

FILED JAN 10 '01

SENATE FILE

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BY MCKEAN

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the date of the primary election and providing
2 an effective date and applicability date.

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

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SF 17
STATE GOVERNMENT

1 Section 1. Section 43.7, Code 2001, is amended to read as
2 follows:

3 43.7 TIME OF HOLDING.

4 The primary election by all political parties shall be held
5 at the usual voting places of the several precincts on the
6 first Tuesday after the first Monday in ~~June~~ September in each
7 even-numbered year.

8 Sec. 2. Section 43.73, unnumbered paragraph 1, Code 2001,
9 is amended to read as follows:

10 Not less than ~~sixty-nine~~ forty days before the general
11 election the state commissioner shall certify to each
12 commissioner, under separate party headings, the name of each
13 person nominated as shown by the official canvass made by the
14 executive council, or as certified to the state commissioner
15 by the proper persons when any person has been nominated by a
16 convention or by a party committee, or by petition, the office
17 to which the person is nominated, and the order in which
18 federal and state offices, judges, constitutional amendments,
19 and state public measures shall appear on the official ballot.

20 Sec. 3. Section 43.76, Code 2001, is amended to read as
21 follows:

22 43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

23 1. A candidate nominated in a primary election for any
24 office for which nomination papers are required to be filed
25 with the state commissioner may withdraw as a nominee for that
26 office on or before, but not later than, the ~~eighty-ninth~~
27 forty-second day before the date of the general election by so
28 notifying the state commissioner in writing.

29 2. A candidate nominated in a primary election for any
30 office for which nomination papers are required to be filed
31 with the commissioner may withdraw as a nominee for that
32 office on or before, but not later than, the ~~seventy-fourth~~
33 fifty-fifth day before the date of the general election by so
34 notifying the commissioner in writing.

35 Sec. 4. Section 43.78, subsections 2 and 3, Code 2001, are

1 amended to read as follows:

2 2. The name of any candidate designated to fill a vacancy
3 on the general election ballot in accordance with subsection
4 1, paragraph "a", "b", or "c", shall be submitted in writing
5 to the state commissioner not later than five o'clock p.m. on
6 the ~~eighty-first~~ forty-first day before the date of the
7 general election.

8 3. The name of any candidate designated to fill a vacancy
9 on the general election ballot in accordance with subsection
10 1, paragraph "d", "e", or "f", shall be submitted in writing
11 to the commissioner not later than five o'clock p.m. on the
12 ~~sixty-ninth~~ fifty-fourth day before the date of the general
13 election.

14 Sec. 5. Section 43.79, Code 2001, is amended to read as
15 follows:

16 43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL.

17 The death of a candidate nominated as provided by law for
18 any office to be filled at a general election, during the
19 period beginning on the ~~eighty-eighth~~ thirty-fifth day before
20 the general election, in the case of any candidate whose
21 nomination papers were filed with the state commissioner, or
22 beginning on the ~~seventy-third~~ fortieth day before the general
23 election, in the case of any candidate whose nomination papers
24 were filed with the commissioner, and ending on the last day
25 before the general election shall not operate to remove the
26 deceased candidate's name from the general election ballot.
27 If the deceased candidate was seeking the office of senator or
28 representative in the Congress of the United States, governor,
29 attorney general, senator or representative in the general
30 assembly or county supervisor, section 49.58 shall control.
31 If the deceased candidate was seeking any other office, and as
32 a result of the candidate's death a vacancy is subsequently
33 found to exist, the vacancy shall be filled as provided by
34 chapter 69.

35 Sec. 6. Section 50.48, subsection 4, unnumbered paragraph

1 3, Code 2001, is amended to read as follows:

2 The ballots or voting machine documents shall be resealed
3 by the recount board before adjournment and shall be preserved
4 as required by section 50.12. At the conclusion of the
5 recount, the recount board shall make and file with the
6 commissioner a written report of its findings, which shall be
7 signed by at least two members of the recount board. The
8 recount board shall complete the recount and file its report
9 not later than the ~~eighteenth~~ twenty-seventh day following the
10 county board's canvass of the election in question.

11 Sec. 7. Section 53.2, unnumbered paragraph 1, Code 2001,
12 is amended to read as follows:

13 Any registered voter, under the circumstances specified in
14 section 53.1, may on any day, except election day, and not
15 more than ~~seventy~~ forty days ~~prior-to~~ before the date of the
16 general election and not more than seventy days before the
17 date of other elections, apply in person for an absentee
18 ballot at the commissioner's office or at any location
19 designated by the commissioner, or make written application to
20 the commissioner for an absentee ballot. The state
21 commissioner shall prescribe a form for absentee ballot
22 applications. However, if a registered voter submits an
23 application that includes all of the information required in
24 this section, the prescribed form is not required. Absentee
25 ballot applications may include instructions to send the
26 application directly to the county commissioner of elections.
27 However, no absentee ballot application shall be preaddressed
28 or printed with instructions to send the applications to
29 anyone other than the appropriate commissioner.

30 Sec. 8. Section 53.39, unnumbered paragraph 2, Code 2001,
31 is amended to read as follows:

32 All official ballots to be voted by qualified absent voters
33 in the armed forces of the United States at the primary
34 election and the general election shall be printed ~~prior-to~~
35 forty at least ten days before the respective elections and

1 shall be available for transmittal to such the qualified
2 voters in the armed forces of the United States at least **forty**
3 ten days before the respective elections and shall be accepted
4 until thirty days after the election. The provisions of this
5 chapter apply to absent voting by qualified voters in the
6 armed forces of the United States except as modified by the
7 provisions of this division.

8 Sec. 9. Section 277.1, Code 2001, is amended to read as
9 follows:

10 277.1 REGULAR ELECTION.

11 The regular election shall be held annually on the second
12 Tuesday in September in each school district for the election
13 of officers of the district and merged area and for the
14 purpose of submitting to the voters any matter authorized by
15 law. However, if the regular election falls on the same day
16 as the primary election, the regular election shall be held
17 the following Tuesday.

18 Sec. 10. EFFECTIVE DATE AND APPLICABILITY DATE. This Act
19 takes effect January 1, 2002, and applies to primary elections
20 held after that date.

21 EXPLANATION

22 This bill provides that the date of the primary election by
23 all political parties shall be held on the first Tuesday after
24 the first Monday in September rather than June in each even-
25 numbered year. If the primary election falls on the same day
26 as a regular school board election, the regular school
27 election shall be held the following Tuesday. The dates for
28 other deadlines related to the date of the primary election
29 are accordingly changed. Additional corresponding changes to
30 the Code may be required.

31 The bill takes effect January 1, 2002, and applies to
32 primary elections held after that date.

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