

State Government: Crawford, Chair: Hibbs, Branstad, Arnould and Walter.

To Person 2/20 (p. 1144)

SENATE FILE 2235

By COMMITTEE ON STATE GOVERNMENT

(FORMERLY SENATE STUDY BILL 2074)

Approved 5 27

FILED FEB 20 1980

Passed Senate, Date 5-3-80 (p. 643) Passed House, Date 4/2/80 (p. 1353)

Vote: Ayes 46 Nays 0 Vote: Ayes 84 Nays 2

Approved Apr 2 14 1980

A BILL FOR

1 An Act relating to the right of citizens of the United States,
2 who are residing outside the United States and were last
3 domiciled in Iowa before departing from the United States,
4 to vote by absentee ballot in elections held in Iowa.

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

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JOURNAL OF THE SENATE

103rd Day

COMMUNICATION FROM THE SECRETARY OF THE STATE

April 25, 1980

Frank J. Stork
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I further certify that 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.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

1 Section 1. Section forty-seven point four (47.4), Code
2 1979, is amended to read as follows:

3 47.4 VOTER QUALIFICATIONS.

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

6 1- a. Every citizen of the United States of the age of
7 eighteen years or older who is a resident of this state ~~shall~~
8 be is an eligible elector.

9 2- b. Every qualified elector of the state ~~shall have~~
10 has only one voting residence.

11 3- c. Every citizen of the United States of the age of
12 eighteen or older is presumed to have a residence some place
13 in the United States for the purpose of voting for president
14 and vice president of the United States.

15 4- d. A person's residence, for voting purposes only,
16 is the place which ~~he~~ the person declares is his or her home
17 with the intent to remain there permanently or for a definite
18 or indefinite or undeterminable length of time.

19 5- e. Every eligible elector shall be registered pursuant
20 to the provisions of chapter 48 to qualify to vote in any
21 election.

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

32 3. Each citizen of the United States who is residing
33 outside of the United States has the right to register and
34 to vote as if he or she were a resident of a precinct in this
35 state if the citizen was last domiciled in this state

1 immediately prior to departure from the United States and
2 at the time so domiciled could have met all voting
3 qualifications, except age, which a voter in that precinct
4 must currently meet under the laws of this state, even though
5 while residing outside the United States the citizen does
6 not have a place of abode or other address in that precinct,
7 and the citizen's intent to return to this state or to that
8 precinct is uncertain, if the citizen:

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

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

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

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

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

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

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

1 Iowa.

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EXPLANATION

3 This bill is intended to facilitate compliance with the
4 1978 amendments to the federal Overseas Citizens' Voting
5 Rights Act. The Iowa Attorney General has ruled that, under
6 that Act, a United States citizen last domiciled in Iowa
7 before moving overseas and who at that time met applicable
8 Iowa voter eligibility requirements (other than age) must
9 be provided ballots on which to vote in federal elections
10 by the State of Iowa, even though under current Iowa law some
11 such persons do not qualify to vote in state and local
12 elections because they have no definite intention to return
13 to this state to reside in the future. The effect of that
14 interpretation is that Iowa counties will have to be prepared
15 to provide any such citizens who may request one a special
16 absentee ballot listing only candidates for federal office
17 (i.e., President and Vice President, United States Senator,
18 and United States Representative). In order to avoid the
19 cost to counties of printing a separate set of federal ballots,
20 this bill provides that those citizens to whom the federal
21 Overseas Citizens' Voting Rights Act requires Iowa to provide
22 such ballots may also vote in state and local elections in
23 Iowa. Thus, it will be possible for counties to respond to
24 requests for absentee ballots from such citizens by sending
25 them a regular ballot.

26 The bill carries a publication clause because it is
27 necessary, under the Overseas Citizens' Voting Rights Act,
28 that Iowa counties begin responding to requests for
29 registration forms by overseas voters early in 1980.

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FISCAL NOTE
Senate File 2235
Requested by Representative Reid Crawford
March 25, 1980

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 2235 pursuant to Joint Rule 16.

Senate File 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.

This bill is intended to facilitate compliance with the 1978 amendments to the federal Overseas Citizens' Voting Rights Act. The Iowa Attorney General has ruled that, under that Act, a United States citizen last domiciled in Iowa before moving overseas and who at that time met applicable Iowa voter eligibility requirements (other than age) must be provided ballots on which to vote in federal elections by the State of Iowa, even though under current Iowa law some such persons do not qualify to vote in state and local elections because they have no definite intention to return to this state to reside in the future.

In order to avoid the cost to counties of printing a separate set of federal ballots, this bill provides that those citizens to whom the federal Overseas Citizens' Voting Rights Act requires Iowa to provide such ballots may also vote in state and local elections in Iowa. Thus, it will be possible for counties to respond to requests for absentee ballots from such citizens by sending them a regular ballot.

Counties would no longer be required to have separate ballots prepared listing candidates for federal office versus ballots listing state and local candidates. Passage of this bill would be a cost savings to the counties, however, no estimate is available.

Source: Secretary of State
FILED MARCH 27, 1980

BY GERRY D. RANKIN
Legislative Fiscal Bureau

SENATE FILE 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.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2235, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved 4/14, 1980

ROBERT D. RAY
Governor