §7686; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.13]

89 Acts, ch 126, §2, 3

Transferred from §462.12 in 1989 Code to §468.512 in 1989 Code Supplement

468.513 Vote of minor or mentally ill.

The vote of any person who is a minor, mentally ill, or under other legal incompetency shall be cast by the parent, guardian, or other legal representative of such minor, mentally ill, or other incompetent person. The person casting such vote shall deliver to the judges and clerks of election a written sworn statement giving the name, age, and place of residence of such minor, mentally ill, or other incompetent person, and any false statement knowingly made to secure permission to cast such vote shall render the party so making it guilty of the crime of perjury.

[C24, 27, 31, 35, 39, §7687; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.14]

89 Acts, ch 126, §2, 3

Perjury, punishment, §720.2

Transferred from §462.14 in 1989 Code to §468.513 in 1989 Code Supplement

468.514 Ballots — petition for printed ballots.

Candidates for drainage district trustee shall have their names placed on printed ballots provided a petition therefor is signed by ten qualified electors of the district and filed with the clerk of the board at least twenty-five days but not more than sixty-five days before the election. Space shall also be provided on the ballot for write-in votes.

[C24, 27, 31, 35, 39, §7688; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.15]

86 Acts, ch 1099, §3; 89 Acts, ch 126, §2, 3

Transferred from §462.15 in 1989 Code to §468.514 in 1989 Code Supplement

468.515 Candidates voted for.

Each qualified voter for the whole district shall be entitled to vote for one candidate for each district for which a trustee is to be elected.

[C24, 27, 31, 35, 39, §7689; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.16]

89 Acts, ch 126, §2, 3

Transferred from §462.16 in 1989 Code to §468.515 in 1989 Code Supplement

468.516 Election — canvass of votes — returns.

On the day designated for said election the polls shall open at one o'clock p.m. and remain open until five o'clock p.m. If no convenient polling place is to be found within the district, the election may be held at some convenient place outside the district. The judges of election shall canvass the vote and certify the result, and deposit with the auditor the ballots cast, together with the pollbooks showing the names of the voters; but if there is more than one county in the district, the returns shall be filed with the auditor of the county having the greatest acreage of said district.

[S13, §1989-a52c; SS15, §1989-a64; C24, 27, 31, 35, 39, §7690; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.17]

89 Acts, ch 126, §2, 3

Transferred from §462.17 in 1989 Code to §468.516 in 1989 Code Supplement

468.517 Canvass — certificates of election.

The canvass of the returns by the board of boards of supervisors shall be on the next Monday following the election. If the district is in more than one county, the board of supervisors of the county with the greatest acreage in the district shall canvass the vote. The board of supervisors of the other counties in which the district is located may attend and participate in the canvass of the returns. It or they shall make a return of the results of the canvass to the auditor, who shall issue certificates to the trustees elected, and when the district extends into more than one county, then the auditor with whom the election returns were filed shall issue the certificates and certify an abstract of the canvass to each other county in which the district is located.

[S13, §1989-a52c; SS15, §1989-a64; C24, 27, 31, 35, 39, §7691; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.18]

85 Acts, ch 163, §11; 89 Acts, ch 126, §2, 3

Transferred from §462.18 in 1989 Code to §468.517 in 1989 Code Supplement

468.518 Tenure of office.

The trustees so elected shall hold office until the fourth Saturday in January next succeeding their election and until their successors are elected and qualify. On the third Saturday in the January next succeeding their original

election, an election shall be held at which three trustees shall be chosen, one for one year, one for two years, and one for three years, and each shall qualify and enter upon the duties of the office on the fourth Saturday of the same January. On the third Saturday in each succeeding January, an election shall be held to choose a successor to the trustee whose term is about to expire, and the term of the trustee's office shall be for three years and until a successor has qualified.

[SS15, §1989-a52d, -65-a67; C24, 27, 31, 35, 39, §7692; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.19]

89 Acts, ch 126, §2, 3

Transferred from §462.19 in 1989 Code to §468.518 in 1989 Code Supplement

468.519 Levee and pumping station districts.

In levee and drainage districts having pumping stations trustees shall hold office until the fourth Saturday in January three years after election. On the third Saturday in January of each year a trustee shall be elected for a term of three years to succeed the member of the board whose term will expire on the following Saturday. At the election there shall also be elected, if necessary, a trustee to fill any vacancy which occurred before the election.

[S13, §1989-a52e; SS15, §1989-a52d; C24, 27, 31, 35, 39, §7693; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.20]

83 Acts, ch 101, §99; 89 Acts, ch 126, §2, 3

Transferred from §462.20 in 1989 Code to §468.519 in 1989 Code Supplement

468.520 Division of districts under trustees.

When a trustee is to be elected, it shall be for a specified election district within the district.

[C24, 27, 31, 35, 39, §7694; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.21]

83 Acts, ch 101, §100; 89 Acts, ch 126, §2, 3

Transferred from §462.21 in 1989 Code to §468.520 in 1989 Code Supplement

468.521 Elections — how conducted.

After the first election of trustees, the trustees shall act as judges of election; however, a trustee standing for election shall not serve as a judge and shall be replaced as judge by a person not standing for election who is eligible to be elected as a trustee. The clerk of the board shall act as one of the clerks and some owner of land in the district shall be appointed by the board to act as another clerk. The trustees shall fill all vacancies in the

election board. The result of each election shall be certified to the auditor or the several county auditors if the district is located in more than one county.

[SS15, §1989-a69; C24, 27, 31, 35, 39, §7695; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.22]

85 Acts, ch 163, §12; 89 Acts, ch 126, §2, 3

Transferred from §462.22 in 1989 Code to §468.521 in 1989 Code Supplement

468.522 Change of time.

The date on which said annual election shall be held may be changed by the choice of a majority of electors of such district expressed by ballot at any such annual election, and the return of such vote shall be certified in the same manner as the returns for election of trustees.

[S13, §1989-a52e; C24, 27, 31, 35, 39, §7696; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.23]

89 Acts, ch 126, §2, 3

Transferred from §462.23 in 1989 Code to §468.522 in 1989 Code Supplement

468.523 Vacancies.

If any vacancy occurs in the membership of the board of trustees between the annual elections, the remaining members of the board shall have power to fill such vacancies by appointment of persons having the same qualifications as themselves. The persons so appointed shall qualify in the same manner and hold office until the next annual election when their successors shall be elected. In the event that all places on the board become vacant, then a new board shall be appointed by the auditor, or if more than one county, then by the auditor of the county in which the greater acreage of the district is located. The persons so appointed shall hold office until the next annual election and until their successors are elected and qualify.

[SS15, §1989-a68; C24, 27, 31, 35, 39, §7697; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §462.24]

89 Acts, ch 126, §2, 3

Transferred from §462.24 in 1989 Code to §468.523 in 1989 Code Supplement

ENHANCED 911 EMERGENCY TELEPHONE
COMMUNICATION SYSTEMS

477B.6 Referendum on E911 in proposed service area.

1. Before a joint E911 service board may request imposition of the surcharge by the administrator, the board shall submit the following question to voters, as provided in subsection 2, in the proposed E911 service area, and the question shall receive a favorable vote from a simple majority of persons submitting valid ballots on the following question within the proposed E911 service area:

“Should enhanced 911 emergency telephone service be funded, in whole or in part, by a monthly surcharge of (an amount determined by the local joint E911 service board of up to one dollar) on each telephone access line collected as part of each telephone subscriber’s monthly phone bill if provided within (description of the proposed E911 service area)?”

2. The referendum required as a condition of the surcharge imposition in subsection 1 shall be conducted using the following electoral mechanism:

At the request of the joint E911 service board a county commissioner of elections shall include the question on the next eligible general election ballot in each electoral precinct to be served, in whole or in part, by the proposed E911 service area, provided the request is timely submitted to permit inclusion. The question may be included in the next election in which all of the voters in the proposed E911 service area will be eligible to vote on the same day, such as a primary, general, or school board election. The county commissioner of elections shall report the results to the joint E911 service board. The joint E911 service board shall compile the results if subscribers from more than one county are included within the proposed service area. The joint E911 service board shall announce whether a simple majority of the compiled votes reported by the commissioner approved the referendum question.

3. The secretary of state, in consultation with the administrator of the office of disaster services of the department of public defense, shall adopt rules for the conduct of joint E911 service referendums as required by and consistent with subsections 1 and 2.

88 Acts, ch 1177, §6; 89 Acts, ch 168, §3 (HF 735); 90 Acts, ch 1144, §1

THE COURTS

602.1216 Retention of clerks of the district court.

A clerk of the district court shall stand for retention in office, in the county of the clerk’s office, upon the petition of ten percent of all qualified electors in the county to the state commissioner of elections, at the judicial election in 1988 and every four years thereafter, under sections 46.17 through 46.24. The petition shall be filed in the office of the state commissioner

not later than one hundred twenty days before the general election. A clerk who is not retained in office is ineligible to serve as clerk, in the county in which the clerk was not retained, for the four years following the retention vote.

83 Acts, ch 186, §1215, 10201; 89 Acts, ch 136, §74 (SF 371)

602.6109 Judicial election districts.

1. Judicial election districts are established for purposes of nomination, appointment, and retention of district judges and for other purposes specifically provided by law.

2. The judicial election districts are as follows:

a. Election district 1A consists of the counties of Dubuque, Delaware, Clayton, Allamakee, and Winneshiek.

b. Election district 1B consists of the counties of Chickasaw, Fayette, Buchanan, Black Hawk, Howard, and Grundy.

c. Election district 2A consists of the counties of Mitchell, Floyd, Butler, Bremer, Worth, Winnebago, Hancock, Cerro Gordo, and Franklin.

d. Election district 2B consists of the counties of Wright, Humboldt, Pocahontas, Sac, Calhoun, Webster, Hamilton, Carroll, Greene, Hardin, Marshall, Story, and Boone.

e. Election district 3A consists of the counties of Kossuth, Emmet, Dickinson, Osceola, Lyon, O'Brien, Clay, Palo Alto, Cherokee, and Buena Vista.

f. Election district 3B consists of the counties of Plymouth, Sioux, Woodbury, Ida, Monona, and Crawford.

g. Election district 4 consists of the fourth judicial district, as established by section 602.6107.

h. Election district 5A consists of the counties of Guthrie, Dallas, Jasper, Madison, Warren, and Marion.

i. Election district 5B consists of the counties of Adair, Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

j. Election district 5C consists of Polk county.

k. Election district 6 consists of the sixth judicial district, as established by section 602.6107.

l. Election district 7 consists of the seventh judicial district, as established by section 602.6107.

m. Election district 8A consists of the counties of Poweshiek, Mahaska, Keokuk, Washington, Monroe, Wapello, Jefferson, Appanoose, Davis, and Van Buren.

n. Election district 8B consists of the counties of Louisa, Henry, Des Moines, and Lee.

83 Acts, ch 186, §7109, 10201

602.6201 Office of district judge — apportionment.

1. District judges shall be nominated and appointed and shall stand for retention in office as provided in chapter 46. District judges shall qualify for office as provided in chapter 63.

2. A district judge must be a resident of the judicial election district in which appointed and retained. Subject to the provision for reassignment of judges under section 602.6108, a district judge shall serve in the district of the judge's residence while in office, regardless of the number of judgeships to which the district is entitled under subsection 3.

3. a. A judicial election district containing a city of fifty thousand or more population is entitled to the number of judgeships equal to the average, rounded to the nearest whole number, of the following two quotients, each rounded to the nearest hundredth:

(1) The combined civil and criminal filings in the election district divided by five hundred fifty.

(2) The election district's population divided by forty thousand. However, the seat of government is entitled to one additional judgeship.

b. All other judicial election districts are entitled to the number of judgeships equal to the average, rounded to the nearest whole number, of the following two quotients, each rounded to the nearest hundredth:

(1) The combined civil and criminal filings in the election district divided by four hundred fifty.

(2) The election district's population divided by forty thousand.

However, the judicial election district in which the Iowa state penitentiary is located is entitled to one additional judgeship.

c. The filings included in the determinations to be made under this subsection shall not include small claims or nonindictable misdemeanors, and shall not include either civil actions for money judgment where the amount in controversy does not exceed five thousand dollars or indictable misdemeanors or felony violations of section 321J.2, which were assigned to district associate judges and magistrates as shown on their administrative reports, but shall include appeals from decisions of magistrates, district associate judges, and district judges sitting as magistrates. The figures on filings shall be the average for the latest available previous three-year period and when current census figures on population are not available, figures shall be taken from the Iowa department of public health computations.

4. For purposes of this section, a vacancy means the death, resignation, retirement, or removal of a district judge, or the failure of a district judge to be retained in office at the judicial election, or an increase in judgeships under this section.

5. In those judicial election districts having more district judges than the number of judgeships specified by the formula in subsection 3, vacancies shall not be filled.

6. In those judicial election districts having fewer or the same number of district judges as the number of judgeships specified by the formula in subsection 3, vacancies in the number of district judges shall be filled as

they occur.

7. In those judicial districts that contain more than one judicial election district, a vacancy in a judicial election district shall not be filled if the total number of district judges in all judicial election districts within the judicial district equals or exceeds the aggregate number of judgeships to which all of the judicial election districts of the judicial district are authorized.

8. Vacancies shall not be filled in a judicial election district which becomes entitled to fewer judgeships under subsection 3, but an incumbent district judge shall not be removed from office because of a reduction in the number of authorized judgeships.

9. During February of each year, and at other times as appropriate, the state court administrator shall make the determinations required under this section, and shall notify the appropriate nominating commissions and the governor of appointments that are required.

10. Notwithstanding the formula for determining the number of judgeships in this section, the number of district judges shall not exceed one hundred one during the period commencing July 1, 1990.

83 Acts, ch 186, §7201, 10201; 86 Acts, ch 1012, §1; 86 Acts, ch 1148, §1, 2; 90 Acts, ch 1055, §1, 2

602.6304 Appointment of district associate judges.

1. The district associate judges authorized by sections 602.6301, 602.6302, and 602.6303 shall be appointed by the district judges of the judicial election district from persons nominated by the county magistrate appointing commission. In the case of a district associate judge to be appointed to more than one county, the appointment shall be from persons nominated by the county magistrate appointing commissions acting jointly and in the case of a district associate judge to be appointed to more than one judicial election district of the same judicial district, the appointment shall be by a majority of the district judges in each judicial election district.

2. In November of any year in which an impending vacancy is created because a district associate judge is not retained in office pursuant to a judicial election, the county magistrate appointing commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district not later than December 15 of that year the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered.

3. Within thirty days after a county magistrate appointing commission receives notification of an actual or impending vacancy in the office of district associate judge, other than a vacancy referred to in subsection 2, the commission shall certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. The commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered. As used in this subsection, a vacancy is created by the death, retirement, resignation, or removal of a district associate judge, or by an increase in the number of positions authorized.

4. Within fifteen days after the chief judge of a judicial district has received the list of nominees to fill a vacancy in the office of district associate judge, the district judges in the judicial election district shall, by majority vote, appoint one of those nominees to fill the vacancy.

5. The supreme court may prescribe rules of procedure to be used by county magistrate appointing commissions when exercising the duties specified in this section.

83 Acts, ch 186, §7304, 10201; 86 Acts, ch 1015, §4

602.6305 Term, retention, qualifications.

1. District associate judges shall serve initial terms and shall stand for retention in office within the judicial election districts of their residences at the judicial election in 1982 and every four years thereafter, under sections 46.17 to 46.24.

2. A person does not qualify for appointment to the office of district associate judge unless the person is at the time of appointment a resident of the county in which the vacancy exists, licensed to practice law in Iowa, and will be able, measured by the person's age at the time of appointment, to complete the initial term of office prior to reaching age seventy-two. An applicant for district associate judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the county magistrate appointing commission.

3. A district associate judge must be a resident of a county in which the office is held during the entire term of office. A district associate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

4. District associate judges shall qualify for office as provided in chapter 63 for district judges.

83 Acts, ch 186, §7305, 10201; 86 Acts, ch 1015, §5; 89 Acts, ch 114, §2 (SF 498); 89 Acts, ch 296, §83 (SF 141); 89 Acts, ch 212, §2 (HF 791)

602.11110 Judgeships for election districts 5A and 5C.

As soon as practicable after January 1, 1985, the supreme court administrator shall recompute the number of judgeships to which judicial election districts 5A and 5C are entitled. Notwithstanding section 602.6201, subsection 2, the seventeen incumbent district judges in judicial election district 5A on December 31, 1984 may reside in either judicial election district 5A or 5C beginning January 1, 1985. The supreme court administrator shall apportion to judicial election district 5C those incumbent district judges who were appointed to replace district judges residing in Polk county or who were appointed to fill newly created judgeships while residing in Polk county. The incumbent district judges residing in Polk county on January 1, 1985 who are not so apportioned to judicial election district 5C shall be apportioned to judicial election district 5A but shall be reapportioned to judicial election district 5C, in the order of their seniority as district judges, as soon as the first vacancies occur in judicial election district 5C due to death, resignation, retirement, removal, or failure of retention. Such a reapportionment constitutes a vacancy in judicial election district 5A for purposes of section 602.6201. Notwithstanding section 602.6201, subsection 2, the seventeen incumbent district judges in judicial election district 5A on December 31, 1984 shall stand for retention in the judicial election district to which the district judges are apportioned or reapportioned under this section. Commencing on January 1, 1985, vacancies within judicial election districts 5A and 5C shall be determined and filled under section 602.6201, subsections 4 through 8. For purposes of the recomputations, the supreme court administrator shall determine the average case filings for the latest available three-year period by reallocating the actual case filings during the three-year period to judicial election districts 5A and 5C as if they existed throughout the three-year period.

83 Acts, ch 186, §10201, 10310; 85 Acts, ch 197, §35

602.11111 Judicial nominating commissions for election districts 5A and 5C.

The membership of district judicial nominating commissions for judicial election districts 5A and 5C shall be as provided in chapter 46, subject to the following transition provisions:

1. Those judicial nominating commissioners of judicial election district 5A who are residents of Polk county shall be disqualified from serving in election district 5A on January 1, 1985, and their offices shall be deemed vacant. The vacancies thus created shall be filled as provided in section 46.5 for the remainder of the unexpired terms.

2. After January 1, 1985 the governor shall appoint five eligible electors of judicial election district 5C to the district judicial nominating commission for terms commencing immediately upon appointment. Two of the appointees shall serve terms ending January 31, 1988, two of the appointees shall serve terms ending January 31, 1990, and the remaining appointee shall serve a term ending January 31, 1992, as determined by the governor. At the

end of these terms and each six years thereafter the governor shall appoint commissioners pursuant to section 46.3.

3. After January 1, 1985 elective judicial nominating commissioners for judicial election district 5C shall be elected as provided in chapter 46 to terms of office commencing immediately upon election. One of those elected shall serve a term ending January 31, 1988, two shall serve terms ending January 31, 1990, and two shall serve terms ending January 31, 1992, as determined by the drawing of lots by the persons elected. At the end of these terms and every six years thereafter elective commissioners shall be elected pursuant to chapter 46.

83 Acts, ch 186, §10201, 10311

722.9 Duress to procure voting.

A person who procures, or endeavors to procure the vote of an elector for or against any candidate or for or against any issue by means of violence, threats of violence or by any means of duress commits an aggravated misdemeanor.

[C51, §2700; R60, §4342; C73, §4002; C97, §4926; C24, 27, 31, 35, 39, §13277; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §738.15; C79, 81, §722.9]

VICE

725.10 Pool selling — places used.

Any person who records or registers bets or wagers or sells pools upon the result of any trial or contest of skill, speed, or power of endurance of human or beast, or upon the result of any political nomination or election, and any person who keeps a place for the purpose of doing any such thing, and any owner, lessee, or occupant of any premises, who knowingly permits the same, or any part thereof, to be used for any such purpose, and anyone who, as custodian or depository thereof, for hire or reward, receives any money, property, or thing of value staked, wagered, or bet upon any such result, shall be guilty of a serious misdemeanor.

[C97, §4966; C24, 27, 31, 35, 39, §13216; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §726.6; C79, 81, §725.10]



INDEX

ABSENTEE VOTING

See ABSENT VOTERS

ABSENT VOTERS

General provisions, ch 53

Absentee ballot, 39.3(12), 53.2, 53.3

Armed forces members, absentee voting, 53.37-53.52

Electronic voting systems, 52.33

Judicial elections, 46.23

Special absentee ballot, 53.3

ADVERTISEMENTS

Political advertisements, 56.14

Political signs, 306C.10(20), 306C.22

AGRICULTURAL EXTENSION

Councils, county

Elections, 39.21(4), 176A.5, 176A.6, 176A.8, 176A.15, 176A.16

Terms, 176A.7

Districts, county, established, 176A.4

AGRICULTURE, SECRETARY OF

See SECRETARY OF AGRICULTURE

AIRPORTS

Commissions, establish and abolish, question to voters, 330.17-330.19

AREA EDUCATION AGENCIES

Directors, election, 273.8

AREA SCHOOLS

See COMMUNITY COLLEGES

ARMED FORCES

See MILITARY FORCES

ATTORNEYS, COUNTY

See COUNTY ATTORNEYS

ATTORNEY GENERAL*See also STATE OFFICERS*

Election, 39.9

Term, Const., Iowa, V, 12; 39.8, 39.9

AUDITORS, COUNTY*See COUNTY AUDITORS***AUDITOR OF STATE***See also STATE OFFICERS*

Election, Const., Iowa, IV, 22; 39.9

Term, Const., Iowa, IV, 22; 39.8, 39.9

BALLOTS

Absentee ballots, 39.3(12), 53.2, 53.3

Australian ballot system, used in primary election, 43.36

Defective, 49.101, 49.102

Destruction, 50.13, 50.15

Electronic voting system, 52.28

General election, 49.30-49.48

Judicial retention election, 46.21

Marking, 49.92-49.103

Names, arrangement on ballot, 49.31

Preservation, 50.12

Primary election

Form, 43.26-43.28, 43.30, 43.36

Vacancies, 43.77

Write-in candidates, 43.53, 43.54, 43.66

Printing

Cost, 49.56

Style, 49.57

Publication, 49.53

Required use, Const., Iowa, II, 6

Special absentee ballot, 53.3

Spoiled, 49.100

Voting machine, 52.10

Write-in votes, 49.99

BANKS AND BANKING

Corporations with powers, legislative Acts creating, submitted to voters, Const., Iowa, VIII, 5, 6

BENEFITED DISTRICTSFire, *see FIRE DISTRICTS*Lakes, *see LAKE DISTRICTS*Law enforcement, *see LAW ENFORCEMENT DISTRICTS*Street lighting, *see STREET LIGHTING DISTRICTS*Water districts, *see WATER DISTRICTS*

BETTING

See GAMBLING

BOARDS

Counting, ch 51

Precinct, 49.12-49.16, 49.18-49.20

BONDS, DEBT OBLIGATIONS

Buildings, joint city-county authority, bond issues, 346.27

Cities, *see CITIES*

Counties, *see COUNTIES*

Elections, 75.1

Governmental facilities, joint financing, issuance, 28E.16

Hotel and motel tax, issues, 422A.2

Issuance, proposition to voters, 75.1

Joint facilities, financing, 28E.16

Memorial buildings and monuments, 37.6

Schools, *see SCHOOLS*

Townships, 75.1

CAMPAIGN FINANCE DISCLOSURE

General provisions, ch 56

Commission

Created, 56.9

Duties, 56.8, 56.10

Election campaign fund

Created, 56.19

Distribution, 56.18-56.22

Income tax checkoff, 56.18

Funds

Contributions, reports, 56.6, 56.7

State funds, *see subhead Election Campaign Fund above*

Reports, 56.6, 56.7

CANDIDATES

Committee, 56.5A

Libel of, retraction, 659.4

Public employees, leave of absence, 55.4

Sheriffs, deputy, leave of absence, 341A.18

CANVASS OF VOTES

General provisions, ch 50

Abstract, 50.25

Board of supervisors, county, 50.24

Canvassing board, state, 50.37

Constitutional amendment, 6.8

County, 50.24, 50.25

CANVASS OF VOTES — Continued

Executive council report, 19.6
 Governor, 2.27-2.30
 Lieutenant governor, 2.27-2.30
 Primary election
 County, 43.49
 State, 43.63
 Public measure, 6.8
 School elections, 277.20
 Special elections, 50.46
 State, 50.37-50.39

CAUCUSES

See *PRECINCT CAUCUSES*

CERTIFICATES OF ELECTION

Delivery, 50.42
 Form, 50.29, 50.41, 50.43
 Special election, 50.46

CITIES

General provisions, 39.3(5), ch 376
 Airport commissions, establish and abolish, question to voters,
 330.17-330.19
 Annexation, proposal to voters, 368.19
 Ballots, publication, 376.5
 Bond issues
 General provisions, 75.1
 General obligation, issuance, question to voters, 384.24, 384.26
 Joint facilities, financing, 28E.16
 Memorial buildings and monuments, 37.6
 Zoos and zoological gardens, 394.2
 Boundary adjustment, proposal to voters, 368.19
 Bridges, county, construction aid, tax levy, 384.12(5)
 Bridges, state boundary
 Construction, tax levy, 384.12(6)
 Purchase, tax levy, 384.12(7)
 Buildings, joint city-county authority, bond issues, 346.27
 Candidates
 Elected, 376.8
 Nomination, 376.3, 376.4
 Write-in nomination, 376.11
 Capital improvements fund, establish, question to voters, 384.7
 Commission form, 372.5
 Community clusters, tax revenue sharing, referendum, 28E.39
 Consolidation, 368.19

CITIES — Continued

Contesting elections, 376.10

Council, 372.13, *see also subhead Officers below*

Council-manager-at-large form, 372.6, 372.8

Council-manager-ward form, 372.7, 372.8

County-city consolidations, 331.252

Cultural facilities, operation, tax levy 384.12(4)

Discontinuance, proposal to voters, 368.19

Electric power facilities, joining, proposal to voters, 28F.1

Franchise ordinance, proposal to voters, 364.2

General fund, additional tax levies, question to voters, 384.12

Government, forms of organization

Changing, 372.2, 372.9, 372.11

Commission, 372.5

Council-manager-at-large, 372.6, 372.8

Council-manager-ward, 372.7, 372.8

Home rule charter, 372.3, 372.9-372.11

Mayor-council, 372.4

Special charter, 372.12

Home rule charter, adopting and amending, 372.3, 372.9, 372.11

Hospitals

 Area hospitals, *see HOSPITALS*

Transfer to county ownership, proposition to voters, 347.23

Trustees, election, 392.6

Hotel and motel tax, 422A.1

Incorporation, 368.19

Institutions, received by gift or devise, maintenance, tax levy, 384.12(17)

Joint facilities, financing, bonds issued, 28E.16

Law enforcement, unified districts, tax levy, 28E.22, 28E.25, 28E.28A

Libraries

Support, tax levy, 384.12(20)

Trustees board, altering, proposal to voters, 392.5

Use, contracts, termination, 358B.18

Mayor-council form, 372.4

Mayors, 372.14, *see also subhead Officers below*

Memorial buildings and monuments

Bonds, issuance, 37.6

Erecting, proposition to voters, 37.1-37.4

Tax levy, 384.12(2)

Musical groups, support, tax levy, 384.12(1)

Name change, question to voters, 368.2

Notice of election, publication, 362.3

CITIES — Continued

Officers

Council, 372.13

Mayor, 372.14

Removal, 66.29

Terms, 376.2

Time of election, terms, 39.20, 376.1, 376.2

Petition from voters, validity, 362.4

Precincts, *see* **PRECINCTS**

Primary elections, 376.6, 376.7

Public facilities, jointly financed, proposal to voters, 28F.1

Questions submitted to voters

Airport commissions, establish and abolish, 330.17-330.19

Annexation, 368.19

Bond issues

General provisions, 75.1

General obligation bonds, issuance, 384.26

Joint facilities, financing, 28E.16

Memorial buildings and monuments, 37.6

Zoos and zoological gardens, 394.2

Boundary adjustment, 368.19

Bridges, county, construction aid, tax levy, 384.12(5)

Bridges, state boundary

Construction, tax levy, 384.12(6)

Purchase, tax levy, 384.12(7)

Buildings, joint city-county authority, bond issues, 346.27

Capital improvements reserve fund, establish, 384.7

Consolidation, 368.19

County-city consolidations, 331.252

County-city facilities, bond issues, 28E.16

Cultural facilities, operation, tax levy, 384.12(4)

Discontinuance, 368.19

Electric power facilities, joining, 28F.1

Franchises, approval, 364.2

General fund, additional tax levies, 384.12

Government, changing form, 372.2, 372.9, 372.11

Home rule charter, adopting and amending, 372.9, 372.11

Hospitals

Area hospitals, *see* **HOSPITALS**

Transfer to county ownership, 347.23

Hotel and motel tax, 422A.1

Incorporation, 368.19

Institutions, received by gift or devise, maintenance, tax levy,
384.12(17)

Joint facilities, financing, bond issue, 28E.16

Law enforcement, unified districts, tax levy, 28E.22, 28E.25, 28E.28A

CITIES — Continued

Questions submitted to voters — Continued

Libraries

- Support, tax levy, 384.12(20)
- Trustees board, altering, 392.5
- Use, contracts, termination, 358B.18

Memorial buildings and monuments

- Bond issues, 37.6
- Erecting, 37.1-37.4
- Tax levy, 384.12(2)

Name change, 368.2

Public facilities, jointly financed, 28F.1

Scientific facilities, operation, tax levy, 384.12(4)

Severing territory, 368.19

Symphony orchestra, support, tax levy, 384.12(3)

Taxes

Hotel and motel, 422A.1

Levies

General provisions, 384.12

Capital improvements fund, 384.7

Law enforcement, unified districts, 28E.22, 28E.25, 28E.28A

Local option, 422B.1

Transportation company, public, aid, tax levy, 384.12(9)

Utilities, operation, 388.2

Zoos and zoological gardens

Bonds issued, 394.2

Use, contracts for, approval by voters, 394.4

Regular elections, 376.1

Runoff elections, 376.9

Scientific facilities, operation, tax levy, 384.12(4)

Severing territory, proposal to voters, 368.19

Special charter cities

Adopting form, limit, 372.12

Ballot vacancies filled, 43.116

Charter, amendment to, submitted to voters, 420.286-420.288

City central committee, election, 420.131

City convention delegates, election, 420.127

Storm water drainage systems, revenue bond issues, 384.84A

Symphony orchestras, support, tax levy, 384.12(3)

Taxes

Hotel and motel, 422A.1

Levies

General provisions, 384.12

Capital improvements fund, 384.7

Law enforcement, unified districts, 28E.22, 28E.25, 28E.28A

Local option, 422B.1

CITIES — Continued

- Transportation companies, public, aid, tax levy, 384.12(9)
- Utilities, operation, proposal to voters, 388.2
- Zoos and zoological gardens
 - Bonds issued, 394.2
 - Use, contracts for, approval by voters, 394.4

COMMISSIONERS

- County commissioners
 - Definition, 39.3(10)
 - Duties, 47.2
 - Training course, election personnel, 49.124-49.126
- State commissioner
 - Definition, 39.3(11)
 - Duties, 47.1
 - Training manual, election officials, 49.126
- Voter registration, county commissioner, *see VOTER REGISTRATION*

COMMITTEES

- Political parties, *see POLITICAL PARTIES*

COMMUNITY CLUSTERS

- Tax sharing, referendum, 28E.39

COMMUNITY COLLEGES

- Combining merged areas, question to voters, 280A.39
- Debt, incurring, proposition to voters, 280A.21
- Directors
 - Districts, 280A.13, 280A.25(2)
 - Election, 39.24, 277.1, 280A.11-280.13, 280A.15
- Facilities, tax levy for, 280A.22
- Map, *following* 280A.39
- Tax levy, facilities construction and improvement, 280A.22

CONGRESSIONAL DISTRICTS

- Designated, 40.1
- Map, *following* ch 40
- Redistricting, ch 42
- Restrictions, Const., Iowa, III, 37

CONGRESS, MEMBERS OF

- See REPRESENTATIVES, subhead United States Representatives;*
SENATORS, subhead United States Senators

CONSERVATION BOARDS, COUNTY

- Creation, question to voters, 111A.2

CONSTITUTIONAL AMENDMENTS

Submission to voters, Const., Iowa, X, 1-3; ch 6

CONSTITUTIONAL CONVENTION

Question submitted to voters, Const., Iowa, X, 3; 39.4

CONSTITUTION, IOWA

Amendments, submission to voters, Const., Iowa, X, 1, 2; ch 6

Revision, question of calling convention, Const., Iowa, X, 3; 39.4

CONTESTED ELECTIONS

General provisions, ch 57

County officers, ch 62

General assembly, Const., Iowa, III, 7; ch 59

Governor, Const., Iowa, IV, 5; ch 58

Lieutenant governor, Const., Iowa, IV, 5; ch 58

Presidential electors, ch 60

Public measure, 57.7

Qualification of officer, 63.4

Representatives, United States, ch 60

School elections, 277.22

Senators, United States, ch 60

State officers, ch 61

CONVENTIONS

Political parties, *see* **POLITICAL PARTIES**

Special charter cities, political parties, 420.126-420.137

COUNTIES

Agricultural extension councils, *see* **AGRICULTURAL EXTENSION**

Airport commissions, establish and abolish, question to voters,
330.17-330.19

Attorneys, *see* **COUNTY ATTORNEYS**

Auditors, *see* **COUNTY AUDITORS**

Board-elected executive form, 331.239

Board-manager form, 331.241-331.243

Boards of supervisors, *see* **COUNTY BOARDS OF SUPERVISORS**

Bonds

General provisions, 75.1

General obligation, issuance, 331.441, 331.442, 331.445-331.447

Joint facilities, financing, 28E.16

Memorial buildings and monuments, 37.6

Boundaries, changing, Const., Iowa, III, 30

Bridges, construction aid by city, tax levy, 384.12(5)

Buildings, joint city-county, bond issues, 346.27

Care facilities, establishing, 253.1

Charter form, 331.246

COUNTIES — Continued

- Charters, adoption, 331.232-331.238
- City-county consolidation, 331.247-331.252
- Community clusters, tax revenue sharing, referendum, 28E.39
- Consolidation, 331.253-331.255
- Courthouses, *see* **COURTHOUSES**
- Enterprise commissions, establish, proposal to voters, 331.471
- Executives, elected, 331.239
- Fairs, official fairs designated, 174.10
- Gambling, excursion boats, referendum, 99F.7
- Government, forms of organization
 - Board-elected executive, 331.239
 - Board-manager, 331.241-331.243
 - Board of supervisors, 331.201-331.210
 - Changing and amending, 331.232-331.238, 331.244, 331.245
 - Charter government, 331.246
 - City-county consolidated, 331.247-331.252
 - County-county consolidated, 331.253-331.255
- Hospitals
 - Bond issues, 331.461(1d, e), 347A.1
 - Erecting, tax levy, 347.7
 - Sale or lease, 347.14(14)
- Hotel and motel tax, 422A.1
- Indebtedness, bonded, principal and interest payment, tax levy, 331.447
- Law enforcement, unified district, tax levy, 28E.22, 28E.25, 28E.28A
- Libraries
 - Districts
 - City libraries, use, contracts, termination, 358B.18
 - Establish, 358B.2
 - Withdrawal from, 358B.16
 - Service, contract for, proposition to voters, 358B.18
- Memorial buildings and monuments
 - Bonds, issuance, 37.6
 - Erecting, proposition to voters, 37.1-37.4
- Mental health centers, trustees, election, 230A.4, 230A.5
- Officers, *see* **COUNTY OFFICERS**
- Offices combined, election, 331.323
- Precincts, *see* **PRECINCTS**
- Questions submitted to voters
 - Airport commissions, establish and abolish, 330.17-330.19
 - Bond issues
 - General provisions*, 75.1
 - General obligation bonds, issuance, 331.442, 331.445-331.447
 - Joint facilities, financing, 28E.16
 - Memorial buildings and monuments, 37.6
 - Boundaries, changing, Const., Iowa, III, 30

COUNTIES — Continued**Questions submitted to voters — Continued**

- Buildings, joint city-county, bond issues, 346.27
- Care facilities, establishing, 253.1
- Charters, adoption, 331.232-331.238
- City-county consolidation, 331.252
- City-county facilities, bond issues, 28E.16
- Consolidation, 331.253-331.255
- Enterprise commissions, establish, 331.471
- Fairs, official fairs designated, 174.10
- Gambling, excursion boats, 99F.7
- Government form, changing and amending, 331.232-331.238,
331.244, 331.245

Hospitals

- Bond issues, 331.461(1d, e)
- Erecting, tax levy, 347.7
- Sale or lease, 347.14(14)
- Hotel and motel tax, 422A.1
- Law enforcement, unified district, tax levy, 28E.22, 28E.25,
28E.28A

Libraries

- Districts
 - City libraries, use, contracts, termination, 358B.18
 - Establish, 358B.2
 - Withdrawal from, 358B.16
- Services, contract for, proposition to voters, 358B.18

Memorial buildings and monuments

- Bonds, issue, 37.6
- Erecting, 37.1-37.4
- Offices, combining, 331.323

Taxes

- Hotel and motel, 422A.1
- Levies
 - Hospitals, erecting, 347.7
 - Indebtedness, bonded, principal and interest payment, 331.447
 - Law enforcement, unified districts, 28E.22, 28E.25, 28E.28A
 - Special levy election, 331.425
 - Weather modification, 361.5, 361.7
- Local option, 422B.1
- Telephone, emergency system, establish, 477B.6
- Weather modification, tax levy, 361.5, 361.7

Racetracks, property tax exemption, extension, 99D.14

Recorders, *see COUNTY RECORDERS*

Sheriffs, *see COUNTY SHERIFFS*

Supervisors, *see COUNTY BOARDS OF SUPERVISORS*

Taxes

- Hotel and motel, 422A.1

COUNTIES — Continued**Taxes — Continued****Levies**

Hospitals, erecting, 347.7

Indebtedness, bonded, principal and interest payment, 331.447

Law enforcement, unified district, 28E.22, 28E.25, 28E.28A

Special levy election, 331.425

Weather modification, 361.5, 361.7

Local option, 422B.1

Telephone, emergency system, establish, 477B.6

Townships, *see* TOWNSHIPSTreasurers, *see* COUNTY TREASURERS**COUNTING BOARDS***General provisions, ch 51***COUNTY ATTORNEYS***See also COUNTY OFFICERS*

Duties, 331.756(14)

Election, 39.17, 331.751

Shared services, election, 331.753

Term, 39.17, 331.751

COUNTY AUDITORS*See also COUNTY OFFICERS*

Duties, 331.505, 331.508(1)

Election, 39.17, 331.501

Election commissioner, county, designation, 47.2

Reports

County officers, elected, 331.510(2)

General assembly vacancies, 331.510(1)

Schools, voter instruction, ballots and machines provided, 331.502(23)

Term, 39.17, 331.501

COUNTY BOARDS OF SUPERVISORS*See also COUNTY OFFICERS*

Districts, 331.206

Duties and powers, 331.322, 331.383

Membership*General provisions, 331.201*

Increased, proposition to voters, 331.203

Reduced, proposition to voters, 331.204

Qualifications, 331.201

Representation plans, special election, 331.207-331.210

Term, 39.18, 331.201

Vacancies, filling, 69.8(4), 331.214

COUNTY CARE FACILITIES

Establishment, proposition to voters, 253.1

COUNTY ENTERPRISES

Commissions, establish, proposal to voters, 331.471

COUNTY FAIRS

Official fair designated, question to voters, 174.10

COUNTY OFFICERS

See also main heading for each specific county officer

Contested elections, ch 62

Nomination, 43.6

Offices combined, election, 331.323

Report, officers elected, 331.510(2)

Terms, 39.17, 39.18

Vacancies, filling, 69.8(3), 69.13(2), 69.14A, 331.322(3)

COUNTY RECORDERS

See also COUNTY OFFICERS

Duties, 331.602(6)

Election, 39.17, 331.601

Term, 39.17, 331.601

COUNTY SHERIFFS

See also COUNTY OFFICERS

Deputies, candidates for elective office, leave of absence, 341A.7, 341A.18

Duties, 331.653(7)

Election, 39.17, 331.651

Term, 39.17, 331.651

COUNTY SUPERVISORS

See COUNTY BOARDS OF SUPERVISORS

COUNTY TREASURERS

See also COUNTY OFFICERS

Duties, 331.552(8)

Election, 39.17, 331.551

Term, 39.17, 331.551

COURTHOUSES

Open on election day, 49.123

COURT OF APPEALS

Judges, *see JUDGES*

COURTS

Clerk of the district court, *see DISTRICT COURT*

Judges, *see JUDGES*

Judicial elections, ch 46

Judicial nominating commissions, *see JUDICIAL NOMINATING COMMISSIONS*

CRIMES

See VIOLATIONS

DEBTS

State debt, authorized by voters, Const., Iowa, VII, 5

DISTRICT COURT

Clerk, retention election, 602.1216

Judges, *see JUDGES*

DISTRICTS

Benefited districts, *see BENEFITED DISTRICTS*

Congressional, ch 40 *and map following* ch 40

Drainage, *see DRAINAGE AND LEVEE DISTRICTS*

Fire districts, *see FIRE DISTRICTS*

Historical preservation, *see HISTORICAL PRESERVATION DISTRICTS*

Judicial, 602.6109 *and map following* 602.11111

Lake districts, *see LAKE DISTRICTS*

Land use districts, *see LAND USE DISTRICTS*

Law enforcement districts, *see LAW ENFORCEMENT DISTRICTS*

Legislative, ch 41 (maps)

Levee, *see DRAINAGE AND LEVEE DISTRICTS*

Library, county, *see LIBRARIES*

Library system, regional, 303B.2 *and map following* 303B.4

Sanitary, *see SANITARY DISTRICTS*

School, *see SCHOOLS AND SCHOOL DISTRICTS*

Soil and water conservation, *see SOIL AND WATER CONSERVATION DISTRICTS*

Supervisors, county board, *see COUNTY BOARD OF SUPERVISORS*

Water, *see WATER DISTRICTS*

DRAINAGE AND LEVEE DISTRICTS

Dissolution, 468.259, 468.261

Trustees, election, 468.500-468.523

ELECTORS

See VOTERS AND VOTING

ELECTRIC POWER FACILITIES

Cities, joining, 28F.1

ELECTRONIC VOTING SYSTEMS

General provisions, 52.26-52.38, see also VOTING MACHINES

Absentee voting, 52.33

Ballots

Form, 52.28

Marking, 52.30

Counting center, 52.34-52.38

Examination, 52.5

Examiners board, state, 52.4

Purchase, 52.2, 52.3, 331.427, 331.441(2b)

Requirements, 52.26

EXECUTIVE COUNCIL

Canvass of votes

Procedure, 50.37-50.40

Report, 19.6

EXPENSES

Payment, 47.3, 331.424, 331.427

FAIRS

County fairs, official, designated, 174.10

FIRE DISTRICTS

Trustees, election, 357B.2

GAMBLING

Excursion boats, referendum, 99F.7

Wagering on results of election, criminal offense, 725.10

GENERAL ASSEMBLY

Banking, corporations with powers, Acts creating, submitted to voters,
Const., Iowa, VIII, 5, 6

Contested elections, Const., Iowa, III, 7; ch 59

Districts

General provisions, Const., Iowa, III, 34, 35; ch 41

Maps, *following* 41.1

Redistricting, Const., Iowa, III, 34, 35; ch 42

Elections by, Const., Iowa, III, 38; 2.25-2.30

Reapportionment, Const., Iowa, III, 34-36, 39; ch 42

Representatives

Districts, ch 41 (maps)

Election, 39.16

Number, Const., Iowa, III, 34, 35

Qualifications, Const., Iowa, III, 4

Term, Const., Iowa, III, 3

Vacancy, special election to fill, 69.14

GENERAL ASSEMBLY — Continued

Resignations, 69.4(2)

Senators

Districts, ch 41 (maps)

Election, 39.15

Number, Const., Iowa, III, 6, 34, 35

Qualifications, Const., Iowa, III, 5

Vacancy, special election to fill, 69.14

Vacancies

Filling, Const., Iowa, III, 12; 69.14

Notice, 69.5, 331.510(1)

GENERAL ELECTION

Definition, 39.3(3)

Time of holding, Const., Iowa, II, 7; 39.1

GOVERNOR*General provisions*, Const., Iowa, IV, 2; 2.27-2.30

Canvass of votes, 2.25-2.30

Contested election, Const., Iowa, IV, 5; ch 58

Declaration of election, Const., Iowa, IV, 4

Eligibility, Const., Iowa, IV, 6

Qualification, time and manner of, 63.5

Resignation, 69.4(1)

Returns, Const., Iowa, IV, 3

Term, Const., Iowa, IV, 2

Vacancy, succession, Const., Iowa, IV, 19

HISTORICAL PRESERVATION DISTRICTS

Commissions, election of, 303.26

Establishment, referendum, 303.20-303.25

Termination, referendum, 303.33

HOSPITALS**Area hospitals**

Bonds, 145A.17, 145A.18

Merger of political subdivisions to operate, order submitted to voters, 145A.6-145A.9, 145A.21, 145A.22

Tax, special purposes, 145A.19

Trustees, 145A.10, 145A.11, 347.25

City hospitals

Transfer to county ownership, 347.23

Trustees, election, 392.6

HOSPITALS — Continued

County hospitals

Construction and improvement, bond issues, 331.461(ld, e)

Erecting, tax levy, 347.7

Sale or lease, 347.14

Trustees

Election, nonpartisan, 39.21(2), 347.25, 347A.1

Terms, 347.9, 347A.1

Vacancies, 347.10, 347A.1

HOTEL AND MOTEL TAX

Bond issues, 422A.2

Election, 422A.1

INCOME TAX

Checkoff, election campaign fund, 56.18-56.26

Surtax, school districts

General provisions, 442.43

Asbestos removal or encapsulation, 279.43, 279.52-279.54

Enrichment amount, 442.14

Physical plant and equipment levy, 298.2

JUDGES

Appointment, 46.15

Election

Conduct of, 46.21

Results, 46.24

Retention, Const., Iowa, V, 17

Time, 46.17

Voting procedure, 46.22

Nomination, 46.14

Qualification, time and manner of, 63.6

Retention election, *see subhead Election above*

Terms, Const., Iowa, V, 17; 46.16

JUDICIAL ELECTIONS

General provisions, ch 46, *see also JUDGES*

Districts, 602.6109 *and map following* 602.11111

JUDICIAL NOMINATING COMMISSIONS

District commissions, 46.3, 46.4

Election, 46.9

Nominations, 46.10

State commission, 46.1, 46.2

Vacancies, 46.5

LAKE DISTRICTS

Indebtedness, 357E.11
Tax levy, 357E.8, 357E.10
Trustees, election, 357E.9

LAND USE DISTRICTS

Creation, question to voters, 303.41-303.48
Trustees, election, 303.49

LAW ENFORCEMENT DISTRICTS

Indebtedness, authorized, 357D.11
Tax levy, 357D.8, 357D.10
Trustees, election, 357D.9
Unified districts, tax levy, 28E.22, 28E.25, 28E.28A

LEGISLATURE

See GENERAL ASSEMBLY

LEVEE DISTRICTS

See DRAINAGE AND LEVEE DISTRICTS

LEVIES

See TAXES

LIBEL

Candidates, retraction, 659.4

LIBRARIES

City libraries

Board, altering, proposal to voters, 392.5
Contract to use, termination, proposition to voters, 358B.18
Support, tax levy, 384.12(20)

County library districts

City library, use, contracts, termination, 358B.18
Established, proposition to voters, 358B.2
Termination, proposition to voters, 358B.16
Withdrawal from, proposition to voters, 358B.16

Regional library system

Districts, 303B.2 *and map following* 303B.4
Regions, 303B.2
Trustees

Election, 39.21(1), 303B.3
Term, 303B.4

LIEUTENANT GOVERNOR

General provisions, Const., Iowa, IV, 2-5
Canvass of votes, 2.25-2.30
Contested election, Const., Iowa, IV, 5; ch 58
Declaration of election, Const., Iowa, IV, 4

LIEUTENANT GOVERNOR — Continued

Eligibility, Const., Iowa, IV, 6
Nominations, 43.123
Qualification, time and manner of, 63.5
Returns, Const., Iowa, IV, 3
Term, Const., Iowa, IV, 2, 15

LOCAL OPTION TAXES

Elections, 422B.1
Hotel and motel tax, 422A.1

MAPS

Community college merged areas, *following* 280A.39
Congressional districts, *following* ch 40
General assembly districts, ch 41
Judicial election districts, *following* 602.11111
Libraries, regional, *following* 303B.4

MEMORIAL HALLS AND MONUMENTS

Bonds, issuance, 37.6
Cities, tax levy, 384.12(2)
Erecting, proposition to voters, 37.1-37.4

MENTAL HEALTH CENTERS

Trustees, election, 230A.4, 230A.5

MILITARY FORCES

Absent voters, 53.37-53.52

NOMINATIONS

Papers, 43.8-43.24
Petition, ch 45
Political nonparty organizations, ch 44
Primary election, ch 43

NONPARTISAN ELECTIONS

Agricultural extension council members, 39.21(4)
Cities, ch 376
Hospitals, area, trustees, 347.25
Hospitals, county, trustees, 39.21(1), 347.25
Libraries, regional, trustees, 39.21(2), 303B.3
Mental health centers, trustees, 230A.4, 230A.5
Soil and water conservation districts, commissioners, 39.21(3), 467A.5

NOTICES OF ELECTION

Publication

General provisions, 49.53

Cities, 362.3

Counties, 331.305

OFFICERS

See *PUBLIC OFFICERS*

PETITIONS

Cities, petitions to, validity, 362.4

Counties, petitions to, validity, 331.306

Nominations by petition, ch 45

POLITICAL ACTIVITY

City employees, civil service, 400.29

Public employees, candidate for office, leave of absence, 55.4

Sheriffs, deputy, 341A.7, 341A.18

State employees

Candidate for office, leave of absence, 55.4

Limitations, 19A.18, 721.5

POLITICAL ADVERTISEMENTS

See *ADVERTISEMENTS*

POLITICAL PARTIES

Bylaws, 43.111

Campaign funds, see *CAMPAIGN FINANCE DISCLOSURE*

Constitution, 43.111

County central committee, 43.99-43.101

County convention, 43.90, 43.94-43.97

Defined, 43.2

District convention, 43.102-43.104

Platform, 43.111

Precinct caucuses, see *PRECINCT CAUCUSES*

State central committee, 43.111

State convention, 43.107-43.109

POLLING PLACES

See also *VOTERS AND VOTING*

Accessibility, 49.21

Change, notice, 49.23

Equipment, 49.25

Hours, 49.73

Schoolhouses, 49.24

PRECINCT CAUCUSES

General provisions, 43.4

Date, published, 43.92

Place, 43.93

Results, reporting, requirements, 43.4, 43.119

Voters eligible, 43.91

PRECINCTS

Boundaries

General provisions, 49.3

Changes, 49.7, 49.8

City precincts, 49.5

Caucuses, *see PRECINCT CAUCUSES*

Cities, 49.5

Combining precincts, 49.6

Counties, 49.4

Election board, 49.12-49.20

Established, 49.3

PRESIDENTIAL ELECTORS

Contested election, ch 60

Election, ch 54

Names not on ballot, 49.32

Nominated, vacancy filled, 43.80

PRIMARY ELECTIONS

General provisions, ch 43

Ballots, 43.26-43.30, 43.36

Ballot vacancies, 43.77, 43.78

Candidates

Affidavit, 43.18, 43.19

Death, 43.23

Nominated

Death, 43.79

Withdrawal, 43.76

Nomination papers, 43.11-43.14, 43.20

Withdrawal, 43.23

Canvass

County, 43.49

State, 43.63

Cities, ch 376

Counting votes, 43.45

Definition, 39.3(4)

Party affiliation, change, 43.41, 43.42

Precinct caucuses, *see PRECINCT CAUCUSES*

Recounts, 43.56

PRIMARY ELECTIONS — Continued

Time of holding, 43.7

Voters, *see VOTERS AND VOTING*, subhead *Primary Elections*

Write-in candidate, 43.66

PROPERTY TAXES

Cities, levies, 384.12

Community clusters, revenue sharing, referendum, 28E.39

Community colleges, 280A.22

Counties, levies, 331.425

Lake districts, 357E.9, 357E.11

Law enforcement districts, 357D.8, 357D.10

Racetracks, exemption, extension, 99D.14

Schools, *see SCHOOLS*

Street lighting districts, 357C.7, 357C.9

Weather modification program, 361.5, 361.7

PUBLIC MEASURES*General provisions*, ch 6

Ballots, 49.43-49.48, 49.50

Banking, corporations with powers, legislative Acts creating, submitted to voters, Const., Iowa, VIII, 5

Canvass of vote, 6.8

Constitutional amendments, *see CONSTITUTIONAL AMENDMENTS*

Contesting elections, ch 57

Publication, 6.2

State debt, authorized by voters, Const., Iowa, VII, 5

PUBLIC OFFICERS*See also main heading for each specific officer*

Bribery, ch 722

Leave of absence to serve in office, 55.1

Misconduct, official, ch 721

Oath, Const., Iowa, XI, 5

Qualification

Sex as disqualification, prohibited, 39.25

Time and manner, ch 63

Removal from office, ch 66

Resignation, 69.4

State officers, *see STATE OFFICERS*

Terms, commencement, 39.8

Vacancy in office

Defined, 69.2

Filling, Const., Iowa, XI, 6; 69.8

**QUAD CITIES INTERSTATE
METROPOLITAN AUTHORITY**

Creation, referendum, 330B.1

RACING

Tracks, property tax exemption, extension, 99D.14

REAPPORTIONMENT

General assembly, Const., Iowa, III, 34-36, 39; ch 42

RECORDERS, COUNTY

See *COUNTY RECORDERS*

RECOUNTS

General provisions, 50.48

Primary elections, 43.56

REPRESENTATIVES

State representatives, see *GENERAL ASSEMBLY*

United States representatives

Certificate of election, 50.43

Contested elections, ch 60

Districts, see *CONGRESSIONAL DISTRICTS*

Nominated, vacancy filled

General election, 43.78(1)

Special election, 43.83

Vacancy, special election to fill, 69.14

RUNOFF ELECTIONS

Cities, 376.9

SALES, SERVICES, AND USE TAXES

Local option, 422B.1

SANITARY DISTRICTS

Incorporation, question to voters, 358.1-358.8

Trustees, election, 358.9

SCHOOLS

General provisions, 39.3(6), chs 277, 278

Asbestos, removal or encapsulation, funding, 279.43, 279.52-279.54

Board of directors, see *subhead Directors below*

Bond issues

General provisions, 75.1, 274.2, ch 296, 298.21

Buildings, construction and repair, 275.32, 298.21

Special elections, 277.2

Bond tax, 298.18

SCHOOLS — Continued

Boundary changes

Description, filed, 274.4

Directors, election, 275.25

Proposition to voters, 275.11-275.13, 275.18, 275.20, 275.22-275.24

Buildings

Construction

Bond issues, 298.21

Expenditures approved by voters, 275.32, 291.13, 297.5

Disposition, 278.1(2)

Fund, *see subhead Schoolhouse Fund below*

Lease-purchase, approval by voters, 278.1

Rental, approval by voters, 278.1

Roads, access to schoolhouses, obtaining, 278.1(6)

Use, other than school purposes, forbidden by voters, 278.1(4), 297.9, 297.11

Canvass of vote, 277.20

Contested elections, 277.22

Debt, *see subhead Indebtedness below*

Directors

Contesting election, 277.22

Districts

Establishment, abandonment, or change, 278.1(8)

Redistricting, 275.23A

Method of election, 275.12, 275.25, 275.35-275.38, 275.41, 278.1(7)

Nomination, 277.4, 277.5

Oath, 277.28

Qualifications, 277.27

Term, 39.24, 274.7

Vacancies, filling, 277.29, 277.30, 279.6, 279.7

Dissolution, proposition submitted to voters, 275.55

Districts, directors', *see subhead Directors above*

Educational improvement program, 257.29

Enrichment amount, additional, question to voters, 442.14

Hospitals, area, *see HOSPITALS*

Indebtedness

Bonded, principal and interest payment, tax levy, proposition to voters, 298.18

Contracting, question to voters, ch 296

Instructional support program, participation, 257.18, 257.27

Libraries, city, contract to use, termination, proposition to voters, 358B.18

Name, changing, 278.1(9)

Officers, *see subhead Directors above*

Physical plant and equipment tax levy, 275.12(5), 275.20, 277.2, 291.13, 298.2, 298.9

SCHOOLS — Continued

Property

See also subhead Buildings above

Disposition, 278.1(2)

Property taxes, *see subhead Tax Levies below*Public educational and recreational activities, tax levy,
question to voters, 300.2-300.4

Questions submitted to voters

General provisions, ch 278

Asbestos, removal or encapsulation, funding, 279.43, 279.52-279.54

Bond issues

General provisions, 75.1, 274.2, ch 296, 298.21

Buildings, construction and repair, 275.32

Principal and interest, tax levy to pay, 298.18

Special elections, 277.2

Bond tax, 298.18

Boundary changes

General provisions, 275.11-275.13, 275.18, 275.20, 275.22-275.24

Directors, election, 275.25

Buildings

Construction, expenditure approved by voters, 275.32, 291.13, 297.5

Disposition, 278.1(2)

Lease-purchase, approval by voters, 278.1

Rental, approval by voters, 278.1

Roads, access to schoolhouses, obtaining, 278.1(6)

Use, other than school purposes, forbidden by voters, 278.1(4),
297.9, 297.11Debt, *see Indebtedness under this subhead below*

Dissolution, 275.55

Enrichment amount, additional, 442.14

Indebtedness

See also Bond Issues under this subhead above

Bonded, principal and interest, tax levy, 298.18

Contracting, ch 296

Instructional support program, participation, 257.18, 257.27

Libraries, city, contract to use, termination, 358B.18

Name, changing, 278.1(9)

Physical plant and equipment tax levy, 275.12(5), 275.20, 277.2, 298.2

Property

See also Buildings under this subhead above

Disposition, 278.1(2)

Public educational and recreational activities, tax levy, 300.2-300.4

Reorganization, 275.11-275.13, 275.18, 275.20, 275.22-275.27

Roads, access to schoolhouses, obtaining, 278.1(6)

SCHOOLS — Continued**Questions submitted to voters — Continued****Schoolhouse fund**

Expenditure, approval by voters, 291.13, 297.5

Surplus, transfer, 278.1(5)

Tax levy, proposition to voters, 275.32, 278.1(7), 291.13, 297.5,
298.9Schoolhouses, *see Buildings under this subhead above*

Schoolhouse tax levy, 275.12(5), 275.20, 275.32, 277.2, 278.1(7), 291.13

Surtax, individual income tax, 442.14, 442.43

Tax levies

Asbestos, removal or encapsulation, 279.43

Buildings, construction, 275.32, 291.13, 297.5

Indebtedness, bonded, principal and interest payment, 298.18

Insurance, indebtedness, 296.7

Public educational and recreational activities, 300.2-300.4

Schoolhouse fund, 275.32, 291.13, 297.5, 298.9

Teachers pension and retirement systems, establishment, 294.8

Textbooks, change, 278.1(1)

Recreational activities, tax levy for, 300.2-300.4**Regular election**

Proposals submitted to voters, authorized, 278.1, 278.2

Time of holding, 277.1

Reorganization, 275.11-275.13, 275.18, 275.20, 275.22-275.27**Roads, access to schoolhouses, obtaining, 278.1(6)****Schoolhouse fund**

Expenditure, approval by voters, 291.13, 297.5

Surplus, transfer, 278.1(5)

Tax levy, proposition to voters, 275.32, 291.13, 297.5,
298.9Schoolhouses, *see subhead Buildings above*Schoolhouse tax, levy, proposition to voters, 275.12(5), 275.20, 275.32, 277.2,
291.13, 298.9**Special election, 277.2****Surtax, individual income tax, question to voters, 442.14, 442.43****Tax levies**

Asbestos, removal or encapsulation, 279.43, 279.52-279.54

Buildings, construction, 275.32, 291.13, 297.5

Indebtedness, bonded, principal and interest payment, 298.18

Insurance, indebtedness, 296.7

Physical plant and equipment levy, 275.12(5), 275.20, 277.2, 298.2, 298.9

Public educational and recreational activities, 300.2-300.4

Schoolhouse fund, 275.32, 291.13, 298.9

Textbooks

- Changing, 278.1(1)
- Free, providing, 301.24, 301.25, 301.27
- Vacancies, 277.29, 277.30, 279.6, 279.7
- Voter instruction, requirements, 256.11(5b), 280.9A, 331.502(23)
- Voters, powers at regular election, ch 278

SECRETARY OF AGRICULTURE

See also STATE OFFICERS

- Election, 39.9
- Term, 39.8, 39.9

SECRETARY OF STATE

See also STATE OFFICERS

- Election, Const., Iowa, IV, 22; 39.9
- Election commissioner, state, duties, 47.1
- Election division, 47.1
- Term, Const., Iowa, IV, 22; 39.8, 39.9

SENATORS

State senators, *see GENERAL ASSEMBLY*

- United States senators
 - Certificate of election, 50.43
 - Contested elections, ch 60
 - Manner of election, 39.10
 - Nomination, 43.6
 - Vacancy, filled, 69.8(1), 69.13(1)

SHERIFFS, COUNTY

See COUNTY SHERIFFS

SIGNS

See ADVERTISEMENTS

SOIL AND WATER CONSERVATION DISTRICTS

- Commissioners, election, 39.21(3), 467A.5, 467A.6
- Discontinuance, referendum, 467A.10

SPECIAL ELECTIONS

- Date, 39.2
- Definition, 39.3(7)
- Notice, 39.6
- Political subdivisions, 47.6
- School districts, 277.2
- Vacancies to be filled, 69.12-69.14

STATE DEBT

- Authorized by voters, Const., Iowa, VII, 5

STATE EMPLOYEES

Candidates for office, leave of absence, 55.4
Political activity, limited, 19A.18, 721.5

STATE OFFICERS

See also main heading for each specific state officer

Appointive

Leave of absence to serve, 55.3
Removal from office, 66.26

Elective

Contested election, ch 61
Vacancy filled, 69.13(1)

Nomination, 43.6

Removal from office, ch 66

Terms, 39.9

Vacancies, filling, 69.8(2)

STREET LIGHTING DISTRICTS

Bonds, issue, 357C.10

Indebtedness, authorized, 357C.10

Tax levy, proposal to voters, 357C.7, 357C.9

Trustees, election, 357C.8

SUPERVISORS, COUNTY BOARDS OF

See COUNTY BOARDS OF SUPERVISORS

SUPREME COURT

Justices, *see JUDGES*

TAXES

Cities, *see CITIES*

Community clusters, tax sharing, referendum, 28E.39

Counties, *see COUNTIES*

Hotel and motel tax, 422A.1

Income tax, *see INCOME TAX*

Lake districts, benefited recreational, tax levy, 357E.8

Law enforcement districts

Benefited, tax levy, 357D.8

Unified, tax levy, 28E.22

Local option taxes, 422B.1

Property taxes, *see PROPERTY TAXES*

Racetracks, property tax exemption, extension, 99D.14

Sales and services tax, local, authorized, 422B.1

Schools, *see SCHOOLS*

Street lighting districts, tax levy, 357C.7

TAXES — Continued

Vehicle tax, local, authorized, 422B.1

Weather modification program, tax levy, 361.5, 361.7

TELEPHONES

Emergency system, establishment, referendum, 477B.6

TOWNSHIPS

Agricultural extension councils, members, *see AGRICULTURAL EXTENSION*

Ballots, separate, 49.30

Bonds, issue, 75.1

Candidates, affidavit required, 43.21

Clerks, 39.22, *see also subhead Officers below*

Halls, erection of, proposition to voters, 360.1

Hospitals, area, *see HOSPITALS*

Libraries, city, contract to use, termination, proposition to voters, 358B.18

New townships, first election, 359.10-359.13

Officers

Residence requirement, 39.22

Vacancies, filling, 69.8(5)

Trustees, 39.22, *see also subhead Officers above*

TREASURERS, COUNTY

See COUNTY TREASURERS

TREASURER OF STATE

See also STATE OFFICERS

Election, Const., Iowa, IV, 22; 39.9

Term, Const., Iowa, IV, 22; 39.8, 39.9

VACANCIES

Elections to fill, Const., Iowa, XI, 6; ch 69

VEHICLE TAX

Local option, 422B.1

VIOLATIONS

Election day, prohibited acts, 49.107

Election officials

Bribery, 722.6

Misconduct, 722.7

Unlawful acts, 49.111

VOCATIONAL SCHOOLS

See COMMUNITY COLLEGES

VOTER REGISTRATION*General provisions*, ch 48

Cancellation, 48.31

Challenges, 48.15

Commission, 39.3(14)

County commissioner, 48.1, 48.4, 48.5

Expenses, payment, 331.424

Form, 48.3, 48.6

Income tax returns and booklets, voter registration forms with, 48.21

Motor vehicle operators' licenses, chauffeurs' licenses, and nonoperators' identification cards forms, voter registration forms with, 48.22

Persons qualified to register, 48.2

Registers, 48.8

Registrars, 39.3(13)

State commission, 47.8

State registrar, 47.7

VOTERS AND VOTINGAbsent voters, *see ABSENT VOTERS*

Assistance, 49.89-49.91

Blind persons, assistance, 49.90

Bribery, 722.4

Challenges, 49.79-49.81

Closing polls, 49.73

Disabled persons, assistance, 49.90

Disqualified persons, Const., Iowa, II, 5

Electronic voting systems, *see ELECTRONIC VOTING SYSTEMS*

Eligibility, declaration of, 49.77

Eligible elector, 39.3(1)

Employees

Intimidation by employer, 49.110

Leave time to vote, 49.109

Improper voting, 722.5

Instruction, schools required to give, 256.11(5b), 280.9A

Marking ballot, 49.92-49.103

Method of voting determined, 49.26, 49.29

Opening polls, 49.73

Place of voting, 49.9

Preventing voting by force, 722.8

Primary elections

Party affiliation change, 43.41, 43.42

Party ticket, vote restricted, 43.38

Procuring vote by duress, 722.9

Qualifications, 47.4

Qualified elector, 39.3(2)

Registration, *see VOTER REGISTRATION*

VOTERS AND VOTING — Continued

Residency requirements, 47.4

Right to vote, Const., Iowa, II, 1-4

Straight ticket, 49.94

Systems, alternatives, ch 52

Time limit, in voting booth, 49.88

Voting machines, *see VOTING MACHINES*

Write-in votes, *see WRITE-IN VOTES*

VOTING MACHINES

General provisions, ch 52, *see also ELECTRONIC VOTING SYSTEMS*

Ballots, form, 52.10

Examination, 49.127, 52.5

Examiners board, state, 52.4

Purchase, 52.2, 52.3, 331.427, 331.441(2b)

Use, 49.26, 49.29

WAGERING

See GAMBLING

WATER DISTRICTS

Establish, proposition to voters, 357.12-357.16

Subdistricts, establish, 357.29

Trustees, election, 357.13

WEATHER MODIFICATION

Tax levy

 Authorize, question to voters, 361.5

 Cancel, question to voters, 361.7

WRITE-IN VOTES

General provisions, 49.99

City elections, 376.11

Political subdivisions, 43.53

Primary elections, 43.66

ZOOS

Cities

 Bonds issued, 394.2

 Use, contracts for, approval by voters, 394.4