

CHAPTER 1023
VOTING BY CITIZENS ABROAD
S. F. 2235

AN ACT relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section forty-seven point four (47.4), Code 1979, is amended to read as follows:

47.4 VOTER QUALIFICATIONS.

1. Eligibility to vote in elections in this state shall be determined in accordance with the following requirements:

~~1-~~ a. Every citizen of the United States of the age of eighteen years or older who is a resident of this state ~~shall-be~~ is an eligible elector.

~~2-~~ b. Every qualified elector of the state ~~shall-have~~ has only one voting residence.

~~3-~~ c. Every citizen of the United States of the age of eighteen or older is presumed to have a residence some place in the United States for the purpose of voting for president and vice president of the United States.

~~4-~~ d. A person's residence, for voting purposes only, is the place which ~~he~~ the person declares is his or her home with the intent to remain there permanently or for a definite or indefinite or undeterminable length of time.

~~5-~~ e. Every eligible elector shall be registered pursuant to the provisions of chapter 48 to qualify to vote in any election.

2. If a person who meets the above requirements set forth in subsection one (1) of this section moves to a new residence, within or without the state, and does not meet the voter requirements at his or her new residence, ~~he~~ the person may vote at his or her former precinct in Iowa until ~~he~~ the person meets the voter requirements of his or her new residence. However, a person who has moved to a new residence and fails to register to vote at his or her new residence after becoming eligible to do so shall not thereafter be entitled to vote at his or her former precinct in Iowa.

3. Each citizen of the United States who is residing outside of the United States has the right to register and to vote as if he or she were a resident of a precinct in this state if the citizen was last domiciled in this state immediately prior to departure from the United States and at the time so domiciled could have met all voting qualifications, except age, which a voter in that precinct must currently meet under the laws of this state, even though while residing outside the United States the citizen does not have a place of abode or other address in that precinct, and the citizen's intent to return to this state or to that precinct is uncertain, if the citizen:

a. Has complied with all applicable requirements of sections fifty-three point thirty-seven (53.37) through fifty-three point fifty-two (53.52) of the Code concerning absentee registration for, and voting by, absentee ballots.

b. Does not maintain a domicile, is not registered to vote, and is not voting in any other state, territory or possession of the United States.

c. Has a valid passport or card of identity and registration issued under the authority of the United States secretary of state or, in lieu thereof, an alternative form of identification consistent with the provisions of applicable federal and state requirements, if the citizen does not possess a valid passport or card of identity and registration.

Sec. 2. Section fifty-three point thirty-seven (53.37), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Citizens of the United States who do not fall under any of the categories described in subsections one (1) through four (4) of this section, but who are entitled to register and vote pursuant to section forty-seven point four (47.4), subsection three (3) of the Code.

Sec. 3. Section fifty-three point forty-nine (53.49), unnumbered paragraph two (2), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in The Boone News-Republican, a newspaper published in Boone, Iowa, and in The Daily Freeman-Journal, a newspaper published in Webster City, Iowa.

Approved April 14, 1980

I hereby certify that the foregoing Act, Senate File 2235, was published in The Boone News-Republican, Boone, Iowa on April 16, 1980, and in The Daily Freeman-Journal, Webster City, Iowa on April 17, 1980.

MELVIN D. SYNHORST, *Secretary of State*