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An Election Manual
for
County Auditors
of Iowa

Institute of Public Affairs
The University of Iowa
Iowa City, Iowa
1976

This manual summarizes the laws and regulations relating to the duties of the county auditor, as well as the various forms and procedures of elections. It also includes information on the procedures and forms which are used in carrying out these duties. This manual is a companion volume to A Manual for County Auditors of Iowa.

AN ELECTION MANUAL
FOR
COUNTY AUDITORS
OF IOWA

The purpose of this manual is to provide the county auditor with the information necessary to carry out his duties. It is intended to be a guide for the county auditor in carrying out his duties. The manual is intended to be a guide for the county auditor in carrying out his duties.

The project was completed by the Institute of Public Affairs, The University of Iowa, under the general supervision of Harry Smith, Chief of Research and Development. The manual is a companion volume to A Manual for County Auditors of Iowa.

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Clayton E. Ritzenthaler, Director
Institute of Public Affairs
The University of Iowa

Low City
August, 1976

INSTITUTE OF PUBLIC AFFAIRS
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FOREWORD

This manual summarizes the Iowa legislation relating to the duties of the county auditor, in his or her role as county commissioner of elections. It also includes some of the procedures and forms which are used in carrying out these duties. This volume is a companion volume to A Manual for County Auditors of Iowa, published earlier.

As a procedural handbook, this manual will serve both current and newly-elected county auditors as a reference to the laws governing their actions as commissioners of elections, as a procedural guide, and as a source of information. This manual is published in loose-leaf form, in order to allow for periodic updating.

The preparation of this manual was chiefly the work of Marty Roesenstein and James Dominy, Research Assistants in the Institute of Public Affairs, The University of Iowa, under the general supervision of Harry Smith, Chief of Research in the Institute. Editorial assistance was provided by John Goeldner, Editorial Associate in the Institute.

Special mention must be made of the assistance given by Dorothy Elliot, former Auditor of Story County, in the preparation of this manual. Her assistance with respect to the various legislative changes occurring during the drafting of this manual is especially acknowledged. The assistance of the Office of the Secretary of State is also gratefully acknowledged.

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Iowa City
August, 1976

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Chapter 1

BASIC ELECTION DUTIES

Most of the auditor's election related responsibilities are performed in the capacity of commissioner of elections. (Sec. 47.2¹, as amended, Ch. 81, Sec. 43, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) The auditor's registration duties are accomplished in his or her role as commissioner of registration. (Sec. 48.1, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 45) For purposes of this manual, the auditor when acting in either capacity will be denoted as the "commissioner."

Each of the following chapters deals with a particular type of election duty. As the subjects do not lend themselves to any particular order, the chapters are arranged so that the general duties are discussed first, followed by the particular requirements of special elections. The commissioner's duties relating to campaign finance are discussed in the final chapter.

The State Commissioner of Elections, Registration Commission, Registrar

Many of the commissioner's duties are conducted in conjunction or cooperation with, under the supervision of, or at the direction of the state commissioner of elections, the state voter registration commission, and the state registrar of voters. The secretary of state acts as the state commissioner of elections. (Sec. 47.1, as amended by Ch. 81, Sec. 42, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 17, 66th Iowa General Assembly, 2nd Sess. (1976)) Formally, the state commissioner heads the division of elections within the office of the secretary of state. The state commissioner is authorized to appoint, and has appointed, a division head to manage the activities of this division. Most of the commissioner's communications with the state commissioner will be handled by the division head.

The voter registration commission and the registrar are responsible for the regulation of voter registration throughout the state. The voter registration commission is composed of the state commissioner of elections (or his or her designee) and the state chairpersons (or their designees) of the two political parties whose candidates for President or Governor received the greatest and next greatest numbers of votes in the most recent general election. The commission prescribes the forms required for voter registration and establishes procedures to be followed by the registrar. (H.F. 1011, Sec. 22)

¹Unless otherwise indicated, all references are to The Code of Iowa, 1975.

The senior administrator of data processing services in the office of the state comptroller is designated as the state registrar of voters. The registrar regulates the preparation, preservation, and maintenance of voter registration records, the preparation of precinct election registers for all elections, and the preparation of other data on registration and participation requested by a political party or any citizen of the state. (H.F. 1011, Sec. 22) The duties of the registrar will be treated in greater detail in subsequent sections.

Deputy County Commissioners of Elections and Registration

The commissioner may designate as a deputy commissioner of elections any officer of a political subdivision in the county who is required to accept nomination papers for a candidate for office in that political subdivision. The designated deputy commissioner will assist in the conduct of elections in that subdivision. The designation will continue in effect until it is withdrawn by the commissioner. (Sec. 47.2, as amended by Ch. 81, Sec. 43, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975); Iowa Administrative Code² 750-3.2(47))

The commissioner 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 offices in the county as deputy commissioner of registration. (Sec. 48.1, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 45)

Multi-County Elections: Commissioner in Charge

In an election involving political subdivisions of the state, e.g., Congressional and state legislative elections, the commissioner of elections of the county with the greatest taxable base within the political subdivision must conduct the election. The other county commissioners are required to cooperate with the county commissioner primarily responsible for conducting a multi-county election. (Sec. 47.2, as amended by Ch. 81, Sec. 43, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) The control commissioner must insure that he or she obtains the necessary registration lists and other information from all of the counties involved in the election.

Discretionary Election Dates: Required Consultation with Commissioner

The governing body of various political subdivisions in some instances can, at its discretion, call and set a date for an election. An example of such an election is a proposition authorizing the board of supervisors to build or add to a county facility. (Sec. 345.1) However, all special elections, except as otherwise required by law, must be held on Tuesday, and

²Hereafter cited IAC.

no special elections can be held on the first or second Tuesday immediately preceding or following a primary or general election. A special election may be held on the same day as a regularly scheduled election. (Sec. 39.2, as amended by Ch. 81, Sec. 2, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 1, 66th Iowa General Assembly, 2nd Sess., (1976))

The governing body of the involved political subdivision must inform the commissioner responsible for the election of the proposed date. If the proposed date coincides with the date of a regularly scheduled election, the notice must be given no later than five o'clock on the last day on which nomination papers may be filed for the regularly scheduled election. In all other cases, the notice must be given at least 30 days in advance of the proposed date. The commissioner must give prompt approval of the proposed date, unless that date conflicts with a regular election or another previously approved special election. (Sec. 47.6, added by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 44, and amended by H.F. 1011, Sec. 21)

Elections are in conflict only when one of the elections would require the use of precinct boundaries which would 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 election and all of the electors of the same precinct would be entitled to vote in the other election. (Sec. 47.6, as amended)

The responsible commissioner may allow a special election to be held on the same date as a regular election or another special election, even if the elections conflict, if he or she determines that to do so will cause no undue difficulties. (Sec. 39.2, as amended; Sec. 47.6, as amended)

When voting is to occur on the same day in any precinct for two or more elections, the elections shall be considered one for the purposes of administration, including, but not limited to, the publishing of the notice of election, the preparation of the precinct election register, and the completion of tally sheets after the polling place has closed. (Sec. 39.2, as amended)

Purchasing of Goods and Services by Competitive Bidding

The commissioner may purchase goods and services performed or provided by persons not employed by the commissioner. However, in the following instances the commissioner must take competitive bids in procuring such goods and services: (Sec. 47.5, as amended by H.F. 1011, Sec. 20, 66th Iowa General Assembly, 2nd Sess., (1976))

1. For the purchase of data processing services.
2. For the printing of ballots, where the cost of such printing will exceed \$5,000.

3. For all other goods and services, where the cost will exceed \$1,000.

No competitive bids are required for the purchase of legal services.

For the purchase of goods or services other than data processing services, the commissioner must publish notice to bidders, including specifications, in a newspaper of general circulation in the county not less than 15 days before the final date for submission of bids. The commissioner must also file a copy of the specifications in the office of the state commissioner for a period of not less than 20 days prior to such final submission date.

When competitive bidding is used, the purchase must be made from the lowest responsible bidder who meets the specifications of the goods or services needed. The commissioner may also reject all bids and readvertise. Various factors may be considered in selecting the lowest responsible bidder, including, but not limited to:

1. Past performance of the bidder relative to the quality of products or services.
2. Past experience of the purchaser in relation to products or services.
3. Relative quality of products or services.
4. Proposed terms of delivery.
5. Best interest of the county.

The procedure for purchasing data processing services is the same as that outlined above, except that a copy of the bid specifications must be filed with the registrar rather than the state commissioner, and the specifications for data processing contracts relative to voter registration records are specified by the registration commission. The commissioner must inform the registrar in writing at least 30 days prior to the publication of bid specifications each time it is proposed to have data processing services relating to the administration of elections provided by any person other than the registrar or an employee of the county. The registrar must inform the commissioner no later than the final date for submission of bids whether the state comptroller's office is currently capable of furnishing the needed services and, if so, the cost to the county for such services, as established in accordance with the standard charges for such services adopted by the registration commission. The commissioner may, with the approval of the board of supervisors, reject all bids and enter into an agreement with the registrar for the provision of the services.

If the commissioner recommends and the board of supervisors approves a contract with the lowest responsible bidder for the provision of such services, and the services could be provided at a lower cost through the registrar, the board must publish notice twice in a newspaper of general circulation in the county of its intent to accept such bid. The notice must also set out the difference in cost between the bid and the cost of purchasing the services through the registrar.

Each contract for data processing services for use in the administration of elections must be executed by the board of supervisors, but only after the contract has been reviewed and approved by the registration commission. Contracts for data processing services may not be for more than one year's duration. Any county purchasing data processing services from other than the registrar must provide the registrar, at county expense, original and updated voter registration lists in the form and at the times prescribed by rule promulgated by the registration commission.

Election or registration data or records remain the property of the commissioner, even though they are in the hands of a contractor. Contracts with private persons for services relating to the maintenance and use of voter registration data, properly entered into before May 14, 1976 (the effective date of H.F. 1011), may remain in force only until the most recently negotiated termination date of the contract. A new contract may be entered into with the same provider, but it must be made in accordance with the procedures for data processing contracts outlined above.

Certification of Election Expenses and the Election Expense Fund

The commissioner is required to certify to the board of supervisors a statement of costs for every election he or she conducts, whether it is ultimately paid for by the county or by a political subdivision thereof. Costs include printing of ballots, election registers, and declaration of eligibility statements, compensation for precinct election boards, canvass materials, and preparation and installation of voting machines. The costs do not include registration, clerical, or administrative costs. In addition, the county commissioner may not charge a rental fee for the use of voting machines by any subdivision of the state. (Sec. 47.3, as amended by H.F. 1011, Secs. 18, 19, 66th Iowa General Assembly, 2nd Sess., (1976))

Costs of registration and of elections paid for by the county are paid from an election expense fund created in the county treasurer's office by the board of supervisors. (Sec. 44.9(3))

Contested Elections

Contested elections are treated in Chapters 57-62 of the Code. The auditor is not involved with the contesting of general or special elections for the offices of governor and lieutenant governor, Iowa General Assembly offices, Congressional offices, and state and city offices. The auditor is, however, involved in contested county elections, which are treated in Chapter 62 of the Code. The provisions of these chapters apply to primary elections as well as general and special elections. (Sec. 43.5)

The grounds upon which an election may be contested are outlined in section 57.1 of the Code (as amended by H.F. 1011, Sec. 50, 66th Iowa General Assembly, 2nd Sess., (1976)) The auditor is responsible for receiving a contestant's filed statements indicating his or her intention to contest

a county election. (Secs. 62.5, .8) Additionally, the auditor, when not a party to a contest, receives the contestant's bond and approves the security supporting it.

The membership of the court for the trial of a contested county election consists of the chairman of the board of supervisors, as the presiding judge, and two other persons as associate judges, one named by the contestant, the other by the incumbent. (Sec. 62.1) It is the auditor's duty to receive the filed nominations for the positions of associate judges from the contestant and the incumbent. (Sec. 62.2)

The auditor also serves as the clerk of this court. The auditor's duties in this capacity include keeping all papers and recording the proceedings in the election book in a manner similar to the record of the proceedings of the district court. The auditor is displaced as clerk of this court when he or she is a party to the election contest being tried.

Although not described by the statute, contests of regional library trustee elections are governed by this procedure, and are conducted by the county responsible for the election. (Op. Atty. Gen., September 12, 1974)

Public measure elections may also be contested. In this case, the court consists of one person designated by the petitioners who are contesting the election, one person designated by the commissioner to represent the interests adverse to those of the petitioners, and a third person chosen jointly by the first two. The member chosen by the petitioners must be designated at the time the contest is filed. If the commissioner and the petitioner's designee cannot agree on the third member of the court, the chief judge of the judicial district in which the contest is filed must appoint the third member. (H.F. 1011, Sec. 57)

Removal from Office

Any appointive or elective officer, except the governor, judges of the supreme or district court, or state officer, holding any public office can be removed from office through judicial proceedings instituted pursuant to Chapter 66 of the Code.

A public official challenged with removal pursuant to Chapter 66 may be judicially ordered suspended from office until removal proceedings have been completed and temporarily replaced in the interim. Such judicial orders of suspension and temporary appointment pertaining to county and township offices are certified to the county auditor. The auditor must enter the certification in the election book.

Vacant Offices

Vacancies in public offices are regulated by numerous state constitutional provisions (Art. III, Sec. 12, Art. IV, Secs. .10, .17, .19, Art. XI, Sec. 6) and Chapter 69 of the Code. The county auditor has a number of important

duties under Chapter 69 independent of his or her capacity as commissioner in handling elections where vacancies occur.

Written resignation of an office will leave it vacant. (Secs. 69.2, .4) The auditor receives the written resignation of all county and township officers, excluding the auditor's office, which is received by the board of supervisors. The auditor must notify the board of supervisors upon receipt of the written resignation of other county and township officers. (Sec. 69.7) The auditor is required to notify the governor of a vacancy occurring by any other means except resignation and its cause in the office of senator or representative in the Iowa General Assembly residing in the county. (Sec. 69.5)

A vacancy in an elective office, depending on the office and when it was vacated relative to an election, will be filled either by appointment or election. Sections 69.8 (as amended by H.F. 1011, Sec. 57, 66th Iowa General Assembly, 2nd Sess., (1976)), 69.12 (as amended by Ch. 81, Sec. 122, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), and by H.F. 1011, Sec. 58), and 69.14 (as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 123) of the Code elaborate the circumstances dictating the filling of a vacancy by appointment or election. The auditor serves as the appointing authority, along with the clerk of district court and county recorder, for appointments to fill vacancies in the membership of the board of supervisors. The auditor may also serve as appointing authority at the board of supervisor's direction for a vacancy occurring in a township office. It also should be noted that any appointment made for a county or township office must be filed in writing with the auditor. (Sec. 69.10)

When a vacancy occurs in the office of the county clerk of court or treasurer, the auditor is required to take possession of the office room and the books, papers, and all things pertaining to that room. Possession is kept until the qualification of a successor to the vacated clerk or treasurer's office. (Sec. 69.3)

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Chapter 2

REGISTRATION

The county auditor, as county commissioner of registration, supervises the registration of all eligible electors within the county under the direction of the registration commission and the registrar. The commissioner's responsibilities and those of the various officials he or she supervises relative to registration are the subject of this chapter.¹

Who the Commissioner May Register

Any person who is an "eligible elector" (see Secs. 39.3(1), 47.4 for a definition) may register to vote with the commissioner or deputy commissioner of registration in the county of that person's residence. A person must be 18 years of age to be eligible to vote; however, any person not more than six months away from his or her eighteenth birthday may register to vote. (See Receipt of Registration section.)

Registration Period

Registration must close in any precinct where it is held at five o'clock p.m. ten days before an election. This time limit does not apply, however, to registrations by mail, which must be postmarked by the twenty-fifth day prior to an election to be valid for that election (see Registration by Mail section below). (Sec. 48.11, as amended by Ch. 81, Sec. 52, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 26, 66th Iowa General Assembly, 2nd Sess., (1976)) If the tenth day falls on a Saturday, the office of the commissioner must remain open to allow electors who wish to do so to register. (Op. Atty. Gen., Oct. 17, 1972) The commissioner's office must be open from eight o'clock a.m. until at least six o'clock p.m. on the day registration closes prior to each regularly scheduled election. (Sec. 48.11, as amended) During the time registration is closed in the elector's precinct an elector may register in the commissioner's office, but the registration is not effective until registration reopens.

Appointment of Deputy Commissioners, Deputies (not including Mobile Deputy Registrars) and Clerks

The commissioner may designate the city clerk of any city in the county,

¹Many of the voter registration forms were not available at the time this manual was published. The commissioner should contact the state registrar concerning the proper forms to be used.

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 to be responsible for voter registration, subject to the supervision of the commissioner. (Sec. 48.1, as amended by Ch. 81, Sec. 45, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) The commissioner may also appoint other deputies and clerks to assist in the registration of voters. As many deputies and clerks may be appointed by the commissioner as are necessary to fulfill the registration function. The deputies (other than city clerks and school board secretaries designated as deputy commissioners of registration) are limited to persons who hold membership in either of the two political parties receiving the highest vote at the last general election. These appointments are subject to the approval of the board of supervisors. The number of deputies and clerks appointed to work at the central registration office must be divided equally between the two political parties. (Sec. 48.4, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 48, and by H.F. 1011, Sec. 23, 66th Iowa General Assembly, 2nd Sess., (1976))

No deputy or clerk may commence his or her duties unless there has been subscription to an oath in the form provided by the state commissioner pursuant to section 48.17 of the Code. (See Form 2-1.)

FORM 2-1

OATH FOR OFFICER OR CLERK OF ELECTIONS

FORM 1-F (Rev.-75) OATH FOR OFFICER OR CLERK OF ELECTION

I, _____, do solemnly swear that I will impartially, and to the best of my knowledge and ability, perform the duties of _____, and will endeavor to prevent fraud, deceit and abuse in performing those duties.

SAMPLE

Signature of Officer or Clerk

Address

Officer Administering Oath

Date

All forms, blanks, and supplies required by the clerks and deputies in the performance of their registration duties must be provided by the commissioner. (Sec. 48.4, as amended)

Mobile Deputy Registrars; Permanent Board of
Mobile Deputy Registrars

The commissioner is required to appoint mobile deputy registrars to

assist in the registration of voters for general and primary city elections. They must be appointed not more than 180 days prior to any primary or general city election or any special election to fill a vacancy for a representative in the Congress or senator or representative in the Iowa General Assembly. Their term of office expires at five o'clock p.m. on the day registration closes prior to the general election or at the time they return their supplies to the commissioner, whichever occurs first. The commissioner's responsibilities with regard to mobile deputy registrars are contained in section 48.27 of the Code (as amended by Ch. 81, Secs. 55-57, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Secs. 28-30, 66th Iowa General Assembly, 2nd Sess., (1975)).

Specific guidelines regulate the appointment of mobile deputy registrars. These are: (Sec. 48.27(1), as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 55)

1. Temporary mobile deputy registrars can be selected only from lists of nominees submitted to the commissioner by the county chairpersons of the two political parties receiving the highest number of votes in that county at the last preceding election.
2. Each political party submitting a list may request not more than one person for each 1,100 residents or major fraction thereof in the county be appointed as mobile deputy registrars.
3. The commissioner must make the requested number of appointments from the lists submitted not more than 30 days from the day the lists were received. If persons are added to a list because others originally on it cannot serve or are disqualified, then the commissioner must appoint the additional persons within five days if the next election is to be held within 95 days.
4. The commissioner should note that the appointment of mobile deputy registrars from one party is not contingent upon the other party submitting a list of nominees, nor is the appointment of the full number of persons to which that party is entitled.
5. When a special election has been called to fill a Congressional or Iowa General Assembly vacancy, the commissioner must appoint the mobile deputy registrars within three days after submissions of nominees from the two political parties.

Section 48.27(2) establishes in each county a permanent board of mobile deputy registrars. Board members serve from a date not later than January 31 to December 31 of the same year. Their method of appointment is similar to that applicable to mobile deputy registrars, but the number of appointments is considerably smaller. The commissioner appoints them from lists submitted by the county chairperson of the two political parties receiving the highest vote in the last preceding general election. The commissioner appoints one person from each political party for each 10,000 residents or major fraction thereof in the county not later than January 31 of each year. The county's population, notwithstanding, the commissioner

must appoint at least two board members from each political party. If a county chairperson of a political party does not submit a list of nominees, the commissioner is required to appoint persons known to be members of that political party.

Mobile deputy registrars must meet the qualifications specified in section 48.27(3) of the Code. The commissioner should note that one of these requirements includes the completion of a training course conducted by the commissioner and an oath administered by this official. The proper oath to be administered by the commissioner must be in the form provided by the state commissioner as directed under section 48.17 of the Code. (See Form 2-1, page 9.)

Mobile Deputy Registrars: Various Duties, Required
Forms and Supplies, Termination

The primary duty of the mobile deputy registrars is to secure registration of eligible voters anywhere in the jurisdiction of the county commissioner. In pursuance of this duty, the following guidelines apply to mobile deputy registrars and the commissioner supervising them: (Sec. 48.27(4), as amended by Ch. 81, Secs. 56-57, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 29, 66th Iowa General Assembly, 2nd Sess., (1976))

1. The mobile deputy registrars register electors on registration forms provided by the commissioner. (See Registration Form section below.) The forms must be numbered and accounted for by the mobile deputy registrar to the commissioner and space must be provided on each form for the signature of the mobile deputy registrar. Also, the commissioner must provide the mobile deputy registrars with appropriate identity papers or badges with which they can identify themselves in the presence of registrants. The mobile deputy registrars must provide each registrant with a signed receipt stating that that person is duly registered. The receipt forms are supplied by the commissioner.
2. Mobile deputy registrars are required to return all completed registration records at least weekly to the commissioner. However, during the last ten days of registration, such records must be turned in at least every two working days. Additionally, all completed and unused material must be turned in by the mobile deputy registrars no later than six o'clock p.m. on the day registration closes for the election. The commissioner must make suitable arrangements for registration materials to be received from mobile deputy registrars until six o'clock p.m. on the day registration closes.
3. The mobile deputy registrars cannot be compensated from any source. It is also unlawful for any mobile deputy registrar to refuse to register any eligible elector. Mobile deputy registrars

cannot influence the elector in designating a party affiliation during the registration process.

Each mobile deputy registrar is responsible to the commissioner for registering electors in accordance with these restrictions. The commissioner may terminate the appointment of a mobile deputy registrar who is not properly registering electors. The commissioner must terminate the appointment upon written request of the county chairperson of the party from whose list of nominees the affected mobile deputy registrar was selected. The guidelines the commissioner must follow in such terminations are detailed in section 48.27(5) of the Code, (as amended by H.F. 1011, Sec. 30).

Registration Places

The commissioner is required to establish registration places throughout the county and in the county's cities. (Sec. 48.4, as amended by Ch. 81, Sec. 48, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 23, 66th Iowa General Assembly, 2nd Sess., (1976))

Registration by Mail

Any person entitled to register to vote may also register by mail. The registrant must submit a completed registration form, postage paid, by United States mail to the commissioner of the person's county of residence. Although the registration form is in postcard form, it may also be enclosed in an envelope. More than one registration form may be included in one envelope if all of the registrants are related to each other in the first degree of consanguinity or affinity and if all reside at the same address. Each registration form must be signed by the individual registrant. (Sec. 48.3, added by Ch. 81, Sec. 47, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and amended by H.F. 1010, Sec. 1, 66th Iowa General Assembly, (1976))

Registration by mail forms must be postmarked by the twenty-fifth day prior to an election to be effective for that election. The commissioner must send the registrant a receipt of registration within five working days of the receipt of the application. The receipt must be sent by first-class mail, marked "do not forward." If the receipt is returned to the commissioner by the postal service, the commissioner must cancel the registration, as provided in section 48.31(8) of the Code. An inappropriately addressed registration must be forwarded to the appropriate commissioner within two working days of receipt. (Sec. 48.3, as amended)

Registration Forms

The commissioner and his or her clerks and deputy registrars register electors on forms prepared by the commissioner, in the form prescribed by the voter registration commission. The registration form must require

certain information be provided on it and must be large enough to contain such information in legible writing. It must also be suitable for mailing. The following information must be provided for on the form: (Sec. 48.6, as amended by Ch. 81, Sec. 50, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1010, Sec. 2, 66th Iowa General Assembly, 2nd Sess., (1976))

1. Applicant's full name.
2. Applicant's residence, including 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 account for the exact location of the residence of the applicant. Post office box numbers cannot be used unless no other method of identifying the residences exist for the community.
3. Date of birth.
4. Sex.
5. Date of registration.
6. Ward, precinct, school district, and other such districts in which the registrant resides which are empowered to call special elections. The commissioner may request other information to assist in making this determination, but may not decline to register an applicant because the applicant is unable to supply any of the information requested in this section.
7. Name, if different than current name, and address given on applicant's last previous registration.
8. Party affiliation, although none need be stated if the applicant declines to make such a statement.
9. A statement in substantially the following form:

"I state 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 hereby authorize cancellation of any prior registration to vote in this or any other jurisdiction and my eligiblity to vote in any jurisdiction where voter registration is not required. I am aware that fraudulently registering, or attempting to do so, is a felony under Iowa law."
10. The social security number of the applicant, if available.
11. The registrant's signature.

At the time the registration is signed by the eligible elector it must also be signed by a mobile registrar, employee of the commissioner's office,

or another eligible elector. In addition, registration forms for use by mobile deputy registrars must contain a space for the signature of the mobile deputy registrar.

Receipt of Registration; Special Treatment for
Registrants under 18

Each registrant must be given a receipt of registration which indicates the date the registration becomes effective. If a person registers after registration closes for any election, the commissioner must maintain a record of that registration which indicates that the registration will not take effect until after the election for which the registration period is closed. (Sec. 48.12, as amended by Ch. 81, Sec. 53, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

An otherwise eligible elector may register in the six months preceding his or her eighteenth birthday. When a person under the age of eighteen registers, the commissioner must maintain a record of that registration which clearly indicates that it will not take effect until the registrant's eighteenth birthday, and that the registrant is qualified to vote in any election held on or after his or her eighteenth birthday. (Sec. 48.2, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 46)

The commissioner or his or her employee may visit each high school in the county during May of each year (but only during May) and offer to register persons who are within six months of their eighteenth birthday. (Sec. 48.1, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 45) (Op. Atty. Gen., September 30- 1975)

Registration Records: Location, Copies,
Public Inspection

The commissioner must maintain registration records of all qualified electors in the county in accordance with the rules promulgated by the registration commission. These records cannot be removed from the commissioner's office or other designated locations except upon court order. (Sec. 48.5, as amended by Ch. 81, Sec. 49, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 24, 66th Iowa General Assembly, 2nd Sess., (1976))

The commissioner must have the registration records open for public inspection at reasonable times. Lists of registered voters are no longer provided by the commissioner; they are now provided by the registrar. However, registration records are public records and as such are open to public inspection and copying. The commissioner must maintain a list of the names, addresses, telephone numbers, and social security numbers of all persons who copy these registration lists. Registration records may only be used to request a registrant's vote, or any other bona fide political purpose. (Sec. 48.5, as amended) However, the commissioner must provide the lists to be examined by any person, corporate or otherwise. He or

she cannot be held responsible for misuse of the information. (Op. Atty. Gen., January 28, 1974)

Challenges to Registration; Challenge Hearing

Any person may challenge a registration at any time by filing a written challenge with the commissioner of registration. The commissioner must then immediately give five days notice of a hearing by registered or certified mail to the challenger and the person challenged. If the challengee fails to appear, that person's name must be removed from the registration list. However, the commissioner may reschedule the meeting if the challengee notified the commissioner prior to the date set for the hearing that he or she is unable to appear.

The commissioner conducts the hearing. The commissioner must hear all evidence he or she determines has probative value to the hearing. At the hearing the challengee is required to sign an affidavit attesting to his or her qualification to vote, as provided in section 48.6 (as amended by Ch. 81, Sec. 50, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) The challengee may also be questioned about his or her voting residence and qualifications.

Upon completion of hearing the evidence and examining the challengee, the commissioner must decide whether or not the challengee's registration will be sustained. (Sec. 48.15 as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 54)

Notice of Change of Name or Address

The commissioner must provide forms for use by qualified electors in giving notice of a legal change of name, a change of address, or both. The form must request the following information: the elector's current name in full; the address of the exact location where he or she currently resides; the full name previously registered under, if a change of name has occurred; previous address, if a change of address has occurred; and the elector's signature.

If the commissioner receives a notice of change of name and/or address which does not contain the necessary information, the commissioner must immediately send notice to the elector, by forwardable mail, that his or her registration is defective. If an elector fails to notify the commissioner of a change in name and/or address before the close of registration for any election, the elector will not be qualified to vote in that election. The only exception is a change of name or a change of address which does not require that the elector's name be printed on a different election register for that election. The precinct election official must then have the elector complete a registration by mail form which will be returned to the commissioner. If the election was conducted for a political subdivision located in more than one county and the elector has listed a new address which is outside the commissioner's own

county, the commissioner must forward the form to the commissioner of the elector's county of residence.

The form and procedure applicable to the change of name and the change of address notice are comprehensively described in section 48.7 of the Code (as amended by Ch. 81, Sec. 51, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 25, 66th Iowa General Assembly, 2nd Sess., (1976))

Removal and Cancellation of Registration

The commissioner must cancel the registration of a qualified elector for seven reasons. (Sec. 48.31, as amended by Ch. 139, Sec. 34, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 32, 66th Iowa General Assembly, 2nd Sess., (1976)) Five of the seven reasons require due notice before cancellation. The cancellation notice must be sent to the registrant at that person's last known address as shown upon the registration records. The notice must be sent by first-class mail and bear the words "Please Forward."

The two instances where notice is not necessary involve cancellation due either to the registrant's death or removal to and reregistration in another county. The two reasons for cancellation not requiring notice involve the commissioner performing special procedures before removing the registrant's registration. The commissioner's special duties relative to these two reasons for cancellation are explained in the next two paragraphs.

It is the mandatory duty of the local deputy registrar of vital statistics to provide the commissioner monthly with a certified list of all persons over 18 who have died in the county. The commissioner, upon receipt of such a list must examine the registration list and remove the registration records of those listed as deceased.

When an elector registered to vote in one county moves to a new county and reregisters, the registration in the county of the former residence must be cancelled. If the registrar discovers that any elector is registered to vote at more than one residence location, he or she must inform the commissioners of the counties involved. The commissioners must then determine which registration is effective by following the procedure outlines in section 48.31(8) of the Code. (Sec. 48.29, as amended by Ch. 81, Sec. 58, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 31)

The five reasons other than death or removal to another county requiring notice before cancellation are the following:

1. The elector fails to vote once in the last four preceding consecutive calendar years.
2. The elector does not record a change of address.

3. When the clerk of district court sends notification pursuant to section 48.30 of the Code (as amended by Ch. 139, Sec. 33, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) of the elector's mental incompetence or retardation.

4. When the clerk of district courts sends notification to the commissioner pursuant to section 48.30 of the Code (as amended) of an elector's conviction of an infamous crime or felony.

5. When first-class mail, designated "not to be forwarded" was sent to the elector at the address shown on the registration records, and was returned by the postal service.

The clerk of district court is also required to send the commissioner notification of the restoration of citizenship of a person convicted of an infamous crime or felony and of a person formerly incompetent who has since been determined to be of good mental health. This status change does not, however, restore previous registration. The restored elector must still reregister. However, upon reviewing such notification the commissioner is required to notify the affected person that he or she may reregister. (Sec. 48.30, as amended)

Election Register

An election register is a copy of the list of all qualified electors of a precinct. The commissioner is required by law to prepare such a register for each precinct between the time of the closing of registration and election day. (Secs. 48.8, 49.28, as amended by Ch. 81, Sec. 66, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) The state registrar of voters regulates the preparation of election registers. (H.F. 1011, Sec. 22, 66th Iowa General Assembly, 2nd Sess., (1976))

If the name of a registered elector does not appear in the election register, the commissioner may authorize a correction to the election register by the judges of election at the precinct. A correction by the judges of election so made does not have to be in writing and may be transmitted by telephone. The commissioner must make a written record verifying every authorized correction. (Sec. 48.8)

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Chapter 3

PRECINCTS, POLLING PLACES, AND ELECTION BOARDS

Precinct

Election precincts generally are drawn up by the board of supervisors and city council (Sec. 49.3-.5) according to statutory guidelines. However, the commissioner does have some limited responsibilities in respect to precincting and reprecincting.

Change in Precinct Boundaries

Before any city can finally adopt a change in city precinct election boundaries for "the convenience of the voters" (Sec. 49.5) or consolidate in conjunction with the board of supervisors, townships, and city precincts (Sec. 49.6), the commissioner must be provided at least ten days notice to offer comments on either kind of proposed reprecincting. Additionally, any change in the boundaries of election precincts must be reported to the commissioner by the governing body responsible. The appropriate governing body must also provide the commissioner with a map delineating the new boundary lines of the precincts affected by the change.

Although the commissioner cannot ordinarily make precinct changes, he or she can, in certain instances, recommend the same to the board of supervisors for precincts drawn by the board, if that change will affect a substantial savings in election costs. This applies to precinct boundaries established by or pursuant to section 49.4 (as amended by H.F. 1011, Sec. 34, 66th Iowa General Assembly, 2nd Sess., (1976)) of the Code by the board and not changed by the board under section 49.8(1), since the most recent federal decennial census. (Sec. 49.8(5))

Precinct Consolidation or Division: Manipulation of Precincts In School Corporation Territory Outside City or County Limits

The commissioner may permanently consolidate or divide precincts established by the board of supervisors or city council for any unusual special election, except for a special election held pursuant to section 69.14 of the Code to fill a Congressional or state legislative vacancy. Consolidation or division also cannot be made for primary or general elections, except that the commissioner may consolidate precincts for any election if one of the precincts involved is a dormitory closed at the time the election is held. (Sec. 49.11(3)) The following specific rules govern commissioner consolidation or division of precincts in unusual special elections:

1. The commissioner can consolidate two or more precincts into one.

However, he or she cannot do so if an opposing petition signed by 25 or more eligible electors of any precinct affected is filed with him or her at least 20 days before the election. (Sec. 49.11(1))

2. The commissioner may also merge a specified portion of one precinct with one or more other established precincts or portions thereof in any special election where only those electors residing in that specified portion of the precinct are entitled to vote. In this kind of merger, an opposing petition is not allowed. (Sec. 49.11(1))

3. The commissioner may divide any precinct which contains all or any parts of two or more mutually exclusive political subdivisions, each of which is independently electing one or more officers on the same date. The commissioner can divide any such precinct into two or more temporary precincts and must then designate a polling place for each. (Sec. 49.11(2))

In school elections where the school corporation territory lies partly outside and partly inside the limits of a county, the commissioner responsible for the conduct of the election may divide the outside territory into additional election precincts or may attach various parts of it to contiguous precincts within his or her county, in accordance with section 49.3 of the Code. (Sec. 277.6 as amended)

Polling Places

Placement within Precinct

The commissioner is responsible for designating polling places within the county. (Sec. 49.21) With four exceptions, which are described in a following section, a polling place is required within the boundaries of each precinct.

Facilities and Building Requirements

The commissioner must keep in mind certain considerations when choosing a precinct polling place. The commissioner should select a central location for the polling place, if a building is available. However, first consideration must be given to the use of public buildings supported by taxation. Upon the application of the commissioner, the authority that has control of such a public building must make available the necessary space for the polling place without charge. The commissioner also is required to give consideration to buildings accessible to elderly and physically disabled persons. (Sec. 49.21)

One building may serve as a polling place for a number of precincts. However, no single room or area of any building or facility can be fixed as a polling place for more than one precinct, unless it has separate entrances, each clearly marked as the entrance to the polling place for a particular precinct. Also, suitable arrangements must be made within such

a room or area to prevent direct access from the polling place of any precinct to the polling place of another. (Sec. 49.10(3))

In precincts outside cities the polling place, if practicable, must be in a public school building. (Sec. 49.21, .24 as amended)

Four Exceptions to Placing Polling Places within a Precinct

The following four circumstances allow the commissioner to designate a polling place for a precinct outside of its boundaries: (Sec. 49.10(1-4))

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 may be fixed by the commissioner in the courthouse or in some other building within the limits of the city.
2. If the commissioner finds that there is no suitable or adequate polling place within a township constituting a voting precinct and that it is desirable and in the interest of the voters of that township that a voting place be designated for it outside its territorial limits, he or she can fix a convenient polling place for that precinct outside its boundaries.
3. The commissioner must fix a polling place outside the territorial limits of a township constituting a precinct if a petition properly prepared and filed so demands. The specific requirements governing such a petition are enumerated in section 49.10(2) of the Code.
4. The commissioner can fix a polling place for any city precinct outside the boundaries of that precinct if there is no building or facility within the precinct suitable and available for use as a polling place. The outside polling place designated must be fixed at the point nearest the precinct which is suitable, available, and reasonably accessible for use as a polling place to the voters of the precinct. This new polling place remains as the polling place for all subsequent elections, except elections for which the precinct is merged, until the boundaries of the precinct are changed or the commissioner fixes a new polling place. However, if a building or facility within the precinct becomes available not less than 60 days before the next succeeding election, the commissioner must take advantage of it.

Notice of Polling Place Change

The commissioner must give notice when a change is made from the usual polling place of a precinct or when the precinct polling place for any election is different from that used for the precinct at the last preceding election. This notice must be given by publication in a newspaper of general circulation in the precinct, not more than fifteen and not less than five days prior to the election date. Additionally, a notice of

the present polling place must be posted, not later than the hour at which the polls open, on each door of the usual or former polling place in the precinct and must remain there until the polls have closed. (Sec. 49.23)

Election Boards

The commissioner appoints the membership and supervises the activities of various election boards. The election officials comprising these boards make up a crucial part of the election administration.

Voting in most elections occurs on the precinct level. This voting is supervised by the precinct election officials, collectively known as the precinct election board. The board also engages in counting and certifying the vote cast in their precinct. The commissioner supervises and assists the various precinct election boards in their numerous statutory prescribed duties. The commissioner also controls, pursuant to statutory guidelines, the appointment of these boards.

Election Board Panel: Appointment, Terms, Political Party Requirement

The precinct election board is appointed for each election held in the precinct from a precinct election board panel. Not less than 20 days before each primary election, the commissioner must draw up for each precinct an election board panel from which members of the precinct election board will be appointed for each election held in the precinct during the ensuing two years. Each panel must include members of the two political parties whose candidate for President or governor, as the case may be, received the highest number of votes in the precinct in the last preceding general election. The names of political party members must be designated for the panel by the county chairperson of each party not less than 30 days prior to each primary election. If the respective county chairperson fails to designate a sufficient number of names, the commissioner may place on the panel names of persons known to him or her to be members of these political parties. The commissioner may also add names of persons, whether or not they are members of either political party, who have advised him or her they are willing to serve on the election board for elections in which no candidates appear on the ballot under the heading of either party. The commissioner may also add names of persons whom either the city council of a city of 3,500 or less population or a school board have indicated to the commissioner are willing to serve on the election boards without compensation for city or school district elections, respectively. In order for these persons to be included on the election board panel, their names must be communicated by the school board or city council at least 30 days before each primary election. (Sec. 49.13, .15 as amended)

Precinct Election Board: Appointments and Membership

The membership of each election precinct board for each election held in the precinct is appointed by the commissioner from the precinct election board panel. This must be done not less than 15 days before each election. Precinct election officials must be qualified electors

of the county in which the precinct lies, or of other political subdivisions within which precincts have been merged across county lines. Preference of appointment must be given to a resident of a precinct to serve on that precinct's election board. In a partisan election, the precinct election board may contain only members from the two largest political parties drawn from the election board panel, as described in the preceding subsection. When no candidates appear on the ballot under the heading of either of these parties, the commissioner may appoint to the board persons who are not members of either party. Regardless of whether the election is partisan or non-partisan, the commissioner should note that no more than a simple majority of the members of the board in any precinct can be members of the same political party or organization. If one or more qualified electors of another party are qualified and willing to be appointed to the board in a partisan election, the commissioner must give preference for appointment to the persons designated by the respective county political party chairperson for placement on the election board panel in the order that they were so designated. However, the commissioner can, for good cause, decline to appoint the person designated by the county chairperson if the chairperson is notified and allowed two working days to find a replacement. The commissioner is required to appoint one member of each election board as the chairperson. (Sec. 49.13 as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 60)

The commissioner may give preference for election board membership to persons who are willing to serve without pay at any election conducted for any city of 3,500 population or less or for any school district. (Sec. 49.16(4) as amended by Acts 1975 (66 GA) Ch. 81, Sec. 62)

Number of Election Board Members

Ordinarily, an election board consists of five precinct election officials. However, the board will consist of only three members in precincts using only one voting machine and in precincts voting by paper ballot, where no more than 100 votes were cast in the last preceding similar election. If a double counting board is not appointed for precincts using paper ballots and having only three precinct election officials, a fourth precinct election official must be appointed to serve beginning at eight o'clock p.m. More than five election board officials may compose a board in precincts using more than two voting machines. One additional precinct election official may be appointed by the commissioner for each additional machine. (Sec. 49.12 as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 59)

Exclusion of Candidate's Relatives from Precinct Election Board Membership

The commissioner should note that ordinarily no person within the third degree of affinity or consanguinity of a candidate to be voted in a precinct may be appointed to that precinct's election board for that election. This prohibition does not apply in the case of candidate or

relative of a candidate seeking an office or nomination which no opposing candidate is seeking. (Sec. 49.16(1))

Merged Precinct Election Boards

The commissioner has some discretion in appointing election boards for precincts merged for a particular election. The commissioner may appoint the election board for a merged precinct from any of the election board panels of any of the precincts merged. In a divided precinct, the commissioner must, so far as possible, appoint the election board from the election board panel of the divided permanent precinct. (Sec. 49.16(2))

Precinct Election Board Vacancies

Vacancies occurring in an election board must be filled. The commissioner may either fill it or allow the members of the election board present to do so with the commissioner's approval. In either case, the political party affiliation of anyone appointed must be considered in light of the prohibition against the board containing more than a simple majority from a political party or organization for a partisan election. (Sec. 49.18)

Precinct Election Board Compensation

Ordinarily, the members of the precinct election board must be compensated two dollars per hour each while engaged in the discharge of their duties and must also be reimbursed for actual and necessary travel expenses. However, compensation is not forthcoming to individuals willing to serve without it at elections conducted for any city of less than 3,500 population or school district. Additionally, the commissioner may appoint unpaid election officials for any city election, even if the city has a population of more than 3,500, if there is no contest for any office on the ballot and no public question is being submitted to the voters at that election. (Sec. 49.19 as amended by H.F. 1011, Sec. 35, 66th Iowa General Assembly, 2nd Sess., (1976); Sec. 49.20)

Special Counting Boards for Paper Ballots

The board of supervisors may authorize the commissioner to appoint for each primary and general election five additional election officials, known as the election counting board, for any precincts voting by paper ballot. It should be noted that a special counting board may only be appointed for a primary and general election; it is not applicable, for example, to community school director elections or any special election. (Sec. 51.15) These additional officials cannot be added to precincts using voting machines. The additional precinct officials are known collectively as the election counting board. The original precinct election board is known as the receiving board. In combination, they are called the double election boards. The duties of the double boards are described in section 51.7 of the Code. The members of the precinct election counting board must be appointed by the commissioner from the

election board panel drawn up as described in the previous subsection. The political party affiliation requirement for members of election boards appointed to serve for partisan elections, as described in the preceding subsection, applies additionally to the membership of the election counting boards.

The precinct election officials of the receiving board, where a double board has been established, becomes generally responsible for supervising the precinct ballot casting and performing all the functions, except as to counting the vote which is the responsibility of the additional counting board. Both boards are responsible for certifying all matters pertaining to counting and canvassing all votes to the board of supervisors. Chapter 51, particularly sections 51.7, .9, .11 (as amended by Acts 1975 (66 GA) Ch. 81, Sec. 90), .13, .17, deals with various miscellaneous responsibilities of double board officials and should be consulted by the commissioner in the course of supervising these boards.

Ordinarily, the counting boards proceed to the polling places at one o'clock p.m. However, the commissioner may direct them to the polls at any earlier hour after nine o'clock a.m. Additionally, the commissioner must provide the precinct election officials of a double board with such ballot boxes and other election supplies as may be required to be furnished in duplicate. Also, the commissioner must provide a suitable place for the counting board to perform its counting functions.

Special Precinct Counting Board

The absentee ballots forwarded to qualified electors are returned to the commissioner before the closing of the polls. The commissioner, in turn, must deliver during the election day the marked absentee ballots to the county's special precinct counting board which counts the absentee ballots. The board's powers and duties are the same as those provided in Chapter 50 of the Code for precinct election officials in regular polling places, except that the special precinct election board counts all the absentee ballots for all precincts in the county.

There is only one such board existing at any one time in a county and it is created for a special precinct within the county. This board also counts all the absentee ballots when two or more political subdivisions within the county hold separate elections simultaneously.

The commissioner appoints the special precinct counting board for an election in the same way he or she appoints the other precinct election boards. (Secs. 49.12, .13 as amended by Acts 1975 (66 GA), Ch. 81, Secs. 59, 60) However, the membership is not necessarily limited to the five members of the typical precinct election board. The number of precinct election officials on the special precinct election board must be sufficient to complete the counting of absentee ballots by the statutorily prescribed time limit of ten o'clock p.m. Consequently, the membership of the absentee counting board may exceed five persons, the exact amount of that excess being dependent upon the number of absentee ballots cast in the county. The commissioner also determines the convening time for

the board, allowing them a reasonable amount of time to complete the counting of the absentee ballots prior to the ten o'clock p.m. limit.

The commissioner may direct the board to meet on the day prior to the election for the purpose of reviewing the absentee voters' affidavits appearing on the sealed ballot envelopes. However, the board cannot count ballots on such an occasion.

It should be noted that the special precinct counting board can count the absentee ballots by voting machine. The procedure for this process is prescribed in section 53.24 of the Code. Other duties of the special precinct counting board and the various rules bearing upon them are set out in sections 53.24-.32, and section 52.23 (as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 120)

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Chapter 4

BALLOTS, BALLOTING, AND OTHER RESPONSIBILITIES REGARDING THE CONDUCT OF ELECTIONS

Voting by Machine, Electronic Voting System, or Paper Ballot

Voting in Iowa may be by machine, approved electronic voting system, or paper ballot. (Secs. 49.29, 52.1, as amended by Ch. 81, Sec. 91, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) The decision of which method will be used in a precinct is ordinarily made by the board of supervisors. (Sec. 52.2, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 92) However, there are three instances where the commissioner can or must exercise discretion in determining whether voting by machine or electronic voting system, or by paper ballot is appropriate for a precinct.

First, the commissioner is obligated to determine in advance of each election conducted for a city of 3,500 or less in population or for a school district whether or not in the precincts affected voting will be by machine, electronic voting system, or paper ballot. If the commissioner concludes that voting in a forthcoming election probably will be so light as to make preparation and use of paper ballots less expensive than the preparation and use of voting machines or an electronic voting system, the paper ballots must be used. (Sec. 46.26, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 65)

In addition, the commissioner may elect not to use voting machines, even though they are available, for any election held for a city, even if the population of the city is over 3,500, if there is no contest for any office on the ballot and no public question is being submitted to the voters at that election. (Sec. 49.19, as amended by H.F. 1011, Sec. 35, 66th Iowa General Assembly, 2nd Sess. (1976))

Second, the commissioner may have to use paper ballots in precincts where some of the electors may not vote for all the candidates or public measures on the ballot. (See Sec. 49.27 and subsection below dealing with this subject.)

Third, the commissioner may also except the township ticket and/or candidates for district court judgeships from machine or electronic voting systems voting when the names of candidates of the respective candidate's classes cannot fit on the voting machine or on the electronic voting system devices. (Sec. 49.30)

Paper Ballots and Balloting

The commissioner is responsible for preparing and printing paper ballots for elections held within his or her jurisdictions. The primary election section of the Nomination Chapter describes ballot requirements peculiar to the primary ballots. However, where not inconsistent, this section applies to primary election ballots.

Public Measures

If paper ballots are used, separate paper ballots are required for public questions. A question of a constitutional convention, an amendment, or a public measure (including a bond issue), may not be printed on the same ballot that lists candidates for office. (Sec. 49.43 as amended by Ch. 81, Sec. 71, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) Separate ballot boxes are not required for these public measure ballots. (Op. Atty. Gen., 1902, p. 93) Separate ballot boxes and separate ballots are required, however, in precincts voting by paper ballot for those candidates and questions which only part of the precinct's electorate may vote on.

All public measures must be printed on the public measure ballot on paper of some color other than white. At the top of the ballot must be printed a notice as to how the ballot must be marked, as prescribed by sections 49.46 and 49.47 of the Code. A facsimile of the general form of ballot required is provided in section 49.45 of the Code.

When a proposed constitutional amendment or other public measure to be decided by voters of the entire state is to be voted on, the state commissioner is required to prepare a written summary of the amendment or measure. The commissioner is responsible for printing this summary on the paper ballot immediately preceding the text of the proposed amendment or public measure. (Sec. 49.44)

Public Offices Form

Ballots for candidates for office follow a form different from that for public measure paper ballots. The commissioner must print them on plain white paper through which the printing cannot be read. The names of candidates must be printed in capital letters, not less than 1/8 nor more than 1/4 of an inch in height. A square, the sides of which cannot be less than 1/4 of an inch in length, must be printed at the beginning of each line in which the name of the candidate is printed. On the outside of the ballot, placed so as to appear when the ballot is folded, must be printed the words "Official Ballot," a designation of the ballot rotation (if any), the date of the election, and a facsimile of the commissioner's signature. (Sec. 49.57(1)-(4), 49.57(5), as amended by Ch. 81, Sec. 74, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), and by H.F. 1011, Sec. 39, 66th Iowa General Assembly, 2nd Sess. (1976))

Usually the names of all candidates to be voted for in each election precinct must be printed on the same paper ballot. However, the candidates

in a judicial election must be placed on a separate ballot. The commissioner must also prepare separate ballots for candidates or questions which may not be legally voted on by all the qualified electors of the precinct. (Sec. 49.27) (In this instance, the commissioner must also furnish a separate ballot box in which only those ballots can be deposited.) Even where either of these two kinds of separate ballots are used, both of them may be used in the same voting booth.

Placement and Arrangement of Candidates

The names of candidates on the paper ballot are rotated from precinct to precinct. This rotation and other rules applying to the specific placement and arrangement of the list of candidates of the several parties or organizations for the various offices on the paper ballot are comprehensively described and governed by sections 49.31-.42 of the Code (as amended by Acts 1975, (66 GA), Ch. 81, sections 67-70). Section 49.42 of the Code (as amended by Acts 1975, (66 GA), Ch. 81, Sec. 70) provides an example of the form the paper ballot should substantially follow.

Printing and Possession Time Limits

Ballots must be printed and in the possession of the commissioner in time to enable him or her to furnish ballots to absentee voters. (See Absentee Ballots Chapter.) That means the commissioner must have the ballots 40 days before the general election. Once the ballots have been printed, they are subject to the inspection of candidates and their agents. If mistakes are discovered, the commissioner must correct them without delay. (Sec. 49.63)

Delivery of Ballots

Like all necessary election supplies, the paper ballots must be delivered by the commissioner to the precincts where they are to be used by the precinct election officials not less than one hour before the opening of the polls on the morning of the election. (Sec. 49.55)

The number of ballots the commissioner must deliver to the precinct depends upon the kind of election and the number of votes cast in that precinct in the last preceding election of that kind. In presidential general elections, the commissioner must deliver 75 ballots for every 50 votes or fraction thereof cast in the precinct in the last preceding presidential election. In other general elections, the commissioner must deliver 75 ballots for every 50 votes or fraction thereof cast at the preceding general election of this kind. (Sec. 49.64)

The ballots the commissioner delivers to each precinct must be wrapped and sealed into packages. Each package must be clearly marked on the outside to indicate the number of ballots it contains, the name or number of the precinct, and the location of the polling place for which it is intended. The commissioner delivers the ballot package to the precinct election officials together with the other necessary election supplies not less than an hour before the opening of the polls. One of the

election officials must sign a receipt for the ballots. The commissioner must preserve the receipt. Additionally, the commissioner must keep a record of the number of ballots delivered to each polling place, the person who signed the receipt for them, and on the same form recording the ballots returned from the precinct. (Secs. 49.65, 50.10)

Required Reserve Supply

The commissioner is required to provide and maintain at his or her office a reserve supply of ballots. When the precinct election officials require more ballots, they are provided from this supply by the commissioner. The commissioner should note that the ballots may only be given out upon a written application, signed by a majority of the election officials of the precinct, or signed or sworn to by one of them. (Sec. 49.66)

The reserve ballot supply cannot exceed a statutory prescribed limit. (See Sec. 49.67.) For general elections the reserve supply can equal only the number of ballots provided for the precinct casting the largest vote at the preceding general election.

The form of the reserve supply ballots is also governed statutorily. The reserve supply of ballots must include only the portions of the various tickets to be voted for throughout the entire county. The ballots must include blank spaces in which the names of candidates omitted may be written by the voter, and blank spaces in the endorsement upon their backs in which the name of the precinct must be written by the precinct election officials. (Sec. 49.67)

Judicial Elections

At least 55 days before each judicial election the state commissioner is required to certify to the county commissioner a list of the judges to be voted on in the county. The commissioner places the names on the ballot in the order in which they appear in the certificate, unless only one county is voting on it. If only one county is voting on it then the commissioner may rotate the names on the ballot in the ordinary manner.

The names of all judges to be voted on must be placed upon one ballot. The ballot must follow substantially the form prescribed by section 46.21 of the Code. The judicial paper ballot can be voted on in the same voting booth and deposited in the same box as the general election ballot. (Sec. 46.22) In precincts using voting machines paper ballots may be used where it is impossible to place the names of all the judicial candidates on the machine ballot. (Sec. 49.30)

Voting Booths

Paper ballots must be marked in a voting booth and then deposited in a ballot box. The commissioner must furnish each precinct using paper ballots with the necessary boxes and insure that they are suitably equipped with locks and keys. The commissioner is also obligated to insure that

the number, arrangement, and construction of paper ballot voting booths at the polling place in each precinct are in accord with section 49.25 of the Code (as amended by Ch. 81, Sec. 74, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Secs. 22 and 23, 66th Iowa General Assembly, 2nd Sess. (1976))

Precinct Election Officials' Duties

The precinct election officials have numerous responsibilities with respect to voting by paper ballots. These duties are comprehensively described in sections 49.74-.105 of the Code (as amended by Acts 1975 (66 GA), Secs. 77-82 and by H.F. 1011, Secs. 41-44). The commissioner is required to conduct a training course for these election officials involving paper ballots and other election responsibilities. The course is based on a training manual prepared and furnished by the state commissioner. (See section on Training Election Officials.)

Voting Machines and the Commissioner's Responsibilities

Voting machines may be used in any election, except where specifically prohibited by law. As pointed out in the introductory portion of this section, ordinarily the board of supervisors determines where and when voting machines will be used. However, 49.26 of the Code (see also Secs. 49.19 and .25, as amended by Ch. 81, Sec. 74, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Secs. 22, 23, 66th Iowa General Assembly, 2nd Sess., (1976)) enables the commissioner to use paper ballots in city and school elections even when the board makes voting machines available for the affected precincts. Voting machines, particularly when a large number of votes are cast, are more desirable than paper ballots when there is a large voter turnout. These machines can perform in one operation tasks requiring many steps when paper ballots are used. With the voting machine votes may be cast, registered, recorded, and counted, all separate functions when paper ballots are used and especially difficult and time consuming to handle when a large number of votes are involved.

The commissioner has many duties relative to conducting elections by voting machine. Some are the same as those for paper balloting. Others are completely different from and independent of paper balloting.

Maintenance, Testing, and Examination

The commissioner is responsible for safeguarding, keeping in good working order, and repairing those voting machines made available by and adopted for any precinct by the board of supervisors. The commissioner is given custody of the furniture and equipment of this polling place when the voting machine is not in use. (Sec. 52.9 as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 99)

The commissioner or his or her authorized agent is required to test and examine the voting machines prior to an election. The machine must

be tested after it has been prepared for the election and not less than 12 hours before the opening of the polls. The county chairpersons of each political party must receive prior written notification of voting machine testing and examination from the commissioner so that they may be present or have a representative present. Those present for the examination and testing must sign a certificate prepared by the commissioner which should read substantially in the form prescribed by section 52.9 of the Code (as amended).

Ballot Preparation and Printing, Public Measures, Arrangement, and Placement of Candidates' Names

The commissioner is responsible for preparing and printing the machine ballot. (Sec. 52.10) It should be remembered that the cost of the machine ballots and all other voting machine printed supplies cannot exceed an amount determined by the director of the department of general services or the director's designee. Voting machine ballots follow different form criteria than do paper ballots.

All voting machine ballots must be printed in black ink on clear, white material. The type must be as plain and clear as the machine space will allow. The party name for each political party represented on the machine must be prefixed to the list of candidates of such party. The names of the candidates on the machine ballot are rotated from precinct to precinct. This rotation and other rules applying to the specific placement and arrangement of the list of candidates of the several parties or organizations on the machine ballot, like the paper ballot, are comprehensively described and governed by sections 49.30 to 49.43 of the Code (as amended by Ch. 81, Secs. 68-70, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) except that these lists may be arranged in horizontal rows or vertical columns. (Sec. 52.10)

The question of a constitutional convention, constitutional amendment, or public measure, including a bond issue, may be voted on the voting machine. (Sec. 52.25 as amended by Acts 1975 (66 GA), Ch. 81, Sec. 102) It should be noted that if voting machines are used during a public office election in a precinct, the commissioner still may opt to use a separate paper ballot for public measures. The entire text of the convention question, amendment, or public measure must be printed and displayed prominently within the voting precinct and on the left-hand side inside the curtain of each voting machine.

The commissioner is responsible for formulating a summarized version of the question if it is to be voted on exclusively by the county or any of its political subdivisions. The summary must be printed in the largest type possible on the inserts used in the voting machines. A question of a constitutional convention, constitutional amendment, or measure to be voted by the electors of the entire state will be summarized by the state commissioner, and a question to be voted on by electors in more than one county will be summarized by the commissioner responsible for the conduct of the election. (See sections 49.44, 52.25, as amended) This summary is placed on the insert used in the voting machine.

Cost of Printed Supplies, Delivery of Ballots and Supplies, Sample Ballots

The commissioner is required to deliver the voting machine ballots and other necessary supplies to the election board members of each precinct not less than an hour before the opening of the polls on the morning of the election. Two sets of ballots must be provided for each polling place for use in the voting machine. (Secs. 52.14, .15, 49.55)

The commissioner must provide two sample ballots for each precinct polling place. These ballots must be arranged in the form of a diagram showing the entire front of the voting machine as it will appear after the official ballots are arranged for voting on election day. The sample ballots must be open to public inspection at the polling place during the day of the election. (Sec. 52.13)

Plain View Requirement, Other Placement Requirements

The precinct election officials must make sure the exterior of the voting machine is in plain view of the election officials. The machine must be placed at least three feet from every wall and partition of the polling place, and at least four feet from the clerk's table. (Sec. 52.17)

Independent Ballots (Write-ins)

Ballots may be cast on the voting machine for any person whose name does not appear on the machine as a nominated candidate for office. These ballots are commonly known as "write-ins" or, as characterized by the Code, "independent ballots." (Sec. 52.16) Ordinarily, no independent ballot may be voted for any person running for any office whose name appears on the machine as a nominated candidate for that office. There is one exception to this prohibition. The voter may cast an independent ballot for an already nominated presidential elector. Additionally, when two or more persons are to be elected to the same office and the machine requires that all independent ballots voted for that office be deposited in a single receptacle or device, an elector may vote for one or more persons whose names do not appear upon the machine with or without the names of one or more persons whose names do so appear.

Administration in Precincts Where Some Electors May Not Vote for All Candidates or Questions

The commissioner must follow certain procedures in precincts where some electors may not vote for all candidates or questions on the ballot. (Sec. 49.27) The commissioner cannot place those candidates or questions on the machine ballot which cannot be voted upon by the precinct's entire electorate 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 machine is not equipped with such a locking device, the commissioner may place the candidates or questions for which not all the precincts' voters may vote for on one or more, but not all, of the voting machines in the precinct. The commissioner for any such precinct in which neither of the above procedures is feasible must prepare separate paper ballots for the candidates or question which not all the precinct's electors can vote upon and furnish a separate ballot box for them.

Judicial Elections

The list of candidates in a judicial election may be placed on the voting machine, but it must be put in the space provided for public measures. (Sec. 46.22) (See Judicial Elections page 29)

Bottom Row Requirement

In preparing the general election ballot for a voting machine, the commissioner is required to lock and leave blank the party row next underneath the names of the Republican and Democratic candidates. This requirement is not applicable when more than five political parties have nominated candidates for the general election. (Sec. 52.11)

Precinct Election Officials

The precinct election board officials under the commissioner's general supervision have many voting machine responsibilities. Sections 52.16-.23, 52.18, (as amended by Ch. 81, Sec. 100, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975); 52.22, as amended by Ch. 81, Sec. 101) comprehensively enumerate them. The commissioner is required to conduct a training course for these election personnel involving voting machine and other election responsibilities. The course is based on a training manual prepared and furnished by the state commissioner. (See section below on Training Election Officials.)

Electronic Voting Systems

An electronic voting system utilizes either ballot cards marked by a voting punch device or special paper ballots marked by a special vote marker. These ballots are then counted on electronic tabulating equipment. The specific requirements of an electronic voting system are specified in section 52.26 of the Code (as amended by Ch. 81, Sec. 103, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)). A discussion of electronic voting systems may be found in Roy G. Saltman, Effective Use of Computing Technology in Vote-Tallying (March 1975), available from the Clearinghouse on Election Administration, Office of Federal Elections, General Accounting Office, Washington, D.C., 20548.

All elections may be conducted by use of an electronic voting system, unless specifically prohibited by law. As with voting machines, the

county board of supervisors must authorize the use of electronic voting systems. However, before any electronic voting system may be used in any subdivision of the state, that system must be approved for use by the state board of examiners for voting machines and electronic voting systems. The system need not be adopted for the entire county, as voting machines and electronic voting systems may be used concurrently in different precincts within the same county, but not within the same precinct. The state commissioner must formulate rules governing the use of electronic voting systems before a system is adopted for use in any county in the state.

The commissioner provides for the use of an electronic voting system as soon as possible after the system is authorized. As with voting machines, the commissioner must provide the necessary supplies, and shall have custody of the equipment when it is not in use. All provisions of Chapter 49 of the Code concerning the use of voting machines and the necessary number to be provided apply also to electronic voting systems. (Sec. 52.27, added by Acts 1975 (66 GA), Ch. 81, Sec. 104)

Many of the requirements for the use of voting machines also apply to electronic voting systems. The following sections list the requirements specific to electronic voting systems. They are contained in sections 52.26-.37 of the Code (added by Acts 1975 (66 GA), Ch. 81, Secs. 103-114)

Ballot Forms and Sample Ballots

The commissioner is responsible for the arrangement of candidates' names and public questions on the ballots. The information must be arranged as required in Chapters 43 and 49 of the Code, to the extent that the characteristics of the voting system in use allows. The state commissioner may adopt rules governing the uniformity of arrangement among counties using electronic voting systems. Section 52.28 (Acts 1975 (66 GA), Ch. 81, Sec. 105) provides general requirements for the arrangement of ballot cards.

The commissioner must supply at least four sample ballots to each precinct using electronic voting systems. The sample ballots are to be in the form of a diagram showing the ballot as it will appear to the voters. These must be prominently posted and open for public inspection on election day. (Sec. 52.29, Acts 1975 (66 GA), Ch. 81, Sec. 106)

Casting of Ballots

The procedure for casting ballots differs depending on whether ballot cards or special paper ballots are used. The procedure for ballot cards is listed in section 52.30 and for special paper ballots in section 52.31 of the Code. (Ch. 81, Secs. 107, 108)

Closing of the Polls

The precinct election officials must follow a different procedure for closing the polls in any precinct using an electronic voting system. They

are outlined in section 52.32 of the Code (Acts 1975 (66 GA), Ch. 81, Sec. 109) and apply in lieu of sections 50.1-.12 of the Code. These provisions, however, do not affect the time the polls close.

Absentee Voting by Electronic Voting Systems

The commissioner may elect to conduct absentee voting by use of an electronic voting system if the board of supervisors has approved the use of such a system in the county. If the county has not adopted an electronic voting system, the commissioner may conduct absentee voting by use of the system if the board of supervisors so approves. The voting must be conducted under the applicable provisions of Chapter 53 of the Code. The special precinct counting board prepares the ballots for delivery to the counting center. (Sec. 52.33, Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 110)

Counting Center

Before authorizing and ordering an electronic voting system, the board of supervisors, with the advice of the commissioner, must decide whether to establish a counting center on its own, or to enter into an arrangement with some other county to tabulate votes. This arrangement may be revised or reviewed at any time. The commissioner of the county in which a counting center is established or that commissioner's designee, is responsible for the counting center at all times, regardless of the origin of the ballots. (Sec. 52.34, Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 111)

All proceedings of the counting center are under the direction of the commissioner and are open to the public. At least one member of each of the two major political parties must be present during any proceedings. These persons are designated by the county chairperson or, if the chairperson fails to make a designation, the commissioner. (Sec. 52.36, Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 113)

Counting Center Procedures

The commissioner must test the counting center equipment within five days prior to an election. The county chairpersons of the two major political parties must be notified in writing of the time of the test, so that they may have a representative present. A notice of the time of the test must also be included in the published election notice.

The test is conducted by processing a pre-audited group of test ballots. After testing the equipment and making any necessary corrections, the commissioner must sign a statement approving the automatic tabulating equipment. This statement is then forwarded to the state commissioner.

This test procedure must be conducted again immediately before tabulation of ballots begins, and immediately after the ballots have been counted. All test ballots and programs must be sealed. They are preserved

and destroyed in the same manner as the ballots cast in the election. (Sec. 52.35, Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 112)

Ballot Tabulation Procedure

The sealed ballot containers must be delivered to the counting center by two precinct officials, not members of the same political party. The commissioner in charge of the counting center, or that commissioner's designee, shall enter into a record kept for that purpose that the container was received and the condition of the seal.

If any ballots are found to be defective, a true duplicate may be made, in the presence of witnesses, and substituted for the damaged ballot. All duplicate ballots must be labeled as such, and must contain a serial number which is also placed on the defective ballot. Alternatively, the ballot may be counted manually by at least two employees of the commissioner.

The record of the results printed by the automatic tabulation equipment, along with the record of any write-in or manually counted votes, constitutes the official return of the precinct. The results must be announced and reported in the same manner as all other elections. (Sec. 50.11 of the Code)

The commissioner may direct that all or part of the ballots be counted manually, if for some reason counting by automatic tabulation devices becomes impracticable. (Sec. 52.37, Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 114)

Other Election Responsibilities of the Commissioner Respective of the Method of Balloting Used

The commissioner has a number of election responsibilities relating to the conduct of elections independent of the method of balloting, that is, despite whether paper ballots or voting machines are used.

Opening and Closing the Polls

The commissioner is responsible for seeing that the polls are opened and closed at the proper statutorily prescribed time. Seven o'clock a.m., or as soon thereafter as vacancies on the precinct election board have been filled, is the ordinary time for opening the polls. However, the commissioner may direct that the polls be opened at twelve o'clock noon for any school district election, any election conducted for a city of 3,500 or less population, or any election conducted for a city of more than 3,500 population if there is no contest for any office on the ballot and no public question is being submitted to the voters, if such shortening of hours is justified by the voter turnout for recent similar elections and other factors considered likely to affect voter turnout. (Sec. 49.73, as amended by Ch. 81, Sec. 76, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 40, 66th Iowa General Assembly, 2nd

Sess. (1976)) The polls for these types of elections may not be opened at this later time when a properly prepared and filed petition opposing the move is received by the commissioner at least 25 days prior to the election. The commissioner should note that all polling places where candidates or any public question submitted by any one political subdivision are being voted upon must be opened at the same hour. This requirement does not apply, however, to merged areas established under Chapter 280A of the Code. The hours that the respective polling places are open cannot be changed after publication of the notice of election. Polling places are closed at nine o'clock p.m. for state primary and general elections and other partisan elections, and at eight o'clock p.m. for all other elections. (Sec. 49.73, as amended)

Election Notice

For each election, the commissioner must publish a notice of election containing a facsimile of the portion of the ballot containing the first rotation prescribed by section 49.31 of the Code (as amended by Acts 1975 (66 GA), Ch. 81, Sec. 67). The sample ballot must show the names of all candidates or nominees and the office each is seeking, and all public questions to be voted upon. At the discretion of the commissioner, the published sample ballot may be reduced in size relative to the actual ballot, but such reduction must not cause the upper case letters in candidates' names or in summaries of public measures to be less than 5/36 of an inch. The notice must also state the date of the election, the hours the polls will be open, the location of each polling place, and the names of the precincts voting at each polling place. The notice need not, however, repeat any fact which is apparent from the published ballot accompanying the notice. The notice must be published not less than four nor more than twenty days prior to an election, except where otherwise prescribed by law. (Sec. 49.53, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 73, and by H.F. 1011, Sec. 38)

The commissioner is also responsible for publishing the notice and sample ballot for regular, primary, and run-off city elections. The requirements are the same as provided above, except that the notice must be published not less than four days before the election. (Sec. 376.5) And it must be published in a newspaper with general circulation in the city, or, in cities with no newspaper, be posted in at least three public places permanently designated by ordinance. (Sec. 362.3)

Voting Instructions

The state commissioner and attorney general pursuant to section 49.68 of the Code prepare written voting instructions. Copies are sent to each county commissioner. It is the commissioner's responsibility to cause these instructions to be printed up in large, clear type under the heading of "Card of Instructions." The commissioner provides the precinct officials with a sufficient number of cards as will enable them to post the cards about the polling place along with sample ballots as provided by sections 49.70-.71 of the Code. (See Voting Machine section, inclusive subsection dealing with voting machine sample ballots.)

Supplying the Precinct Election Officials with Necessary Materials, Precinct Election Register

The commissioner is obligated to make sure that all the materials necessary for the conduct of the election are in his or her possession and are correct. The commissioner must also prepare and furnish to each precinct an election register, and all other books, blanks, materials, and supplies necessary to carry out elections conducted therein. The commissioner must furnish to the precinct election official the necessary election supplies, including paper ballots for precincts where they are to be used, not less than one hour before the opening of the polls on the morning of the election. Voter registration records must be kept so that the election register for each precinct contains only the names of those eligible to vote. When a precinct lies in more than one political subdivision or district from which any officer is elected, the precinct election register must clearly indicate who are the eligible electors of each political subdivision or district in which the precinct lies. The precinct election register does not need to indicate the eligible electors of school director districts.

Voter's Declaration of Eligibility

Before voting, every elector must sign a voter's declaration of eligibility, provided by the precinct election officials and prepared by the commissioner in substantially the form prescribed by Section 49.77 of the Code (as amended by Ch. 81, Sec. 77, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 41, 66th Iowa General Assembly, 2nd Sess., (1976)) (See Form 4-1, page 39.) Completion of this form is a prerequisite to the right to vote. (Op. Atty. Gen., September 4, 1970)

Error in the Election Register

Ordinarily a person whose name does not appear on the precinct election register will not be allowed to vote. (Sec. 49.77, as amended) Voter insistence to the precinct election officials that he or she is a qualified elector should be communicated to the commissioner. The commissioner should investigate to determine whether or not that assertion is true. If the person is a qualified elector in that precinct, and an error has been made, the commissioner must inform the precinct election officials that an error has been made and that the person is a qualified elector of that precinct. If no error is discovered, the elector may cast a ballot as a challenged elector (see next section). (Sec. 49.77, as amended)

Challenged Voting

Any person seeking to cast a ballot may be challenged as unqualified by any precinct election official or by any other elector. (Sec. 49.79, as amended by Ch. 81, Sec. 78, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) The election officials may take additional information, under oath, to aid in establishing eligibility to vote. (Sec. 49.80,

VOTER'S DECLARATION OF ELIGIBILITY

VOTER'S DECLARATION OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the _____ precinct, _____ ward or township, city of _____, county of _____, Iowa.

I am a qualified elector. I have not voted and will not vote in any other precinct in said election.

(For primary election only:) I am affiliated with the _____ party.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

Signature of Voter

Address

Approved: _____
Board Member

SAMPLE

as amended by Acts 1975 (66 GA), Ch. 81, Sec. 79) If the challenge is withdrawn, the elector may cast his or her ballot in the usual manner. If the challenge is upheld, the voter must be allowed to cast his or her vote on a paper ballot.

In some precincts, such as those using voting machines, a voting booth for the marking of such paper ballots may not be available. In such cases, the precinct election officials must insure that alternative arrangements have been made to insure that the challenged elector has an opportunity to mark his or her ballot in secret. (Sec. 49.81, as amended by Ch. 67, Sec. 63, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), Acts 1975 (66 GA), Ch. 81, Sec. 63 and by H.F. 1011, Secs. 42, 43, 66th Iowa General Assembly, 2nd Sess., (1976))

The elector must mark the paper ballot, fold it, and deliver it to a precinct election official. The official must immediately seal the ballot in a special envelope, upon which is printed a statement in the form required by section 49.81 of the Code (as amended by H.F. 1011, Sec. 43). (See Form 4-2, page 40.) This envelope must then be placed in another envelope marked "ballots for special precinct," as the ballot is considered to have been cast in the special precinct.

Any person casting a ballot as a challenged elector must be given a printed statement in substantially the same form as that prescribed in

FORM 4-2

CHALLENGED ELECTOR'S BALLOT

"Challenged Elector's Ballot

I believe I am a qualified elector of this precinct. I registered to vote in this county on or about _____ at _____ . I have not moved to a different precinct since that time without recording the new address with the commissioner. I am a United States citizen, at least eighteen years of age.

(signature of elector)

(address of elector)

(signature of precinct election official)

(date)

Reason for challenge:

_____ ."

SAMPLE

FORM 4-3

CHALLENGED ELECTORS

FORM 1-G CHALLENGED ELECTORS

SAMPLE

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.

section 49.81 of the Code (as amended). (See Form 4-3.) Any elector may submit evidence concerning any challenged ballot to the precinct election officials until the close of the polls on election day. These items must be returned to the commissioner with the election supplies. The commissioner

must supply to each precinct a list of all applicants whose registration receipts were returned by the postal service. Any person whose name appears on this list, even if his name also appears on the election register, will be allowed to vote only as a challenged elector. (Sec. 49.80 as amended)

The commissioner must compile a list of the number of challenged ballots and make this list available for public inspection as soon as possible after the election, but no later than nine o'clock a.m. the second day following the election. This list, and the envelopes bearing the challenged ballots, may be examined by any elector during normal office hours until the reconvening of the special precinct election board. The commissioner must reconvene the special precinct election board no later than noon on the third day following the election, if the election is required to be canvassed on the Monday following the election, or by noon the day following the election, if otherwise. However, if no challenged ballots were cast in the county, the board need not be reconvened. The commissioner may elect to reconvene only part of the board, if the number of challenged votes cast does not require the use of the entire board, subject to the provisions of section 49.12, .13 of the Code (as amended by Acts 1975 (66 GA), Ch. 81, Secs. 59, 60). The Code does not prohibit the use of the commissioner's employees as members of the special election precinct board, when the number of ballots handled is small and the use of such employees, in the commissioner's opinion, will not be controversial.

If the ballot is rejected by the special precinct election board, the commissioner must notify the person casting the vote of the reason for rejection within ten days. An example of a form used for this is shown in Form 4-4, page 42. (Sec. 53.25) The envelopes containing rejected challenged ballots must be preserved unopened and disposed of in the same manner as spoiled ballots. The commissioner must make public the number of challenged ballots rejected and not counted at the time of the canvass of the election. (Sec. 50.22, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 87, and by H.F. 1011, Sec. 46)

Training Election Officials

The commissioner is obligated by statute to conduct a training course for election personnel not less than three days before each primary and general election or any other election the commissioner administers. The course is based on a periodically updated training manual prepared by the state commissioner. The personnel attending must include all precinct election officials and any other persons who will be employed in or around the polling places on election day. At least two precinct election officials who will serve on each precinct election board at the forthcoming election must attend the training course. If the entire board does not attend, those members who do attend must so far as possible be persons who have not previously attended a similar training course. The course cannot exceed two hours in length. The election personnel attending the course may be compensated pursuant to section 49.125 of the Code (as amended by Ch. 81, Sec. 83, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

NOTICE TO VOTER OF REJECTION OF CHALLENGED BALLOT

FORM 1-D (Rev.-75) NOTICE TO VOTER OF REJECTION OF CHALLENGED BALLOT

TO: _____

SAMPLE

You are hereby notified that your absentee ballot cast at the
_____ election held on _____, 19____,
has been rejected for the following reasons: _____

Signature of Member of Absentee Ballot and
Special Voters Precinct Election Board

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Chapter 5

ABSENTEE BALLOTS

Iowa's absentee ballot statute, Chapter 53 of the Code, is formally separated into two divisions. The first division regulates generally absentee balloting, though it is particularly concerned with civilian (public) absentee balloting. Division I is covered in sections 53.1-.36 of the Code. The provisions of Division I apply to a limited extent to absentee voting by qualified electors in the armed forces. However, Division II, sections 53.37-.52 of the Code, regulates generally absentee balloting by armed forces personnel and other related persons. Serviceman's absentees is the shorthand term for absentee voting under Division II. The first part of this chapter will deal with the first division of the absentee voting law and the second part will cover the second division.

Civilian Absentee - Division I

Qualifications to Vote Absentee

Any qualified (that is, registered) elector may vote as a civilian absentee at any election when that person either expects to be absent on election day during the time the polls are open in the elector's precinct or when through illness or physical disability the elector expects to be prevented from going to the polls and voting on election day. (Sec. 53.1, as amended by Ch. 81, Sec. 115, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), Sec. 53.2)

Application

In order to vote by absentee ballot the elector must make a written and signed application requesting an absentee ballot from the commissioner, in the manner prescribed by section 53.2 of the Code. The application may be made by mail or at the commissioner's office. The commissioner has the sole responsibility for administering the application and balloting process for absentee ballots.

Any qualified elector may, on any day except election day and not more than 70 days prior to the date of election, make a mailed written application to the commissioner for an absentee ballot. (Sec. 53.2) The elector may also apply in person at the commissioner's office not more than 40 days before the date of the general or primary election, or in the case of all other elections, as soon as the ballots are printed. When such in-person application is made the commissioner must deliver to the applicant an absentee ballot, which the elector must immediately mark in the commissioner's office and return to the commissioner. (Sec. 53.11, as amended by H.F. 1011, Sec. 48, 66th Iowa General Assembly, 2nd Sess., (1976)) However, this procedure does not apply in the case of school elections. (Op. Atty. Gen., July 21, 1972) The commissioner may also allow eligible electors to cast an

in-person absentee ballot at some designated place in each city in the county with a population of over 5,000 which is not the county seat. (Sec. 53.11, as amended)

The elector's application must contain certain statutorily prescribed information in order to receive an absentee ballot. It must include the elector's name, signature, address at which he or she is qualified to vote, the name or date of the election for which the absentee ballot is sought, and any other information as may be necessary to determine the correct absentee ballot for the applicant. If the applicant's information is insufficient, the commissioner must, by the best means available, obtain the additional information necessary.

Delivery of Ballot

On receipt of an application, and immediately after the absentee ballots are printed, the commissioner must mail an absentee ballot to the applicant within 24 hours, except when the request is received from an institutionally infirmed person (see below). (Sec. 53.8, as amended by Ch. 81, Sec. 116, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), and by H.F. 1011, Sec. 47, 66th Iowa General Assembly, 2nd Sess., (1976)) The ballot must be enclosed in an unsealed envelope bearing on its face the words "County Commissioner of Elections," and the commissioner's office address. On the reverse side of the envelope must be printed an affidavit form prescribed by the state commissioner of elections, pursuant to section 53.13 of the Code. (See Form 5-1, page 45.) The unsealed envelope must also contain somewhere on its outside a serial number. This same serial number must be affixed on the application of the elector receiving the ballot contained in the unsealed envelope. The absentee ballot and unsealed envelope must be enclosed in a carrier envelope bearing the same serial number as the unsealed envelope and the application. The absentee ballot, unsealed envelope, and carrier envelope must then be enclosed in a third envelope to be sent to the applicant.

Personal Delivery of Absentee Ballot

If the application is received so late that it is unlikely that the absentee ballot can be returned in time to be counted on election day, the commissioner must enclose with the absentee ballot a statement to that effect. (Sec. 53.8, as amended) The statement must also point out that it is possible for the applicant to personally deliver his or her completed ballot to the commissioner's office before the closing of the polls on election day. Ballots received after the close of the polls cannot be counted. (Sec. 53.8, as amended)

Special Delivery of Ballots to the Institutionally Infirmed

Special arrangements for the delivery of ballots to qualified electors who are residents or patients in a licensed health care facility in the county and who have requested an absentee ballot are provided in section 53.22 of the Code (as amended by Ch. 81, Sec. 119, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), and by H.F. 1011, Sec. 49, 66th Iowa General Assembly, 2nd Sess., (1976)). Any applicant so situated must have

his or her ballot delivered during the ten calendar days preceding the election by two special precinct election officers, one from each of the two political parties referred to in section 49.13 of the Code (as amended by Acts 1975 (66 GA), Ch. 81, Sec. 60). These officers are appointed by the commissioner from the election board panel for the special precinct, specified in section 53.22 of the Code (as amended by Acts 1976 (66 GA), Ch. 81, Sec. 120), and receive compensation as provided in section 49.20 of the Code.

FORM 5-1

ABSENT OR DISABLED VOTER'S AFFIDAVIT

FORM 3-B (Rev.-75) ABSENT OR DISABLED VOTER'S AFFIDAVIT

STATE OF IOWA)
COUNTY OF _____)SS

I do solemnly swear or affirm that I am a resident of the _____ precinct, _____ ward or township, city of _____, county of _____, Iowa.

I am a qualified elector. I have not voted and will not vote in any other precinct in said election.

(For primary election only:) I am affiliated with the _____ party.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

Signature of Voter

Address

Subscribed and sworn to before me this _____ day of _____, 19_____, and I hereby certify that the affiant in my presence, and in such manner that I could not see his vote, marked such ballot, enclosed and sealed the same in this envelope.

SAMPLE

Signature

Notary Public or Official Title

A qualified elector may apply for a ballot under this method up to 70 days prior to an election. However, if the request is received more than 10 days prior to the date of the election, the commissioner must mail to the applicant within 24 hours a letter in substantially the following form: (Sec. 53.8, as amended)

"Your application for an absentee ballot for the election to be held on _____ has been received. This ballot will be personally delivered to you by a bi-partisan team sometime during the ten days preceding the election. If you will not be at the address from which your application was sent during any or all of the ten day period immediately preceding the election, contact this office and arrangements will be made to have your absentee ballot delivered at a time when you will be present at that address."

If the applicant notifies the commissioner that he or she will not be available at the health care facility or hospital address at any time during the ten day period immediately prior to the election, but will be available there at an earlier time, the commissioner must direct the two special precinct officers to deliver the applicant's ballot at an appropriate time prior to the ten day period. (Sec. 53.22, as amended)

If a request for an absentee ballot gives as the voter's residence a licensed health care facility, but requests that the ballot be sent to an address outside the county, the commissioner must mail the absentee ballot, as provided in section 53.8 of the Code (as amended). (IAC, 750-10.1 (1)) If it is requested that the ballot be sent to an address within the county boundaries, the commission must have the ballot delivered, as provided in section 53.22 of the Code (as amended). If the person requesting the absentee ballot has been dismissed from the health care facility, the special precinct election officers may take the ballot to the elector, if he or she is still residing in the county.

Any person who becomes a patient or resident in a licensed health care facility within three days of an election may apply for an absentee ballot during that period or on election day. The request may be made directly to the officers delivering the ballot, or made by telephone to the commissioner no later than four hours before the close of the polls.

Upon presentation of the absentee ballot, the elector must complete and sign an absent or disabled voters affidavit (Form 5-1, page 45). The special precinct election officers may assist the confined elector in filling out the ballot if the elector is blind, is unable to read the English language, or is unable to complete the ballot because of any physical disability other than intoxication. (Sec. 49.90, as amended by Acts 1975 (66 GA), Ch. 81, Sec. 81, and by H.F. 1011, Sec. 44) The completed ballot must be either notarized or stamped with a special stamp, and then deposited in a sealed container. This container must be returned to the commissioner at the end of each day. The officers must travel together in the same vehicle and both must be present when an elector cast his or her ballot.

To facilitate the delivery of these ballots, the state commissioner of elections must at least annually provide the county commissioner with a list of licensed health care facilities in the commissioner's county. The list must include the address of each facility. (Act 1975, 66th Iowa General Assembly, Ch. 81, Sec. 124)

It should be noted that the Code provides no specific form for applications for absentee ballots. An application for an absentee ballot need not state

that the application is for a delivered absentee ballot, as described in this section. Therefore, the commissioner must check each application to determine the proper procedure he or she must follow.

Marking Ballot, Ballot Affidavit, Ballot Return

The applicant's marking the ballot, subscription to its accompanying affidavit, and the voter's ballot return, are dealt with in sections 53.15-.16, 53.17 (as amended by Ch. 81, Sec. 117, Acts 1975 66th Iowa General Assembly, 1st Sess., (1975))

Commissioner's Receipt of Cast Absentee Ballot

Upon receipt of a cast absentee ballot, the commissioner must at once record the serial number appearing on the ballot envelope and application, the time of receipt of the ballot, and the balloter's name (if the same applies and votes at the commissioner's office). The commissioner must then enclose the cast absentee ballot in a large carrier envelope on which the following words must be printed: "This envelope contains a cast absent voter's ballot for the election." This envelope must then be securely sealed.

Absentee Ballot List

The commissioner must 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 or delivered to the qualified elector requesting it. (Sec. 53.19)

Election Board's Absentee Ballot List, Surrender of Unmarked Ballot

The commissioner also has to provide each election board with a list of all qualified electors from that precinct who have received an absentee ballot. (Sec. 53.19) This must be done not less than one hour before the polls open. From the list, the precinct election officials must immediately designate on the election register those qualified electors who have received an absentee ballot. Ordinarily, any person so designated cannot vote in-person at the polls. (The next section notes exceptions to this rule.)

Allowing Applicants for Absentee Ballot to Vote at Polls

Any elector who has received an absentee ballot and not voted on it, may surrender the unmarked ballot to the precinct election official and vote in-person at the polls. The precinct official marks the uncast ballot "void" and returns it to the commissioner. (Sec. 53.19) Any qualified elector who has been sent an absentee ballot by mail but for any reason has not received it may present himself or herself at his or her precinct polling place on the election day to sign an affidavit to that effect, after which that person will be permitted to vote in-person. The form of the affidavit for use in such cases is prescribed by the state commissioner. (See Form 5-2, page 48.) (Sec. 53.19)

FORM 5-2

AFFIDAVIT FOR VOTER WHO DID NOT RECEIVE
ABSENT VOTER'S BALLOT UPON APPLICATION

FORM 3-C (Rev.-75) AFFIDAVIT FOR VOTER WHO DID NOT RECEIVE
ABSENT VOTER'S BALLOT UPON APPLICATION

I, the undersigned, do solemnly swear that I have not received the absent voter's ballot for the _____ election on _____, 19____, for which I applied to the county commissioner of elections, and that I am therefore eligible to vote in person at my precinct voting place.

I understand that if the absent voter's ballot for which I applied is later delivered to me, the ballot and all other accompanying materials must be returned to the county commissioner of elections. (Sec. 53.35, 1975 Code of Iowa.)

SAMPLE

Signature of Voter

Address

Approved:

Election Board Member

Serviceman's Absentee - Division II

It should be noted that the law described in the preceding subsection "Public Absentees" applies equally to serviceman's absentee balloting, except as modified by the following subsections of this part of the chapter.

Persons Qualified to Vote Serviceman's Absentee

Division II of Chapter 53 of the Code regulates "Serviceman's Absentees." This term is somewhat of a misnomer, for Division II not only covers absentee voting by members of the United States Army, Navy, Marine Corps, Coast Guard, and Air Force, but also the following classes of civilians: (1) Spouses and dependents of members of the armed services on active duty. (2) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents residing with or accompanying them. (3) Members of the Merchant Marine of the United States and their spouses and dependents. (4) Civilian employees of the United States in all categories serving outside the United States territorial limits and the District of Columbia and their spouses and dependents residing with or accompanying them. (5) Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents. For the purposes of Chapter 53, Division II, and this section of the manual, the aforementioned five classes of persons are defined as being included

in term, "armed forces of the United States." (Sec. 53.37, .49) Any of the above persons need not be a qualified (registered) elector in order to vote by serviceman's absentee. Subscription of the affidavit accompanying a requested ballot constitutes registration for electors voting by this method. (See Form 5-2, page 48.) (Sec. 53.38 as amended by Ch. 81, Sec. 121, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) Upon receiving such an affidavit, the commissioner must enter the person's name on the permanent registration records.

Application

A request for a serviceman's absentee must be in writing to the commissioner of the county of the requestee's residence. (Sec. 53.40) The request 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 primary or general election at which the requested ballot will be cast. The request must state which election it is made for, either general or primary. In the case of a general election, but not for a primary, such a request may be made for and on behalf of the armed forces elector by certain of his or her relations residing in the county of the voter's residence. Those relations include the voter's spouse, parent, parent-in-law, adult brother, adult sister, or adult child. Such a request can be made no more than 70 days before the general election. Additionally, any request made on the behalf of an armed forces voter must be made on forms prescribed by the state commissioner of elections.

A request for an absentee ballot must show the voter's residence (including street address, if any), age, length of residence in the city, town or township, county, and state, and must designate the address to which the ballot is to be sent. In the case of a primary election, the request must designate the voter's party affiliation. A request for a primary election which does not state party affiliation is void and of no effect. A request which does not show that the requestee will be a qualified elector on election day in the precinct in which that person would ordinarily vote is also void. A request which states the voter's age, city and town, including street address if any, or township and county is sufficient to show qualification to vote. Often a serviceman's request will be erroneously directed to an elective state, city, town, or county official. Such misdirected request is nonetheless valid. These officials are required to forward it to the commissioner of the county of the voter's residence. The commissioner must treat the request as if it was made directly to him or her.

Individual's Multiple Requests for Absentee

In the event more than one request for a particular election is made to the commissioner by or on behalf of a voter, the request first received must be honored; latter requests are considered void. However, if one of the requests is made by the voter him or herself and a request on his or her behalf has not been previously honored, the request made by the voter has preference over that made on his or her behalf. (Sec. 53.41)

Transmission, Printing, Receipt of Serviceman's Absentee Ballots

The commissioner immediately on the fortieth day prior to the particular election transmits the afore requested ballots to the voters either by mail (postage prepaid) or in any other way directed by the state commissioner, pursuant to section 53.46 of the Code. (Sec. 53.40) Requests following this period must be honored with an immediately transmitted ballot as they are received. (Sec. 53.40) Not more than one ballot can be transmitted by the commissioner to any voter for a particular election. It should be noted that section 53.39 requires the serviceman's ballots to be printed prior to 40 days before the election it reflects. Serviceman's absentee ballots must be received by the commissioner before the closing of the polls to be counted. In the event the commissioner receives more than one returned ballot from or purporting to be from a voter all of such ballots so received are void. These ballots must not be delivered to the special precinct. They must be retained in the commissioner's office and preserved for six months and then destroyed if no contest is pending. (Sec. 50.12-.15, 53.41)

Personal Delivery

It should be noted that any person eligible to receive a serviceman's absentee ballot may personally appear in the commissioner's office of the county of his or her residence and there vote an absent voter's ballot. This can be done at any time not earlier than 40 days before the election. (Sec. 53.42)

Record of Ballot Requests

The commissioner must establish and maintain a record of all requests for serviceman's ballots which are made, and of all ballots transmitted, and the manner of transmittal from and received in the commissioner's office.

State Commissioner and Serviceman's Absentee Ballots

The state commissioner, in large part, guides the commissioner's activities relative to serviceman's absentee balloting. Section 53.46 authorizes the state commissioner to perform numerous tasks affecting the commissioner's administration of serviceman's absentee voting, including: (1) making rules and regulations for the purpose of carrying out serviceman's absentee balloting; (2) prescribing and directing, when felt necessary, the preparation of specially printed ballots, envelopes, and other papers of different size and weight to be used in connection with serviceman's absentee voting; (3) prescribing forms which the state commissioner feels are necessary to facilitate carrying out this method of voting; (4) arranging special transportation of ballots in cooperation with the U.S. government. In pursuit of this end, the state commissioner is empowered to direct the commissioners to send ballots to voters in the armed forces other than in the usual course of the mail. (Sec. 53.46)

Since the state commissioner has such broad administrative responsibilities in respect to serviceman's absentee ballots, all affecting the county

commissioner duties in this area, it is advisable that the commissioner communicate frequently with the state commissioner regarding the commissioner's directives relating to armed forces absentee voting.

Absentee Ballot Form, Canvass By Special Precinct Counting Board

The absentee ballot is a paper ballot. Therefore, the placement of candidates names and public questions, and its general form are governed by the principles described in the chapter of this manual dealing with paper ballots.

On election day the commissioner transmits all absentee ballots received to the special precinct counting board. (See section referring to this board in Chapter 3.) This board canvasses the ballot in the same manner as any precinct election board or double counting board.

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Chapter 6

NOMINATIONS AND PRIMARY ELECTIONS

The commissioner has various duties with regard to the conduct of primary elections and the nomination of candidates. The procedures for party nominations, the conduct of primary elections, non-party nominations, and nominations by petition, are outlined below.

Party Nominations

Precinct Caucuses

Delegates to the county convention are selected at precinct caucuses. The county chairperson must file with the commissioner the meeting place of each precinct caucus at least seven days prior to the date of the caucus (as set by the state central committee). The chairperson and the secretary chosen at each precinct caucus must certify to the commissioner and to the county central committee the names of those elected as party committeepersons and delegates to the county convention. (Sec. 43.4 as amended by Ch. 81, Sec. 6, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

Only those persons who are eligible electors, or will be eligible electors at the next general election, and are residents of that precinct, may vote at a precinct caucus. An individual must be at least 18 years of age at the time the caucus or convention is held to be allowed to vote. (Op. Atty. Gen., March 28, 1973) A list of names and addresses of all persons allowed to vote at the precinct caucus must be prepared and certified with the commissioner by the caucus chairperson and secretary at the same time as the list of chairpersons and delegates elected. (Sec. 43.91)

County Convention

The number of delegates to the county convention from each precinct is determined by a ratio adopted by the party's county central committee. A statement designating the number of delegates from each precinct must be filed with the commissioner by the county central committee not later than the time the list of precinct caucus meeting places is filed (at least seven days prior to the date of the caucus). If such a statement is not filed, the commissioner must fix the number of delegates from each precinct. (Sec. 43.90, as amended by H.F. 1011, Sec. 10, 66th Iowa General Assembly, 2nd Sess., (1976))

A copy of the constitution and by-laws, and any amendments, adopted by the county central committee must be filed with the commissioner and

with the state commissioner of elections. (Sec. 43.100 as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 31)

District Convention

A political party may hold a congressional district convention. If such a convention is called, and the delegates to the district convention have not been selected from any county in that district, the commissioner of that county must deliver a copy of the call to the convention responsible for selecting them. (Sec. 43.103)

Primary Election Nomination Papers

Nomination Paper Requirements

Nomination papers of candidates for an elective county office must be filed with the commissioner. The commissioner must provide forms, at county expense, to be used for filing nomination papers. (Sec. 43.9) These are to be in the form specified by section 43.14 of the Code. However, other blanks may be used if they are in substantially the same form. (Sec. 43.10) (See Form 6-1, page 54.)

The requirements for signatures on nomination papers are outlined in sections 43.14-.15, 43.16 (as amended by Ch. 81, Sec. 9, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) and 43.20 of the Code. An affidavit of an eligible elector must be filed with each candidate's nomination papers, stating that the signatures are of eligible electors and that the information provided is true. (See Form 6-1.) The affidavit may be signed by the candidate only if he or she personally circulated the papers. If the person who signs the affidavit also signs the nomination petition, that signature cannot be counted towards the total number of signatures required. (Sec. 43.17, as amended by H.F. 1011, Sec. 3, 66th Iowa General Assembly, 2nd Sess., (1976))

An affidavit by the candidate must also be filed with the nomination papers, and must be in the form provided in Sec. 43.18 of the Code (as amended by Ch. 57, Sec. 2, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) (See Form 6-2, page 55.)

Township Offices

Nomination papers for township offices are filed with the commissioner, but the procedures differ from the procedures outlined above. The names of a candidate for township office will be included on the primary ballot if his or her personal affidavit (Sec. 43.18 of the Code as amended) is filed with the commissioner no later than five o'clock p.m. of the 55th day prior to the date fixed for the primary election. If, before this time, nomination papers **signed by at least ten** eligible electors of the township are filed on behalf of a candidate, and the personal affidavit of the candidate is not included, the commissioner must advise the candidate that a personal affidavit is required before his or her name can be included on the ballot. (Sec. 43.21)

NOMINATION PAPER FOR COUNTY OFFICE

SAMPLE

For the office of _____

For use in _____ County.

I, the undersigned, an eligible elector of _____ County, and State of Iowa, hereby nominate _____ of _____ County, 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 _____.

NAME	RESIDENCE		DATE OF SIGNING
	STREET AND NUMBER, IF ANY	TOWN	

AFFIDAVIT OF CANDIDACY

AFFIDAVIT OF CANDIDACY

For the Office of _____
 STATE OF IOWA,

_____, }
 County, }^{ss}

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 it receives contributions, makes expenditures, or incurs indebtedness in excess of \$100 for the purpose of supporting my candidacy for public office.

(Signed) _____

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

SAMPLE

(NAME)

(OFFICIAL TITLE)

CP-B42796 12/75

Filing Deadlines

All nomination papers for candidates seeking inclusion on the primary ballot where papers must be filed with the commissioner must be received in the office of the commissioner no later than five o'clock p.m. on the 55th day prior to the date fixed for the primary election. (Sec. 43.11) The officer receiving the nomination papers must endorse them with the date, and time of day received. (Sec. 43.12)

Prohibition of Nomination Papers for Two or More Offices

A candidate may file nomination papers for two or more offices.

However, he or she must notify the commissioner, by affidavit, no later than the final day for filing, for which office he or she wishes to be a candidate. Receiving no such notification, the commissioner shall not certify that candidate's name for inclusion of the primary ballot for any office. (Sec. 43.20) A candidate may have his or her name placed on the primary ballot as a candidate for more than one office if he or she can legally hold those offices simultaneously. (Op. Atty. Gen., 1909, p. 344)

Certification of Candidates by the State Commissioner

At least 55 days before the primary election, the state commissioner of elections must certify to the commissioner of each county the name and address of each candidate whose nomination papers were filed with the state commissioner and for whom the electors of that county may vote. The certification must include the office sought by each candidate and his or her party affiliation.

Death or Withdrawal of a Primary Election Candidate

If a candidate whose nomination papers are filed with the commissioner dies or withdraws on or after the 60th day prior to the primary election, the appropriate convention or central committee may designate one additional candidate for that office. However, this nomination must be received by the commissioner, in writing, before five o'clock p.m. on the 49th day prior to the primary election. Any nomination so received will be placed on the ballot. (Sec. 43.23, added by Ch. 81, Sec. 10, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

Although nomination papers, once filed, cannot be withdrawn or amended, the person for whom the papers were filed may withdraw as a candidate. If the withdrawal occurs on or before the 60th day prior to the primary, the candidate's name will be removed from the ballot; if after the 60th day, the name must remain on the ballot. (Sec. 43.16 as amended by Ch. 81, Sec. 9, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

Primary Election

Although the primary election is conducted in the same general manner as other elections, there are several specific requirements for the commissioner. These are described below.

Primary Election Ballot Form

The primary ballot must be in the form described in section 43.26 of the Code. The ballots for each political party must be printed in black ink on separate sheets of paper, of uniform size, color, and quality. The name of the political party must be printed across the top of each party's ballot. (Sec. 43.27)

The commissioner must direct the arrangement of the names on the ballot. If there are more candidates from a political party than the number of positions for an office, the commissioner must rotate the names of the candidates. (Secs. 43.28, 49.31, amended by Ch. 81, Sec. 67, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) The ballots must contain a facsimile of the commissioner's signature. (Sec. 43.36)

Sample Ballots

The commissioner must take a suitable number of ballots from those printed for each precinct for use as sample ballots. These must have the words "sample ballot" printed or written in red ink across the top of the ballot, and must be signed or stamped with the commissioner's signature. These sample ballots are delivered to the precinct election officials to be posted before the opening of the polls.

Casting of Ballots: Party Affiliation

Electors may receive only the ballot of the political party for which they are registered. (Sec. 43.38) However, any qualified elector may change his or her party affiliation by filing a written declaration to that effect with the commissioner before the end of the registration period. (Sec. 43.41 as amended by Ch. 81, Sec. 11, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) Failing this, an elector may also change or declare his or her party affiliation at the polls by filling out an affidavit in the form provided in section 43.42 of the Code (as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 12) (See Form 6-3, page 57.) The elector may then receive the ballot of the party he or she declared. Each change in party affiliation must be reported to the commissioner by the precinct election officials. The commissioner then enters a permanent change on the registration records.

FORM 6-3

CHANGE OR DECLARATION OF PARTY AFFILIATION

FORM 1-C (Rev.-75) 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.

SAMPLE

Signature of Elector

Approved:

Address

Precinct Election Official

Receipt of Ballots: Canvass

The precinct election officials counts the ballots and seals them in separate envelopes, by party, with the ballot count for each candidate noted on the envelopes. These envelopes are sealed in one envelope on which the parties and their candidates and the votes for each candidate are noted. The results of ballot count are then communicated to the commissioner by telephone, telegraph, or in-person. (Sec 43.45, 51.11) The commissioner must remain on duty until all the results from all the precinct are reported.

All ballots and election materials must be returned to the commissioner by noon on the day following the election. If the returns are not received by this time, the commissioner must send a messenger for them. (Secs. 43.46, as amended by H.F. 1011, Sec. 4, 66th Iowa General Assembly, 2nd Sess., (1976) and 43.47, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 13)

The commissioner must deliver the election returns and envelopes to the county board of supervisors, which meets on the Monday following the primary election to canvass the vote. (Sec. 43.46, as amended by H.F. 1011, Sec. 4) The board of supervisors must make an abstract of the canvass for the offices of United States senator and representative, all state offices, and senators and representatives in the Iowa General Assembly. This abstract is filed with the state commissioner of elections, with a copy filed with the commissioner. (Sec. 43.60 as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 18) The board of supervisors must make a second abstract for county and township offices, which is filed with the commissioner. After the canvass is concluded, the original returns must be returned to the commissioner, who files them in the election book. (Sec. 43.61)

Examination of Returns

At any time before the date fixed for the canvass of the election, any eligible elector may ascertain the vote cast for any candidate in the county. This is done by showing him or her the outside of the envelope containing the election register.

Ballot Recounts

Any candidate on the official primary election ballot may request a recount of the ballots by the board of supervisors. A written statement that fraud was committed or that an error or mistake was made in counting or returning the votes must be filed with the commissioner no later than one o'clock p.m. on Friday after the official canvas by the county board of supervisors. (Sec. 43.56) If the board decides to grant a recount, the commissioner must notify the state commissioner of such recount. At the earliest practicable time, the commissioner must inform the state commissioner whether any changes in the outcome of the election resulted from the recount. (Sec. 43.58, as amended by H.F. 1011, Sec. 5, 66th Iowa General Assembly, 2nd Sess., (1976))

Certification of Candidates

A candidate certified by the county board of supervisors shall be his or her party's candidate in the general election. The commissioner must place the names of the certified candidates on the official general election ballot. (Sec. 43.54)

The candidates certified by the state commissioner of elections must be communicated to each county commissioner not less than 55 days before the date set for the general election or special election called under section 69.14 of the Code. The commissioner must place the names on the official ballot. The state commissioner must also state the order in which the party tickets will appear. (Sec. 43.73, as amended by H.F. 1011, Sec. 7, 66th Iowa General Assembly, 2nd Sess. (1976))

Nominations by Non-Party Organizations (Chapter 44)

Nomination and Certification

Non-party political organizations (as defined in Sec. 44.1 of the Code) may nominate one candidate for each office to be voted on at a general election. The requirements of the nominating convention are contained in Sec. 44.1 of the Code.

Nominations for county and township offices must be certified by the chairperson and secretary of the convention or caucus to the commissioner. These certificates must be filed with the commissioner no more than 75 days nor less than 55 days before a general election, and not less than 12 days before a special election to fill a vacancy in a county office. The requirements of the certificate are contained in Secs. 44.2 and 44.3 (as amended by Ch. 81, Sec. 37, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) The form of the affidavit required is contained in Sec. 44.3 of the Code (as amended by Ch. 57, Sec. 3, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 37)

Objections

Any person qualified to vote for the office in question may file an objection to the legal sufficiency of the certificate filed or to the eligibility of the candidate. For those nominations filed with the commissioner, this objection must be filed with the commissioner no later than 50 days before the date of the general election. In the case of nominations to fill vacancies after the original nomination was filed, the objection to the second nomination must be filed within three days after the second certificate was filed. (Sec. 44.4, as amended by Ch. 67, Sec. 5, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

The commissioner must notify the candidate involved of the

objection. The notice must be mailed to the candidate at the address listed on the certificate of nomination. (Sec. 44.5) The objection will be considered by the county auditor, the clerk of district court, and the county attorney. However, if the objection concerns the certificate of any of the above officers, they will be replaced by the county treasurer, the sheriff, and the county recorder, respectively. A majority decision is final. (Sec. 44.7)

Death, Withdrawal, or Disqualification of a Candidate

Any candidate nominated in this manner may withdraw his or her candidacy by submitting a written request to this end, signed by him or her before a person empowered to acknowledge the deed. In cases where the original certificate was filed with the commissioner, this statement must be filed with the commissioner at least 50 days before the date of the general election, or at least 25 days before the date of the special election. (Sec. 44.9, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 38, and by H.F. 1011, Sec. 12, 66th Iowa General Assembly, 2nd Sess., (1976)) If a candidate withdraws in this manner, his or her name will not be printed on the official ballot. (Sec. 44.10)

If a candidate declines the nomination, dies before the election is held, has his or her certificate of nomination held to be insufficient, or has an objection to that certificate upheld by the considering board, the non-party organization may nominate another candidate for that office. The nomination must be made in the manner provided in the original nomination certificate and must be filed with the commissioner no later than 50 days prior to the date of the election. (Sec. 44.11, as amended by H.F. 1011, Sec. 12)

Presumption of Validity: Correction of Errors

Certificates filed in the manner outlined in this section, and in apparent uniformity with the law, are to be regarded as valid unless an objection is filed. The commissioner must allow for public inspection of the certificates, and preserve them for not less than six months following the election. (Sec. 44.15)

An error in a certificate may be corrected by substituting for it another certificate, filed in the same manner as the original. (Sec. 44.16)

Nomination by Petition (Chapter 45)

Candidates also may have their name placed on the official general election ballot by filing a properly prepared petition of nomination. Petitions for candidates for county, district, or other divisions must contain signatures at least equal to two percent of the total vote received by all presidential or gubernatorial candidates in that subdivision in the last general election, as the case may be. Township offices require the signatures of at least 25 eligible electors of the township. (Sec. 45.1)

NOMINATION PAPER-BY PETITION

Iowa Official Form No. 18H-224

STATE OF IOWA

NOMINATION PAPER - BY PETITION

Sec. 45.1. Nominations by petition. Nominations for candidates for state offices may be made by nomination paper or papers signed by not less than one thousand qualified voters of the state; for county, district or other division, not less than a county, by such paper or papers signed by at least two percent of the qualified voters residing in the county, district or division; as shown by the total vote of all candidates for governor at the last preceding general election in such county, district or division; and for township, city, town or ward, by such paper or papers signed by not less than twenty-five qualified voters, residents of such township, city or ward.

Sec. 45.2. 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.

Sec. 317.25. Hospital Trustees. The election of hospital 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 forty-five (45). The petition form shall be furnished by the county auditor, signed by qualified electors of the county equal in number to one percent of the vote cast for governor by both political parties in the last previous general election, which nomination petition shall be filed at least fifty-five (55) days with the county auditor prior to the date of said general election. A plurality shall be sufficient to elect hospital trustees, it being the intent that there be no primary election. If any of the provisions of this section shall be in conflict with any of the laws of this state, then the provisions of this section shall prevail.

The undersigned, qualified voters of the _____

in accordance with the laws relating thereto, make the following nominations, viz:

OFFICE TO BE FILLED	NAME OF CANDIDATE	PARTY	RESIDENCE

We certify that we have not subscribed to any other nominations for these offices, and that the said nominations are for the election of _____ A. D. 19__

SIGNATURES	PLACE OF BUSINESS (and Post Office Address)	DATE OF SIGNING
		19__
		19__
		19__
		19__
		19__
		19__
		19__
		19__
		19__
		19__
		19__
		19__
		19__
		19__
		19__
		19__

SAMPLE

Each signer of a petition must include his or her address and the date of signing. An affidavit of at least one eligible elector must be attached to the petition, stating the name and address of the nominee and the office sought; that each signer is an eligible elector of the state and may vote for the office for which the petition is filed; and that each person signing the petition did so voluntarily. The candidate being nominated by the petition may sign the affidavit only if he or she personally circulated the petition. If the affiant also signed the nominating petition, that signature may not be counted toward the total number of signatures required. (Sec. 45.3, as amended by Ch. 81, Sec. 41, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), by Ch. 57, Sec. 4, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), and by H.F. 1011, Sec. 14, 66th Iowa General Assembly, 2nd Sess., (1976)) (See Form 6-4, page 61.) An affidavit by the candidate also must be included in the form specified by section 45.3 (as amended).

The withdrawal of candidates, filing of objections, and other matters dealing with the nomination process are governed by the rules of Chapter 44 of the Code. (Sec. 45.4)

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Chapter 7

SCHOOL ELECTIONS

This section covers the regular and special elections of Iowa's two kinds of school systems--community school elections and merged area vocational and community college elections. The regular school elections are held annually on the second Tuesday in September. (Sec. 277.1) Special elections may be held at any time, subject to the provisions of section 39.2 of the Code (as amended by Ch. 81, Sec. 2, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), and by H.F. 1011, Sec. 1, 66th Iowa General Assembly, 2nd Sess., (1976)).

Community School Elections

Director Elections

A school director election is generally administered as any other regular election. However, the candidate nomination and nomination withdrawal procedure differs slightly and the commissioner is given additional discretion in dividing territory into precincts.

Nomination papers for a school director candidacy are initially handled by the secretary of the school board, who files the completed nomination petitions of a candidate. The secretary in turn is required to deliver the completed petitions to the commissioner not later than five o'clock p.m. on the thirty-ninth day before the election. (Sec. 277.4, as amended by H.F. 1011, Sec. 43, 66th Iowa General Assembly, 2nd Sess., (1976)) A candidacy can be withdrawn by filing with the commissioner a signed statement to that effect any time prior to five o'clock p.m. on the thirty-fifth day before the election. (Sec. 277.4, as amended)

The chapter on "Precincts and Polling Places" in the subsection dealing with "Precinct Consolidation and Division" deals with the ability of the commissioner to manipulate preceincts outside the territorial limits of a city in a school director election. The section on "Election Boards" discusses the use of unpaid officials in school elections.

Special Elections: Notice Distinction

A school corporation may call six types of special elections with reference to the following kinds of subject matter: (1) the sale of school property and application of proceeds (Sec. 277.2); (2) authorization to change school board membership (Sec. 275.35 as amended by Ch. 81, Sec. 128, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), Sec. 277.2); (3) authorization to establish or reorganize the boundaries of director districts (Secs. 275.18, 277.2); (4) selection of directors for a newly

established school corporation (Sec. 275.25 as amended by Ch. 81, Acts 1975, 66th Iowa General Assembly, Sec. 127); (5) authorization of schoolhouse tax or school indebtedness (Secs. 275.32, 277.2, 296.1); (6) filling a school director vacancy for the balance of its term when the vacancy is not filled within 10 days by the school board. (Sec. 279.7) Each of these elections may be held at any regular election or at some other time. (Sec. 278.2 as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 133)

The elections are generally conducted in the same manner as general elections and other special elections. However, the special election cited below involves distinguishable commissioner responsibilities.

Special Election to Establish or Reorganize a School District (Chapter 275)

Often this kind of election covers more than one county. When it does, the commissioner in the county with the greatest taxable base conducts the election. (Sec. 275.18) Notice beyond the requirements of section 49.53 for this election is prescribed in section 275.18 of the Code. After the election the precinct election officials count the ballots, make return to, and deposit them with the commissioner. The commissioner is then required to enter the returns of record in his office. The commissioner is required to certify the election's result to the area education agency administrator. (Sec. 275.23)

Merged Area Vocational School and Community College Elections (Chapter 280A)

There are three kinds of merged area school elections: (1) regular election of directors; (Sec. 280A.12) (2) special election authorizing issuance of area school bonds; (Sec. 280A.21) (3) special election authorizing merger of area schools. (Sec. 280A.39 as amended by Ch. 81, Sec. 138, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

The election of school board directors is held during the regular annual school election. (Sec. 277.1) The election is conducted by the commissioner in the same manner as other regular school elections. However, nomination petitions are governed by section 280A.15 of the Code (as amended by H.F. 1011, Sec. 63, 66th Iowa General Assembly, 2nd Sess., (1976)), and are filed with the secretary of the board of directors of the merged area, rather than with the commissioner.

The two special elections to authorize bonds for and merger of area schools are regulated by sections 280A.21 and 280A.39 (as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 138), respectively. Both are conducted by the commissioner in a manner similar to any regular election. In the latter election both commissioner's in the merged areas seeking to be combined conduct the election and canvass the vote. After the canvass, they must certify the results to the board of directors of each merged area.

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Chapter 8

SPECIAL NON-SCHOOL ELECTIONS

The commissioner has numerous responsibilities touching upon special elections. These responsibilities include filing petitions, initiating some special elections, conducting these elections, canvassing the vote, and many other responsibilities, depending upon the particular kind of special election. Generally, the commissioner administers a special election according to the requirements enumerated in previous chapters. However, special elections usually involve a few requirements not enumerated in the Code chapters dealing with general commissioner responsibilities for election management. The requirements for a special election, where they exist, typically are succinctly and simply stated in a few provisions in the statute enabling that election. When faced with a matter respecting a special election the commissioner must consult these statutory provisions. In order to make this task easier, this chapter enumerates all the special elections permitted by Iowa law and cites those provisions within each, pertinent to the commissioner's or auditor's election responsibilities.

The commissioner should note that bonding attorneys may require specific canvass forms in bond issue elections. The commissioner should insure that he or she has obtained these forms from the bonding attorney.

It should be noted that this chapter does not include special school or city elections. The School Election and City Election Chapters, respectively, cover these elections.

Election of Delegates to State Constitutional Convention for the Approval or Disapproval of an Amendment to the Federal Constitution

See sections .10, .11, .15 of Chapter 55 of the Code.

Public Office Vacancies, Special Election to Fill

See section 14 of Chapter 69 as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 123, of the Code. Additionally, see section in Miscellaneous Chapter describing the auditor's various other responsibilities in respect to vacant offices.

Conservation Board Anticipatory Bonds, Authorization of

See section 11A.6 of the Code.

Area and County Hospital Establishment and Area and County Hospital Trustees Elections

Establishment of the above hospitals is regulated by section 145A.11 as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 125, of the

Code. Section 347.25 as amended by Acts 1975, 66th Iowa General Assembly, Sec. 146, of the Code regulates trusteeship elections of these hospitals.

Purchase or Receive Gifts of Real Estate for County or District Fair Purposes, Authorization to

Section 174.14 of the Code authorizes this election.

County Care Facilities, Establishment of

Section 253.1 of the Code enables this election.

Regional Library Trustees

These officials are elected at the general election. Section 303B.3 is pertinent.

Bridges Over the Mississippi and Missouri Rivers, Authorization of

See section 309.86 of the Code.

Community Health Center Trusteeship Election

See section 230A.6 of the Code.

Board of Supervisors, Proposition to Increase/Reduce Membership of the Board of Supervisors

See section 331.2 of the Code for increase and section 331.3 for reduction. These kinds of special elections must occur at any regular election.

Supervisor Representation Plan, Selection of

This election is governed by section 331.8-.9 of the Code. It must be held at least 100 days before the primary election.

Board of Supervisors to Construct, Remodel, Reconstruct, Relocate County Buildings or Purchase Real Estate for County Purposes, Authorization to

See section 345.1 of the Code. (as amended by Ch. 140, Sec. 2, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), and by Ch. 67, Sec. 71, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

Board of Supervisors to Borrow Money and Devise Local or Police Regulations, Authorization to

See section 345.4, 345.6 (as amended by H.F. 1011, Sec. 65, 66th Iowa General Assembly, 2nd Sess., (1976)) of the Code.

Boards of Supervisors to Borrow Money or Devise Regulations, Revision of Authorization

See section 345.12-.13 of the Code.

County Health Center, Authorization of General Obligation Bonds for

Section 346A.3 requires that this election be held on a date not less than five nor more than twenty days after last publication of election notice. Section 346A.3 also describes the commissioner's responsibilities with respect to election notice and the form of the proposition on the ballot.

County Public Hospital, Authorization of Bonds to Procure Site, Erect, Equip, or Maintain

See section 347.1 of the Code.

County Public Hospital Addition, Bonds for

See section 347.2 of the Code.

County Public Hospital Trustee Election

See section 347.9, 125 of the Code. (as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 146)

County Public Hospital, Authorization to Sell or Lease Sites or Buildings for

See section 347.13(12) of the Code.

County Public Hospital Revenue Bonds

See section 347A.2 of the Code.

County Public Hospital, General Obligation Bonds to Improve or Enlarge

See section 347A.7 of the Code.

County Seat Relocation

See sections 353.9-.12 of the Code.

Benefited Water District

See sections 357.12-.13 of the Code.

Benefited Fire Districts

See sections 357B.9, .15 of the Code.

Benefited Street Lighting Districts

See sections 357C.7, .8 of the Code.

Sanitary Districts

See sections 358.5-.7, 358.9, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 148, and by H.F. 1011, Sec. 66, 66th Iowa General Assembly, 2nd Sess., (1976)).

County Libraries District

See section 358B.2 of the Code.

First Township Election

See sections 359.10-.13 of the Code.

Authorization for Levy for Rural Fire District

See section 359.44 of the Code.

Township Hall, Authorization for Levy for

See section 360.1 of the Code.

Board of Trustees for Levee and Drainage District,
Establishment and Election of

See sections 462.2-.6, .12, .17, .18, .24, .25 of the Code.

Soil Conservation District Elections

See section 467A.5 of the Code (as amended by Ch. 229, Sec.3, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)).

Tax Aid for Railroad, Authorization of

See section 483.5 of the Code.

Hall or Monument Proposition

See sections 37.1-.4 of the Code.

Airport Elections: Authorization for Original General Bonds;
Authorization for Additional Bonds, Airport Commission Election

Section 330.7 regulates elections respecting the authorization of original general obligation bonds to pay the cost of establishing, acquiring, equipping, and for improving an airport. Section 330.16 enables an election compelled by petition passing on the question of whether general obligation bonds should be utilized to equip, enlarge, or improve an existing airport. Section 330.17 enables elections on the proposition of whether an airport should be placed under the management and control of an airport commission. If the latter election is initiated by a city, the notice governing the election must be published at least once, not less than 10 or more than 25 days, before the date of the election.

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Chapter 9

CITY ELECTIONS

The commissioner of elections is generally responsible for the conduct of city elections. The duties of the commissioner are somewhat different than in other elections, however. These duties peculiar to city elections are specified in this section.

Regular city elections are held on the first Tuesday after the first Monday in November in odd-numbered years. Special elections may be held at any time allowed by state law. The commissioner publishes the notice of any city election, and conducts the elections according to the provisions of Chapters 39 to 53 of the Code, except as provided in Chapters 362 to 392. results of any election are canvassed by the county board of supervisors and and the results certified by the commissioner to the mayor or city council of the city involved. (Sec. 376.1)

Nominations

Cities may elect to nominate candidates for city office in several ways. Cities must use nominations and primaries, as outlined in sections 376.4-.9 (as amended by H.F. 1011, Secs. 71-74, 66th Iowa General Assembly, 2nd Sess., (1976)), unless they choose, by ordinance, the provisions of Chapter 44 (nomination by non-party organizations) or Chapter 45 (nomination by petition). Special charter cities may choose to conduct partisan elections, as provided in sections 43.112-.118 and 420.126-.137 of the Code. (Sec. 376.3, as amended by Ch. 197, Sec. 19, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) The commissioner should note that the requirements differ depending upon which method is used, and thus it is important that he or she is aware of the method chosen by each city to conduct its elections.

Publication of Election Notice

An election notice containing a copy of the ballot for each regular, primary, run-off, or special city election must be published by the commissioner not less than four days before the date of the election. The notice must be published in a newspaper having general circulation in the city and which appears at least weekly. The published ballot must contain the names of all candidates and cannot include party labels. The published ballot must contain any questions being submitted to the voters. (Secs. 362.3, 376.5)

Primary and Run-Off Elections

If a primary election is held, it must be held on the Tuesday three weeks before the date of the regular city election. The county board of supervisors

publicly canvasses the results, in the manner described in section 50.24 of the Code. (as amended by Ch. 81, Sec. 89, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) The canvass is conducted at a meeting held beginning at one o'clock p.m. of the second day following the primary election. (Sec. 376.7, as amended by H.F. 1011, Sec. 72, 66th Iowa General Assembly, 2nd Sess., (1976))

Cities may choose to use run-off elections in lieu of primary elections. (Sec. 376.6(1)) A run-off election may only be held for positions unfilled because of a failure of a sufficient number of candidates to receive a majority vote in the regular election. When a run-off election has been chosen in lieu of a primary, the board of supervisors must publicly canvass the tally lists of the vote cast in the regular election at a meeting beginning at one o'clock p.m. on the second day following the regular election. The canvass is held in accordance with the provisions of section 50.24 of the Code (as amended). Candidates not receiving a majority of the votes cast, but who receive the highest number of votes, to twice the number of unfilled positions, are then named candidates in the run-off election. (Sec. 376.9, as amended by Ch. 197, Sec. 20, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 74)

Run-off elections are held three weeks after the date of the regular city election, and are conducted in the same manner as regular city elections. (Sec. 376.9, as amended)

Candidates Nominated by Write-In Votes

Candidates may be nominated by write-in votes in city primary elections or in regular city elections in cities using run-off elections. A candidate nominated in this manner must file an affidavit in the form prescribed by section 45.3 of the Code (as amended). (See section "Nomination by Petition," Chapter 6) This affidavit must be filed with the commissioner or the city clerk no later than five o'clock p.m. of the day following the canvass of the primary or regular city election, whichever is applicable. If the person nominated fails to file such an affidavit within the time limits required, the commissioner must disregard any votes cast for that candidate. (added by H.F. 1011, Sec. 75, 66th Iowa General Assembly, 2nd Sess., (1976))

Special City Elections

The commissioner is also responsible for conducting special city elections. The governing body of any city must give the commissioner written notice of the date of a proposed special election at least 30 days in advance of the proposed date of the special election. If, however, the proposed date of the special election coincides with the date of a regularly scheduled election, the notice must be given no later than five o'clock p.m. on the last day on which nomination papers may be filed for the latter election. Upon receiving the notice, the commissioner must give prompt written approval of the date, unless it would conflict with a regular election or with another special election previously scheduled for that date. (See "Discretionary Election Dates"

section of Chapter 1) (Sec. 47.6, added by Ch. 81, Sec. 44, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), and by H.F. 1011, Sec. 21, 66th Iowa General Assembly, 2nd Sess., (1976))

The commissioner is responsible for the following special elections:

1. Incorporation, Discontinuance, or Boundary Adjustment (Sec. 368.19, as amended by Ch. 197, Sec. 9, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by H.F. 1011, Sec. 68, 66th Iowa General Assembly, 2nd Sess., (1976); Sec. 368.20, as amended by Ch. 198, Sec. 1, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975); Sec. 368.21, as amended by Acts 1975, 66th Iowa General Assembly, Ch. 197, Sec. 10)
2. Amendment of a City Charter (Sec. 372.9, as amended by Ch. 197, Sec. 17, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by Ch. 203, Sec. 21, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975); Sec. 372.11(1))
3. Levy for Additional Taxes (Sec. 384.12, as amended by Ch. 197, Sec. 25, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))
4. Authorization of General Obligation Bonds (Sec. 384.26, as amended by Ch. 81, Sec. 152, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by Ch. 203, Sec. 33, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))
5. Change in the City Library Board (Sec. 392.5)
6. Utility Franchise Election (Sec. 364.2, as amended by Ch. 197, Sec. 6, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975) and by Ch. 81, Sec. 149, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

The commissioner should note that the person or company requesting a utility franchise election must pay all of the costs associated with the election, including the cost of the election notice.

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Chapter 10

COMMISSIONER'S POST ELECTION DAY DUTIES

Precinct Election Board Canvass, Announcement of Results and Communication to Commissioner

After the polls close the precinct election officials canvass the precinct's vote in the manner prescribed by section 50.1 of the Code. (See the section of the nomination chapter dealing with the primary election canvass.) Sections 49.98-.103, 50.3-.6, .9-.10 prescribe the manner by which the paper ballots must be processed by the precinct election officials. When the canvass is completed the precinct election officials publically announce the results and communicate the same to the commissioner. The commissioner must remain on duty until the last polling place communicates its results. (Sec. 50.11)

Unvoted or Spoiled Paper Ballots: Return, Preservation, Recording

Paper ballots not voted or spoiled are returned to the commissioner by the precinct election officials. The commissioner gives them a receipt for the returned ballots and must preserve them for six months. On the same record recording the number of ballots delivered to each polling place the commissioner must enter a notation of the number and character of the ballots returned from each precinct and the time when and person by whom they are returned. (Secs. 49.65, 50.9-.10)

Voted and Rejected Paper Ballots: Return, Preservation, Recording

Paper ballots voted on must be folded, sealed with wire, and placed in an envelope as required by section 50.12 of the Code. The precinct election officials also must deliver to the commissioner all ballots rejected as double, found defective, or objected to. (Secs. 50.3-.5, .9) All ballots are returned to the commissioner, who must carefully preserve them for six months. The commissioner must insure that the preserved ballots are kept so as to prevent tampering, to be admissible in any contested election. (Steeves vs. Town of New Market, 1938, 225 Iowa 618, 281 N.W. 162) If no contest is pending at the end of this period, the commissioner must destroy these ballots. (Sec. 50.13) If a contest is pending the ballots are kept until its final determination, and then destroyed. The ballot destruction must be performed in the presence of two electors, one from each of the two leading political parties designated by the chairman of the board of supervisors.

Tally List, Election Register

The tally list prepared by the canvassing election board (see secs. 50.16 and 52.21) together with the precinct election register must be delivered to the commissioner by one of the precinct election officials by noon of the day following the election. (Sec. 50.17, as amended by Ch. 81, Sec. 85, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) If a tally list has not been secured by the commissioner within this period, the commissioner must, on noon the day following the election, send a messenger for it. (Sec. 50.23 as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 88) When the board of supervisors conducts the canvass it must return the original tally lists to the commissioner. The commissioner must file them and record each of the abstracts. (Sec. 50.28)

Preservation of Precinct Election Registers, Signed Declarations of Eligibility

The commissioner may destroy the precinct election registers, declarations of eligibility signed by voters, and other election materials, excepting the tally lists, six months after the election. If a contest is pending, however, all election materials must be preserved until the contest is settled. Before destroying the materials, the commissioner must prepare records to permit compliance with section 48.31(1) of the Code, which requires cancellation of a voter's eligibility if he or she has not voted in an election in the four consecutive calendar years preceding an election. (Sec. 50.19, as amended by Ch. 81, Sec. 86, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

Canvass by Board of Supervisors, Abstracts (Not Applicable to Primary Election Canvass which is Covered in Primary Section of the Nomination Chapter

The board of supervisors meets at nine o'clock on the first Monday after the day of the election to open and canvass the tally lists prepared by the precinct election boards. In its canvassing capacity, the board of supervisors becomes the board of county canvassers. All canvasses by the board are open to the public.

In the course of their canvass, the board prepares an abstract of votes for each public office or public question submitted to the voters of the entire county or some portion thereof. (Sec. 50.24 of the Code, as amended by Ch. 81, Sec. 89, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), prescribes the specific content of these abstracts.) An abstract for each of the following seven classes of offices voted for at a general election is made on a separate sheet by the board: (1) President and Vice-President of the United States; (2) United States senator; (3) United States representative; (4) governor and lieutenant governor; (5) a state officer; (6) senator or representative of the general assembly by districts; (7) a county officer. (Sec. 50.25) All abstracts of votes for the above offices, other offices, and public questions voted in a general election, except the abstracts for county officers, are made in duplicate by the board. (Sec. 50.26)

One of each duplicate is sent by the board to the state commissioner; the remaining duplicates go to the commissioner. (Sec. 50.26) The commissioner takes each duplicate and places it in a separate sealed envelope, endorsed and addressed in the proper manner, then places all the envelopes containing these abstracts in a package and forwards it to the state commissioner. This package containing the separately sealed enveloped abstracts must be sent within ten days after the election. The proper endorsement and address for packaged envelopes depends upon the office each abstract relates to. The envelope containing the abstracts of votes for governor and lieutenant governor should be addressed according to section 50.31 of the Code, substantially as follows: "Abstract of votes for governor and lieutenant governor from _____ county." This envelope, although placed in a package with the other enveloped abstracts forwarded to the state commissioner, is addressed, "To the Speaker of the House of Representatives." The remaining envelopes must be endorsed substantially the same manner as indicated for the aforementioned envelope, and each must be addressed, "To the State Commissioner of Elections." Again, all the envelopes, including the one addressed to the speaker, after being prepared, sealed, and endorsed, must be placed in one package and forwarded to the state commissioner within ten days after the election.

Finally, the commissioner, as soon as the county board of supervisors finishes its canvass of votes for a special election held pursuant to section 69.14 (as amended by Acts 1975, 66th Iowa General Assembly, Ch. 81, Sec. 123) of the Code, must transmit the board's abstract of votes so canvassed to the state commissioner.

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Chapter 11

CAMPAIGN FINANCE DISCLOSURE

The state campaign finance disclosure commission is established by Chapter 56 of the Code. Its functions are to regulate campaign finance activities and to administer the provisions of Chapter 56. The commission may adopt rules pursuant to Chapter 17A of the Code (Administrative Procedures Act) to carry out the provisions of Chapter 56. These rules may contain requirements for the commissioner, and are published in the Iowa Administrative Code.

Who Must File

Committees which receive contributions, make expenditures, or incur indebtedness in the aggregate of more than \$100 in any calendar year in support of or opposition to any candidate or ballot issue must file required statements and reports under the provisions of Chapter 56 of the Code. Two kinds of committees are distinguished. A "candidate's committee" is a committee designated by the candidate to receive contributions, make expenditures or incur indebtedness in his or her behalf. (Sec. 56.2 as amended by Ch. 56, Sec. 6, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) Each candidate for public office may organize only one candidate's committee. (Ch. 56, Sec. 16, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) A "political committee" is a committee other than a candidate's committee which receives contributions, makes expenditures, or incurs indebtedness in support of or in opposition to any candidate or ballot issue. (Sec. 56.2(6) as amended by Ch. 56, Sec. 5, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) Committees which do not incur indebtedness, accept contributions, or make expenditures in excess of \$100 in any calendar year are not required to file a statement of organization, or dissolution or periodic reports. (Op. Atty. Gen., Aug. 28, 1973)

Reports Filed with the Commissioner

The commissioner receives organization statements, periodic reports and dissolution statements filed for county, city, and school district offices. (Sec. 56.4 as amended by Ch. 56, Sec. 7, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) County offices include drainage district trustees. (Sec. 56.2(3)) All statutory political committees other than the state statutory committee file statements and reports with the commissioner with copies sent to the commission. (Sec. 56.4 as amended by Ch. 56, Sec. 7, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

Statements, reports, and notices from committees supporting or opposing county or local ballot issues must be filed with the commissioner and with

the commission. Committees supporting or opposing a ballot issue which may be voted upon by voters in more than one county, but less than all counties, must file the required reports with the commissioner of the control county and with the commission. Reports from committees supporting or opposing state-wide ballot issues must be filed with the commission. (IAC, 190-4.10 (56))

Organization Statement

The commissioner receives for filing a "statement of organization" from each committee required to file with him or her. (Sec. 56.5 as amended by Ch. 56, Sec. 8, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) (See Form 11-1, page 77) The statement of organization must be filed within ten days from the date of organization. Any change in information previously submitted in a statement of organization is required to be reported to the commissioner within 30 days of the date of the change.

Disclosure Reports of Contributions and Disbursements

The commissioner also receives periodic reports of contributions and funds disbursed by committees. These reports apply to the finances of all committees and candidates receiving and expending funds for a county, city, or school office and by a county central committee (except, as noted above, for those committees not handling more than \$100 in any calendar year). (Sec. 56.6 as amended by Ch. 56, Sec. 10, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) These reports are filed by the committee treasurer on forms prescribed by rule under section 17A of the Code and provided by the county commissioner. (See Form 11-2, page 78; schedules for filing other financial disclosure information are available from the Campaign Finance Disclosure Commission.) Reports for all committees, except those for municipal and school elective offices, must be filed on the twenty-fifth day, or mailed by certified mail by the twenty-fourth day, of May, July, October, and January of each year. The May, July, and October reports must be current as of five days prior to the filing deadline. The January report is the annual report, current to the end of the month preceding the filing date. Reports from committees for municipal and school elective offices are under different filing date requirements. These reports must be filed five days prior to any election in which the name of the candidate supported or opposed appears on the printed ballot and 30 days following the general or run-off election. These reports must be current as of five days prior to filing. (Sec. 56.6 as amended by Ch. 56, Sec. 10, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) For any disclosure report, if no contributions have been accepted, disbursements made, or indebtedness incurred during the reporting period, the disclosure statement need only state the amount of cash on hand at the beginning of the reporting period.

Dissolution Report

If a committee, after filing a statement of organization, dissolves or determines that it will not receive or disburse funds, it must file a dis-

PLEASE PRINT OR TYPE.
INSTRUCTIONS ON REVERSE SIDE

FORM DR-1	STATEMENT OF ORGANIZATION

ID NUMBER
(If assigned by Commission.)

Amendment
(Check if amended Statement.)

COMMITTEE NAME

SAMPLE

Official Name of Committee (Do not abbreviate committee name)

Street

City, State, Zip Code Telephone (Optional)

TREASURER (Required by law)

Name

Street

City, State, Zip Code Telephone

COMMITTEE OFFICERS

Custodian of Records & Accounts (if other than treasurer)

Address (Street, City, State, Zip Code)

Chairperson (if any)

Address (Street, City, State, Zip Code)

(OPTIONAL OFFICERS - If you desire to file the names of other officers, attach an additional page showing the officers in the format shown above.)

CANDIDATE(S) SUPPORTED (or name of party if supporting entire ticket)

Name	Address	Office Sought	Party

DISPOSITION OF BALANCE OF FUNDS UPON DISSOLUTION

(if the committee is not a statutory committee)

STATEMENT OF AFFIRMATION BY TREASURER

"I am aware that I am required to file disclosure reports if the committee receives contributions, makes expenditures, or incurs indebtedness in excess of one hundred dollars in a calendar year for the purpose of supporting or opposing any candidate for public office or ballot issue."

Signature of Treasurer

Date

PLEASE PRINT OR TYPE
INSTRUCTIONS ON REVERSE SIDE

FORM DR-2	DISCLOSURE REPORT

DISCLOSURE SUMMARY PAGE

SAMPLE

COMMITTEE NAME
(Must be same as on Statement of Organization)

ID NUMBER
(If assigned by Commission)

SIGNATURE OF TREASURER

DATE SIGNED

- | Report Due | Covering Period |
|-------------------------------------|--------------------------|
| <input type="checkbox"/> May 25 | January 1 - May 20 |
| <input type="checkbox"/> July 25 | May 21 - July 20 |
| <input type="checkbox"/> October 25 | July 21 - October 20 |
| <input type="checkbox"/> January 25 | October 21 - December 31 |

School and Municipal Committees Only	
Report Due	Covering Period
<input type="checkbox"/> 5 days before election	Beginning of committee to 10 days before election
<input type="checkbox"/> 30 days after election	9 days before election to 25 days after election

- Check if Ballot Issue Committee and give date of election _____
- Check if final (termination) report. (Attach Notice of Dissolution Form DR - 3)
- Check if Amendment to report dated _____

STATEMENT OF CASH ON HAND

CASH ON HAND at the beginning of the reporting period. (This is the total of money and bank accounts held by the committee. This amount **MUST** be the same as the cash on hand at the end of the last reporting period.) \$ _____

ADD TOTAL MONEY TAKEN IN THIS PERIOD

Schedule A: Monetary receipts _____

Schedule C: Sale of products at fund raising events
(Sale price column) _____

SUB-TOTAL \$ _____

SUBTRACT TOTAL MONEY SPENT THIS PERIOD

Schedule B: Monetary expenditures _____

CASH ON HAND at the end of this reporting period (this may not be a negative balance) \$ _____

UNPAID BILLS
(Outstanding debts, obligations and loans)

Last reporting period \$ _____ This reporting period \$ _____

LOANS RECEIVABLE
(Money owed to this committee)

Last reporting period \$ _____ This reporting period \$ _____

solution report with the commissioner. (See Form 11-3, page 80) The report must be filed by the treasurer of the committee within 30 days of the date of dissolution. The committee must also file a final disclosure report on the form used for a regular disclosure report. The remaining funds, if any, are distributed in the manner described in the organization statement, and are considered as disbursements or expenses. However, the names of the persons receiving the refunds need not be released or reported unless those contributors' names were required to be reported when the contributions were received. (Sec. 56.5 as amended by Ch.56, Sec. 10, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975), and by Sec. 56.6, Ch.56, Sec. 11, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

Disavowal Statement

Statements of disavowal by a candidate disclaiming knowledge of an action by a person or committee on the candidate's behalf must be filed in writing with the commissioner within 72 hours of the action. (Sec. 56.13 as amended by Ch. 56, Sec. 15, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

Providing Forms

Forms necessary for the filing of statements and reports are developed by the commission and distributed to the commissioner. The commissioner must furnish forms to persons required to file statements and reports. (Sec. 56.8 as amended by Ch. 56, Sec. 12, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975)) The commissioner must mail the proper forms to each committee which is required to file a report with him or her at least 30 days prior to the filing date. (Ch. 56, Sec. 16, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

Publication and Preservation of Reports, Public Inspection

The commissioner's duties with respect to the publication and preservation of the reports are three-fold and include the following: (Sec. 56.8(3) as amended by Ch. 56, Sec. 12, Acts 1975, 66th Iowa General Assembly, 1st Sess., (1975))

1. The commissioner must make the reports and statements filed available for public inspection and copying. This must be done no later than the end of the day following the day during which a report or statement was received. The commissioner may charge persons requesting copies of reports, statements, and notices the actual cost of reproduction, but the charge may not exceed 25 cents per page. (IAC, 190-3.2(56)) Upon receipt of payment, the commissioner shall send reports to those requesting them.

2. The commissioner must preserve the reports and statements for a period of five years from the date of receipt.

3. The commissioner may also prepare and publish such other reports as may be deemed appropriate.

Please print or type all responses.

SAMPLE

NOTE: Every Notice of Dissolution shall be accompanied by a completed Disclosure Report Form DR - 2 current to the date of dissolution.

FORM DR-3	NOTICE OF DISSOLUTION

COMMITTEE NAME

Official Name of Committee
Street
City, State, Zip Code
Telephone

ID NUMBER (If assigned by Commission.)

--

Effective date of dissolution:

_____, 19____

Signature of Treasurer

Date Signed

WHEN TO FILE:

The treasurer must file this form when the committee determines that it will no longer be receiving contributions, making disbursements or incurring indebtedness
IF you have previously filed a Statement of organization or one or more Disclosure Reports;
AND all debts, obligations and loans have been paid or transferred;
AND any unexpended funds have been distributed according to the Statement of Organization.
The Notice of Dissolution must be filed within thirty (30) days of the committee's dissolution.

WHAT TO FILE:

1. Notice of Dissolution.
2. Disclosure Report Form DR - 2 current to the date of dissolution showing the final disposition of unexpended funds and the repayment or transfer of all outstanding debts, obligations and loans.

NOTE:

Moneys refunded to original contributors upon dissolution SHALL be considered a disbursement or expense BUT the names of persons receiving refunds NEED NOT be released or reported UNLESS the contributors' names were required to be reported when the contribution was received.

Commissioner's Reports to State Finance Disclosure Commission

The commissioner must file with the commission a summary of all committees and candidates required to file with him or her, the summary showing if the proper reports have been filed and the date of filing. These summaries must be filed no later than 20 days after the end of each reporting period. (IAC, 190-3.1(56)) It must be remembered that the commission can, by rule, establish other requirements for the commissioner.

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