

STATE GOVERNMENT  
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SENATE FILE 192  
BY SOUKUP

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act establishing a primary election for certain candidates  
2 nominated for public office by petition.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 192  
STATE GOVERNMENT

1 Section 1. NEW SECTION. 43A.1 PARTISAN NOMINATIONS.

2 Nominations of political party candidates shall be made in  
3 the manner provided in this chapter.

4 Sec. 2. NEW SECTION. 43A.2 POLITICAL PARTY PRECINCT  
5 CAUCUSES.

6 Delegates to county conventions of political parties and  
7 party committee members shall be elected at precinct caucuses  
8 held not later than the fourth Monday in February of each  
9 even-numbered year. The date shall be at least eight days  
10 earlier than the scheduled date for any meeting, caucus or  
11 primary which constitutes the first determining stage of the  
12 presidential nominating process in any other state, territory  
13 or any other group which has the authority to select delegates  
14 in the presidential nomination. The state central committees  
15 of the political parties shall set the date for their  
16 caucuses. The county chairperson of each political party  
17 shall issue the call for the caucuses. The county chairperson  
18 shall file with the commissioner the meeting place of each  
19 precinct caucus at least seven days prior to the date of  
20 holding the caucus.

21 There shall be selected among those present at a precinct  
22 caucus a chairperson and a secretary who shall within seven  
23 days certify to the county central committee the names of  
24 those elected as party committee members and delegates to the  
25 county convention.

26 When the rules of a political party require the selection  
27 and reporting of delegates selected as part of the  
28 presidential nominating process, or the rules of a political  
29 party require the tabulation and reporting of the number of  
30 persons attending the caucus favoring each presidential  
31 candidate, it is the duty of a person designated as provided  
32 by the rules of that political party to report the results of  
33 the precinct caucus as directed by the state central committee  
34 of that political party. When the person designated to report  
35 the results of the precinct caucus reports the results,

1 representatives of each candidate, if they so choose, may  
2 accompany the person as the results are being reported to  
3 assure that an accurate report of the proceedings is reported.  
4 If ballots are used at the precinct caucus, representatives of  
5 each candidate or other persons attending the precinct caucus  
6 may observe the tabulation of the results of the balloting.

7 Within fourteen days after the date of the caucus the  
8 county central committee shall certify to the county  
9 commissioner the names of those elected as party committee  
10 members and delegates to the county convention.

11 The central committee of each political party shall notify  
12 the delegates and committee members so elected and certified  
13 of their election and of the time and place of holding the  
14 county convention. Such conventions shall be held either  
15 preceding or following the primary election but no later than  
16 ten days following the primary election and shall be held on  
17 the same day throughout the state.

18 Sec. 3. NEW SECTION. 43A.3 NOMINATION OF U.S. SENATORS,  
19 STATE AND COUNTY OFFICERS.

20 Candidates for the office of senator in the Congress of the  
21 United States, the offices listed in section 39.9, county  
22 supervisor, and the offices listed in section 39.17 shall be  
23 nominated in the year preceding the expiration of the term of  
24 office of the incumbent.

25 1. When a vacancy occurs in the office of senator in the  
26 Congress of the United States, secretary of state, auditor of  
27 state, treasurer of state, secretary of agriculture, or  
28 attorney general and section 69.13 requires that the vacancy  
29 be filled for the balance of the unexpired term at a general  
30 election, candidates for the office shall be nominated in the  
31 preceding primary election if the vacancy occurs eighty-nine  
32 or more days before the date of that primary election. If the  
33 vacancy occurs less than one hundred four days before the date  
34 of that primary election, the state commissioner shall accept  
35 nomination papers for that office only until five p.m. on the

1 seventy-fourth day before the primary election, the provisions  
2 of section 43A.7 notwithstanding. If the vacancy occurs later  
3 than eighty-nine days before the date of that primary  
4 election, but not less than eighty-nine days before the date  
5 of the general election, the nominations shall be made in the  
6 manner prescribed by this chapter for filling vacancies in  
7 nominations for offices to be voted for at the general  
8 election.

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

21 Sec. 4. NEW SECTION. 43A.4 STATE COMMISSIONER TO FURNISH  
22 BLANKS.

23 The state commissioner shall, at state expense, furnish  
24 blank nomination papers, in the form provided in this chapter,  
25 to any eligible elector who desires to petition for the  
26 nomination of any candidate, or to any person who intends to  
27 be a candidate, for any office for which nomination papers are  
28 required to be filed in the state commissioner's office.

29 Sec. 5. NEW SECTION. 43A.5 COMMISSIONER TO FURNISH  
30 BLANKS.

31 The commissioner shall, at county expense, perform the duty  
32 specified in section 43A.4, as to all offices for which  
33 nomination papers are required to be filed in the  
34 commissioner's office.

35 Sec. 6. NEW SECTION. 43A.6 BLANKS FURNISHED BY OTHERS.

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

4 Sec. 7. NEW SECTION. 43A.7 FILING OF NOMINATION PAPERS.

5 Nomination papers in behalf of a candidate shall be filed:

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

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

16 Sec. 8. NEW SECTION. 43A.8 NOTING TIME OF FILING.

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

19 Sec. 9. NEW SECTION. 43A.9 FAILURE TO FILE NOMINATION  
20 PAPERS.

21 The name of a candidate for any office named in section  
22 43A.7 shall not be printed on the official primary ballot of  
23 the candidate's party unless nomination papers are filed as  
24 therein provided except as otherwise permitted by section  
25 43A.23.

26 Sec. 10. NEW SECTION. 43A.10 FORM OF NOMINATION PAPERS.

27 All nomination papers shall be eight and one-half by eleven  
28 inches in size and in substantially the following form:

29 I, the undersigned, an eligible elector of ..... county or  
30 legislative district, and state of Iowa, hereby nominate  
31 ..... of ..... county or legislative district, state of  
32 Iowa, who has registered with the ..... party, as a candidate  
33 for the office of ..... to be voted for at the primary  
34 election to be held on .....

35 No signatures shall be counted unless they are on sheets

1 each having such form written or printed at the top thereof.  
2 Nomination papers on behalf of candidates for seats in the  
3 general assembly need only designate the number of the  
4 senatorial or representative district, as appropriate, and not  
5 the county or counties, in which the candidate and the  
6 petitioners reside.

7 Sec. 11. NEW SECTION. 43A.11 REQUIREMENTS IN SIGNING.

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

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

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

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

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

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

28 Sec. 12. NEW SECTION. 43A.12 RETURN OF PAPERS, ADDITIONS  
29 NOT ALLOWED.

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

34 A person who has filed nomination petitions with the state  
35 commissioner may withdraw as a candidate not later than the

1 seventy-sixth day before the primary election by notifying the  
2 state commissioner in writing.

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

7 The name of a candidate who has withdrawn or died at a time  
8 in accordance with this section shall be omitted from the  
9 certificate furnished by the state commissioner under section  
10 43A.17 and omitted from the primary election ballot.

11 Sec. 13. NEW SECTION. 43A.13 AFFIDAVIT OF CANDIDACY.

12 Each candidate shall complete and file a signed, notarized  
13 affidavit of candidacy. The affidavit shall be in the form  
14 prescribed by the secretary of state and shall include the  
15 following information:

16 1. The candidate's name in the form the candidate wants it  
17 to appear on the ballot.

18 2. The candidate's home address.

19 3. The name of the county in which the candidate resides.

20 4. The political party with which the candidate is  
21 registered to vote.

22 5. The office sought by the candidate, and the district  
23 the candidate seeks to represent, if any.

24 6. A declaration that if the candidate is nominated and  
25 elected the candidate will qualify by taking the oath of  
26 office.

27 7. A statement that the candidate is aware that the  
28 candidate is required to organize a candidate's committee  
29 which shall file an organization statement and disclosure  
30 reports if the committee or the candidate receives  
31 contributions, makes expenditures, or incurs indebtedness in  
32 excess of the reporting threshold in section 56.2, subsection  
33 5. This subsection shall not apply to candidates for federal  
34 office.

35 8. A statement that the candidate is aware of the

1 prohibition in section 43A.15 against being a candidate for  
2 more than one office appearing on the primary election ballot.

3 9. A statement that the candidate is aware that the  
4 candidate is disqualified from holding office if the candidate  
5 has been convicted of a felony or other infamous crime and the  
6 candidate's rights have not been restored by the governor or  
7 by the president of the United States.

8 Sec. 14. NEW SECTION. 43A.14 MANNER OF FILING AFFIDAVIT.

9 The affidavit provided in section 43A.13 shall be filed  
10 with the nomination papers when such papers are required;  
11 otherwise alone.

12 Sec. 15. NEW SECTION. 43A.15 SIGNATURES REQUIRED -- MORE  
13 THAN ONE OFFICE PROHIBITED.

14 1. Nomination papers shall be signed by eligible electors  
15 as follows:

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

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

25 c. If for a representative in Congress, in districts  
26 composed of more than one county, by at least two percent of  
27 the voters of the candidate's party, as shown by the last  
28 general election, in each of at least one-half of the counties  
29 of the district, and in the aggregate not less than one  
30 percent of the total vote of the candidate's party in such  
31 district, as shown by the last general election. If for a  
32 representative in the general assembly, not less than fifty  
33 voters of the representative district; and if for a senator in  
34 the general assembly, not less than one hundred voters of the  
35 senatorial district.

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

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

11 3. A candidate for public office shall not cause  
12 nomination papers to remain filed in the office of the state  
13 commissioner or the commissioner on the last day for filing  
14 nomination papers, for more than one office to be filled at  
15 the primary election.

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

27 Sec. 16. NEW SECTION. 43A.16 TOWNSHIP OFFICE.

28 The name of a candidate for a township office shall be  
29 printed on the official primary ballot of the candidate's  
30 party if the candidate files the candidate's personal  
31 affidavit, in the form prescribed by section 43A.13, with the  
32 commissioner not earlier than ninety-two days nor later than  
33 five p.m. of the sixty-ninth day before the primary election.  
34 If before that time there is presented to the commissioner a  
35 nomination paper signed by at least ten eligible electors of

1 the township requesting that the name of any person be placed  
2 on the primary ballot as a candidate for a township office,  
3 and the nomination paper is not accompanied by the candidate's  
4 personal affidavit, the commissioner shall advise the  
5 candidate that such an affidavit is required before the  
6 candidate's name may be placed on the ballot.

7 Sec. 17. NEW SECTION. 43A.17 NOMINATIONS CERTIFIED.

8 The state commissioner shall, at least sixty-nine days  
9 before a primary election, furnish to the commissioner of each  
10 county a certificate under the state commissioner's hand and  
11 seal, which certificate shall show:

12 1. The name and post-office address of each person for  
13 whom a nomination paper has been filed in the state  
14 commissioner's office, and for whom the voters of said county  
15 have the right to vote at said election.

16 2. The office for which such person is a candidate.

17 3. The political party from which such person seeks a  
18 nomination or whether the person is a petition candidate.

19 Sec. 18. NEW SECTION. 43A.18 DEATH OR WITHDRAWAL OF  
20 PRIMARY CANDIDATE.

21 1. If a person who has filed political party nomination  
22 papers with the state commissioner as a candidate in a primary  
23 election dies or withdraws up to the seventy-sixth day before  
24 the primary election, the appropriate convention or central  
25 committee of that person's political party may designate one  
26 additional primary election candidate for the nomination that  
27 person was seeking, if the designation is submitted to the  
28 state commissioner in writing by five p.m. on the seventy-  
29 first day before the date of the primary election. The name  
30 of any candidate so submitted shall be included in the  
31 appropriate certificate or certificates furnished by the state  
32 commissioner under section 43A.17.

33 2. If a person who has filed political party nomination  
34 papers with the commissioner as a candidate in a primary  
35 election dies or withdraws up to the sixty-seventh day before

1 the primary election, the appropriate convention or central  
2 committee of that person's political party may designate one  
3 additional primary election candidate for the nomination that  
4 person was seeking, if the designation is submitted to the  
5 commissioner in writing by five p.m. on the sixty-third day  
6 before the primary election. The name of any candidate so  
7 submitted shall be placed on the appropriate ballot or ballots  
8 by the commissioner.

9 Sec. 19. NEW SECTION. 43A.19 OBJECTIONS TO NOMINATION  
10 PETITIONS OR CERTIFICATES OF NOMINATION.

11 1. WRITTEN OBJECTIONS REQUIRED. Nomination petitions or  
12 certificates of nomination filed under this chapter which are  
13 apparently in conformity with the law are valid unless  
14 objection is made in writing.

15 Objections to the legal sufficiency of a nomination  
16 petition or certificate of nomination filed or issued under  
17 this chapter or to the eligibility of a candidate may be filed  
18 in writing by any person who would have the right to vote for  
19 the candidate for the office in question.

20 Objections shall be filed with the officer with whom the  
21 nomination petition or certificate of nomination was filed,  
22 and within the following time:

23 a. Those filed with the state commissioner, not less than  
24 seventy-four days before the date of the election.

25 b. Those filed with the commissioner, not less than sixty-  
26 four days before the date of the election.

27 c. Objections to nominations to fill vacancies at a  
28 special election held under section 69.14, under which the  
29 forty-day notice of election provision applies, shall be filed  
30 with the state commissioner not less than fifteen days prior  
31 to the date set for the special election. If the forty-day  
32 notice provision does not apply, objections to nominations to  
33 fill vacancies at a special election held under section 69.14  
34 may be filed any time prior to the date set for the special  
35 election.

1 d. Those filed with the city clerk under this chapter, at  
2 least thirty-six days before the municipal election.

3 2. NOTICE OF OBJECTIONS.

4 a. When objections have been filed, notice shall be mailed  
5 within seventy-two hours by certified mail to the candidate  
6 affected, addressed to the candidate's place of residence as  
7 stated in the candidate's affidavit of candidacy or in the  
8 certificate of nomination, stating that objections have been  
9 made, the nature of the objections, and the time and place the  
10 objections will be considered.

11 b. If an objection is filed to a nomination to fill a  
12 vacancy at a special election held under section 69.14, under  
13 which the forty-day notice of election provision of section  
14 69.14 does not apply, notice of the objection shall be made to  
15 the candidate by the state commissioner as soon as  
16 practicable. Under this paragraph, failure to notify a  
17 candidate of an objection to the candidate's nomination prior  
18 to the date set for the special election does not invalidate  
19 the hearing conducted under subsection 3. The hearing to an  
20 objection shall proceed as quickly as possible to expedite the  
21 special election.

22 3. HEARING. Objections filed with the state commissioner  
23 shall be considered by the secretary of state, auditor of  
24 state, and attorney general. However, if the objection is to  
25 the nomination petition, certificate of nomination, or  
26 eligibility of one or more of those officers, those officers  
27 shall be replaced, respectively, by the treasurer of state,  
28 secretary of agriculture, and lieutenant governor for the  
29 hearing.

30 Objections filed with the commissioner shall be considered  
31 by three elected county officers whose eligibility is not in  
32 question. The chairperson of the board of supervisors shall  
33 appoint the three elected officers unless the chairperson is  
34 ineligible, in which case, the appointments shall be made by  
35 the county auditor. In either case, a majority vote shall

1 decide the issue.

2     Objections filed with the city clerk shall be considered by  
3 the mayor and clerk and one member of the council chosen by  
4 the council by ballot, and a majority decision shall be final;  
5 but if the objection is to the certificate of nomination of  
6 either of those city officials, that official shall not pass  
7 upon said objection, but that official's place shall be filled  
8 by a member of the council against whom no objection exists,  
9 chosen as above.

10     Sec. 20. NEW SECTION. 43A.20 WITHDRAWAL OF NOMINATED  
11 CANDIDATES.

12     1. A candidate nominated in a primary election for any  
13 office for which nomination papers are required to be filed  
14 with the state commissioner may withdraw as a nominee for that  
15 office on or before, but not later than, the eighty-ninth day  
16 before the date of the general election by so notifying the  
17 state commissioner in writing.

18     2. A candidate nominated in a primary election for any  
19 office for which nomination papers are required to be filed  
20 with the commissioner may withdraw as a nominee for that  
21 office on or before, but not later than, the seventy-fourth  
22 day before the date of the general election by so notifying  
23 the commissioner in writing.

24     Sec. 21. NEW SECTION. 43A.21 WHAT CONSTITUTES A BALLOT  
25 VACANCY.

26     A vacancy on the general election ballot exists when any  
27 political party lacks a candidate for an office to be filled  
28 at the general election because:

29     1. No person filed under section 43A.7 as a candidate for  
30 the party's nomination for that office in the primary  
31 election, or all persons who filed under section 43A.7 as  
32 candidates for the party's nomination for that office in the  
33 primary election subsequently withdrew as candidates, were  
34 found to lack the requisite qualifications for the office or  
35 died before the date of the primary election, and no candidate

1 received a sufficient number of write-in votes to be  
2 nominated.

3 2. The primary election was inconclusive as to that office  
4 because no candidate for the party's nomination for that  
5 office received the number of votes required by section 43.52,  
6 43.53, or 43.65, whichever is applicable.

7 3. The person nominated in the primary election as the  
8 party's candidate for that office subsequently withdrew as  
9 permitted by section 43A.20 was found to lack the requisite  
10 qualifications for the office, or died, at a time not later  
11 than the eighty-ninth day before the date of the general  
12 election in the case of an office for which nomination papers  
13 must be filed with the state commissioner and not later than  
14 the seventy-fourth day before the date of the general election  
15 in the case of an office for which nomination papers must be  
16 filed with the county commissioner.

17 4. A vacancy has occurred in the office of senator in the  
18 Congress of the United States, lieutenant governor, secretary  
19 of state, auditor of state, treasurer of state, secretary of  
20 agriculture, or attorney general, under the circumstances  
21 described in section 69.13, less than eighty-nine days before  
22 the primary election and not less than eighty-nine days before  
23 the general election.

24 5. A vacancy has occurred in the office of county  
25 supervisor or in any of the offices listed in section 39.17  
26 and the term of office has more than seventy days remaining  
27 after the date of the next general election and one of the  
28 following circumstances applies:

29 a. The vacancy occurred during the period beginning  
30 seventy-three days before the primary election and ending on  
31 the date of the primary election and no special election was  
32 called to fill the vacancy.

33 b. The vacancy occurred after the date of the primary  
34 election and more than seventy-three days before the general  
35 election.

1      Sec. 22. NEW SECTION. 43A.22 FILLING BALLOT VACANCIES.

2      1. A vacancy on the general election ballot may be filled  
3 by the political party in whose ticket the vacancy exists, as  
4 follows:

5      a. For senator in the Congress of the United States or any  
6 office listed in section 39.9, by the party's state  
7 convention, which may be reconvened by the state party  
8 chairperson if the vacancy occurs after the convention has  
9 been held or too late to be filled at the time it is held.

10 However, a vacancy so occurring with respect to the offices of  
11 secretary of state, auditor of state, treasurer of state or  
12 secretary of agriculture may be filled by the party's state  
13 central committee in lieu of reconvening the state convention.

14      b. For representative in the Congress of the United  
15 States, by the party's congressional district convention,  
16 which may be convened or reconvened as appropriate by the  
17 state party chairperson.

18      c. For senator or representative in the general assembly,  
19 by the party precinct committee members whose precincts lie  
20 within the senatorial or representative district involved, who  
21 shall be convened or reconvened as appropriate by the state  
22 party chairperson. The party's state constitution or bylaws  
23 may allow the voting strength of each precinct represented at  
24 such a convention to be made proportionate to the vote cast  
25 for the party's candidate for the office in question in the  
26 respective precincts at the last general election for that  
27 office.

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

33      e. For the office of county supervisor elected by the  
34 voters of a district within the county, by the delegates to  
35 the party's county convention who represent the precincts

1 lying within that district, who shall be convened or  
2 reconvened as appropriate by the county party chairperson.

3 f. For any other partisan office filled by the voters of a  
4 subdivision of a county, by those members of the party's  
5 county central committee who represent the precincts lying  
6 within that district, who shall be convened or reconvened as  
7 appropriate by the county party chairperson. However, this  
8 paragraph shall not apply to partisan city offices in special  
9 charter cities for which candidates are nominated under this  
10 chapter, but such ballot vacancies shall be filled as provided  
11 by section 43A.48.

12 2. The name of any candidate designated to fill a vacancy  
13 on the general election ballot in accordance with subsection  
14 1, paragraph "a", "b", or "c", shall be submitted in writing  
15 to the state commissioner not later than five p.m. on the  
16 eighty-first day before the date of the general election.

17 3. The name of any candidate designated to fill a vacancy  
18 on the general election ballot in accordance with subsection  
19 1, paragraph "d", "e", or "f", shall be submitted in writing  
20 to the commissioner not later than five p.m. on the sixty-  
21 ninth day before the date of the general election.

22 4. Political party candidates for a vacant seat in the  
23 United States house of representatives, the board of  
24 supervisors, the elected county offices, or the general  
25 assembly which is to be filled at a special election called  
26 pursuant to section 69.14 or 69.14A shall be nominated in the  
27 manner provided by subsection 1 of this section for filling a  
28 vacancy on the general election ballot for the same office.  
29 The name of a candidate so nominated shall be submitted in  
30 writing to the appropriate commissioner, as required by  
31 section 43A.27, at the earliest practicable time.

32 Sec. 23. NEW SECTION. 43A.23 DEATH OF CANDIDATE AFTER  
33 TIME FOR WITHDRAWAL.

34 The death of a candidate nominated as provided by law for  
35 any office to be filled at a general election, during the

1 period beginning on the eighty-eighth day before the general  
2 election, in the case of any candidate whose nomination papers  
3 were filed with the state commissioner, or beginning on the  
4 seventy-third day before the general election, in the case of  
5 any candidate whose nomination papers were filed with the  
6 commissioner, and ending on the last day before the general  
7 election shall not operate to remove the deceased candidate's  
8 name from the general election ballot. If the deceased  
9 candidate was seeking the office of senator or representative  
10 in the Congress of the United States, governor, attorney  
11 general, senator or representative in the general assembly or  
12 county supervisor, section 49.58 shall control. If the  
13 deceased candidate was seeking any other office, and as a  
14 result of the candidate's death a vacancy is subsequently  
15 found to exist, the vacancy shall be filled as provided by  
16 chapter 69.

17 Sec. 24. NEW SECTION. 43A.24 VACANCIES IN NOMINATIONS OF  
18 PRESIDENTIAL ELECTORS.

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

25 Sec. 25. NEW SECTION. 43A.25 VACANCIES IN OFFICE OF U.S.  
26 REPRESENTATIVE.

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

32 Sec. 26. NEW SECTION. 43A.26 COUNTY CONVENTION  
33 RECONVENED.

34 When a nomination is directed to be made by a district  
35 convention composed of more than one county, and the county

1 convention in any county of the district has adjourned without  
2 selecting delegates to such convention, the county convention  
3 shall be reconvened for the purpose of making such selection.

4 Sec. 27. NEW SECTION. 43A.27 CERTIFICATION OF  
5 NOMINATIONS.

6 Nominations made by state, district, and county  
7 conventions, shall, under the name, place of residence, and  
8 post-office address of the nominee, and the office to which  
9 nominated, and the name of the political party making the  
10 nomination, be forthwith certified to the proper officer by  
11 the chairperson and secretary of the convention, or by the  
12 committee, as the case may be, and if such certificate is  
13 received in time, the names of such nominees shall be printed  
14 on the official ballot the same as if the nomination had been  
15 made in the primary election.

16 Nominations made to fill vacancies at a special election  
17 shall be certified to the proper official not less than  
18 twenty-five days prior to the date set for the special  
19 election. In the event the special election is to fill a  
20 vacancy in the general assembly while it is in session or  
21 within forty-five days of the convening of any session, the  
22 nomination shall be certified not less than fourteen days  
23 before the date of the special election.

24 Nominations certified to the proper official under this  
25 section shall be accompanied by an affidavit executed by the  
26 nominee in substantially the form required by section 43.67.

27 Sec. 28. NEW SECTION. 43A.28 DELEGATES.

28 The county convention shall be composed of delegates  
29 elected at the last preceding precinct caucus. Delegates  
30 shall be persons who are or will by the date of the next  
31 general election become eligible electors and who are  
32 residents of the precinct. The number of delegates from each  
33 voting precinct shall be determined by a ratio adopted by the  
34 respective party county central committees, and a statement  
35 designating the number from each voting precinct in the county

1 shall be filed by such committee not later than the time the  
2 list of precinct caucus meeting places required by section  
3 43A.2 is filed in the office of the commissioner. If the  
4 required statement is not filed, the commissioner shall fix  
5 the number of delegates from each voting precinct.

6 Sec. 29. NEW SECTION. 43A.29 VOTER AT CAUCUS MUST BE  
7 PRECINCT RESIDENT.

8 Any person voting at a precinct caucus must be a person who  
9 is or will by the date of the next general election become an  
10 eligible elector and who is a resident of the precinct. A  
11 list of the names and addresses of each person to whom a  
12 ballot was delivered or who was allowed to vote in each  
13 precinct caucus shall be prepared by the caucus chairperson  
14 and secretary who shall certify such list to the commissioner  
15 at the same time as the names of those elected as delegates  
16 and party committee members are so certified.

17 Sec. 30. NEW SECTION. 43A.30 DATE OF CAUCUS PUBLISHED.

18 The date, time, and place of each precinct caucus of a  
19 political party shall be published at least twice in at least  
20 one newspaper of general circulation in the precinct. The  
21 first publication shall be made not more than fifteen days nor  
22 less than seven days before the date of the caucus and the  
23 second shall be made not more than seven days before and not  
24 later than the date of the caucus. Such publication shall  
25 also state in substance that each voter affiliated with the  
26 specified political party may attend the precinct caucus.  
27 Publication in a news item or advertisement in such newspaper  
28 shall constitute publication for the purposes of this section.  
29 The cost of such publication, if any, shall be paid by the  
30 political party.

31 Sec. 31. NEW SECTION. 43A.31 PLACE OF HOLDING CAUCUS.

32 Each precinct caucus shall be held in a building which is  
33 publicly owned or is suitable for and from time to time made  
34 available for holding public meetings wherever it is possible  
35 to do so. Upon the application of the county chairperson, the

1 person having control of a building supported by taxation  
2 under the laws of this state shall make available the space  
3 necessary to conduct the caucus without charge during  
4 presidential election years and at a charge not greater than  
5 that made for its use by other groups during other years.  
6 When using public buildings, the county chairpersons shall  
7 cooperate to attempt the collocation of the caucuses.

8 Sec. 32. NEW SECTION. 43A.32 TERM OF OFFICE OF  
9 DELEGATES.

10 The term of office of delegates to the county convention  
11 shall begin on the day following their election at the  
12 precinct caucus, and shall continue for two years and until  
13 their successors are elected.

14 Sec. 33. NEW SECTION. 43A.33 CALLING CONVENTION TO  
15 ORDER.

16 When the delegates, or a majority thereof, or when  
17 delegates representing a majority of the precincts, thus  
18 elected, shall have assembled in the county convention, the  
19 convention shall be called to order by the chairperson of the  
20 county central committee, who shall present the certified list  
21 of delegates and members of the county central committee. If  
22 the convention is being held after the primary election, the  
23 chairperson shall also present a list of the offices for which  
24 no nomination was made at the primary election by reason of  
25 the failure of any candidate for any such office to receive  
26 the legally required number of votes cast by such party  
27 therefor.

28 Sec. 34. NEW SECTION. 43A.34 PROXIES PROHIBITED.

29 If any precinct shall not be fully represented the  
30 delegates present from such precinct shall cast the full vote  
31 thereof, if the rules of the convention, party bylaws or  
32 constitution so permit, and there shall be no proxies.

33 Sec. 35. NEW SECTION. 43A.35 DUTIES PERFORMABLE BY  
34 COUNTY CONVENTION.

35 The said county convention shall:

1 1. Make nominations to fill vacancies on the general  
2 election ballot as provided by law.

3 2. Transact such other business as required or permitted  
4 by the political party's state constitution or bylaws, or the  
5 rules of the convention.

6 3. Elect delegates to the next ensuing regular state  
7 convention and to all district conventions of that year upon  
8 such ratio of representation as may be determined by the party  
9 organization for the state, district or districts of the  
10 state, as the case may be. Delegates to district conventions  
11 need not be selected in the absence of any apparent reason  
12 therefor. Delegates shall be persons who are or will by the  
13 date of the next general election become eligible electors and  
14 who are residents of the county.

15 Sec. 36. NEW SECTION. 43A.36 PARTY COMMITTEE PERSONS.

16 Two members of the county central committee for each  
17 political party shall, at the precinct caucuses, be elected  
18 from each precinct. The term of office of a member shall  
19 begin at the time specified by the party's state constitution  
20 or bylaws and shall continue for two years and until a  
21 successor is elected and qualified, unless sooner removed by  
22 the county central committee for inattention to duty or  
23 incompetency. The party's state constitution or bylaws may  
24 permit the election of additional central committee members  
25 from each precinct in a number proportionate to the vote cast  
26 for the party's candidates for office in the respective  
27 precincts at preceding general elections.

28 Sec. 37. NEW SECTION. 43A.37 CENTRAL COMMITTEE --  
29 DUTIES.

30 The county central committee shall elect the officers of  
31 the committee. Each member shall be given written notice at  
32 least five days in advance of the time and place of any  
33 meeting scheduled for the election of officers.

34 Every county central committee shall adopt a constitution  
35 and bylaws which shall govern the committee's operation. A

1 copy of the constitution and bylaws so adopted shall be kept  
2 on file at the office of the commissioner for the county in  
3 which the central committee exists and at the office of the  
4 state commissioner. Amendments to a county central  
5 committee's constitution or bylaws shall upon adoption be  
6 filed in the same manner as the original documents.

7 Vacancies in such committee may be filled by majority vote  
8 of the committee, or at a precinct caucus called pursuant to  
9 the party's state constitution or bylaws.

10 Sec. 38. NEW SECTION. 43A.38 COUNTY CENTRAL COMMITTEE  
11 OFFICERS.

12 The county central committee shall elect a chair, cochair,  
13 secretary, treasurer, and other officers as it may determine.  
14 The term of office of an officer begins at the time specified  
15 by the party's state constitution or bylaws and continues for  
16 two years and until the officer's successor is elected and  
17 qualified, unless the officer dies, resigns or is sooner  
18 removed by the county central committee for inattention to  
19 duty or incompetency.

20 Sec. 39. NEW SECTION. 43A.39 DISTRICT CONVENTIONS.

21 Each political party may hold a congressional district  
22 convention upon the call of the state party chairperson to:

23 1. Elect or nominate members of the party's state central  
24 committee.

25 2. Make nominations to fill vacancies on the general  
26 election ballot as provided by law.

27 3. Transact such other business as required or permitted  
28 by the party's state constitution or bylaws, or the rules of  
29 the convention.

30 Sec. 40. NEW SECTION. 43A.40 DUTY OF COUNTY  
31 COMMISSIONER.

32 The commissioner, in case the district delegates for the  
33 commissioner's county have not been selected, shall deliver a  
34 copy of said call to the chairperson of the convention which  
35 selects said delegates.

1 Sec. 41. NEW SECTION. 43A.41 ORGANIZATION.

2 The organization of a district convention and the procedure  
3 therein shall be substantially the same as in the state  
4 convention.

5 Sec. 42. NEW SECTION. 43A.42 STATE CONVENTION.

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

12 Sec. 43. NEW SECTION. 43A.43 ORGANIZATION -- PROXIES  
13 PROHIBITED.

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

22 Sec. 44. NEW SECTION. 43A.44 NOMINATIONS AUTHORIZED.

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

25 Sec. 45. NEW SECTION. 43A.45 STATE PARTY PLATFORM,  
26 CONSTITUTION, BYLAWS, AND CENTRAL COMMITTEE.

27 The state convention held by each political party pursuant  
28 to section 43A.42 shall adopt a state platform, adopt or amend  
29 a state party constitution, and bylaws if desired, and  
30 transact other business which may properly be brought before  
31 it. A copy of the constitution and any bylaws so adopted or  
32 amended shall be kept on file in the office of the state  
33 commissioner.

34 There shall be selected at or prior to each political  
35 party's state convention a state party central committee

1 consisting of an equal number of members from each  
2 congressional district, which number shall be determined by  
3 the party constitution or bylaws, who shall be elected or  
4 nominated by the district convention or caucus.

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

15 Sec. 46. NEW SECTION. 43A.46 NOMINATIONS IN CERTAIN  
16 CITIES.

17 This chapter and chapter 43 shall, so far as applicable,  
18 govern the nominations of candidates by political parties for  
19 all offices to be filled by a direct vote of the people in  
20 cities acting under a special charter in 1973 and having a  
21 population of over fifty thousand, except all such cities as  
22 choose by special election to conduct nonpartisan city  
23 elections under the provisions of chapter 44 or 376. An  
24 election on the question of conducting city elections in such  
25 a special charter city on a nonpartisan basis may be called by  
26 the city council on its own initiative, and shall be called by  
27 the council upon receipt of a petition of the voters which so  
28 requests and is presented in conformity with section 362.4,  
29 but a special election on that question shall be held  
30 concurrently with any election being held on the first Tuesday  
31 after the first Monday in November of any odd-numbered year.

32 Sections 43.114, 43.117, 43.118, 43A.47, and 43A.48 shall  
33 apply only to cities to which this chapter is made applicable  
34 by this section.

35 Sec. 47. NEW SECTION. 43A.47 NOMINATION PAPERS -- NUMBER

1 OF SIGNERS.

2 All candidates for nominations to be made in primary  
3 elections held pursuant to section 43A.46 shall file  
4 nomination papers with the city clerk no later than five p.m.  
5 forty days before the date of the election as established by  
6 section 43.114, except that candidates for precinct committee  
7 member shall file affidavits of candidacy as required by  
8 section 420.130. The number of eligible electors signing  
9 petitions required for printing the name of a candidate upon  
10 the official primary ballot shall be one hundred for an office  
11 to be filled by the voters of the entire city and twenty-five  
12 for an office to be filled by the voters of a subdivision of  
13 the city.

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

17 Objections to nomination petitions and certificates of  
18 nominations shall be filed and decided as provided in section  
19 43A.19.

20 Sec. 48. NEW SECTION. 43A.48 BALLOT VACANCIES IN SPECIAL  
21 CHARTER CITY ELECTIONS.

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

27 a. No person filed at the time required by section 43A.47  
28 as a candidate for the party's nomination for that office in  
29 the city primary election held under section 43A.46, or all  
30 persons who did so subsequently withdrew as candidates, were  
31 found to lack the requisite requirements for the office or  
32 died before the date of the city primary election, and no  
33 candidate received a number of write-in votes sufficient for  
34 nomination under section 43.53; or

35 b. The person nominated in the city primary election as

1 the party's candidate for that office withdrew by giving  
2 written notice to that effect to the city clerk not later than  
3 five p.m. on the day of the canvass of that city primary  
4 election.

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

14 3. If a special election is held to fill a vacancy in an  
15 elective city office, nominations by political parties shall  
16 be made following the provisions of subsection 2.

17 Sec. 49. NEW SECTION. 43A.49 NOMINATION OF LIEUTENANT  
18 GOVERNOR.

19 Notwithstanding this chapter and any other statute relating  
20 to the nomination of a person for the office of lieutenant  
21 governor, the nomination of a person for the office of  
22 lieutenant governor for the general election in the year 1990  
23 and each four years thereafter shall be held at the state  
24 convention of the political party. The nomination of a person  
25 for the office of lieutenant governor by a nonparty political  
26 organization shall be the procedure specified in chapter 44.

27 Sec. 50. Section 43.1, Code 2001, is amended to read as  
28 follows:

29 43.1 PRIMARY ELECTION CONSTRUED.

30 The primary election required by this chapter shall be  
31 construed to be an election by the members of various  
32 political parties and by petition candidates for the purpose  
33 of placing in nomination candidates for public office.

34 Sec. 51. Section 43.2, Code 2001, is amended by adding the  
35 following new unnumbered paragraph after unnumbered paragraph

1 1:

2 NEW UNNUMBERED PARAGRAPH. "Petition candidates" are those  
3 candidates for elective offices nominated under chapter 45.  
4 Only voters whose registration does not declare a party  
5 affiliation will be allowed ballot.

6 Sec. 52. Section 43.2, unnumbered paragraph 2, Code 2001,  
7 is amended to read as follows:

8 A political organization which is not a "political party"  
9 within the meaning of this section may nominate candidates and  
10 have the names of such candidates placed upon the official  
11 ballot by proceeding under chapters chapter 44 and-45.

12 Sec. 53. Section 43.3, Code 2001, is amended to read as  
13 follows:

14 43.3 OFFICES AFFECTED BY PRIMARY.

15 Candidates Petition candidates and candidates of all  
16 political parties for all offices which are filled at a  
17 regular biennial election by direct vote of the people shall  
18 be nominated at a primary election at the time and in the  
19 manner hereinafter directed in this chapter, and chapters 43A  
20 and 45.

21 Sec. 54. Section 43.7, Code 2001, is amended to read as  
22 follows:

23 43.7 TIME OF HOLDING.

24 The primary election by petition candidates and by all  
25 political parties shall be held at the usual voting places of  
26 the several precincts on the first Tuesday after the first  
27 Monday in June in each even-numbered year.

28 Sec. 55. Section 43.26, Code 2001, is amended to read as  
29 follows:

30 43.26 BALLOT -- FORM.

31 The official primary election ballot shall be prepared,  
32 arranged, and printed substantially in the following form:

33 PRIMARY ELECTION BALLOT

34 (Name of Party or leave blank if petition candidates ballot)

35 of

1 County of ....., State of Iowa,  
2 ... Rotation (if any).  
3 Primary election held on  
4 the ... day of June, ... (year)  
5 FOR UNITED STATES SENATOR  
6 (Vote for no more than one.)  
7 CANDIDATE'S NAME  
8 CANDIDATE'S NAME  
9 .....

10 FOR UNITED STATES  
11 REPRESENTATIVE  
12 (Vote for no more than one.)  
13 CANDIDATE'S NAME  
14 CANDIDATE'S NAME  
15 .....

16 FOR GOVERNOR  
17 (Vote for no more than one.)  
18 CANDIDATE'S NAME  
19 CANDIDATE'S NAME  
20 .....

21 (Followed by other elective state officers in the order in  
22 which they appear in section 39.9 and district officers in the  
23 order in which they appear in sections 39.15 and 39.16.)

24 FOR BOARD OF SUPERVISORS  
25 (Vote for no more than two.)  
26 CANDIDATE'S NAME  
27 CANDIDATE'S NAME  
28 .....  
29 .....

30 FOR COUNTY AUDITOR  
31 (Vote for no more than one.)  
32 CANDIDATE'S NAME  
33 CANDIDATE'S NAME  
34 .....

35 (Followed by other elective county officers in the order in

1 which they appear in section 39.17.)

2 FOR TOWNSHIP CLERK

3 (Vote for no more than one.)

4 CANDIDATE'S NAME

5 CANDIDATE'S NAME

6 .....

7 FOR TOWNSHIP TRUSTEES

8 (Vote for no more than two.)

9 CANDIDATE'S NAME

10 CANDIDATE'S NAME

11 CANDIDATE'S NAME

12 .....

13 .....

14 Sec. 56. Section 43.27, Code 2001, is amended to read as  
15 follows:

16 43.27 PRINTING OF BALLOTS.

17 The primary election ballots ~~of each political party~~ shall  
18 be printed in black ink, on separate sheets of paper, uniform  
19 in color, quality, texture, and size, with the name of the  
20 political party or the heading "petition candidates" printed  
21 at the head of ~~said~~ the ballots, which ballots shall be  
22 prepared by the commissioner in the same manner as for the  
23 general election, except as ~~in this chapter~~ provided in this  
24 chapter.

25 Sec. 57. Section 43.28, Code 2001, is amended to read as  
26 follows:

27 43.28 NAMES OF CANDIDATES -- ARRANGEMENT.

28 The names of all candidates for offices shall be arranged  
29 and printed upon the primary election ballots under the  
30 direction of the commissioner. If on a ballot there are more  
31 candidates for nomination ~~by a political party~~ to an office  
32 than the number of persons to be elected to that office at the  
33 general election, the names of the candidates of that party  
34 for that nomination shall be rotated on the primary election  
35 ballot by the commissioner in the manner prescribed by section

1 49.31.

2 Sec. 58. Section 43.30, unnumbered paragraph 1, Code 2001,  
3 is amended to read as follows:

4 The commissioner shall take from the official printed  
5 ballots of each precinct a suitable number of each of the  
6 different primary election ballots of each political party,  
7 and shall write or stamp, in red ink, near the top of each  
8 ballot, the words "sample ballot" and shall sign or stamp the  
9 commissioner's official signature thereunder. Said The  
10 ballots shall be delivered to the precinct election officials,  
11 but shall not be voted, received, or counted. Said The  
12 precinct election officials shall, before the opening of the  
13 polls, cause said the sample ballots to be posted in and about  
14 the polling places.

15 Sec. 59. Section 43.38, Code 2001, is amended to read as  
16 follows:

17 43.38 VOTER CONFINED TO PARTY TICKET.

18 The elector shall be allowed to vote for candidates for  
19 nomination on the ballot of the party with which the elector  
20 is registered as affiliated, ~~and shall receive no other ballot~~  
21 or on the petition candidates ballot if the voter's  
22 registration does not declare a party affiliation. The voter  
23 shall return the ballot, folded, to one of the precinct  
24 election officials who shall deposit it in the ballot box.

25 Sec. 60. Section 43.41, Code 2001, is amended to read as  
26 follows:

27 43.41 CHANGE OR DECLARATION OF PARTY AFFILIATION BEFORE  
28 PRIMARY.

29 Any registered voter who desires to change or declare a  
30 political party affiliation or to declare no party affiliation  
31 may, before the close of registration for the primary  
32 election, file a written declaration stating the change of  
33 party affiliation with the county commissioner of registration  
34 who shall enter a notation of such change on the registration  
35 records.

1 Sec. 61. Section 43.42, Code 2001, is amended to read as  
2 follows:

3 43.42 CHANGE OR DECLARATION OF PARTY AFFILIATION AT POLLS.

4 Any registered voter may change or declare a party  
5 affiliation or declare no party at the polls on election day  
6 and shall be entitled to vote at any primary election. Each  
7 voter doing so shall indicate the voter's change or  
8 declaration of party affiliation on the voter's declaration of  
9 eligibility affidavit.

10 Each change or declaration of a registered voter's party  
11 affiliation so received shall be reported by the precinct  
12 election officials to the county commissioner of registration  
13 who shall enter a notation of the change on the registration  
14 records.

15 Sec. 62. Section 43.43, Code 2001, is amended to read as  
16 follows:

17 43.43 VOTER'S DECLARATION OF ELIGIBILITY.

18 1. Each person voting a political party ballot at a  
19 primary election shall sign a declaration of eligibility which  
20 shall be in substantially the following form:

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

24 I am a registered voter. I have not voted and will not  
25 vote in any other precinct in this election.

26 I am affiliated with the ..... party. If my current  
27 voter registration record indicates another party affiliation  
28 or no party affiliation, I swear or affirm that I have in good  
29 faith changed my previously declared party affiliation, or  
30 declared my party affiliation, and now desire to be a member  
31 of the party indicated above.

32 .....  
33 Signature of voter

34 .....  
35 Address

1 (...).....  
2 Telephone

3 Approved:

4 ..... ..

5 Election board member Date

6 2. Each person voting a petition candidates ballot at a  
7 primary election shall sign a declaration of eligibility which  
8 shall be in substantially the following form:

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

12 I am a registered voter. I have not voted and will not  
13 vote in any other precinct in this election.

14 ..... ..

15 Signature of voter

16 ..... ..

17 Address

18 (...).....

19 Telephone

20 Approved:

21 ..... ..

22 Election board member Date

23 Sec. 63. Section 43.45, Code 2001, is amended to read as  
24 follows:

25 43.45 CANVASS OF VOTES.

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

29 1. Place the ballots of the several political parties and  
30 the ballots of petition candidates in separate piles.

31 2. Separately count the ballots ~~of each party~~, and make  
32 the correct entries thereof on the tally sheets.

33 3. Certify to the number of votes cast upon the ticket of  
34 each political party and on the ballots for petition  
35 candidates for each candidate for each office.

1 4. Place the ballots cast on behalf of each of the parties  
2 and on behalf of petition candidates in separate envelopes.  
3 Seal each envelope and place the signature of all board  
4 members of the precinct across the seal of the envelope so  
5 that it cannot be opened without breaking the seal.

6 5. On the outside of each envelope enter the number of  
7 ballots cast by each party and for petition candidates in the  
8 precinct and contained in the envelope.

9 6. Seal the tally sheets and certificates of the precinct  
10 election officials in an envelope on the outside of which are  
11 written or printed the names of the several political parties  
12 with the names of the candidates for the different offices  
13 under their party name, or the names of petition candidates,  
14 and opposite each candidate's name enter the number of votes  
15 cast for such candidate in said precinct.

16 7. Enter on the envelope the total number of voters of  
17 each party who cast ballots in the precinct and the total  
18 number of voters who cast a ballot for petition candidates.

19 8. Communicate the results of the ballots cast for each  
20 candidate for office upon the ticket of each political party  
21 and for petition candidates, in the manner required by section  
22 50.11, to the commissioner of the county in which said polls  
23 are located, who shall remain on duty until the results are  
24 communicated to the commissioner from each polling place in  
25 the county.

26 Sec. 64. Section 43.49, Code 2001, is amended by adding  
27 the following new subsection:

28 NEW SUBSECTION. 1A. The number of ballots cast in the  
29 county in each precinct for petition candidates for each  
30 office.

31 Sec. 65. Section 43.52, unnumbered paragraphs 2 and 3,  
32 Code 2001, are amended to read as follows:

33 If no candidate receives thirty-five percent or more of the  
34 votes cast by voters of the candidate's party for the office  
35 sought, the primary is inconclusive and the nomination shall

1 be made as provided by section 43:78 43A.22, subsection 1,  
2 paragraphs "d" and "e".

3 When two or more nominees are required, as in the case of  
4 at-large elections, the nominees shall likewise be the  
5 required number of persons who receive the greatest number of  
6 votes cast in the primary election by the voters of the  
7 nominating party, but no candidate is nominated who fails to  
8 receive thirty-five percent of the number of votes found by  
9 dividing the number of votes cast by voters of the candidate's  
10 party for the office in question by the number of persons to  
11 be elected to that office. If the primary is inconclusive  
12 under this paragraph, the necessary number of nominations  
13 shall be made as provided by section 43:78 43A.22, subsection  
14 1, paragraphs "d" and "e".

15 Sec. 66. Section 43.52, Code 2001, is amended by adding  
16 the following new unnumbered paragraph after unnumbered  
17 paragraph 1:

18 NEW UNNUMBERED PARAGRAPH. The petition candidate receiving  
19 the highest number of votes cast in the primary election for  
20 that office shall appear as a candidate for that office on the  
21 general election ballot.

22 Sec. 67. Section 43.53, Code 2001, is amended by adding  
23 the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. The petition candidate receiving  
25 the highest number of votes cast in the primary election for  
26 that office shall appear as a candidate for that office on the  
27 general election ballot.

28 Sec. 68. Section 43.55, Code 2001, is amended to read as  
29 follows:

30 43.55 NOMINEE CERTIFIED.

31 The board of supervisors shall separately prepare and  
32 certify a list of the candidates of each party so nominated  
33 and of the petition candidates so nominated. It shall deliver  
34 to the chairperson of each party central committee for the  
35 county a copy of the list of candidates nominated by that

1 party; and shall also certify and deliver to the chairperson a  
2 list of the offices to be filled by the voters of the county  
3 for which no candidate of that party was nominated, together  
4 with the names of all of the candidates for each of these  
5 offices who were voted for at the primary election and the  
6 number of votes received by each of such candidates.

7 Sec. 69. Section 43.56, unnumbered paragraph 1, Code 2001,  
8 is amended to read as follows:

9 Recounts of votes for primary elections shall be conducted  
10 following the procedure outlined in section 50.48. However,  
11 if a recount is requested for an office for which no political  
12 party candidate has received the required thirty-five percent  
13 to be nominated, the recount board shall consist of the  
14 following persons:

15 Sec. 70. Section 43.59, Code 2001, is amended to read as  
16 follows:

17 43.59 NUMBER OF VOTERS CERTIFIED.

18 The commissioner shall certify to the state commissioner  
19 the total number of people who voted in the primary election  
20 in each political party and for petition candidates.

21 Sec. 71. Section 43.65, Code 2001, is amended to read as  
22 follows:

23 43.65 WHO NOMINATED.

24 The candidate of each political party for nomination for  
25 each office to be filled by the voters of the entire state,  
26 and for each seat in the United States house of  
27 representatives, the Iowa house of representatives and each  
28 seat in the Iowa senate which is to be filled, who receives  
29 the highest number of votes cast by the voters of that party  
30 for that nomination shall be the candidate of that party for  
31 that office in the general election. However, if there are  
32 more than two candidates for any nomination and none of the  
33 candidates receives thirty-five percent or more of the votes  
34 cast by voters of that party for that nomination, the primary  
35 is inconclusive and the nomination shall be made as provided

1 by section 43-78 43A.22, subsection 1, paragraph "a", "b", or  
2 "c", whichever is appropriate.

3 Sec. 72. Section 43.65, Code 2001, is amended by adding  
4 the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. The petition candidate receiving  
6 the highest number of votes cast in the primary election for  
7 that office shall appear as a candidate for that office on the  
8 general election ballot.

9 Sec. 73. Section 43.67, subsection 4, Code 2001, is  
10 amended to read as follows:

11 4. The political party by which the candidate was  
12 nominated or if the candidate was nominated by voters casting  
13 a petition candidates ballot.

14 Sec. 74. Section 43.68, Code 2001, is amended to read as  
15 follows:

16 43.68 CERTIFIED LIST OF NOMINEES.

17 The state board of canvassers shall prepare and certify  
18 separate lists of the candidates nominated by each party and  
19 those nominated on the petition candidates ballot, as shown by  
20 the state canvass, and deliver to the chairperson of each  
21 party central committee for the state a copy of the list of  
22 candidates nominated by the party which said chairperson  
23 represents.

24 Sec. 75. Section 43.73, unnumbered paragraph 1, Code 2001,  
25 is amended to read as follows:

26 Not less than sixty-nine days before the general election  
27 the state commissioner shall certify to each commissioner,  
28 under separate party headings or under a heading titled  
29 "petition", the name of each person nominated as shown by the  
30 official canvass made by the executive council, or as  
31 certified to the state commissioner by the proper persons when  
32 any person has been nominated by a convention or by a party  
33 committee, or by petition, the office to which the person is  
34 nominated, and the order in which federal and state offices,  
35 judges, constitutional amendments, and state public measures

1 shall appear on the official ballot.

2 Sec. 76. NEW SECTION. 43.74 GENERAL ELECTION BALLOT  
3 VACANCIES.

4 Vacancies of political party candidates on the general  
5 election ballot shall be filled in the manner provided in  
6 sections 43A.20 through 43A.23.

7 Sec. 77. Section 43.119, unnumbered paragraph 1, Code  
8 2001, is amended to read as follows:

9 Any party committee member or any primary election officer  
10 or public officer upon whom a duty is imposed by this chapter,  
11 chapters 44 and 45, or by chapters herein made applicable, who  
12 shall willfully neglect to perform any such duty, or who shall  
13 willfully perform it in such a way as to hinder the objects  
14 thereof, or shall disclose to anyone, except as may be ordered  
15 by any court of justice, the manner in which a ballot may have  
16 been voted, shall be guilty of a serious misdemeanor.

17 Sec. 78. Section 43.121, Code 2001, is amended to read as  
18 follows:

19 43.121 NOMINATIONS BY PETITION OR NONPARTY ORGANIZATIONS.

20 This chapter shall not be construed to prohibit nomination  
21 of candidates for office by ~~petition, or by~~ nonparty  
22 organizations, as provided in chapters chapter 44 ~~and~~ 45, but  
23 no person so nominated shall be permitted to use the name, or  
24 any part ~~thereof~~ of the name, of any political party  
25 authorized or entitled under this chapter to nominate a ticket  
26 by primary vote, or that has nominated a ticket by primary  
27 vote under this chapter.

28 Sec. 79. Section 43.123, Code 2001, is amended to read as  
29 follows:

30 43.123 NOMINATION OF LIEUTENANT GOVERNOR.

31 Notwithstanding this chapter and any other statute relating  
32 to the nomination of a person for the office of lieutenant  
33 governor, the nomination of a person for the office of  
34 lieutenant governor for the general election in the year 1990  
35 and each four years thereafter shall be held at the state

1 convention of the political party. The nomination of a person  
2 on the petition candidates primary election ballot shall be  
3 the procedure specified in chapter 45. The nomination of a  
4 person for the office of lieutenant governor by a nonparty  
5 political organization shall be the procedure specified in  
6 chapter 44.

7 Sec. 80. Section 44.4, unnumbered paragraph 1, Code 2001,  
8 is amended to read as follows:

9 Nominations made pursuant to this chapter ~~and chapter 45~~  
10 which are required to be filed in the office of the state  
11 commissioner shall be filed in that office not more than  
12 ninety-nine days nor later than five p.m. on the eighty-first  
13 day before the date of the general election to be held in  
14 November. Nominations made for a special election called  
15 pursuant to section 69.14 shall be filed by five p.m. not less  
16 than twenty-five days before the date of an election called  
17 upon at least forty days' notice and not less than fourteen  
18 days before the date of an election called upon at least  
19 eighteen days' notice. Nominations made for a special  
20 election called pursuant to section 69.14A shall be filed by  
21 five p.m. not less than twenty days before the date of the  
22 election. Nominations made pursuant to this chapter and  
23 ~~chapter 45~~ which are required to be filed in the office of the  
24 commissioner shall be filed in that office not more than  
25 ninety-two days nor later than five p.m. on the sixty-ninth  
26 day before the date of the general election. Nominations made  
27 pursuant to this chapter ~~or chapter 45~~ for city office shall  
28 be filed not more than seventy-two days nor later than five  
29 p.m. on the forty-seventh day before the city election with  
30 the city clerk, who shall process them as provided by law.

31 Sec. 81. Section 45.1, subsection 1, Code 2001, is amended  
32 to read as follows:

33 1. Nominations for candidates for president and vice  
34 president, governor and lieutenant governor, and for other  
35 statewide elected offices may be made by nomination petitions

1 signed by not less than one thousand five hundred eligible  
2 electors residing in not less than ten counties of the state.  
3 In the case of a presidential candidate, the names and  
4 addresses of presidential electors shall be stated.

5 Sec. 82. Section 45.4, Code 2001, is amended to read as  
6 follows:

7 45.4 FILING -- PRESUMPTION -- WITHDRAWALS -- OBJECTIONS.

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

15 Sec. 83. Sections 43.4, 43.6, 43.8 through 43.16, 43.18  
16 through 43.24, 43.76 through 43.80, 43.83, 43.85, 43.88, 43.90  
17 through 43.97, 43.99 through 43.104, 43.107 through 43.109,  
18 43.111, 43.112, 43.115, 43.116, and 44.17, Code 2001, are  
19 repealed.

20 Sec. 84. CONFORMING AMENDMENTS. Conforming amendments may  
21 be necessary to implement this Act. The Code editor is  
22 directed to assist in identifying any necessary amendments to  
23 correct internal references to conform to this Act.

24 Sec. 85. APPLICABILITY. This Act applies to the primary  
25 election held in June 2004, and all subsequent primary  
26 elections.

27 EXPLANATION

28 This bill requires candidates nominated by petition to  
29 participate in a primary election in order to be nominated for  
30 an office to be filled at the general election.

31 The bill divides current Code chapter 43 into Code chapter  
32 43, "primary elections" and new Code chapter 43A, "partisan  
33 nominations". The bill then amends Code chapter 43 to include  
34 a petition candidates primary election ballot. A voter  
35 registered "no party" may vote a petition candidates ballot.

1 The bill conforms filing deadlines for petition candidates  
2 to those of political party candidates. Provisions relating  
3 to objections to, and withdrawals of, petitions are conformed  
4 to those of political party candidates.

5 Petition requirements and requirements for affidavits of  
6 candidacy remain the same as under current law, with one  
7 exception. The bill requires that, for presidential  
8 candidates, the nomination petition include the names and  
9 addresses of presidential electors.

10 The bill repeals several sections of Code chapter 43 and  
11 reenacts them as new Code chapter 43A, "partisan nominations".

12 The bill provides that conforming amendments may be  
13 necessary to implement the bill and directs the Code editor to  
14 assist in identifying any changes necessary to correct  
15 internal references in the Code.

16 The bill applies to the primary election held in June 2004,  
17 and all subsequent primary elections.

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