

Senate File 452

S-3242

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 61, after line 22 by inserting:

5 <DIVISION

6 VOTER IDENTIFICATION REQUIREMENTS

7 Sec. _____. Section 39A.2, subsection 1, paragraph
8 b, Code 2013, is amended by adding the following new
9 subparagraph:

10 NEW SUBPARAGRAPH. (6) Falsely swears to an oath
11 required pursuant to section 49.77, subsection 3, or
12 an affidavit pursuant to section 49.81, subsection 5,
13 paragraph "b".

14 Sec. _____. Section 48A.7A, subsection 1, paragraph
15 a, Code 2013, is amended to read as follows:

16 a. A person who is eligible to register to vote
17 and to vote may register on election day by appearing
18 in person at the polling place for the precinct in
19 which the individual resides and completing a voter
20 registration application, making written oath, and
21 providing proof of identity and residence proof of
22 residence pursuant to paragraph "b".

23 Sec. _____. Section 48A.7A, subsection 1, paragraph
24 b, Code 2013, is amended by striking the paragraph and
25 inserting in lieu thereof the following:

26 b. (1) For purposes of this section, a person may
27 establish identity by showing proof of identification
28 as required in section 49.77, subsection 3.

29 (2) For purposes of this section, a person may
30 establish residence using a proof of identification
31 document described in section 49.77, subsection 3,
32 paragraph "b", if the proof of identification contains
33 the person's current address in the precinct. If the
34 proof of identification does not contain the person's
35 current address in the precinct, the person shall also
36 present one of the following documents that shows the
37 person's name and current address in the precinct:

- 38 (a) Utility bill.
- 39 (b) Bank statement.
- 40 (c) Paycheck.
- 41 (d) Government check.
- 42 (e) Other government document.

43 Sec. _____. Section 48A.7A, subsections 2 and 3, Code
44 2013, are amended to read as follows:

45 2. The oath required in subsection 1, paragraph
46 "a", and in paragraph "c", if applicable, shall be
47 executed on the same piece of paper and attached to the
48 voter registration application.

49 3. At any time before election day, and after the
50 deadline for registration in section 48A.9, a person

1 who appears in person at the commissioner's office or
2 at a satellite absentee voting station or whose ballot
3 is delivered to a health care facility pursuant to
4 section 53.22 may register to vote and vote an absentee
5 ballot by following the procedure in this section
6 for registering to vote on election day. A person
7 who wishes to vote in person at the polling place on
8 election day and who has not registered to vote before
9 the deadline for registering in section 48A.9, is
10 required to register to vote at the polling place on
11 election day following the procedure in this section.
12 However, the person may complete the voter registration
13 application at the commissioner's office and, after the
14 commissioner has reviewed the completed application,
15 may present the application to the appropriate precinct
16 election official along with proof of ~~identity and~~
17 residency identification and proof of residence.

18 Sec. _____. Section 48A.8, subsection 2, unnumbered
19 paragraph 1, Code 2013, is amended to read as follows:

20 An eligible elector who registers by mail and who
21 has not previously voted in an election for federal
22 office in the county of registration shall be required
23 to provide additional identification documents when
24 voting for the first time in the county, unless the
25 registrant provided on the registration form the
26 registrant's Iowa driver's license number, or the
27 registrant's Iowa nonoperator's identification card
28 number, or the last four numerals of the registrant's
29 social security number and the driver's license,
30 nonoperator's identification, or partial social
31 security number matches an existing state or federal
32 identification record with the same number, name, and
33 date of birth. If the registrant is required to show
34 additional identification under this subsection and
35 votes in person at the polls, or by absentee ballot
36 at the commissioner's office or at a satellite voting
37 station, the registrant shall provide a current and
38 valid photo identification card, or shall present to
39 the appropriate election official one of the following
40 current documents that shows the name and address of
41 the registrant:

42 Sec. _____. Section 48A.8, subsection 4, Code 2013,
43 is amended to read as follows:

44 4. A registrant under subsection 2 who is required
45 to present additional identification when casting
46 a ballot in person shall be permitted to vote a
47 provisional ballot if the voter does not provide the
48 required additional identification documents pursuant
49 to subsection 2. If a voter who is required to present
50 such additional identification when casting a ballot

1 votes an absentee ballot by mail, the ballot returned
2 by the voter shall be considered a provisional ballot
3 pursuant to sections 49.81 and 53.31.

4 Sec. _____. Section 48A.27, subsection 4, paragraph
5 c, subparagraph (2), Code 2013, is amended to read as
6 follows:

7 (2) The notice shall contain a statement in
8 substantially the following form:

9 Information received from the United States postal
10 service indicates that you are no longer a resident of,
11 and therefore not eligible to vote in (name of county)
12 County, Iowa. If this information is not correct,
13 and you still live in (name of county) County, please
14 complete and mail the attached postage paid card at
15 least ten days before the primary or general election
16 and at least eleven days before any other election at
17 which you wish to vote. If the information is correct
18 and you have moved, please contact a local official
19 in your new area for assistance in registering there.
20 ~~If you do not mail in the card, you may be required~~
21 ~~to show identification before being allowed to vote~~
22 ~~in (name of county) County.~~ If you do not return the
23 card, and you do not vote in an election in (name of
24 county) County, Iowa, on or before (date of second
25 general election following the date of the notice) your
26 name will be removed from the list of voters in that
27 county.

28 Sec. _____. Section 48A.29, subsection 1, paragraph
29 b, Code 2013, is amended to read as follows:

30 b. The notice shall contain a statement in
31 substantially the following form:

32 Information received from the United States postal
33 service indicates that you are no longer a resident
34 of (residence address) in (name of county) County,
35 Iowa. If this information is not correct, and you
36 still live in (name of county) County, please complete
37 and mail the attached postage paid card at least ten
38 days before the primary or general election and at
39 least eleven days before any other election at which
40 you wish to vote. If the information is correct, and
41 you have moved, please contact a local official in your
42 new area for assistance in registering there. ~~If you~~
43 ~~do not mail in the card, you may be required to show~~
44 ~~identification before being allowed to vote in (name~~
45 ~~of county) County.~~ If you do not return the card, and
46 you do not vote in some election in (name of county)
47 County, Iowa, on or before (date of second general
48 election following the date of the notice) your name
49 will be removed from the list of voters in that county.

50 Sec. _____. Section 48A.29, subsection 3, paragraph

1 b, Code 2013, is amended to read as follows:

2 b. The notice shall contain a statement in
3 substantially the following form:

4 Information received by this office indicates that
5 you are no longer a resident of (residence address) in
6 (name of county) County, Iowa. If the information is
7 not correct, and you still live at that address, please
8 complete and mail the attached postage paid card at
9 least ten days before the primary or general election
10 and at least eleven days before any other election at
11 which you wish to vote. If the information is correct,
12 and you have moved within the county, you may update
13 your registration by listing your new address on the
14 card and mailing it back. If you have moved outside
15 the county, please contact a local official in your
16 new area for assistance in registering there. ~~If you~~
17 ~~do not mail in the card, you may be required to show~~
18 ~~identification before being allowed to vote in (name~~
19 ~~of county) County.~~ If you do not return the card, and
20 you do not vote in some election in (name of county)
21 County, Iowa, on or before (date of second general
22 election following the date of the notice) your name
23 will be removed from the list of registered voters in
24 that county.

25 Sec. _____. Section 49.53, subsection 1, Code 2013,
26 is amended to read as follows:

27 1. The commissioner shall not less than four
28 nor more than twenty days before the day of each
29 election, except those for which different publication
30 requirements are prescribed by law, publish notice of
31 the election. The notice shall contain a facsimile
32 of the portion of the ballot containing the first
33 rotation as prescribed by section 49.31, subsection 2,
34 and shall show the names of all candidates or nominees
35 and the office each seeks, and all public questions,
36 to be voted upon at the election. The sample ballot
37 published as a part of the notice may at the discretion
38 of the commissioner be reduced in size relative to
39 the actual ballot but such reduction shall not cause
40 upper case letters appearing in candidates' names
41 or in summaries of public measures on the published
42 sample ballot to be less than nine point type. The
43 notice shall also state the date of the election, the
44 hours the polls will be open, that all voters will be
45 required to show proof of identification before casting
46 a ballot, the location of each polling place at which
47 voting is to occur in the election, and the names of
48 the precincts voting at each polling place, but the
49 statement need not set forth any fact which is apparent
50 from the portion of the ballot appearing as a part of

1 the same notice. The notice shall include the full
2 text of all public measures to be voted upon at the
3 election.

4 Sec. _____. Section 49.77, subsection 3, Code 2013,
5 is amended by striking the subsection and inserting in
6 lieu thereof the following:

7 3. a. A precinct election official shall
8 require the voter to present for inspection proof of
9 identification before being allowed to vote.

10 b. For purposes of this section, *“proof of*
11 *identification”* refers to a document that satisfies all
12 of the following:

13 (1) The document shows the name of the individual
14 to whom the document was issued which shall conform to
15 the name on the election register.

16 (2) The document shows a photograph of the
17 individual to whom it was issued.

18 (3) The document was issued by the government of
19 the United States, the state of Iowa, an Iowa public
20 or private university or college, an Iowa secondary
21 school, or a political subdivision of the state of
22 Iowa. In the case of a document issued by a political
23 subdivision, the document shall be issued not later
24 than the close of voter registration for the applicable
25 election as set forth in section 48A.9 and shall
26 meet all other requirements established by the state
27 commissioner by rule.

28 c. In lieu of paragraph *“b”*, a person wishing to
29 vote may establish proof of identity by written oath
30 of the person wishing to vote and of an attesting
31 person who provides proof of identification pursuant
32 to paragraph *“b”*. The oath shall be in the form
33 prescribed by the state commissioner of elections
34 and shall state the identity and attest to the stated
35 identity of the person wishing to vote. The oath
36 must be signed by the attesting person and the person
37 wishing to vote in the presence of the appropriate
38 precinct election official. A person who has signed an
39 oath attesting to a person’s identity as provided in
40 this paragraph is prohibited from signing any further
41 oaths as provided in this paragraph for the same
42 election. The oath shall advise the person wishing to
43 vote and the attesting person that falsely signing such
44 an oath or falsely attesting to a voter’s identity is
45 a class *“D”* felony.

46 d. The commissioner shall, within forty-five days
47 after each election, review all attestations received
48 under this subsection and if any individual is found to
49 have attested for more than one voter in a particular
50 election, the commissioner shall immediately notify the

1 state commissioner and the county attorney.

2 Sec. _____. Section 49.77, Code 2013, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 3A. *a.* If proof of identification
5 or proof of identity is established under subsection 3,
6 the person shall be allowed to vote.

7 *b.* If a person is unable or refuses to present
8 proof of identification, or the precinct election
9 official determines the proof of identification
10 presented by the person does not qualify as proof of
11 identification under subsection 3, paragraph "b",
12 or proof of identity under subsection 3, paragraph
13 "c", the person shall be offered the option to vote a
14 ballot, but only in accordance with section 49.81.

15 Sec. _____. Section 49.77, subsection 4, paragraph a,
16 Code 2013, is amended to read as follows:

17 *a.* A person whose name does not appear on the
18 election register of the precinct in which that person
19 claims the right to vote shall not be permitted to
20 vote, unless the person affirms that the person is
21 currently registered in the county and ~~presents proof~~
22 ~~of identity~~, or the commissioner informs the precinct
23 election officials that an error has occurred and that
24 the person is a registered voter of that precinct, and
25 the person presents proof of identification pursuant
26 to subsection 3. If the commissioner finds no record
27 of the person's registration but the person insists
28 that the person is a registered voter of that precinct,
29 the precinct election officials shall allow the person
30 to cast a ballot in the manner prescribed by section
31 49.81.

32 Sec. _____. Section 49.81, subsection 1, Code 2013,
33 is amended to read as follows:

34 1. A prospective voter who is prohibited under
35 section 48A.8, subsection 4, section 49.77, subsection
36 3A, paragraph "b", section 49.77, subsection 4, section
37 49.80, or section 53.19, subsection 3, or section 53.22,
38 subsection 1, paragraph "d", from voting except under
39 this section shall be notified by the appropriate
40 precinct election official that the voter may cast a
41 provisional ballot. The voter shall mark the ballot
42 and immediately seal it in an envelope of the type
43 prescribed by subsection 4. The voter shall deliver
44 the sealed envelope to a precinct election official who
45 shall deposit it in an envelope marked "provisional
46 ballots". The ballot shall be considered as having
47 been cast in the special precinct established by
48 section 53.20 for purposes of the postelection canvass.

49 Sec. _____. Section 49.81, subsection 2, paragraph b,
50 Code 2013, is amended to read as follows:

1 **b.** If the person is casting a provisional ballot
2 because the person failed was unable or refused to
3 provide a required form of identification pursuant to
4 section 48A.8, subsection 4, section 49.77, subsection
5 3A, paragraph "b", section 49.77, subsection 4, or
6 section 53.22, subsection 1, paragraph "d", a list of
7 the types of acceptable identification and notification
8 that the person must show identification before the
9 ballot can be counted.

10 Sec. _____. Section 49.81, Code 2013, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 5. **a.** If a voter casts a
13 provisional ballot pursuant to section 49.77,
14 subsection 3A, paragraph "b", the precinct election
15 official shall indicate on the provisional ballot
16 envelope that the voter is casting a provisional ballot
17 due to the voter's inability or refusal to present
18 proof of identification.

19 **b.** At the time a provisional ballot is cast the
20 voter may also execute an affidavit in the form
21 prescribed by the state commissioner which shall be
22 attached to the provisional ballot envelope, affirming
23 that the voter is the person the voter claims to be and
24 further affirming either of the following:

25 (1) The voter is indigent and is unable to obtain
26 proof of identification without the payment of a fee.

27 (2) The voter has a religious objection to being
28 photographed.

29 **c.** A provisional ballot cast pursuant to section
30 49.77, subsection 3A, paragraph "b", which is
31 accompanied by an affidavit executed pursuant to
32 paragraph "b" of this subsection shall be presumed
33 valid by the special precinct board and shall be
34 counted unless additional written statements or
35 documents are delivered to the commissioner's office
36 prior to the date provisional ballots are considered
37 by the special precinct election board and the special
38 precinct election board determines such additional
39 evidence successfully rebuts the presumption of
40 validity.

41 Sec. _____. Section 53.10, subsection 2, Code 2013,
42 is amended to read as follows:

43 2. Each person who wishes to vote by absentee
44 ballot at the commissioner's office shall first sign
45 an application for a ballot including the following
46 information: name, current address, and the election
47 for which the ballot is requested. The person may
48 report a change of address or other information on
49 the person's voter registration record at that time.
50 The person must also provide proof of identification

1 pursuant to section 49.77, subsection 3, or be offered
2 the option to vote a provisional ballot pursuant to
3 section 49.77, subsection 3A, paragraph "b", before
4 receiving an absentee ballot. Upon receipt of the
5 absentee ballot, the registered voter shall immediately
6 mark the ballot; enclose the ballot in a secrecy
7 envelope, if necessary, and seal it in an affidavit
8 envelope; subscribe to the affidavit on the reverse
9 side of the envelope; and return the absentee ballot
10 to the commissioner. The commissioner shall record
11 the numbers appearing on the application and affidavit
12 envelope along with the name of the registered voter.

13 Sec. _____. Section 53.22, subsection 1, Code 2013,
14 is amended by adding the following new paragraph:

15 NEW PARAGRAPH. d. Before receiving a ballot
16 under this subsection, each applicant shall present
17 proof of identification pursuant to section 49.77,
18 subsection 3, to the special precinct election board
19 members. If an applicant is unable to present proof of
20 identification, the applicant shall have an opportunity
21 to execute an affidavit in the form prescribed by the
22 state commissioner of elections affirming that the
23 voter does not have and is unable to obtain proof
24 of identification and that the voter resides in a
25 hospital or health care facility and is casting a
26 ballot pursuant to this section. If the applicant
27 refuses to execute an affidavit, the voter's ballot
28 shall be considered a provisional ballot cast pursuant
29 to section 49.81.

30 Sec. _____. Section 321.190, subsection 1, paragraph
31 d, Code 2013, is amended to read as follows:

32 d. The fee for a nonoperator's identification card
33 shall be five dollars and the card shall be valid for
34 a period of five years from the date of issuance. A
35 nonoperator's identification card shall be issued
36 without expiration to anyone age seventy or over. If
37 an applicant for a nonoperator's identification card
38 is a foreign national who is temporarily present in
39 this state, the nonoperator's identification card
40 shall be issued only for the length of time the foreign
41 national is authorized to be present as determined by
42 the department, not to exceed two years. An issuance
43 fee shall not be charged for a person whose driver's
44 license or driving privilege has been suspended
45 under section 321.210, subsection 1, paragraph
46 "a", subparagraph (3), or for a person obtaining an
47 identification card to be used under section 49.77,
48 subsection 3, for voting purposes. Identification
49 cards obtained for voting purposes shall be labeled by
50 the department as "For Voting Purposes Only".

1 Sec. ____ . APPLICABILITY. This division of this Act
2 applies to elections held on or after January 1, 2015.>
3 2. By renumbering as necessary.

JONI ERNST

BILL ANDERSON

RANDY FEENSTRA

DAVID JOHNSON

MARK SEGEBART

NANCY J. BOETTGER

CHARLES SCHNEIDER

DAN ZUMBACH

MICHAEL BREITBACH

JERRY BEHN

AMY SINCLAIR

KEN ROZENBOOM

RICK BERTRAND

MARK CHELGREN

JACK WHITVER

JAKE CHAPMAN

SANDRA H. GREINER

TIM L. KAPUCIAN

BRAD ZAUN

KENT SORENSON

ROBY SMITH

DENNIS GUTH

HUBERT HOUSER

BILL DIX