

JAN 3 1 2006
STATE GOVERNMENT

HOUSE FILE 2178
BY JACOBS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to duties of the secretary of state, by providing
2 for transfer of the professional licensing and regulation
3 division of the department of commerce to the secretary of
4 state's office, and for transfer of duties relating to conduct
5 of elections and voter registration from the office of
6 secretary of state to the Iowa ethics and campaign disclosure
7 board, and providing an effective date.

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

HF 2178

1 DIVISION I
2 TRANSFER OF PROFESSIONAL LICENSING
3 AND REGULATION DIVISION

4 Section 1. Section 9.1, Code 2005, is amended to read as
5 follows:

6 9.1 DUTIES -- RECORDS.

7 The secretary of state shall keep the secretary of state's
8 office at the seat of government, and perform all duties
9 required by law; the secretary shall have charge of and keep
10 all the Acts and resolutions of the territorial legislature
11 and of the general assembly of the state, the enrolled copies
12 of the Constitutions of the state, and all bonds, books,
13 records, maps, registers, and papers which are now or may
14 hereafter be deposited to be kept in the secretary of state's
15 office, including all books, records, papers, and property
16 pertaining to the state land office. The secretary shall
17 additionally oversee the administration of the professional
18 licensing and regulation division of the secretary of state's
19 office.

20 Sec. 2. NEW SECTION. 9.8 PROFESSIONAL LICENSING AND
21 REGULATION DIVISION -- SUPERINTENDENT OF SAVINGS AND LOAN
22 ASSOCIATIONS.

23 1. A professional licensing and regulation division is
24 established within the secretary of state's office. The
25 division shall administer and coordinate the licensing and
26 regulation of several professions by bringing together the
27 following licensing boards:

28 a. The Iowa accountancy examining board created pursuant
29 to chapter 542.

30 b. The engineering and land surveying examining board
31 created pursuant to chapter 542B.

32 c. The real estate commission created pursuant to chapter
33 543B.

34 d. The real estate appraiser examining board created
35 pursuant to chapter 543D.

1 e. The architectural examining board created pursuant to
2 chapter 544A.

3 f. The landscape architectural examining board created
4 pursuant to chapter 544B.

5 g. The interior design examining board created pursuant to
6 chapter 544C.

7 2. The division is headed by the administrator of
8 professional licensing and regulation, who shall be an
9 employee of the secretary of state. The administrator shall
10 report to the secretary of state, and shall hire and supervise
11 staff and shall coordinate activities for the licensing boards
12 within the division. The administrator may act as a staff
13 person to one or more of the licensing boards.

14 3. The licensing boards included in the division pursuant
15 to subsection 1 retain the powers granted them pursuant to the
16 chapters in which they are created, except for budgetary and
17 personnel matters, which shall be handled by the
18 administrator. Each licensing board shall adopt rules
19 pursuant to chapter 17A. Decisions by a licensing board are
20 final agency actions for purposes of chapter 17A.

21 Notwithstanding subsection 5, eighty-five percent of the
22 funds received annually resulting from an increase in
23 licensing fees implemented on or after April 1, 2002, by a
24 licensing board or commission listed in subsection 1, is
25 appropriated to the professional licensing and regulation
26 division to be allocated to the board or commission for each
27 fiscal year, for purposes related to the duties of the board
28 or commission, including but not limited to additional full-
29 time equivalent positions. The director of revenue and
30 finance shall draw warrants upon the treasurer of state from
31 the funds appropriated as provided in this subsection and
32 shall make the funds available to the professional licensing
33 and regulation division on a monthly basis during each fiscal
34 year.

35 4. The professional licensing and regulation division of

1 the secretary of state's office may expend additional funds,
2 including funds for additional personnel, if those additional
3 expenditures are directly the cause of actual examination
4 expenses exceeding funds budgeted for examinations.

5 5. Fees collected under chapters 542, 542B, 543B, 543D,
6 544A, 544B, and 544C shall be paid to the treasurer of state
7 and credited to the general fund of the state. All expenses
8 required in the discharge of the duties and responsibilities
9 imposed upon the professional licensing and regulation
10 division of the secretary of state's office, the
11 administrator, and the licensing boards by the laws of this
12 state shall be paid from moneys appropriated by the general
13 assembly for those purposes. All fees deposited into the
14 general fund of the state, as provided in this subsection,
15 shall be subject to the requirements of section 8.60.

16 6. The administrator of professional licensing and
17 regulation is the superintendent of savings and loan
18 associations. The administrator may appoint an individual to
19 act as the superintendent who shall serve as the
20 superintendent at the pleasure of the administrator.

21 7. All licensing boards in the division may refuse to
22 grant or renew a license to practice a profession to any
23 person otherwise qualified upon any of the grounds for which a
24 license may be revoked or suspended.

25 8. All licensing boards in the division may suspend,
26 revoke, or otherwise discipline a licensee, or refuse to renew
27 a license, based on the revocation or suspension of, or other
28 disciplinary action against a professional license by a
29 licensing authority in this or another state, the United
30 States, a territory, or other country. A certified copy of
31 the record or order of suspension, revocation, or other
32 disciplinary action is prima facie evidence of such fact.

33 9. Notwithstanding section 272C.3 or any other provision
34 of law, the maximum amount of a civil penalty imposed as a
35 disciplinary measure by licensing boards in the division may,

1 in the discretion of the board and taking into account the
2 severity of the violation, be increased from one thousand
3 dollars per occurrence to up to twenty-five thousand dollars
4 per occurrence.

5 10. Staff members in the division shall be employed
6 subject to the merit system provisions of chapter 19A.

7 Sec. 3. Section 534.401, subsection 1, Code 2005, is
8 amended to read as follows:

9 1. SUPERINTENDENT OF SAVINGS AND LOAN ASSOCIATIONS. The
10 superintendent of savings and loan associations is the
11 administrator of professional licensing and regulation
12 appointed pursuant to section ~~546.10~~ 9.8, subsection 2, or an
13 individual appointed by the administrator as provided in
14 section ~~546.10~~ 9.8, subsection 6.

15 Sec. 4. Section 542.4, subsections 1 and 6, Code 2005, are
16 amended to read as follows:

17 1. An Iowa accountancy examining board is created within
18 the professional licensing and regulation division of the
19 ~~department-of-commerce~~ secretary of state's office to
20 administer and enforce this chapter. The board shall consist
21 of eight members, appointed by the governor and subject to
22 senate confirmation, all of whom shall be residents of this
23 state. Five of the eight members shall be holders of
24 certificates issued under section 542.6, one member shall be
25 the holder of a license issued under section 542.8, and two
26 shall not be certified public accountants or licensed public
27 accountants and shall represent the general public. At least
28 three of the holders of certificates issued under section
29 542.6 shall also be qualified to supervise attest services as
30 provided in section 542.7. A certified or licensed member of
31 the board shall be actively engaged in practice as a certified
32 public accountant or as a licensed public accountant and shall
33 have been so engaged for five years preceding appointment, the
34 last two of which shall have been in this state. Professional
35 associations or societies composed of certified public

1 accountants or licensed public accountants may recommend the
2 names of potential board members to the governor. However,
3 the governor is not bound by the recommendations. A board
4 member is not required to be a member of any professional
5 association or society composed of certified public
6 accountants or licensed public accountants. The term of each
7 member of the board shall be three years, as designated by the
8 governor, and appointments to the board are subject to the
9 requirements of sections 69.16, 69.16A, and 69.19. Members of
10 the board appointed and serving pursuant to chapter 542C, Code
11 2001, on July 1, 2002, shall serve out the terms for which
12 they were appointed. Vacancies occurring during a term shall
13 be filled by appointment by the governor for the unexpired
14 term. Upon the expiration of the member's term of office, a
15 member shall continue to serve until a successor shall have
16 been appointed and taken office. The public members of the
17 board shall be allowed to participate in administrative,
18 clerical, or ministerial functions incident to giving the
19 examinations, but shall not determine the content or determine
20 the correctness of the answers. The licensed public
21 accountant member shall not determine the content of the
22 certified public accountant examination or determine the
23 correctness of the answers. Any member of the board whose
24 certificate under section 542.6 or license under section 542.8
25 is revoked or suspended shall automatically cease to be a
26 member of the board, and the governor may, after a hearing,
27 remove any member of the board for neglect of duty or other
28 just cause. A person who has served three successive complete
29 terms shall not be eligible for reappointment, but appointment
30 to fill an unexpired term shall not be considered a complete
31 term for this purpose.

32 6. The administrator of the professional licensing and
33 regulation division of the ~~department-of-commerce~~ secretary of
34 state's office shall provide staffing assistance to the board
35 for implementing this chapter.

1 Sec. 5. Section 542B.3, Code 2005, is amended to read as
2 follows:

3 542B.3 ENGINEERING AND LAND SURVEYING EXAMINING BOARD
4 CREATED.

5 An engineering and land surveying examining board is
6 created within the professional licensing and regulation
7 division of the ~~department-of-commerce~~ secretary of state's
8 office. The board consists of four members who are licensed
9 professional engineers, one member who is a licensed land
10 surveyor or a professional engineer who is also a licensed
11 land surveyor, and two members who are not licensed
12 professional engineers or land surveyors and who shall
13 represent the general public. Members shall be appointed by
14 the governor subject to confirmation by the senate. A
15 licensed member shall be actively engaged in the practice of
16 engineering or land surveying and shall have been so engaged
17 for five years preceding the appointment, the last two of
18 which shall have been in Iowa. Insofar as practicable,
19 licensed engineer members of the board shall be from different
20 branches of the profession of engineering. Professional
21 associations or societies composed of licensed engineers or
22 licensed land surveyors may recommend the names of potential
23 board members whose profession is representative of that
24 association or society to the governor. However, the governor
25 is not bound by the recommendations. A board member shall not
26 be required to be a member of any professional association or
27 society composed of professional engineers or land surveyors.

28 Sec. 6. Section 542B.9, Code 2005, is amended to read as
29 follows:

30 542B.9 ORGANIZATION OF THE BOARD -- STAFF.

31 The board shall elect annually from its members a
32 chairperson and a vice chairperson. The administrator of the
33 professional licensing and regulation division of the
34 ~~department-of-commerce~~ secretary of state's office shall hire
35 and provide staff to assist the board in implementing this

1 chapter. The board shall hold at least one meeting at the
2 location of the board's principal office, and meetings shall
3 be called at other times by the administrator at the request
4 of the chairperson or four members of the board. At any
5 meeting of the board, a majority of members constitutes a
6 quorum.

7 Sec. 7. Section 542B.22, Code 2005, is amended to read as
8 follows:

9 542B.22 PROCEDURE.

10 Proceedings for any action under section 542B.21 shall be
11 begun by filing with the board written charges against the
12 accused. Upon the filing of charges the board may ~~request-the~~
13 ~~department-of-inspections-and-appeals-to~~ conduct an
14 investigation into the ~~charges.--The-department-of-inspections~~
15 ~~and-appeals-shall-report-its-findings-to-the-board,-and-the~~
16 ~~board-shall~~ charges, designate a time and place for a hearing,
17 and ~~shall~~ notify the accused of this action and furnish the
18 accused a copy of all charges at least thirty days prior to
19 the date of the hearing. The accused has the right to appear
20 personally or by counsel, to cross-examine witnesses, or to
21 produce witnesses in defense.

22 Sec. 8. Section 543B.8, Code Supplement 2005, is amended
23 to read as follows:

24 543B.8 REAL ESTATE COMMISSION CREATED -- STAFF.

25 A real estate commission is created within the professional
26 licensing and regulation division of the ~~department-of~~
27 ~~commerce~~ secretary of state's office. The commission consists
28 of five members licensed under this chapter and two members
29 not licensed under this chapter and who shall represent the
30 general public. At least one of the licensed members shall be
31 a licensed real estate salesperson, except that if the
32 licensed real estate salesperson becomes a licensed real
33 estate broker during a term of office, that person may
34 complete the term, but is not eligible for reappointment on
35 the commission as a licensed real estate salesperson. A

1 licensed member shall be actively engaged in the real estate
2 business and shall have been so engaged for five years
3 preceding the appointment, the last two of which shall have
4 been in Iowa. Professional associations or societies of real
5 estate brokers or real estate salespersons may recommend the
6 names of potential commission members to the governor.
7 However, the governor is not bound by their recommendations.
8 A commission member shall not be required to be a member of
9 any professional association or society composed of real
10 estate brokers or salespersons. Commission members shall be
11 appointed by the governor subject to confirmation by the
12 senate. Appointments shall be for three-year terms and shall
13 commence and end as provided in section 69.19. A member shall
14 serve no more than three terms or nine years, whichever is
15 less. No more than one member shall be appointed from a
16 county. A commission member shall not hold any other elective
17 or appointive state or federal office. Vacancies shall be
18 filled for the unexpired term by appointment of the governor
19 and are subject to senate confirmation. A majority of the
20 commission members constitutes a quorum. The administrator of
21 the professional licensing and regulation division shall hire
22 and provide staff to assist the commission with implementing
23 this chapter.

24 The administrator of the professional licensing and
25 regulation division of the ~~department-of-commerce~~ secretary of
26 state's office shall hire a real estate education director to
27 assist the commission in administering education programs for
28 the commission.

29 Sec. 9. Section 543B.54, Code 2005, is amended to read as
30 follows:

31 543B.54 REAL ESTATE EDUCATION FUND.

32 The Iowa real estate education fund is created as a
33 financial assurance mechanism to assist in the establishment
34 and maintenance of a real estate education program at the
35 university of northern Iowa and to assist the real estate

1 commission in providing an education director. The fund is
2 created as a separate fund in the state treasury, and any
3 funds remaining in the fund at the end of each fiscal year
4 shall not revert to the general fund, but shall remain in the
5 Iowa real estate education fund. Twenty-five dollars per
6 license from fees deposited for each real estate salesperson's
7 license and each broker's license shall be distributed and are
8 appropriated to the board of regents for the purpose of
9 establishing and maintaining a real estate education program
10 at the university of northern Iowa. The remaining moneys in
11 the fund shall be distributed and are appropriated to the
12 professional licensing and regulation division of the
13 ~~department-of-commerce~~ secretary of state's office for the
14 purpose of hiring and compensating a real estate education
15 director and regulatory compliance personnel.

16 Sec. 10. Section 543C.4, subsections 1 and 2, Code 2005,
17 are amended to read as follows:

18 1. The commission may ~~request-the-department-of~~
19 ~~inspections-and-appeals-to~~ conduct an investigation and
20 inspection to be made of any subdivided land proposed to be
21 offered for sale or lease in this state pursuant to this
22 chapter. The ~~department-of-inspections-and-appeals~~ commission
23 shall make a report of its findings.

24 2. If an inspection is to be made of subdivided land
25 situated outside of this state and offered for sale in this
26 state, the inspection as authorized by subsection 1 shall be
27 made by the ~~department-of-inspections-and-appeals~~ commission
28 at the expense of the subdivider. After the application
29 required by section 543C.2 is filed and after the filing fee
30 required by section 543C.8 is received, the commission may
31 decide whether an inspection pursuant to this subsection is to
32 be made. If the commission requires an inspection, the
33 ~~department-of-inspections-and-appeals~~ commission shall so
34 notify the subdivider and the subdivider shall remit to the
35 ~~department~~ commission an amount equivalent to the round trip

1 cost of travel from this state to the location of the project,
2 as estimated by the department commission and a further amount
3 estimated to be necessary to cover the additional expenses of
4 inspection but not to exceed fifty dollars a day for each day
5 incurred in the inspection. The costs of any subsequent
6 inspections deemed necessary shall be paid for by the
7 subdivider. At the completion of an inspection trip the
8 department commission shall furnish the subdivider a statement
9 as to the costs of the inspection trip, and if the costs are
10 less than the amount advanced by the subdivider to the
11 department commission, the remaining balance shall be refunded
12 to the subdivider.

13 Sec. 11. Section 543D.4, unnumbered paragraph 1, Code
14 2005, is amended to read as follows:

15 A real estate appraiser examining board is established
16 within the professional licensing and regulation division of
17 the ~~department-of-commerce~~ secretary of state's office. The
18 board consists of seven members, two of whom shall be public
19 members and five of whom shall be real estate appraisers.

20 Sec. 12. Section 544A.1, unnumbered paragraph 2, Code
21 2005, is amended to read as follows:

22 The architectural examining board is created within the
23 professional licensing and regulation division of the
24 ~~department-of-commerce~~ secretary of state's office. The board
25 consists of five members who possess a certificate of
26 registration issued under section 544A.9 and who have been in
27 active practice of architecture for not less than five years,
28 the last two of which shall have been in Iowa, and two members
29 who do not possess a certificate of registration issued under
30 section 544A.9 and who shall represent the general public.
31 Members shall be appointed by the governor subject to
32 confirmation by the senate.

33 Sec. 13. Section 544A.5, Code 2005, is amended to read as
34 follows:

35 544A.5 DUTIES.

1 The architectural examining board shall enforce this
2 chapter, shall make rules for the examination of applicants
3 for the certificate of registration provided by this chapter,
4 and shall, after due public notice, hold meetings each year
5 for the purpose of examining applicants for registration and
6 the transaction of business pertaining to the affairs of the
7 board. Examinations shall be given as often as deemed
8 necessary, but not less than annually. Action at a meeting
9 shall not be taken without the affirmative votes of a majority
10 of the members of the board. The administrator of the
11 professional licensing and regulation division of the
12 ~~department-of-commerce~~ secretary of state's office shall hire
13 and provide staff to assist the board with implementing this
14 chapter.

15 Sec. 14. Section 544A.13, unnumbered paragraph 3, Code
16 2005, is amended to read as follows:

17 Proceedings for the revocation of a certificate shall be
18 initiated by filing written charges against the accused with
19 the board. Upon the filing of charges the board may ~~request~~
20 ~~the-department-of-inspections-and-appeals-to~~ conduct an
21 investigation into the charges:--~~The-department-of-inspections~~
22 ~~and-appeals-shall-report-its-findings-to-the-board~~, and a time
23 and place for the hearing of the charges shall be fixed by the
24 board if the board determines that a hearing is warranted. If
25 personal service or service through counsel cannot be
26 effected, service may be by publication. At the hearing, the
27 accused has the right to be represented by counsel, to
28 introduce evidence, and to examine and cross-examine
29 witnesses. The board may subpoena witnesses, administer oaths
30 to witnesses, and employ counsel. The board shall make a
31 written report of its findings, which shall be filed with the
32 secretary of state, and which is conclusive.

33 Sec. 15. Section 544B.3, unnumbered paragraph 1, Code
34 2005, is amended to read as follows:

35 A landscape architectural examining board is created within

1 the professional licensing and regulation division of the
2 ~~department-of-commerce~~ secretary of state's office. The board
3 consists of five members who are professional landscape
4 architects and two members who are not professional landscape
5 architects and who shall represent the general public.
6 Members shall be appointed by the governor, subject to
7 confirmation by the senate. A professional member shall be
8 actively engaged in the practice of landscape architecture or
9 the teaching of landscape architecture in an accredited
10 college or university, and shall have been so engaged for five
11 years preceding appointment, the last two of which shall have
12 been in Iowa. Associations or societies composed of
13 professional landscape architects may recommend the names of
14 potential board members to the governor. However, the
15 governor is not bound by the recommendations. A board member
16 shall not be required to be a member of any professional
17 association or society composed of professional landscape
18 architects.

19 Sec. 16. Section 544B.5, Code 2005, is amended to read as
20 follows:

21 544B.5 DUTIES.

22 The board shall enforce this chapter, shall make rules for
23 the examination of applicants for licensure, and, after public
24 notice, shall conduct examinations of applicants for
25 licensure. The board shall keep a record of its proceedings.
26 The board shall adopt an official seal which shall be affixed
27 to all certificates of licensure granted. The board may make
28 other rules, not inconsistent with law, as necessary for the
29 proper performance of its duties. The board shall maintain a
30 roster showing the name, place of business, and residence, and
31 the date and number of the certificate of licensure of every
32 professional landscape architect in this state. The
33 administrator of the professional licensing and regulation
34 division of the ~~department-of-commerce~~ secretary of state's
35 office shall hire and provide staff to assist the board in

1 implementing this chapter.

2 Sec. 17. Section 544B.16, Code 2005, is amended to read as
3 follows:

4 544B.16 PROCEDURE.

5 A person may file charges with the board against a
6 professional landscape architect or the board may initiate
7 charges. The charges shall be in writing, sworn to if by a
8 complainant other than the board, and filed with the board.
9 Unless the charges are dismissed by the board as unfounded or
10 trivial, the board may ~~request-the-department-of-inspections~~
11 ~~and-appeals-to~~ conduct an investigation into the charges---The
12 ~~department-of-inspections-and-appeals-shall-report-its~~
13 ~~findings-to-the-board~~, and the board shall hold a hearing
14 within sixty days after the date on which the charges are
15 filed. The board shall fix the time and place for such
16 hearing and shall cause a copy of the charges, together with a
17 notice of the time and place fixed for the hearing, to be
18 served on the accused at least thirty days before the date
19 fixed for the hearing. Where personal service cannot be
20 effected, service may be effected by publication. At such
21 hearing, the accused shall have the right to appear personally
22 or by counsel, to cross-examine witnesses against the accused,
23 and to produce evidence and witnesses in defense. After the
24 hearing, the board may suspend or revoke the certificate of
25 licensure. The board may restore the certificate of licensure
26 to any person whose certificate of licensure has been revoked.
27 Application for the restoration of a certificate of licensure
28 shall be made in such manner, form, and content as the board
29 may prescribe.

30 Sec. 18. Section 544C.1, subsection 2, Code Supplement
31 2005, is amended to read as follows:

32 2. "Division" means the professional licensing and
33 regulation division of the ~~department-of-commerce~~ secretary of
34 state's office.

35 Sec. 19. Section 546.2, subsection 3, paragraph g, Code

1 2005, is amended by striking the paragraph.

2 Sec. 20. Section 546.2, subsection 6, unnumbered paragraph
3 1, Code 2005, is amended to read as follows:

4 Each division is responsible for policymaking and
5 enforcement duties assigned to the division under the law.

6 ~~Except as provided in section 546.10, subsection 3:~~

7 Sec. 21. Section 546.10, Code 2005, is repealed.

8 DIVISION II

9 TRANSFER OF DUTIES RELATING TO CONDUCT
10 OF ELECTIONS AND VOTER REGISTRATION

11 Sec. 22. Section 34A.6, subsection 3, Code 2005, is
12 amended to read as follows:

13 3. The ~~secretary-of~~ state commissioner of elections, in
14 consultation with the administrator, shall adopt rules for the
15 conduct of joint E911 service referendums as required by and
16 consistent with subsections 1 and 2.

17 Sec. 23. Section 42.4, subsection 8, paragraph b,
18 subparagraph (1), subparagraph subdivision (b), unnumbered
19 paragraph 2, Code 2005, is amended to read as follows:

20 The ~~secretary-of~~ state commissioner of elections shall
21 prescribe a form to be completed by all senators to declare
22 their residences as of February 1, 2002. The form shall be
23 filed with the ~~secretary-of~~ state commissioner of elections no
24 later than five p.m. on February 1, 2002.

25 Sec. 24. Section 42.4, subsection 8, paragraph b,
26 subparagraph (2), Code 2005, is amended to read as follows:

27 (2) Each even-numbered senatorial district to which
28 subparagraph (1) of this paragraph is not applicable shall
29 elect a senator in 2002 for a two-year term commencing in
30 January 2003. However, if more than one incumbent state
31 senator is residing in an even-numbered senatorial district on
32 February 1, 2002, and, on or before February 15, 2002, all but
33 one of the incumbent senators resigns from office effective no
34 later than January 1, 2003, the remaining incumbent senator
35 shall represent the district in the senate for the Eightieth

1 General Assembly. A copy of the resignation must be filed in
2 the office of the ~~secretary-of~~ state commissioner of elections
3 no later than five p.m. on February 15, 2002.

4 Sec. 25. Section 43.18, unnumbered paragraph 1, Code 2005,
5 is amended to read as follows:

6 Each candidate shall complete and file a signed, notarized
7 affidavit of candidacy. The affidavit shall be in the form
8 prescribed by the ~~secretary-of~~ state commissioner and shall
9 include the following information:

10 Sec. 26. Section 43.63, Code 2005, is amended to read as
11 follows:

12 43.63 CANVASS BY STATE BOARD.

13 Upon receipt of the abstracts of votes from the counties,
14 the ~~secretary-of~~ state commissioner shall immediately open the
15 envelopes and canvass the results for all offices. The
16 ~~secretary-of~~ state commissioner shall invite to attend the
17 canvass one representative from each political party which, at
18 the last preceding general election, cast for its candidate
19 for president of the United States or for governor, as the
20 case may be, at least two percent of the total vote cast for
21 all candidates for that office at that election, as determined
22 by the ~~secretary-of~~ state commissioner. The ~~secretary-of~~
23 state commissioner shall notify the chairperson of each
24 political party of the time of the canvass. However, the
25 presence of a representative from a political party is not
26 necessary for the canvass to proceed.

27 Not later than the twenty-seventh day after the primary
28 election, the ~~secretary-of~~ state commissioner shall present to
29 the state board of canvassers abstracts showing the number of
30 ballots cast by each political party for each office and a
31 summary of the results for each office, showing the votes cast
32 in each county. The state board of canvassers shall review
33 the results compiled by the ~~secretary-of~~ state commissioner
34 and, if the results are accurately tabulated, the state board
35 shall approve the canvass.

1 Sec. 27. Section 43.67, unnumbered paragraphs 1 and 2,
2 Code Supplement 2005, are amended to read as follows:

3 Each candidate nominated pursuant to section 43.52 or 43.65
4 is entitled to have the candidate's name printed on the
5 official ballot to be voted at the general election without
6 other certificate unless the candidate was nominated by write-
7 in votes. Immediately after the completion of the canvass
8 held under section 43.49, the county auditor shall notify each
9 person who was nominated by write-in votes for a county office
10 that the person is required to file an affidavit of candidacy
11 if the person wishes to be a candidate for that office at the
12 general election. Immediately after the completion of the
13 canvass held under section 43.63, the ~~secretary-of~~ state
14 commissioner shall notify each person who was nominated by
15 write-in votes for a state or federal office that the person
16 is required to file an affidavit of candidacy if the person
17 wishes to be a candidate for that office at the general
18 election. If the affidavit is not filed by five p.m. on the
19 seventh day after the completion of the canvass, that person's
20 name shall not be placed upon the official general election
21 ballot. The affidavit shall be signed by the candidate,
22 notarized, and filed with the county auditor or the ~~secretary~~
23 ~~of state~~ commissioner, whichever is applicable.

24 The affidavit shall be in the form prescribed by the
25 ~~secretary-of~~ state commissioner. The affidavit shall include
26 the following information:

27 Sec. 28. Section 44.3, subsection 2, unnumbered paragraph
28 1, Code 2005, is amended to read as follows:

29 Each candidate nominated by the convention or caucus shall
30 complete and file a signed, notarized affidavit of candidacy.
31 The affidavit shall be in the form prescribed by the ~~secretary~~
32 ~~of state~~ commissioner. The affidavit shall include the
33 following information:

34 Sec. 29. Section 45.3, unnumbered paragraph 1, Code 2005,
35 is amended to read as follows:

1 Each candidate shall complete and file a signed, notarized
2 affidavit of candidacy. The affidavit shall be filed at the
3 same time as the nomination petition. The affidavit shall be
4 in the form prescribed by the ~~secretary-of~~ state commissioner
5 and shall include the following information:

6 Sec. 30. Section 47.1, subsections 1 and 3, Code 2005, are
7 amended to read as follows:

8 1. The ~~secretary-of-state~~ executive director of the Iowa
9 elections, ethics, and campaign disclosure board established
10 in section 68B.32 is designated as the state commissioner of
11 elections and shall supervise the activities of the county
12 commissioners of elections. There is established within the
13 office of the ~~secretary-of-state~~ Iowa elections, ethics, and
14 campaign disclosure board a division of elections which shall
15 be under the direction of the state commissioner of elections.
16 The state commissioner of elections may appoint a person to be
17 in charge of the division of elections who shall perform the
18 duties assigned by the state commissioner of elections. The
19 state commissioner of elections shall prescribe uniform
20 election practices and procedures, shall prescribe the
21 necessary forms required for the conduct of elections, shall
22 assign a number to each proposed constitutional amendment and
23 statewide public measure for identification purposes, and
24 shall adopt rules, pursuant to chapter 17A, to carry out this
25 section.

26 3. The ~~secretary-of-state~~ executive director of the Iowa
27 elections, ethics, and campaign disclosure board is designated
28 the chief state election official and is responsible for
29 coordination of state responsibilities under the federal
30 National Voter Registration Act of 1993.

31 Sec. 31. Section 48A.19, subsection 3, Code 2005, is
32 amended to read as follows:

33 3. The voter registration agency shall provide voter
34 registration services with each application for services or
35 assistance and with each recertification, renewal, or change

1 of address form completed relating to the agency's services.
2 The ~~secretary-of~~ state registrar of voters shall adopt
3 administrative rules in cooperation with voter registration
4 agencies to carry out the requirements of this section.

5 Sec. 32. Section 48A.22, Code 2005, is amended to read as
6 follows:

7 48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.

8 The ~~secretary-of~~ state registrar of voters shall encourage
9 volunteer organizations to undertake voter registration drives
10 by providing registration forms.

11 Sec. 33. Section 49.67, unnumbered paragraph 2, Code 2005,
12 is amended to read as follows:

13 If necessary, the commissioner or the commissioner's
14 designee may make photocopies of official ballots to replace
15 or replenish ballot supplies. The commissioner shall keep a
16 record of the number of photocopied ballots made for each
17 precinct, the name of the person who made the photocopies, and
18 the date, time, and location at which the photocopies were
19 made. These records shall be made on forms and following
20 procedures prescribed by the ~~secretary-of~~ state commissioner
21 by administrative rule.

22 Sec. 34. Section 49.104, subsection 7, Code 2005, is
23 amended to read as follows:

24 7. Any person authorized by the commissioner, in
25 consultation with the ~~secretary-of~~ state commissioner, for the
26 purposes of conducting and attending educational voting
27 programs for youth.

28 Sec. 35. Section 49A.8, Code 2005, is amended to read as
29 follows:

30 49A.8 CANVASS -- DECLARATION OF RESULT -- RECORD.

31 The judges of election, county boards of canvassers, and
32 other election officials shall canvass the vote on any
33 constitutional amendment or public measure, and make return
34 thereof, in the same manner as required by law for the canvass
35 and return of the vote for public officers. The board of

1 state canvassers shall canvass such returns, declare the
2 result, and enter the same of record, immediately following
3 and in connection with the proofs of publication of such
4 amendment or measure, in the book kept for that purpose by the
5 ~~secretary-of~~ state commissioner of elections.

6 Upon completion of the canvass, the ~~secretary-of~~ state
7 commissioner of elections shall certify to the Iowa Code
8 editor the results of the election.

9 Sec. 36. Section 50.36, Code 2005, is amended to read as
10 follows:

11 50.36 ENVELOPES CONTAINING OTHER ABSTRACTS -- CANVASS.

12 The ~~secretary-of~~ state commissioner, upon receipt of the
13 envelopes containing the abstracts of votes, shall open and
14 canvass the abstracts for all offices except governor and
15 lieutenant governor.

16 The ~~secretary-of~~ state commissioner shall invite to attend
17 the canvass one representative from each political party
18 which, at the last preceding general election, cast for its
19 candidate for president of the United States or for governor,
20 as the case may be, at least two percent of the total vote
21 cast for all candidates for that office at that election, as
22 determined by the ~~secretary-of~~ state commissioner. The
23 ~~secretary-of~~ state commissioner shall notify the chairperson
24 of each political party of the time of the canvass. However,
25 the presence of a representative from a political party is not
26 necessary for the canvass to proceed.

27 Sec. 37. Section 50.37, Code 2005, is amended to read as
28 follows:

29 50.37 STATE CANVASSING BOARD.

30 The executive council shall constitute a board of
31 canvassers of all abstracts of votes required to be filed with
32 the state commissioner, except for the offices of governor and
33 lieutenant governor. Any clerical error found by the
34 ~~secretary-of~~ state commissioner or state board of canvassers
35 shall be corrected by the county commissioner in a letter

1 addressed to the state board of canvassers.

2 Sec. 38. Section 50.38, Code 2005, is amended to read as
3 follows:

4 50.38 TIME OF STATE CANVASS.

5 Not later than twenty-seven days after the day of the
6 election, the ~~secretary-of~~ state commissioner shall present to
7 the board of state canvassers abstracts of votes cast at the
8 election showing the number of ballots cast for each office
9 and a summary of the results for each office, showing the
10 votes cast in each county. The state board of canvassers
11 shall review the results compiled by the ~~secretary-of~~ state
12 commissioner and, if the results are accurately tabulated, the
13 state board shall approve the canvass.

14 Sec. 39. Section 54.5, unnumbered paragraph 5, Code 2005,
15 is amended to read as follows:

16 If a candidate for the office of president or vice
17 president of the United States withdraws, dies, or is
18 otherwise removed from the ballot before the general election,
19 another candidate may be substituted. The substitution shall
20 be made by the state central committee of the political party
21 or by the governing committee of the national party. If there
22 are differences, the substitution made by the state central
23 committee shall prevail. A nonparty political organization
24 which has filed the names of party officers and central
25 committee members with the ~~secretary-of~~ state commissioner of
26 elections before the close of the filing period for the
27 general election pursuant to section 44.17 may also make
28 substitutions. A substitution must be filed no later than
29 seventy-four days before the election.

30 Sec. 40. Section 59.1, unnumbered paragraphs 2 and 3, Code
31 2005, are amended to read as follows:

32 A copy of the statement of notice of contest shall be filed
33 with the ~~secretary-of~~ state commissioner of elections within
34 five days of service of the notice upon the incumbent. The
35 ~~secretary-of~~ state commissioner of elections shall notify the

1 presiding officer of the house in which the contest will be
2 tried.

3 A special election for a seat in either house of the
4 general assembly may be contested. The contestant shall serve
5 notice on the incumbent in the manner described in this
6 section not later than twenty days after the state canvass of
7 votes for the election. A copy of the notice shall also be
8 filed with the presiding officer of the house in which the
9 contest is to be tried, if the general assembly is in session.
10 If the general assembly is not in session, a copy of the
11 notice shall be filed with the secretary-of state commissioner
12 of elections. The secretary-of state commissioner of
13 elections shall notify the presiding officer of the house in
14 which the contest will be tried.

15 Sec. 41. Section 59.4, Code 2005, is amended to read as
16 follows:

17 59.4 RETURN OF DEPOSITIONS.

18 A copy of the statement, and of the notice for taking
19 depositions, with the service endorsed, and verified by
20 affidavit if not served by an officer, shall be returned to
21 the officer taking the depositions, and then, with the
22 depositions, shall be sealed up and transmitted to the
23 secretary-of state commissioner of elections, with an
24 endorsement thereon showing the nature of the papers, the
25 names of the contesting parties, and the branch of the general
26 assembly before whom the contest is to be tried.

27 Sec. 42. Section 59.7, Code 2005, is amended to read as
28 follows:

29 59.7 NOTICE OF RESULT.

30 The presiding officer of the house in which the contest was
31 tried shall certify to the secretary-of state commissioner of
32 elections the results of the contest.

33 Sec. 43. Section 60.2, Code 2005, is amended to read as
34 follows:

35 60.2 CLERK.

1 The ~~secretary-of~~ state commissioner of elections shall be
2 the clerk of the court, or, in the ~~secretary-of-state's~~ state
3 commissioner's absence or inability to act, the clerk of the
4 supreme court.

5 Sec. 44. Section 60.3, Code 2005, is amended to read as
6 follows:

7 60.3 OATH.

8 Each member of the court, before entering upon the
9 discharge of the member's duties, shall take an oath before
10 the ~~secretary-of~~ state commissioner of elections, or some
11 officer qualified to administer oaths, that the member will
12 support the Constitution of the United States and that of the
13 state of Iowa, and that, without fear, favor, affection, or
14 hope of reward, the member will, to the best of the member's
15 knowledge and ability, administer justice according to law and
16 the facts in the case.

17 Sec. 45. Section 60.4, Code 2005, is amended to read as
18 follows:

19 60.4 STATEMENT.

20 The contestant shall file the statement provided for in
21 chapter 62 in the office of the ~~secretary-of~~ state
22 commissioner of elections within two days from the day on
23 which the returns are canvassed by the state board of
24 canvassers and, within the same time, serve a copy of the
25 same, with a notice of the contest, on the incumbent in the
26 manner provided by the rules of civil procedure for service of
27 an original notice.

28 Sec. 46. Section 60.6, Code 2005, is amended to read as
29 follows:

30 60.6 JUDGMENT.

31 The judgment of the court shall determine which of the
32 parties to the action is entitled to hold the office and shall
33 be authenticated by the presiding judge and clerk of the court
34 and filed with the ~~secretary-of~~ state commissioner of
35 elections; and the judgment so rendered shall constitute a

1 final determination of the title to the office, and a
2 certificate of appointment shall be issued to the successful
3 party.

4 Sec. 47. Section 61.2, Code 2005, is amended to read as
5 follows:

6 61.2 CLERK.

7 The ~~secretary-of~~ state commissioner of elections shall be
8 the clerk of this court; but if the person holding that office
9 is a party to the contest, the clerk of the supreme court, or,
10 in case of that person's absence or inability, the auditor of
11 state shall be clerk.

12 Sec. 48. Section 61.11, Code 2005, is amended to read as
13 follows:

14 61.11 SUBPOENAS -- DEPOSITIONS.

15 The ~~secretary-of~~ state commissioner of elections, the
16 several clerks of the supreme and district courts, under their
17 respective seals of office, and either of the judges of the
18 supreme or district courts, under their hands, may issue
19 subpoenas for witnesses to attend this court; and disobedience
20 to such process may be treated as a contempt. Depositions may
21 also be taken as in the case of contested county elections.

22 Sec. 49. Section 68A.201, subsection 4, Code 2005, is
23 amended to read as follows:

24 4. A list, by office and district, of all candidates who
25 have filed an affidavit of candidacy in the office of the
26 ~~secretary-of~~ state commissioner shall be prepared by the
27 ~~secretary-of~~ state commissioner and delivered to the board not
28 more than ten days after the last day for filing nomination
29 papers.

30 Sec. 50. Section 68B.2, subsection 3, Code Supplement
31 2005, is amended to read as follows:

32 3. "Board" means the Iowa elections, ethics, and campaign
33 disclosure board.

34 Sec. 51. Section 68B.32A, Code Supplement 2005, is amended
35 by adding the following new subsection:

1 NEW SUBSECTION. 15. Perform all duties as required and
2 directed by the state commissioner of elections as defined in
3 section 47.7.

4 Sec. 52. Section 331.510, subsection 2, Code 2005, is
5 amended to read as follows:

6 2. A report to the ~~secretary-of~~ state commissioner of
7 elections of the name, office, and term of office of each
8 appointed or elected county officer within ten days of the
9 officer's election or appointment and qualification.

10 Sec. 53. AMENDMENTS CHANGING TERMINOLOGY -- DIRECTIVE TO
11 CODE EDITOR. The Code editor is directed to strike the words
12 "ethics and campaign disclosure board" as they appear in the
13 Code and insert the words "elections, ethics, and campaign
14 disclosure board" unless a contrary intent is clearly evident.

15 Sec. 54. EFFECTIVE DATE. This division of this Act takes
16 effect July 1, 2007.

17 EXPLANATION

18 This bill provides for the transfer of the professional
19 licensing division of the department of commerce to the
20 secretary of state's office. The bill provides that the
21 secretary of state shall be responsible for overseeing the
22 administration of the professional licensing division, and
23 that the administrator of the division shall report to the
24 secretary of state. The bill creates a new Code section 9.8
25 containing the provisions of current Code section 546.10
26 relating to the establishment and administration of the
27 division.

28 The bill adds provisions relating to the administration of
29 the division, providing that all licensing boards in the
30 division may refuse to grant or renew a license to practice a
31 profession to any person otherwise qualified for any of the
32 grounds based upon which a license may be revoked or
33 suspended. The bill also provides that all licensing boards
34 in the division may suspend, revoke, or otherwise discipline a
35 licensee, or refuse to renew a license, based on the

1 revocation or suspension of, or other disciplinary action
2 against, a professional license by a licensing authority in
3 this or another state, the United States, a territory, or
4 other country.

5 The bill additionally provides that the maximum amount of a
6 civil penalty imposed as a disciplinary measure by licensing
7 boards in the division is increased from the current level of
8 \$1,000 to an amount up to \$25,000, and that staff members in
9 the division shall be employed subject to the merit system
10 provisions of Code chapter 19A.

11 The bill makes changes in the licensing provisions relating
12 to engineers and land surveyors, architects, landscape
13 architects, and relating to sales of subdivided land outside
14 of Iowa, providing for the elimination of references to
15 investigations performed by the department of inspections and
16 appeals in the course of a disciplinary proceeding.

17 The bill additionally provides for a number of conforming
18 changes in various professional licensure and regulation
19 chapters administered by the division.

20 The bill also transfers duties relating to conduct of
21 elections and voter registration from the office of secretary
22 of state to the Iowa ethics and campaign disclosure board.
23 The ethics and campaign disclosure board is renamed the
24 elections, ethics, and campaign disclosure board. Other
25 related changes are provided to transfer election-related
26 duties from the secretary of state to the state commissioner
27 of elections.

28 The provisions transferring duties relating to conduct of
29 elections and voter registration take effect July 1, 2007.

30
31
32
33
34
35