

House File 692 - Enrolled

House File 692

AN ACT

RELATING TO THE CONDUCT OF STATE AND LOCAL ELECTIONS,
PROVIDING PENALTIES, AND INCLUDING EFFECTIVE DATE ELECTIONS
PROVISIONS.

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

DIVISION I

HOSPITAL BOARD OF TRUSTEES ELECTIONS

Section 1. Section 347.9, subsection 1, Code 2019, is amended to read as follows:

1. When it has been determined by the voters of a county to establish a county public hospital, the board shall appoint five or seven trustees chosen from among the resident citizens of the county with reference to their fitness for office. The appointed trustees shall hold office until the following general election, at which time their successors shall be elected, three for a term of four years and the remainder for a term of two years, and they shall determine by lot their respective terms, and thereafter their successors shall be elected for regular terms of four years each, except as provided in subsection 3.

Sec. 2. Section 347.9, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Trustees in a county with a population of at least four hundred thousand shall serve for a term of six years. A trustee elected to a term of four years in or after January 2018 shall instead serve a term of six years.

Sec. 3. Section 347.10, Code 2019, is amended to read as follows:

347.10 Vacancies.

Vacancies on the board of trustees may, ~~until the next general election,~~ be filled by appointment by the remaining members of the board of trustees or, if fewer than a majority of the trustees remain on the board, by the board of supervisors for the period until the vacancies are filled by election. An appointment made under [this section](#) shall be for the unexpired balance of the term of the preceding trustee. If a board member is absent for four consecutive regular board meetings, without prior excuse, or fails to comply with more stringent attendance requirements for regular board meetings included in the bylaws governing the board, the member's position shall be declared vacant and filled as set out in this section.

Sec. 4. HOSPITAL BOARD OF TRUSTEES ELECTIONS.

Notwithstanding section 347.9, for elections held pursuant to section 347.9 in 2022 in which more than seventy percent of trustee positions on a board are on the ballot:

1. If there are seven trustees on the board:

a. If six trustees are to be elected, the four elected who receive the highest number of votes are elected for four-year terms. The remainder are elected for two-year terms. In case of a tie, the county auditor shall determine by lot which of the trustees with the lowest number of winning votes shall serve two-year terms and thereafter their successors shall be elected for regular terms as provided in section 347.9.

b. If five trustees are to be elected, the four elected who receive the highest number of votes are elected for four-year terms. The remaining trustee is elected for a two-year term. In case of a tie, the county auditor shall determine by lot which of the trustees with the lowest number of winning votes shall serve the two-year term and thereafter their successors shall be elected for regular terms as provided in section 347.9.

2. If there are five trustees on the board, if four trustees are to be elected, the three elected who receive the highest number of votes are elected for four-year terms. The remaining

trustee is elected for a two-year term. In case of a tie, the county auditor shall determine by lot which of the trustees with the lowest number of winning votes shall serve the two-year term and thereafter their successors shall be elected for regular terms as provided in section 347.9.

DIVISION II

TECHNICAL CHANGES

Sec. 5. Section 39.2, subsection 4, paragraphs a, b, and c, Code 2019, are amended to read as follows:

a. ~~For a county, on the day of the general election, on the day of the regular city election, on the date of a special election held to fill a vacancy in the same county, or on the first Tuesday in March~~ in an odd-numbered year, the first Tuesday in ~~May~~ March, ~~or the first~~ second Tuesday in ~~August~~ of each year September, or the first Tuesday after the first Monday in ~~November~~. For a county, in an even-numbered year, the first Tuesday in March or the second Tuesday in September.

b. ~~For a city, on the day of the general election, on the day of the regular city election, on the date of a special election held to fill a vacancy in the same city, or on the first Tuesday in March~~ in an odd-numbered year, the first Tuesday in ~~May~~ March, ~~or the first~~ second Tuesday in ~~August~~ of each year September, or the first Tuesday after the first Monday in ~~November~~. For a city, in an even-numbered year, the first Tuesday in March or the second Tuesday in September.

c. For a school district or merged area, in the odd-numbered year, the first Tuesday in ~~February~~ March, ~~the first Tuesday in April~~, the ~~last~~ second Tuesday in ~~June~~ September, or the ~~second~~ first Tuesday after the first Monday in ~~September~~ November. For a school district or merged area, in the even-numbered year, the first Tuesday in ~~February~~, ~~the first Tuesday in April~~ March, or the second Tuesday in September, ~~or the second Tuesday in December~~.

Sec. 6. Section 39A.3, subsection 1, paragraph a, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) Falsely or fraudulently signs nomination papers on behalf of another person.

Sec. 7. Section 39A.3, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c. Miscellaneous offenses.* Uses voter registration information, including resale or redistribution of the voter registration list without written permission of the state registrar, for purposes other than those permitted by section 48A.39.

Sec. 8. Section 39A.4, subsection 1, paragraph c, subparagraph (5), Code 2019, is amended by striking the subparagraph.

Sec. 9. Section 39A.6, Code 2019, is amended to read as follows:

39A.6 Technical infractions — notice.

1. If the state commissioner or county commissioner becomes aware of an apparent technical violation of a provision of chapters 39 through 53, the state commissioner or county commissioner may administratively provide a written notice and letter of instruction to the responsible person regarding proper compliance procedures.

2. If the state commissioner sends a notice of such a technical infraction to a county commissioner, the state commissioner may require a written explanation of the occurrence, and measures that the person took to redress the issues contained within the notice.

3. This notice is not a final determination of facts or law in the matter, and does not entitle a person to a proceeding under [chapter 17A](#).

Sec. 10. Section 43.14, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *g.* The printed name, signature, address, and phone number of the person responsible for circulating the petition page.

Sec. 11. Section 43.14, subsection 2, Code 2019, is amended to read as follows:

2. a. Signatures on a petition page shall be counted only if the information required in [subsection 1](#) is written or printed at the top of the page.

b. 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.

c. A signature line shall not be counted if the line lacks the signature of the eligible elector and the signer's residential address, with street and number, if any, and city. A signature line shall not be counted if an eligible elector supplies only a partial address or a post office box address, or if the signer's address is obviously outside the boundaries of the district.

d. A signature line shall not be counted if any of the required information is crossed out or redacted at the time the nomination papers are filed with the state commissioner or commissioner.

Sec. 12. Section 43.14, subsection 4, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Any other information required by section 43.18.

Sec. 13. Section 43.15, subsection 2, Code 2019, is amended to read as follows:

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

Sec. 14. Section 43.22, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The state commissioner shall, at least sixty-nine days before a primary election, or as soon as practicable if an objection under section 43.24 is pending, furnish to the commissioner of each county a certificate under the state commissioner's hand and seal, which certificate shall show:

Sec. 15. Section 43.24, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2019, are amended to read as follows:

(1) Those filed with the state commissioner, not less than seventy-four days before the date of the election, or for certificates of nomination filed under section 43.23, not less than seventy 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, or for certificates of nomination filed under section 43.23, not less than sixty-two days before the date of the election.

Sec. 16. Section 45.5, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* The printed name, signature, address, and phone number of the person responsible for circulating the petition page.

Sec. 17. Section 45.5, subsection 2, Code 2019, is amended to read as follows:

2. *a.* Signatures on a petition page shall be counted only if the information required in [subsection 1](#) is written or printed at the top of the page.

b. 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.

c. A signature line in a nomination petition shall not be counted if the line lacks the signature of the eligible elector and the signer's residential address, with street and number, if any, and city. A signature line shall not be counted if an eligible elector supplies only a partial address or a post office box address, or if the signer's address is obviously outside the boundaries of the appropriate ward, city, school district or school district director district, legislative district, or other district.

d. A signature line shall not be counted if any of the required information is crossed out or redacted at the time the nomination papers are filed with the state commissioner or commissioner.

Sec. 18. Section 45.6, subsection 2, Code 2019, is amended to read as follows:

2. Each signer shall add the signer's ~~residence~~ residential address, with street and number, if any, and city.

Sec. 19. Section 47.1, subsection 6, Code 2019, is amended to read as follows:

6. The state commissioner may, at the state commissioner's discretion, examine the records of a commissioner to evaluate complaints and to ensure compliance with the provisions of [chapters 39 through 53.](#) This examination shall include assessments conducted or authorized by private or government

entities to evaluate a county's security readiness for elections-related technology or physical facilities. The state commissioner shall adopt rules pursuant to [chapter 17A](#) to require a commissioner to provide written explanations related to examinations conducted pursuant to [this subsection](#). Any information that is requested by or in the possession of the state commissioner pursuant to this chapter shall not lose its confidential status pursuant to section 22.7, subsection 50.

Sec. 20. Section 47.1, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 7. The state commissioner may share information a county provides to an appropriate government agency to safeguard against cybersecurity or physical threats.

NEW SUBSECTION. 8. The state commissioner may adopt rules pursuant to [chapter 17A](#) to create minimum security protocols applicable to county commissioners of elections. If a county fails to adhere to these protocols, the state commissioner may limit access to the statewide voter registration system.

Sec. 21. Section 47.2, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The county commissioner of elections shall, to maintain election security, do all of the following:

a. When the county commissioner believes that a cybersecurity incident or data breach has occurred, the county commissioner shall immediately inform the state commissioner of elections.

b. If the county commissioner has no reason to believe that a cybersecurity incident or data breach has occurred, the county commissioner shall certify that fact to the state commissioner on an annual basis.

Sec. 22. Section 47.7, subsection 2, paragraph d, Code 2019, is amended to read as follows:

d. The state registrar shall prescribe by rule the procedures for access to the state voter registration file, ~~security requirements, and access protocols for adding, changing, or deleting information from the state voter registration file~~ including all of the following:

(1) Access protocols for adding, changing, or deleting information from the state voter registration file.

(2) Training requirements for all state voter registration file users.

(3) Technology safeguards, including county information technology network requirements, necessary to access the state voter registration file.

(4) Breach incident response requirements and protocols on all matters related to elections.

Sec. 23. Section 47.7, subsection 2, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The state registrar may rescind access to the statewide voter registration file from a user who is not in compliance with the prescribed rules.

Sec. 24. Section 48A.9, subsection 4, Code 2019, is amended to read as follows:

4. Registration forms submitted to voter registration agencies, to motor vehicle driver's license stations, and to county treasurer's offices participating in county issuance of driver's licenses under [chapter 321M](#) shall be considered on time if they are received no later than ~~5:00~~ 11:59 p.m. on the day registration closes for that election. Offices or agencies other than the county commissioner's office are not required to be open for voter registration purposes at times other than their usual office hours.

Sec. 25. Section 48A.26, subsection 1, Code 2019, is amended to read as follows:

1. a. Except as otherwise provided in ~~paragraph~~ paragraphs "b" and "c" of this subsection, or section 48A.26A, within seven working days of receipt of a voter registration form or change of information in a voter registration record the commissioner shall send an acknowledgment to the registrant at the mailing address shown on the registration form. The acknowledgment shall be sent by nonforwardable mail.

b. For a voter registration form or change of information in a voter registration record submitted at a precinct caucus, the commissioner shall send an acknowledgment within forty-five days of receipt of the form or change of information.

c. For a voter registration form or change of information in a voter registration record submitted within fourteen days of a regularly scheduled election, the commissioner shall send an

acknowledgment within forty-eight hours of receipt of the form or change of information.

Sec. 26. Section 49.11, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notice of changes made pursuant to subsection 3 shall be reported to the state commissioner at least twenty-five days before the next election in which the temporary precinct will be active, or, for elections held pursuant to section 69.14 while the general assembly is in session or within forty-five days of the convening of a session of the general assembly, at least ten days before election day.

Sec. 27. Section 49.31, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. All ballots shall be arranged with the names of candidates for each office listed below the office title. For partisan elections the name of the political party or organization which nominated each candidate shall be listed after or below each candidate's name. The state commissioner may prescribe, and a county commissioner may use, uniform abbreviations for political parties and organizations.

Sec. 28. Section 49.57, subsection 2, Code 2019, is amended to read as follows:

2. After the name of each candidate for a partisan office the name of the candidate's political party shall be printed in at least six point type. The names of political parties and nonparty political organizations may be abbreviated on the remainder of the ballot if both the full name and the abbreviation appear in the voter instruction area of the ballot.

Sec. 29. Section 50.51, subsection 6, Code 2019, is amended to read as follows:

6. The state commissioner shall adopt rules, pursuant to [chapter 17A](#), to implement [this section](#), which may include the establishment of pilot programs related to post-election audits.

Sec. 30. NEW SECTION. **53.1A Rules.**

The state commissioner shall adopt rules pursuant to chapter 17A for the implementation of this chapter.

Sec. 31. Section 53.8, subsection 1, paragraph a,

unnumbered paragraph 1, Code 2019, is amended to read as follows:

Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, but not more than twenty-nine days before the election, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. When the United States post office is closed in observance of a federal holiday and is not delivering mail on the twenty-ninth day before the election, the first day to mail absentee ballots is the next business day on which mail delivery is available. The absentee ballot shall be sent to the registered voter by one of the following methods:

Sec. 32. 2017 Iowa Acts, chapter 155, section 13, is amended by striking the section.

Sec. 33. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III

CONDUCT OF ELECTIONS

Sec. 34. Section 43.30, subsection 2, Code 2019, is amended to read as follows:

2. The commissioner shall make sample ballots available to the public upon request. The sample ballots shall be clearly marked as sample ballots. A reasonable fee may be charged for printing costs if a person requests multiple copies of sample ballots. The commissioner shall not distribute sample ballots except as provided in this subsection.

Sec. 35. Section 43.36, Code 2019, is amended to read as follows:

43.36 Australian ballot.

The Australian ballot system as now used in this state, except as herein modified, shall be used at said primary election. The endorsement of the precinct election officials and the ~~facsimile of the commissioner's signature~~ county seal shall appear upon the ballots as provided for general elections.

Sec. 36. Section 43.91, Code 2019, is amended to read as follows:

43.91 Voter at caucus ~~must be precinct resident~~ —

qualifications.

Any person voting at a precinct caucus must be a person who is or will by the date of the next general election become an eligible elector, who has not already participated in the caucus of any political party within the same year, and who is a resident of the precinct. A list of the names and addresses of each person to whom a ballot was delivered or who was allowed to vote in each precinct caucus shall be prepared by the caucus chairperson and secretary who shall certify such list to the commissioner at the same time as the names of those elected as delegates and party committee members are so certified.

Sec. 37. **Section 44.4, subsection 1, Code 2019**, is amended to read as follows:

1. a. 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 5:00 p.m. on the ~~seventy-third~~ eighty-first day before the ~~date of the general election to be held in November~~ **first Tuesday after the first Monday in June in each even-numbered year.** Nominations made for a special election called pursuant to **section 69.14** shall be filed by 5:00 p.m. not less than twenty-five days before the date of an election called upon at least forty days' notice and not less than fourteen days before the date of an election called upon at least eighteen days' notice. Nominations made for a special election called pursuant to **section 69.14A** shall be filed by 5:00 p.m. not less than twenty-five 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 5:00 p.m. on the ~~sixty-ninth~~ seventy-fourth day before the ~~date of the general election~~ **first Tuesday after the first Monday in June in each even-numbered year.** Nominations made pursuant to **this chapter** or **chapter 45** for city office shall be filed not more than seventy-two days nor later than 5:00 p.m. on the forty-seventh day before the city election with the county commissioner of elections responsible under **section 47.2** for conducting

elections held for the city, who shall process them as provided by law.

b. Notwithstanding paragraph "a", nominations for president and vice president of the United States shall be filed in the office of the state commissioner not more than ninety-nine days nor later than 5:00 p.m. on the eighty-first day before the date of the general election to be held in November.

Sec. 38. Section 47.2, subsection 2, Code 2019, is amended to read as follows:

2. a. When an election is to be held as required by law or is called by a political subdivision of the state and the political subdivision is located in more than one county, the county commissioner of elections of the county having the greatest taxable base within the political subdivision shall conduct that election. The county commissioners of elections of the other counties in which the political subdivision is located shall cooperate with the county commissioner of elections who is conducting the election.

b. Notwithstanding paragraph "a", for a city primary election, city runoff election or a special election for a city, school district, or merged area, if a political subdivision is located in more than one county, the county commissioner of elections of a county not having the greatest taxable base within the political subdivision may designate that the controlling commissioner of the political subdivision shall conduct that election if fewer than one hundred and twenty-five registered voters of the political subdivision are located within such county commissioner's county. If the controlling commissioner is so designated, section 50.24, subsections 3A and 3B, as enacted by 2017 Iowa Acts, ch. 155, shall not apply. For the purposes of this paragraph, the number of registered voters shall be the number of registered voters in the political subdivision of a county not having the greatest taxable base on May 1 immediately preceding the first day of the filing period for candidates for the election. If May 1 falls on a day when the county commissioner's office is closed for business, the county commissioner shall use the number of registered voters on the next day that the county commissioner's office is open for business to determine the

number of registered voters.

Sec. 39. Section 47.2, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The county commissioner shall not participate in an absentee ballot drive or collection effort in cooperation with a candidate, candidate's committee, political party, or nonparty political organization. However, when a county commissioner is a candidate for election, such a county commissioner may participate in an absentee ballot drive or collection effort, but shall not aid any other candidate, candidate's committee, political party, or nonparty political organization.

Sec. 40. Section 49.21, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The commissioner shall remove or obscure from the view of voters any published material displaying the name of a candidate or elected official other than a ballot or sample ballot or envelope.

Sec. 41. NEW SECTION. **49.49 Certain sample ballots prohibited.**

The commissioner and state commissioner of elections shall not distribute or authorize the distribution of sample ballots to voters other than as provided in sections 49.53 and 52.29.

Sec. 42. Section 49.51, Code 2019, is amended to read as follows:

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 registered voters of that political subdivision. Only one ~~facsimile signature~~ county seal, that of the county 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.

Sec. 43. Section 49.57, subsection 6, Code 2019, is amended to read as follows:

6. A portion of the ballot shall include the words "Official ballot", the unique identification number or name assigned by the commissioner to the ballot style, the date of the election, and ~~a facsimile of the signature~~ the county seal of the county of the commissioner who has caused the ballot to be printed pursuant to [section 49.51](#).

Sec. 44. Section 49.82, Code 2019, is amended to read as follows:

49.82 Voter to receive one ballot — endorsement.

When an empty voting booth is available, one of the precinct election officials shall endorse the official's initials on each ballot the voter will receive. The initials shall be placed so that they may be seen when the ballot is properly folded or enclosed in a secrecy folder. The name or signature of the commissioner shall not appear on the ballot except as part of the list of candidates when the commissioner is a candidate for election. The official 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](#). No ballot without the required official endorsement shall be placed in the ballot box.

Sec. 45. Section 53.11, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The commissioner shall remove or obscure from the view of voters any published material displaying the name of a candidate or elected official other than a ballot or sample ballot or envelope.

DIVISION IV

CONFLICTS OF INTEREST

Sec. 46. Section 314.2, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

314.2 Conflicts of interest.

A state or county official who is a voting member of a governmental entity responsible for awarding a contract

pursuant to section 314.1 and is the apparent low bidder for the contract shall not participate in a vote to award the contract and shall include an explanation of the official's conflict in the resolution entered pursuant to section 26.12.

Sec. 47. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

DIVISION V
BALLOT ORDER

Sec. 48. Section 49.31, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. (1) The commissioner shall determine the order of political parties and nonparty political organizations candidates on the ballot as provided in this paragraph. The sequence order shall be the same for each office on the ballot and for each precinct in the county voting in the election.

(2) The state commissioner shall compile a list of each county in the state in alphabetical order and assign a number to each county such that the first county listed is number one, the second county listed is number two, and continuing in descending order in the same manner. The commissioner shall put in alphabetical order the top two political parties receiving the highest votes from the most recent election.

(3) The commissioner of each county assigned an even number pursuant to subparagraph (2) shall arrange the ballot as follows:

(a) The candidates of the first political party by alphabetical order pursuant to subparagraph (2) shall appear first on the ballot for the first general election at which the president of the United States is to be elected following the effective date of this Act and second on the ballot for the first general election at which the governor will be elected following the effective date of this Act and second on the ballot for the second general election at which the president of the United States is to be elected following the effective date of this Act and first on the ballot for the second general election at which the governor will be elected following the effective date of this Act, and thereafter alternating with the candidates of the second political party by alphabetical order pursuant to subparagraph (2).

(b) The candidates of the second political party by alphabetical order pursuant to subparagraph (2) shall appear second on the ballot for the first general election at which the president of the United States is to be elected following the effective date of this Act and first on the ballot for the first general election at which the governor will be elected following the effective date of this Act and first on the ballot for the second general election at which the president of the United States is to be elected following the effective date of this Act and second on the ballot for the second general election at which the governor will be elected following the effective date of this Act, and thereafter alternating with the candidates of the first political party by alphabetical order pursuant to subparagraph (2).

(4) The commissioner of each county assigned an odd number pursuant to subparagraph (2) shall arrange the ballot as follows:

(a) The candidates of the second political party by alphabetical order pursuant to subparagraph (2) shall appear first on the ballot for the first general election at which the president of the United States is to be elected following the effective date of this Act and second on the ballot for the first general election at which the governor will be elected following the effective date of this Act and second on the ballot for the second general election at which the president of the United States is to be elected following the effective date of this Act and first on the ballot for the second general election at which the governor will be elected following the effective date of this Act, and thereafter alternating with the candidates of the first political party by alphabetical order pursuant to subparagraph (2).

(b) The candidates of the first political party by alphabetical order pursuant to subparagraph (2) shall appear second on the ballot for the first general election at which the president of the United States is to be elected following the effective date of this Act and first on the ballot for the first general election at which the governor will be elected following the effective date of this Act and first on the ballot for the second general election at which the

president of the United States is to be elected following the effective date of this Act and second on the ballot for the second general election at which the governor will be elected following the effective date of this Act, and thereafter alternating with the candidates of the second political party by alphabetical order pursuant to subparagraph (2).

(c) The commissioner shall determine the order of candidates of nonparty political organizations on the ballot. The order shall be the same for each office on the ballot and for each precinct in the county voting in the election.

Sec. 49. Section 49.31, subsection 2, paragraph b, Code 2019, is amended to read as follows:

b. The Notwithstanding any provision of subsection 1, paragraph "b", to the contrary, 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.

DIVISION VI

MUNICIPAL ELECTIONS

Sec. 50. Section 44.9, subsection 3, Code 2019, is amended to read as follows:

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

Sec. 51. Section 50.48, subsection 7, Code 2019, is amended to read as follows:

7. If the election is ~~an election held by a city which~~

~~is not the final election for the office in question a city primary election held pursuant to section 376.7,~~ the recount shall progress according to the times provided by this subsection. If ~~this subsection~~ applies the canvass shall be held by the second day after the election, the request for a recount must be made by the third day after the election, the board shall convene to conduct the recount by the sixth day after the election, and the report shall be filed by the ~~eleventh~~ eighth day after the election.

Sec. 52. Section 50.48, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 8. When a city council has chosen a runoff election pursuant to section 376.9, the recount shall progress according to the times provided by this subsection. If this subsection applies, the canvass shall be conducted pursuant to section 50.24. The request for a recount must be made by the day after the canvass, and the board shall convene for the first time not later than the first Friday following the canvass. The report shall be filed not later than the fourteenth day after the election.

Sec. 53. Section 260C.12, subsection 1, as amended by 2017 Iowa Acts, chapter 155, section 2, is amended to read as follows:

1. The board of directors of the merged area shall organize at the first regular meeting following the regular school election or at a special meeting called by the secretary of the board to organize the board in advance of the first regular meeting ~~following the regular school election~~ after the canvass for the regular school election. 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.

Sec. 54. Section 260C.15, subsection 5, as amended by 2017 Iowa Acts, chapter 155, section 4, is amended to read as follows:

5. 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 ~~on the last Monday in November or at the last regular board meeting in November,~~ on the second Monday or Tuesday after the day of the election to 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](#).

Sec. 55. Section 277.4, subsection 3, Code 2019, is amended to read as follows:

3. 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 on the day following the last day on which nomination petitions can be filed, and not later than ~~5:00 p.m.~~ 12:00 noon on that day.

Sec. 56. Section 279.1, subsection 1, Code 2019, is amended to read as follows:

1. The board of directors of each school corporation shall

meet and organize at the first regular meeting or at a special meeting called by the secretary of the board to organize the board in advance of the first regular meeting after the canvass for the regular school election at some suitable place to be designated by the secretary. Notice of the place and hour of the meeting shall be given by the secretary to each member and member-elect of the board.

Sec. 57. Section 279.7, subsection 3, Code 2019, is amended to read as follows:

3. In the case of a special election as provided in this section 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~~ from the final canvass of the election by the county board 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.

Sec. 58. Section 376.5, Code 2019, is amended to read as follows:

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~~ notice must contain the names of all candidates, and may not contain any party designations. The published ~~ballot~~ notice must contain any question to be submitted to the voters.

Sec. 59. Section 376.7, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If the city holding a primary election is located in more than one county, the controlling commissioner for that city under section 47.2, subsection 2, shall conduct a second canvass on the first Monday or Tuesday after the day of the election. However, if a recount is requested pursuant to section 50.48, the controlling commissioner shall conduct the second canvass within two business days after the conclusion of the recount proceeding.

Each commissioner conducting a canvass for the city pursuant to section 50.24, subsection 1, shall transmit abstracts for the offices of that city to the controlling commissioner for that city, along with individual tallies for each write-in candidate. At the second canvass, the county board of supervisors of the county of the controlling commissioner shall canvass the abstracts received pursuant to this subsection and shall prepare a combined city abstract stating the number of votes cast in the city for each office. The combined city 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 received for that office. The votes of all write-in candidates who each received less than five percent of the total votes cast in the city for an office shall be reported collectively under the heading "scattering".

Sec. 60. Section 376.9, subsection 1, Code 2019, is amended to read as follows:

1. A runoff election may be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election. When a council has chosen a runoff election in lieu of a primary, the county board of supervisors shall publicly canvass the tally lists of the vote cast in the regular city election, following the procedures prescribed in [section 50.24](#), ~~at a meeting to be held on the second day following the regular city election, and beginning no earlier than 1:00 p.m. on that day.~~ Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the runoff election.

Sec. 61. 2017 Iowa Acts, chapter 155, section 45, is amended to read as follows:

SEC. 45. TERM OF OFFICE — TRANSITION PROVISIONS.

1. Notwithstanding the provisions of [section 260C.11](#) designating a term of four years for members of a board of directors of a merged area, the term of office for a seat on a board of directors filled at the regular school election held on:

a. September 8, 2015, shall expire ~~November 5, 2019~~ upon the board's organizational meeting held pursuant to section 260C.12, subsection 1.

b. September 12, 2017, shall expire ~~November 2, 2021~~ upon the board's organizational meeting held pursuant to section 260C.12, subsection 1.

2. Notwithstanding the provisions of section 273.8, subsection 1, designating a term of four years for members of a board of directors of an area education agency, the term of office for a seat on a board of directors filled by election in:

a. September 2015 shall expire November 30, 2019.

b. September 2017 shall expire November 30, 2021.

3. Notwithstanding the provisions of [section 274.7](#) designating a term of four years for members of a board of directors of a school district, the term of office for a seat on a board of directors filled at the regular school election held on:

a. September 8, 2015, shall expire ~~November 5, 2019~~ upon the board's organizational meeting held pursuant to section 279.1.

b. September 12, 2017, shall expire ~~November 2, 2021~~ upon the board's organizational meeting held pursuant to section 279.1.

DIVISION VII

ABSENTEE BALLOT COUNTING

Sec. 62. Section 49.128, subsection 3, Code 2019, is amended to read as follows:

3. The commissioner shall file a copy of ~~the~~ a certification or report under [this section](#) with the state commissioner.

Sec. 63. Section 49.128, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The commissioner shall place on file in the commissioner's office a report, and shall file a copy of the report with the state commissioner, regarding absentee ballot tracking and counting no later than December 1 following each general election. The report shall be in a form prescribed by the state commissioner.

Sec. 64. Section 53.17, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. The sealed return envelope may be mailed to the commissioner by the registered voter or by the voter's designee. If mailed by the voter's designee, the envelope must be mailed within seventy-two hours of retrieving it from the voter or within time to be postmarked or, if applicable, to have the ~~intelligent-mail~~ postal service barcode traced to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, whichever is earlier.

Sec. 65. Section 53.17, subsection 2, Code 2019, is amended to read as follows:

2. In order for the ballot to be counted, the return envelope must be received in the commissioner's office before the polls close on election day or be clearly postmarked by an officially authorized postal service or bear ~~an intelligent mail~~ a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, and received by the commissioner not later than noon on the Monday following the election.

Sec. 66. Section 53.17, subsection 4, paragraph f, Code 2019, is amended to read as follows:

f. A statement that the completed absentee ballot will be delivered to the commissioner's office within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier, or that the completed absentee ballot will be mailed to the commissioner within seventy-two hours of retrieving it from the voter or within time to be postmarked or, if applicable, to have the ~~intelligent-mail~~ postal service barcode traced to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, whichever is earlier.

Sec. 67. NEW SECTION. 53.17A Absentee ballot tracking.

1. For the purposes of this chapter:

a. "*Postal service barcode*" means a barcode purchased by the sender and supplied by the United States postal service that is used to sort and track letters and flat packages and is printed on an absentee ballot return envelope at the direction of the

commissioner before the envelope is sent to the voter.

b. "Tracking information database" means a database administered by the United States postal service that is accessible to the commissioner and contains information regarding letters or flat packages.

2. *a.* Prior to implementing for the first time, discontinuing the usage of, or reimplementing the usage of a postal service barcode and tracking information, the commissioner shall send notice to the state commissioner prior to October 1, 2020, for an election taking place in 2020 after that date, and by October 1 of each year thereafter.

b. The commissioner shall not implement or discontinue the use of a postal service barcode or tracking information database during an election after an absentee ballot has been mailed for that election pursuant to section 53.8.

c. The state commissioner shall adopt rules regarding the statewide implementation of a postal service barcode and tracking information database, including procedures to be followed when usage of a postal service barcode or the tracking information database is negatively impacted. Each commissioner shall use a postal service barcode and tracking information database consistent with rules of the state commissioner. Every commissioner shall send notice to the state commissioner and implement the use of a postal service barcode and tracking information database prior to October 1, 2020.

3. *a.* An absentee ballot received after the polls close on election day but prior to the official canvass shall be counted if the commissioner determines that the ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22. The date of entry of such an absentee ballot into the federal mail system shall only be verified as provided in paragraph "b".

b. (1) If the postmark indicates that the absentee ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22, the ballot shall be included for canvass by the absentee and special voters precinct board.

(2) If the postmark is illegible, missing, or dated on or after election day, the commissioner shall attempt to verify the ballot's date of entry into the federal mail system by

querying the postal service barcode in the tracking information database. If the tracking information database indicates that the absentee ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22, the ballot shall be included for canvass by the absentee and special voters precinct board. The commissioner shall provide a report to the absentee and special voters precinct board regarding the information available in the tracking information database.

(3) If there is a discrepancy between the date indicated by the postmark and the postal service barcode, the earlier of the two shall determine the date of entry of the absentee ballot into the federal mail system.

(4) (a) If neither the postmark nor the postal service barcode indicates that the absentee ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22, the absentee ballot shall be sent to the absentee and special voters precinct board pursuant to subparagraph division (b) with the numeric value assigned to the postal service barcode and a full report from the tracking information database.

(b) Up to five absentee and special voters precinct board members from each political party for partisan elections, or any two members of the board for nonpartisan elections, shall review the postal service barcode and tracking database information report of each absentee ballot submitted pursuant to subparagraph division (a) and certify that the tracking information database report corresponds to the absentee ballot by initialing the report and the absentee ballot envelope. If the board concludes that the postal service barcode and tracking information database report verify that the absentee ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22, the ballot shall be counted. Otherwise, the ballot shall not be counted.

Sec. 68. Section 53.22, subsection 6, paragraph b, Code 2019, is amended to read as follows:

b. Absentee ballots voted under [this subsection](#) shall be delivered to the commissioner no later than the time the polls are closed on election day. If the ballot is returned by mail the return envelope must be received by the time the polls

close, or be clearly postmarked by an officially authorized postal service or bear ~~an intelligent mail~~ a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, and received by the commissioner no later than the time established for the canvass by the board of supervisors for that election.

LINDA UPMEYER
Speaker of the House

CHARLES SCHNEIDER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 692, Eighty-eighth General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2019

KIM REYNOLDS
Governor