

House Amendment 1253

Amendment Text

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1 1 Amend [House File 304](#) as follows:
1 2 #1. Page 35, by inserting before line 6 the
1 3 following:
1 4 "DIVISION VI
1 5 MAIL BALLOT ELECTIONS
1 6 Sec. _____. NEW SECTION. 49B.1 MAIL BALLOT
1 7 ELECTIONS.
1 8 A mail ballot election may be conducted in cities
1 9 with a population of two hundred or less as provided
1 10 in this chapter.
1 11 Sec. _____. NEW SECTION. 49B.2 DEFINITIONS.
1 12 As used in this chapter, unless the context
1 13 otherwise requires:
1 14 1. "Election day" is the date established by law
1 15 on which a particular election would be held if that
1 16 election were being conducted by means other than a
1 17 mail ballot election.
1 18 2. "Return verification envelope" means an
1 19 envelope that contains a secrecy envelope and which is
1 20 designed to allow election officials, upon examination
1 21 of the outside of the envelope, to determine that the
1 22 ballot is being submitted by someone who is in fact a
1 23 registered voter and who has not already voted.
1 24 3. "Secrecy envelope" means an envelope used to
1 25 contain the elector's ballot and that is designed to
1 26 conceal the voter's vote and to prevent the voter's
1 27 ballot from being distinguished from the ballots of
1 28 other voters.
1 29 Sec. _____. NEW SECTION. 49B.3 MAIL BALLOT
1 30 ELECTION PROCEDURE.
1 31 The state commissioner of elections shall prescribe
1 32 uniform procedures and forms to be used in the conduct
1 33 of mail ballot elections.
1 34 Sec. _____. NEW SECTION. 49B.4 INITIATION BY
1 35 GOVERNING BODY.
1 36 1. The city council of a city may, by resolution,
1 37 request that the county commissioner of elections
1 38 conduct the regular city election or a special city
1 39 election under this chapter. Only a city with two
1 40 hundred or fewer registered voters at the time the
1 41 resolution is adopted may make such a request. The
1 42 council must file the resolution with the county
1 43 commissioner not later than ninety days before the
1 44 date of the election. The commissioner shall approve
1 45 the request if the commissioner determines that it is
1 46 economically and administratively feasible to conduct
1 47 the regular city election or a special city election
1 48 by mail.
1 49 2. After the resolution is approved, the county
1 50 commissioner shall prepare a written plan for conduct
2 1 of the election as provided in section 49B.5. At
2 2 least seventy-one days before the date set for the
2 3 election, the county commissioner shall forward a copy
2 4 of the written plan to the city council concerned.
2 5 Sec. _____. NEW SECTION. 49B.5 WRITTEN PLAN FOR
2 6 CONDUCT OF ELECTION AMENDMENTS APPROVAL
2 7 PROCEDURE.

2 8 1. The county commissioner shall prepare a written
2 9 plan, including a timetable, for the conduct of a mail
2 10 ballot election and shall submit it to the state
2 11 commissioner of elections at least seventy-one days
2 12 before the date of the election.

2 13 2. The plan may be amended by the county
2 14 commissioner any time before the sixty-fourth day
2 15 before the date of the election by notifying the state
2 16 commissioner of elections in writing of any changes.

2 17 3. Within five days after receiving the plan, and
2 18 as soon as possible after receiving any amendments,
2 19 the state commissioner of elections shall approve,
2 20 disapprove, or recommend changes to the plan or
2 21 amendments. The final plan shall be approved and
2 22 available to the public at least two days before the
2 23 deadline for candidates to file nomination papers in
2 24 the office of the city clerk.

2 25 4. When the written plan has been approved, the
2 26 county commissioner shall proceed to conduct the
2 27 election according to the approved plan.

2 28 Sec. _____. NEW SECTION. 49B.6 PUBLICATION OF
2 29 NOTICE.

2 30 The county commissioner shall, not more than ten
2 31 days and not less than four days before the date that
2 32 ballots are to be mailed, publish notice that a mail
2 33 ballot election will be conducted. The notice shall
2 34 be published in a newspaper of general circulation in
2 35 each city for which the mail ballot election will be
2 36 conducted. The notice shall include all of the
2 37 following information:

2 38 1. The date ballots will be mailed.

2 39 2. The last day that a voter can request an
2 40 absentee ballot.

2 41 3. Voter registration deadlines.

2 42 4. Location or locations where mail ballots can be
2 43 deposited pursuant to section 49B.13.

2 44 5. Instructions for obtaining a replacement ballot
2 45 if a voter's ballot is destroyed, spoiled, lost, or
2 46 not received pursuant to section 49B.9.

2 47 The county commissioner is not required to publish
2 48 a sample ballot.

2 49 Sec. _____. NEW SECTION. 49B.7 MAILING BALLOTS.

2 50 1. Official ballots for a mail ballot election
3 1 shall be prepared and all other initial procedures for
3 2 elections shall be followed as otherwise provided by
3 3 law.

3 4 2. The county commissioner of elections shall mail
3 5 an official ballot to every registered voter of the
3 6 city conducting the election on a date not sooner than
3 7 the twentieth day before the date of the election and
3 8 not later than the tenth day before the date of the
3 9 election. An exception shall be made for those
3 10 ballots delivered as prescribed in section 49B.12.

3 11 3. All ballots shall be mailed by first class
3 12 mail.

3 13 4. Ballots mailed by the county commissioner shall
3 14 be addressed to the address of each voter appearing in
3 15 the registration records of the city, and placed in an
3 16 envelope which is prominently marked "Do Not Forward".

3 17 5. The ballot shall contain the following warning:
3 18 "Any person who, by use of violence, threats of
3 19 violence, or any means of duress, procures the vote of
3 20 a voter for or against any measure or candidate is
3 21 subject, upon conviction, to imprisonment or to a
3 22 fine, or both."

3 23 Sec. _____. NEW SECTION. 49B.8 REGISTRATION.

3 24 The county commissioner shall not mail a ballot

3 25 under this chapter to any voter not registered thirty
3 26 days before the date of the election. Voters
3 27 registered less than thirty days before the date of
3 28 the election, but before the close of registration,
3 29 may apply for a ballot under section 49B.9.

3 30 Sec. _____. NEW SECTION. 49B.9 REPLACEMENT
3 31 BALLOTS.

3 32 If the mail ballot is destroyed, spoiled, lost, or
3 33 not received by the voter, the voter may obtain a
3 34 replacement ballot from the county commissioner as
3 35 provided in this section. A voter seeking a
3 36 replacement ballot shall sign a statement, on a form
3 37 prescribed by the state commissioner, that the ballot
3 38 was destroyed, spoiled, lost, or not received. The
3 39 voter or the voter's designee shall deliver the
3 40 statement to the county commissioner before noon on
3 41 the date of the election. The voter may mail the
3 42 statement to the county commissioner. However, a
3 43 county commissioner shall not transmit a ballot by
3 44 mail under this section unless the statement is
3 45 received before five p.m. on the fourth day before the
3 46 date of the election. When a statement is timely
3 47 received under this section, the county commissioner
3 48 shall give the ballot to the voter if the voter is
3 49 present in the office of the county commissioner, or
3 50 promptly mail the ballot to the voter at the address
4 1 contained in the statement, except when prohibited by
4 2 this section. If the voter is present in the county
4 3 commissioner's office, the ballot shall be voted at
4 4 that time. The county commissioner shall keep a
4 5 record of each replacement ballot provided under this
4 6 section. If a voter, having received and voted a
4 7 replacement ballot as provided under this section,
4 8 later finds the lost ballot, the voter shall return
4 9 the lost ballot to the county commissioner.

4 10 Sec. _____. NEW SECTION. 49B.10 VOTING AND RETURN
4 11 OF BALLOT.

4 12 1. A registered voter, upon receipt of a mail
4 13 ballot, shall mark the ballot in such a manner that no
4 14 other person will know how the ballot is marked and
4 15 shall place it in the secrecy envelope provided with
4 16 the ballot.

4 17 A voter who is blind, cannot read, or because of a
4 18 physical disability is unable to mark the ballot, may
4 19 be assisted by any person selected by the voter.

4 20 2. The voter shall place the secrecy envelope
4 21 containing the ballot in the return verification
4 22 envelope and sign and securely seal the return
4 23 verification envelope. The sealed return verification
4 24 envelope shall be returned to the county commissioner
4 25 by one of the following methods:

4 26 a. The sealed return verification envelope may be
4 27 delivered by the registered voter or the voter's
4 28 designee to the county commissioner's office or a
4 29 place designated by the commissioner no later than the
4 30 time the polls close on election day.

4 31 b. The sealed return verification envelope may be
4 32 mailed, postage paid, to the county commissioner. In
4 33 order for the ballot to be counted, the return
4 34 verification envelope must be clearly postmarked by an
4 35 officially authorized postal service not later than
4 36 the day before the election and received by the county
4 37 commissioner not later than the time established for
4 38 the canvass by the board of supervisors for that
4 39 election. The county commissioner shall contact the
4 40 post office serving the county commissioner's office
4 41 at the latest practical hour before the canvass by the

4 42 board of supervisors for that election, and shall
4 43 arrange for return verification envelopes received in
4 44 that post office but not yet delivered to the
4 45 commissioner's office to be brought to the
4 46 commissioner's office before the canvass for that
4 47 election by the board of supervisors.

4 48 Sec. _____. NEW SECTION. 49B.11 ABSENTEE BALLOTS.

4 49 1. A registered voter who will be absent from the
4 50 city during the time when the ballots are mailed may
5 1 do either of the following:

5 2 a. Vote in person in the county commissioner's
5 3 office as soon as ballots are available and until noon
5 4 the day before the ballots are scheduled to be mailed.

5 5 b. Make a written request, signed by the voter and
5 6 addressed to the county commissioner, that the ballot
5 7 be mailed to an address other than that which appears
5 8 on the voter's registration record. Written requests
5 9 shall be accepted until noon the day before the
5 10 ballots are scheduled to be mailed.

5 11 2. Ballots mailed to voters pursuant to this
5 12 section shall be mailed the same day that all other
5 13 ballots are mailed.

5 14 Sec. _____. NEW SECTION. 49B.12 BALLOTING BY
5 15 CONFINED PERSONS.

5 16 A person who is a resident or patient in a health
5 17 care facility or hospital located in the county in
5 18 which the election is to be held shall not be mailed a
5 19 ballot but shall have a ballot delivered in the manner
5 20 prescribed by section 53.22, subsection 1.

5 21 Sec. _____. NEW SECTION. 49B.13 PERSONAL DELIVERY
5 22 OF MAIL BALLOT BALLOT DROPOFF STATIONS.

5 23 A ballot dropoff station for the deposit of mail
5 24 ballots may be established in the city conducting the
5 25 mail ballot election at the direction of the county
5 26 commissioner. A ballot dropoff station established at
5 27 the direction of the commissioner shall be open from
5 28 eight a.m. until five p.m. on the day of the election.

5 29 Sec. _____. NEW SECTION. 49B.14 RECEIPT OF BALLOT
5 30 SIGNATURE VERIFICATION.

5 31 When a mail ballot is returned, the county
5 32 commissioner, or the county commissioner's designees,
5 33 shall first examine the return verification envelope
5 34 to determine whether it was submitted by a registered
5 35 voter who has not previously voted. A ballot shall be
5 36 counted only if it is returned in the return
5 37 verification envelope, the envelope is signed by the
5 38 voter to whom the ballot is issued, and the signature
5 39 has been verified as provided in this section.

5 40 The county commissioner or the county
5 41 commissioner's designees shall verify the signature of
5 42 each voter on the return verification envelope with
5 43 the signature in the voter's registration records and
5 44 may commence verification at any time before election
5 45 day. If a voter to whom a replacement ballot has been
5 46 issued under section 49B.9 returns more than one
5 47 ballot, only the replacement ballot shall be counted.

5 48 If the voter's signature is verified and the ballot
5 49 is otherwise valid, the county commissioner or the
5 50 county commissioner's designees shall deposit the
6 1 ballot unopened in an official ballot box.

6 2 Sec. _____. NEW SECTION. 49B.15 PROCEDURE FOR
6 3 INVALID BALLOTS.

6 4 If the county commissioner is not convinced that
6 5 the individual who signed the return verification
6 6 envelope is the voter whose name appears on the
6 7 registration card, the county commissioner shall not
6 8 deposit the ballot in a ballot box but shall do all of

6 9 the following:

6 10 1. Give notice to the voter as follows:

6 11 a. As soon as possible after receipt of a voter's
6 12 ballot, give notice to the voter, either by telephone
6 13 or by first class mail, if the county commissioner is
6 14 unable to verify the voter's signature.

6 15 b. Inform the voter that the voter may appear in
6 16 person at the county commissioner's office before the
6 17 close of the polls on election day and verify the
6 18 signature.

6 19 2. Permit any voter appearing pursuant to
6 20 subsection 1, paragraph "b", to:

6 21 a. Verify the voter's signature, after proof of
6 22 identification, by affirming that the signature is in
6 23 fact the voter's or by completing a new registration
6 24 card containing the voter's current signature.

6 25 b. If necessary, request and receive a replacement
6 26 ballot and vote at that time.

6 27 3. If the discrepancy is not rectified to the
6 28 county commissioner's satisfaction, present the
6 29 unopened envelope and the registration card to the
6 30 special precinct election board for a determination.
6 31 If the election board is unable to resolve the issue
6 32 to its satisfaction, the ballot shall not be counted.

6 33 Sec. _____. NEW SECTION. 49B.16 COUNTING BALLOTS.

6 34 Mail ballots shall be counted in the manner
6 35 prescribed by section 53.23 for absentee ballots. The
6 36 county commissioner shall supervise the procedures for
6 37 the handling, counting, and canvassing of ballots to
6 38 ensure the safety and confidentiality of all ballots.

6 39 Sec. _____. NEW SECTION. 49B.17 CHALLENGES.

6 40 Votes cast pursuant to this chapter may be
6 41 challenged in the manner prescribed by section 53.31
6 42 for absentee ballots.

6 43 Sec. _____. NEW SECTION. 49B.18 CANVASS OF VOTES.

6 44 The provisions of chapter 50 relating to canvass of
6 45 votes apply to this chapter only to the extent they do
6 46 not conflict with this chapter.

6 47 Sec. _____. NEW SECTION. 49B.19 OTHER LAWS.

6 48 All laws which apply to elections apply to mail
6 49 ballot elections held under this chapter to the extent
6 50 applicable.

7 1 Sec. _____. NEW SECTION. 49B.20 RULES.

7 2 The state commissioner of elections shall adopt
7 3 rules pursuant to chapter 17A to govern the procedures
7 4 and forms necessary to implement this chapter. The
7 5 authority of the state commissioner to adopt rules
7 6 under this chapter shall be liberally construed.

7 7 Sec. _____. NEW SECTION. 49B.21 MISCONDUCT

7 8 VIOLATIONS PENALTIES.

7 9 1. A person who, by use of violence, threats of
7 10 violence, or any means of duress, procures or
7 11 endeavors to procure the vote of a voter for or
7 12 against any measure or candidate commits an aggravated
7 13 misdemeanor.

7 14 2. A person who violates or attempts to violate
7 15 any provision or requirement of this chapter for which
7 16 a penalty is not otherwise provided commits a simple
7 17 misdemeanor.

7 18 Sec. _____. Section [39.3](#), Code 2001, is amended by
7 19 adding the following new subsection:

7 20 NEW SUBSECTION. 8A. "Mail ballot election" means
7 21 an election conducted pursuant to chapter 49B."

7 22 #2. Title page, line 8, by inserting after the
7 23 word "areas," the following: "allowing elections in
7 24 certain cities to be conducted by mail ballots and
7 25 providing penalties,".

7 26 #3. By renumbering as necessary.
7 27
7 28
7 29 _____
7 30 [WARNSTADT](#) of Woodbury
7 31 [HF 304.705](#) 79
7 32 sc/cls