

CHAPTER 58**CIVIL SERVICE AND DEPUTY COUNTY SHERIFFS —
APPEALS TO DISTRICT COURT***H.F. 803*

AN ACT relating to civil service for deputy county sheriffs by allowing a county to appeal certain decisions of the civil service commission.

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

Section 1. Section 341A.12, unnumbered paragraph 2, Code 2007, is amended to read as follows:

~~If the order of removal, suspension, or demotion is concurred in by a majority of the commission, the~~ The county or the accused may appeal therefrom ~~from the commission's finding and decision~~ to the district court of the county where the accused resides. Such appeal shall be taken by serving upon the commission within thirty days after the entry of its ~~order finding and decision~~, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to its ~~order finding and decision~~, be filed by the commission with the court. The commission shall, within ten days after the filing of the notice make, certify, and file such transcript with the court. The court shall proceed to hear and determine the appeal in a summary manner. Such hearing shall be confined to the determination of whether the ~~order of removal, suspension, or demotion made by~~ finding and decision of the commission ~~to affirm, modify, or revoke the order of the sheriff~~ was made in good faith and for cause, and no appeal shall be taken except upon such grounds. The decision of the district court may be appealed to the supreme court.

Approved April 10, 2007

CHAPTER 59**CONDUCT OF ELECTIONS, ABSENTEE VOTING,
AND VOTER REGISTRATION***H.F. 848*

AN ACT relating to the conduct of elections and voter registration and including effective and applicability date provisions.

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

**DIVISION I
GENERAL PROVISIONS RELATING
TO CONDUCT OF ELECTIONS**

Section 1. Section 2.27, Code 2007, is amended to read as follows:

2.27 CANVASS OF VOTES FOR GOVERNOR.

The general assembly shall meet in joint session on the same day the assembly first convenes in January of 1979 and every four years thereafter as soon as both houses have been organized,

and canvass the votes cast for governor and lieutenant governor and determine the election. ~~If an election is necessary under section 69.13 to fill a vacancy in the office of lieutenant governor, the general assembly shall similarly meet on the day it convenes in the January following that election and canvass the vote cast for the office.~~ When the canvass is completed, the oath of office shall be administered to the persons or person so declared elected. Upon being inaugurated the governor shall deliver to the joint assembly any message the governor may deem expedient.

Sec. 2. Section 43.6, subsection 2, Code 2007, is amended to read as follows:

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

Sec. 3. Section 43.14, Code 2007, is amended to read as follows:

43.14 FORM OF NOMINATION PAPERS.

1. Nomination papers shall include a petition and an affidavit of candidacy. All nomination petitions shall be eight and one-half by eleven inches in size and in substantially the form prescribed by the state commissioner of elections. They shall include or provide spaces for the following information:

- a. A statement identifying the signers of the petition as eligible electors of the appropriate county or legislative district and of the state.
- b. The name of the candidate nominated by the petition.
- c. For nomination petitions for candidates for the general assembly, a statement that the residence of the candidate is within the appropriate legislative district, or if that is not true, that the candidate will reside there within sixty days before the election. For other offices, a statement of the name of the county where the candidate resides.
- d. The political party with which the candidate is a registered voter.
- e. The office sought by the candidate, including the district number, if any.
- f. The date of the primary election for which the candidate is nominated.

2. Signatures on a petition page shall be counted only if the required information required in subsection 1 is written or printed at the top of the page. Nomination papers on behalf of candidates for seats in the general assembly need only designate the number of the senatorial or representative district, as appropriate, and not the county or counties, in which the candidate and the petitioners reside. A signature line shall not be counted if the line lacks the signature of the eligible elector and the signer's address and city. The person examining the petition shall mark any deficiencies on the petition and affidavit. A signature line shall not be counted if the signer's address is obviously outside the boundaries of the district.

3. The person examining the petition shall mark any deficiencies on the petition and affidavit. Signed nomination petitions and the signed and notarized affidavit of candidacy shall not be altered to correct deficiencies noted during examination. If the nomination petition lacks a sufficient number of acceptable signatures, the nomination petition shall be rejected and shall be returned to the candidate.

4. The nomination papers shall be rejected if the affidavit lacks any of the following:

- a. The candidate's name.
- b. The name of the office sought, including the district, if any.
- c. The political party name.
- d. The signature of the candidate.

e. The signature of a notary public or other officer empowered to witness oaths.

5. The candidate may replace a deficient affidavit with a corrected affidavit only if the replacement affidavit is filed before the filing deadline. The candidate may resubmit a nomination petition that has been rejected by adding a sufficient number of pages or signatures to correct the deficiency. A nomination petition and affidavit filed to replace rejected nomination papers shall be filed together before the deadline for filing.

Sec. 4. Section 45.5, Code 2007, is amended to read as follows:

45.5 FORM OF NOMINATION PAPERS.

1. Nomination papers shall include a petition and an affidavit of candidacy. All nomination petitions shall be eight and one-half by eleven inches in size and shall be in substantially the form prescribed by the state commissioner of elections. They shall provide spaces for the following information:

a. A statement identifying the signers of the petition as eligible electors of the appropriate ward, city, county, school district or school district director district, or legislative district and of the state of Iowa.

b. The name of the candidate nominated by the petition.

c. A statement that the candidate is or will be a resident of the appropriate ward, city, county, school district, or legislative or other district as required by section 39.27.

d. The office sought by the candidate, including the district number, if any.

e. The name and date of the election for which the candidate is nominated.

2. Signatures on a petition page shall be counted only if the required information required in subsection 1 is written or printed at the top of the page. Nomination papers on behalf of candidates for seats in the general assembly need only designate the number of the senatorial or representative district, as appropriate, and not the county or counties, in which the candidate and the petitioners reside. A signature line in a nomination petition shall not be counted if the line lacks the signature of the eligible elector and the signer's address and city. ~~The person examining the petition shall mark any deficiencies on the petition. A signature line shall not be counted if the signer's address is obviously outside the boundaries of the appropriate ward, city, school district or school district director district, legislative district, or other district.~~

3. ~~3.~~ The pages of the petition shall be securely fastened together to form a single bundle. Nomination petitions that are not bound shall be returned without further examination. The state commissioner shall prescribe by rule the acceptable methods for binding nomination petitions.

4. ~~4.~~ The person examining the petition shall mark any deficiencies on the petition. Signed nomination petitions and the signed and notarized affidavit of candidacy shall not be altered to correct deficiencies noted during the examination. If the nomination petition lacks a sufficient number of acceptable signatures, the nomination papers shall be rejected and returned to the candidate.

5. The nomination papers shall be rejected if the affidavit lacks any of the following:

a. The candidate's name.

b. The name of the office sought, including the district, if any.

c. The signature of the candidate.

d. The signature of a notary public or other officer empowered to witness oaths.

6. The candidate may replace a deficient affidavit with a corrected one only if the replacement is filed before the filing deadline. The candidate may resubmit a nomination petition that has been rejected by adding a sufficient number of pages or signatures to correct the deficiency. A nomination petition and affidavit filed to replace rejected nomination papers shall be filed together before the deadline for filing.

Sec. 5. Section 45.6, subsection 3, Code 2007, is amended to read as follows:

3. All signers, for all nominations, of each separate part of a nomination petition, shall reside in the appropriate ward, city, county, school district or school district director district, or legislative district, or other district as required by section 45.1.

Sec. 6. Section 49.8, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. Precinct boundaries established by a city council pursuant to section 49.5 or 49.6 and not changed under subsections 1 through 5 since the most recent federal decennial census, may be redrawn by the city council in accordance with sections 49.3 and 49.5 once during the period beginning January 1 of the second year following a year in which a federal decennial census is taken and ending June 30 of the year immediately following the year in which the next succeeding federal decennial census is taken, if the commissioner recommends that the change will effect a substantial savings in election costs. Changes made under this subsection shall be made not later than ninety-nine days before a city primary or runoff election, unless the changes will not take effect until January 1 of the next odd-numbered year.

Sec. 7. Section 49.14, subsection 1, Code 2007, is amended to read as follows:

1. The commissioner may appoint substitute precinct election officials as alternates for election board members. ~~A majority of the original election board members shall be present at the precinct polling place at all times; at partisan elections such majority shall include at least one precinct election official from each political party. If the chairperson leaves the polling place, the chairperson shall designate another member of the board to serve as chairperson until the chairperson returns.~~ The responsibilities and duties of a precinct election official, other than the chairperson, present at the time the polling place was opened on the day of an election may be assumed at any later time that day by a substitute appointed as an alternate. The substitute shall serve either for the balance of that election day or for any shorter period of time the commissioner may designate. At partisan elections, a substitute precinct election official assuming the duties of a precinct election official shall be a member of the same political party as the precinct election official whose duties are being assumed.

Sec. 8. Section 49.57, subsections 2 and 3, Code 2007, are amended to read as follows:

2. In the area of the general election ballot for straight party voting, the party or organization names shall be printed in capital upper case and lower case letters of using a uniform font size, ~~in for each political party or nonparty political organization.~~ The font size shall be not less than twelve point type. After the name of each candidate for a partisan office the name of the candidate's political party shall be printed in at least six point type. The names of political parties and nonparty political organizations may be abbreviated on the remainder of the ballot if both the full name and the abbreviation appear in the "Straight Party" and "Other Political Party" areas of the ballot.

3. The names of candidates shall be printed in capital upper case and lower case letters, ~~of using a uniform font size throughout the ballot, in.~~ The font size shall be not less than ten point type.

Sec. 9. Section 49.57, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. In no case shall the font size for public measures, constitutional amendments, and constitutional convention questions, and summaries thereof, be less than ten point type.

Sec. 10. Section 49.57, subsection 5, Code 2007, is amended to read as follows:

5. A portion of the ballot, which can be shown to the precinct officials without revealing any of the marks made by the voter, shall include the words "Official ballot", ~~a designation of the ballot rotation, if any~~ the unique identification number or name assigned by the commissioner to the ballot style, the date of the election, and a facsimile of the signature of the commissioner who has caused the ballot to be printed pursuant to section 49.51.

Sec. 11. Section 49.73, subsection 1, paragraph e, Code 2007, is amended to read as follows:

e. ~~The~~ Any election conducted for the unincorporated area of ~~any a~~ county voting on a local option sales and services tax pursuant to section 423B.1.

Sec. 12. Section 49.79, Code 2007, is amended to read as follows:
49.79 CHALLENGES.

1. Any person offering to vote may be challenged as unqualified by any precinct election official or registered voter. It is the duty of each official to challenge any person offering to vote whom the official knows or suspects is not duly qualified. A ballot shall be received from a voter who is challenged, but only in accordance with section 49.81.

2. A person may be challenged for any of the following reasons:

a. The challenged person is not a citizen of the United States.

b. The challenged person is less than eighteen years of age as of the date of the election at which the person is offering to vote.

c. The challenged person is not a resident at the address where the person is registered. However, a person who is reporting a change of address at the polls on election day pursuant to section 48A.27, subsection 2, paragraph "a", subparagraph (3), shall not be challenged for this reason.

d. The challenged person is not a resident of the precinct where the person is offering to vote.

e. The challenged person has falsified information on the person's registration form or on the person's declaration of eligibility.

f. The challenged person has been convicted of a felony, and the person's voting rights have not been restored.

g. The challenged person has been adjudged by a court of law to be a person who is incompetent to vote and no subsequent proceeding has reversed that finding.

Sec. 13. Section 50.16, Code 2007, is amended to read as follows:
50.16 TALLY LIST OF BOARD.

The tally list shall be prepared in writing by the election board giving, in legibly printed numerals, the total number of people who cast ballots in the precinct, the total number of ballots cast for each officer ~~office~~, except those rejected, the name of each person voted for, and the number of votes given to each person for each different office. The tally list shall be signed by the precinct election officials, and be substantially as follows:

At an election at in township, or in precinct of city or township, in county, state of Iowa, on the day of A.D., there were ballots cast for the office of of which
(Candidate's name) had votes.
(Candidate's name) had votes.
(and in the same manner for any other officer).

A true tally list:

(Name) Election Board
(Name) Members.
(Name)

Attest:

(Name) Designated
(Name) Tally Keepers.

Sec. 14. Section 50.25, subsection 7, Code 2007, is amended by striking the subsection.

Sec. 15. Section 50.25, Code 2007, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The abstract of the votes for each county office is not required to be made on a different sheet.

Sec. 16. Section 52.25, unnumbered paragraph 2, Code 2007, is amended to read as follows:

The entire convention question, amendment, or public measure shall be printed and dis-

played prominently in at least four places within the voting precinct, and inside each voting booth, or on the left-hand side inside the curtain of each voting machine, the printing to be in conformity with the provisions of chapter 49. The question, amendment, or measure, and summaries thereof, shall be printed on the special paper ballots or on the inserts used in the voting machines. In no case shall the font size be less than ten point type. The public measure shall be summarized by the commissioner and ~~in the largest type possible printed on the special paper ballots or inserts used in the voting machines,~~ except that:

Sec. 17. Section 58.1, Code 2007, is amended to read as follows:
58.1 NOTICE — GROUNDS.

The contestant for the office of governor ~~or lieutenant governor~~ shall, within thirty days after the proclamation of the result of the election, deliver to the presiding officer of each house of the general assembly a notice of intent to contest, and a specification of the grounds of such contest, as provided in chapter 62.

Sec. 18. Section 376.11, unnumbered paragraphs 1 and 2, Code 2007, are amended to read as follows:

Write-in votes are permitted to be cast in all elections for city offices. A person who receives a sufficient number of write-in votes to be elected to a city office shall be declared the winner of the election. If a person who was elected by write-in votes chooses not to serve in that office the person shall submit a resignation in writing to the city clerk not later than five ~~o'clock~~ p.m. on the tenth day following the canvass of the election. If a person who was elected by write-in votes resigns at a later time, the office shall be considered vacant at the end of the term and the council shall fill the vacancy pursuant to the provisions of section 372.13, subsection 2.

Except in cities where the council has chosen a runoff election in lieu of a primary, following the resignation of a person who was elected by write-in votes, the city clerk shall notify the person who received the next highest number of votes cast for the office that the person may assume the office. If the person accepts the position, the person shall be considered the duly elected officer unless, within ten days after the clerk has given notice, a petition requesting a special election is filed by eligible electors of the city equal in number to twenty-five percent of the number of persons who voted for the office at the election. If the person declines, the person shall do so in writing to the city clerk within ten days and the office shall be considered vacant at the end of the term. The vacancy shall be filled pursuant to the provisions of section 372.13, subsection 2. If the council chooses to appoint, the appointment may be made before the end of the current term.

Sec. 19. EFFECTIVE AND APPLICABILITY DATES.

1. The section of this division of this Act amending section 49.8, being deemed of immediate importance, takes effect upon enactment and applies to elections held on or after January 1, 2008.

2. The remainder of this division of this Act applies to elections held on or after January 1, 2008.

DIVISION II ABSENTEE VOTING

Sec. 20. Section 39A.4, subsection 1, paragraph c, subparagraphs (10), (11), and (12), Code 2007, are amended to read as follows:

(10) As an incumbent officeholder of, or a candidate for, an office being voted for at the election in progress, serving as a member of a challenging committee or observer under section 49.104, subsection 2, 5, or 6, or section 53.23, subsection 4.

(11) Returning a voted absentee ballot, by mail or in person, to the commissioner's office and the person returning the ballot is not the voter, an immediate family member authorized by the voter to return the ballot, an absentee ballot courier, a special precinct election official

designated pursuant to section 53.22, subsection 1, or the designee of a voter described in section 53.22, subsection 5.

(12) Making a false or untrue statement reporting that a voted absentee ballot was returned to the commissioner's office, by mail or in person, by a person other than the voter, an immediate family member authorized by the voter to return the ballot, an absentee ballot courier, a special precinct election official designated pursuant to section 53.22, subsection 1, or the designee of a voter described in section 53.22, subsection 5.¹

Sec. 21. Section 39A.5, subsection 1, paragraph b, subparagraph (2), Code 2007, is amended to read as follows:

(2) ~~Neglecting or refusing to return an absentee ballot in violation of section 53.35, or violating~~ Violating any other provision of chapter 53 for which another penalty is not provided.

Sec. 22. Section 49.63, Code 2007, is amended to read as follows:

49.63 TIME OF PRINTING — INSPECTION AND CORRECTION.

Ballots shall be printed and in the possession of the commissioner in time to enable the commissioner to furnish ballots to absent voters as provided by sections 53.8, 53.10, and 53.11. The printed ballots shall be subject to the inspection of candidates and their agents. If mistakes are discovered, they shall be corrected without delay, in the manner provided in this chapter.

Sec. 23. Section 53.2, subsections 1 and 4, Code 2007, are amended to read as follows:

1. Any registered voter, under the circumstances specified in section 53.1, may on any day, except election day, and not more than seventy days prior to the date of the election, apply in person for an absentee ballot at the commissioner's office or at any location designated by the commissioner. However, for those elections in which the commissioner directs the polls be opened at noon pursuant to section 49.73, a voter may apply in person for an absentee ballot at the commissioner's office from eight a.m. until eleven a.m. on election day.

PARAGRAPH DIVIDED. A registered voter may make written application to the commissioner for an absentee ballot. A written application for an absentee ballot must be received by the commissioner no later than five p.m. on the Friday before the election. A written application for an absentee ballot delivered to the commissioner and received by the commissioner more than seventy days prior to the date of the election shall be retained by the commissioner and processed in the same manner as a written application received not more than seventy days before the date of the election.

4. Each application shall contain the name and signature of the registered voter, the registered voter's date of birth, the address at which the voter is registered to vote, and the name or date of the election for which the absentee ballot is requested, and such other information as may be necessary to determine the correct absentee ballot for the registered voter. If insufficient information has been provided, the commissioner shall, by the best means available, obtain the additional necessary information.

Sec. 24. Section 53.7, subsection 1, Code 2007, is amended to read as follows:

1. It shall be unlawful for any employee of the state or any employee of a political subdivision to solicit any application or request for application for an absentee ballot, or to take an affidavit in connection with any absentee ballot while the employee is on the employer's premises or otherwise in the course of employment. However, any such employee may take such affidavit in connection with an absentee ballot which is cast by the registered voter in person in the office where such employee is employed in accordance with section 53.10 or 53.11. This subsection shall not apply to any elected official.

Sec. 25. Section 53.8, subsection 2, Code 2007, is amended to read as follows:

2. If an application is received so late that it is unlikely that the absentee ballot can be returned in time to be counted on election day, the commissioner shall enclose with the absentee ballot a statement to that effect. The statement shall also point out that it is possible for the applicant, an immediate family member of the applicant, or the applicant's designee if the ab-

¹ See chapter 215, §222 herein

sente ballot is voted by a voter described in section 53.22, subsection 5, to personally deliver the completed absentee ballot to the office of the commissioner at any time before the closing of the polls on election day. The statement shall also point out that it is possible for an absentee ballot courier to personally deliver the completed absentee ballot to the office of the commissioner within seventy-two hours of retrieving the completed ballot or before the closing of the polls on election day, whichever is earlier.²

Sec. 26. Section 53.8, subsection 3, unnumbered paragraph 3, Code 2007, is amended to read as follows:

Nothing in this subsection nor in section 53.22 shall be construed to prohibit a registered voter who is a hospital patient or resident of a health care facility, or who anticipates entering a hospital or health care facility before the date of a forthcoming election, from casting an absentee ballot in the manner prescribed by section 53.10 or 53.11.

Sec. 27. Section 53.17, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. (1) The sealed carrier envelope may be delivered by the registered voter, by an immediate family member of the voter, by the special precinct election officials designated pursuant to section 53.22, subsection 1, or by the voter's designee if the absentee ballot is voted by a voter described in section 53.22, subsection 5, to the commissioner's office no later than the time the polls are closed on election day.

(2) If the sealed carrier envelope is delivered by an immediate family member of the voter, the immediate family member shall, upon delivery of the envelope to the commissioner, complete a form provided by the commissioner containing the following information:

(a) The immediate family member's name and address.

(b) The immediate family member's relationship to the voter.

(c) The serial number on the sealed carrier envelope.

(d) An attestation stating that the immediate family member was authorized by the voter to return the sealed carrier envelope.

(e) The signature of the immediate family member.³

Sec. 28. Section 53.22, subsection 1, paragraph a, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A registered voter who has applied for an absentee ballot, in a manner other than that prescribed by section 53.10 or 53.11, and who is a resident or patient in a health care facility or hospital located in the county to which the application has been submitted shall be delivered the appropriate absentee ballot by two special precinct election officers, one of whom shall be a member of each of the political parties referred to in section 49.13, who shall be appointed by the commissioner from the election board panel for the special precinct established by section 53.20. The special precinct election officers shall be sworn in the manner provided by section 49.75 for election board members, shall receive compensation as provided in section 49.20 and shall perform their duties during the ten calendar days preceding the election and on election day if all ballots requested under section 53.8, subsection 3, have not previously been delivered and returned.

Sec. 29. Section 53.23, subsection 3, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The commissioner shall set the convening time for the board, allowing a reasonable amount of time to complete counting all absentee ballots by ten p.m. on election day. The commissioner may direct the board to meet on the day before the election solely for the purpose of reviewing the absentee voters' affidavits appearing on the sealed ballot envelopes. If in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, the members of the board may open the sealed ballot envelopes and remove the secrecy envelope containing the ballot, but under no circumstances shall a secrecy envelope be opened be-

² See chapter 215, §223 herein

³ See chapter 215, §225 herein

fore the board convenes on election day. If the ballot envelopes are opened before election day, two observers, one appointed by each of the two political parties referred to in section 49.13, subsection 2, shall witness the proceedings. The observers shall be appointed by the county chairperson or, if the county chairperson fails to make an appointment, by the state chairperson. However, if either or both political parties fail to appoint an observer, the commissioner may continue with the proceedings.

Sec. 30. Section 53.31, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Any person qualified to vote at the election in progress may challenge the qualifications of a person casting an absentee ballot by submitting a written challenge to the commissioner no later than five p.m. on the day Friday before the election. It is the duty of the special precinct officials to challenge the absentee ballot of any person whom the official knows or suspects is not duly qualified. Challenges by members of the special precinct election board or observers present pursuant to section 53.23 may be made at any time before the close of the polls on election day. The challenge shall state the reasons for which the challenge is being submitted and shall be signed by the challenger. When a challenge is received the absentee ballot shall be set aside for consideration by the special precinct election board when it meets as required by section 50.22.

Sec. 31. Section 53.37, Code 2007, is amended to read as follows:

53.37 DEFINITIONS.

1. This division is intended to implement the federal Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff et seq.

2. The term “armed forces of the United States”, as used in this division, shall mean the army, navy, marine corps, coast guard, and air force of the United States.

3. For the purpose of absentee voting only, there shall be included in the term “armed forces of the United States” the following:

1. a. Spouses and dependents of members of the armed forces while in active service.

2. b. Members of the merchant marine of the United States and their spouses and dependents.

3. c. Civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.

4. d. Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents.

5. e. Citizens of the United States who do not fall under any of the categories described in subsections 1 to 4,⁴ but who are entitled to register and vote pursuant to section 48A.5, subsection 4.

4. For the purposes of this division, “qualified voter” means a person who is included within the term “armed forces of the United States” as described in this section, who would be qualified to register to vote under section 48A.5, subsection 2, except for residency, and who is not disqualified from registering to vote and voting under section 48A.6.

Sec. 32. Section 53.38, Code 2007, is amended to read as follows:

53.38 WHAT CONSTITUTES REGISTRATION.

Whenever a ballot is requested pursuant to section 53.39 or 53.45 on behalf of a voter in the armed forces of the United States, the affidavit upon the ballot envelope of such voter, if the voter is found to be an eligible elector of the county to which the ballot is submitted, shall constitute a sufficient registration under chapter 48A. A completed federal postcard registration and federal absentee ballot request form submitted by such eligible elector shall also constitute a sufficient registration under chapter 48A. The commissioner shall place the voter's

⁴ See chapter 215, §243 herein

name on the registration record as a registered voter if it does not already appear there. The identification requirements of section 48A.8 and the verification requirements of section 48A.25A do not apply to persons who register to vote under this division.

Sec. 33. Section 53.41, Code 2007, is amended to read as follows:

53.41 RECORDS BY COMMISSIONER — EXCESS REQUESTS OR BALLOTS.

1. The commissioner of each county shall establish and maintain a record of all requests for ballots which are made, and of all ballots transmitted, and the manner of transmittal, from and received in the commissioner's office under the provisions of this division.

2. If more than one request for absent voter's ballot for a particular election is made to the commissioner before the ballots are ready to mail by or on behalf of a voter in the armed forces of the United States, the last request first received shall be honored, except that if one of the requests is made by the voter, ~~and a request on the voter's behalf has not been previously honored~~, the request of the voter shall be honored in preference to a request made on the voter's behalf by another.

3. Not more than one ballot shall be transmitted by the commissioner to any voter for a particular election unless after the ballot has been mailed the voter reports a change in the address to which the ballot should be sent. A ballot shall be mailed using a serial number that indicates that this is a replacement sent to an updated address. The original ballot shall be counted only if the replacement ballot does not arrive. If the commissioner receives more than one absent voter's ballot, provided for by this division, from or purporting to be from any one voter for a particular election, all of the ballots so received from or purporting to be from such voter are void, and the commissioner shall not deliver any of the ballots to the precinct election officials, but shall retain them in the commissioner's office, and preserve them for the period and under the conditions provided for in sections 50.12 through 50.15 and section 50.19.

Sec. 34. Section 53.49, Code 2007, is amended to read as follows:

53.49 APPLICABLE TO ARMED FORCES AND OTHER CITIZENS.

The provisions of this division as to absent voting shall apply only to absent voters in the armed forces of the United States as defined for the purpose of absentee voting in section 53.37. The provisions of sections 53.1 through 53.35 53.34 shall apply to all other voters not members of the armed forces of the United States.

Sec. 35. Section 53.53, subsection 4, paragraph a, Code 2007, is amended to read as follows:

a. The ballot was submitted from within the United States, unless the voter is a member of the armed forces of the United States as described in section 53.37, subsection 2, on active duty, and away from the voter's county of residence for purposes of serving on active duty.

Sec. 36. Section 53.53, subsection 4, paragraph b, Code 2007, is amended to read as follows:

b. The voter's application for a regular absentee ballot was received by the commissioner less than thirty fourteen days prior to the election.

Sec. 37. Section 53.35, Code 2007, is repealed.

Sec. 38. APPLICABILITY DATE. This division of this Act applies to elections held on or after January 1, 2008.

DIVISION III VOTER REGISTRATION

Sec. 39. Section 48A.2, Code 2007, is amended by adding the following new subsection: NEW SUBSECTION. 6. "Voter registration list" means a compilation of voter registration records produced, upon request, from the electronic voter registration file or by viewing, upon request, the original, completed voter registration applications and forms.

Sec. 40. Section 48A.5, subsection 2, paragraph c, Code 2007, is amended to read as follows:

c. Be at least eighteen years of age. Completed registration forms shall be accepted from registrants who are at least seventeen and a half years of age; however, the registration shall not be effective until the registrant reaches the age of eighteen. The commissioner of registration shall ensure that the birth date shown on the registration form is at least seventeen and one-half years earlier than the date the registration is processed.

Sec. 41. Section 48A.11, subsection 8, Code 2007, is amended to read as follows:

8. A voter registration application lacking the registrant's name, sex, date of birth, or residence address or description, or signature shall not be processed. A voter registration application lacking the registrant's Iowa driver's license number, Iowa nonoperator's identification card number, or the last four digits of the registrant's social security number shall not be processed. A registrant whose registration is not processed pursuant to this subsection shall be notified pursuant to section 48A.26, subsection 3. A registrant who does not have an Iowa driver's license number, an Iowa nonoperator's identification number, or a social security number and who notifies the registrar of such shall be assigned a unique identifying number that shall serve to identify the registrant for voter registration purposes.

Sec. 42. Section 48A.25A, unnumbered paragraph 3, Code 2007, is amended to read as follows:

This section does not apply to persons described in section 53.37 who are entitled to register to vote and to vote pursuant to section 48A.5, subsection 4.

Sec. 43. APPLICABILITY DATE. This division of this Act applies to elections held on or after January 1, 2008.

Approved April 10, 2007

CHAPTER 60

DISPOSITION OF UNCLAIMED PROPERTY — MINERAL PROCEEDS

S.F. 41

AN ACT relating to the disposition of unclaimed property concerning minerals.

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

Section 1. Section 556.1, Code 2007, is amended by adding the following new subsections:
NEW SUBSECTION. 6A. "Mineral" means gas, oil, and coal; other gaseous, liquid, and solid hydrocarbons; oil shale; cement material; sand and gravel; road material; building stone; chemical raw material; gemstone; fissionable and nonfissionable ores; colloidal and other clays; steam and other geothermal resources; and any other substance defined as a mineral by a law of this state.

NEW SUBSECTION. 6B. "Mineral proceeds" means amounts payable for the extraction, production, or sale of minerals, or upon the abandonment of those payments, all payments that become payable thereafter. "Mineral proceeds" includes amounts payable as follows: