

House File 516

S-3229

1 Amend House File 516, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 1, line 4, by striking <subsection> and inserting
4 <subsections>

5 2. Page 1, after line 8 by inserting:

6 <NEW SUBSECTION. 71. The personal identification number
7 assigned by the state commissioner of elections pursuant to
8 section 48A.10A, subsection 1.>

9 3. Page 2, line 8, by striking <and one-half> and inserting
10 <and one-half>

11 4. Page 2, after line 20 by inserting:

12 <Sec. _____. Section 49.31, subsection 1, paragraph b, Code
13 2017, is amended to read as follows:

14 b. The commissioner shall determine the order of political
15 parties and nonparty political organizations on the ballot as
16 provided under this paragraph. The sequence shall be the same
17 for each office on the ballot and for each precinct in the
18 county voting in the election. The commissioner shall arrange
19 the ballot so that the candidates of each political party
20 described in section 49.13, subsection 2, for each partisan
21 office appearing on the ballot shall appear as the first and
22 second candidates listed under that office for the first
23 precinct listed in subsection 2, paragraph "a". Thereafter, for
24 each such political party and for each succeeding precinct, the
25 names appearing first for the respective offices in the last
26 preceding precinct shall be placed second. Candidates of other
27 political parties and nonparty political organizations shall
28 follow in an order to be determined by the commissioner and in
29 the same sequence for each office on the ballot and for each
30 precinct in the county voting in the election.

31 Sec. _____. Section 49.31, subsection 2, paragraph b, Code
32 2017, is amended to read as follows:

33 b. The commissioner shall then arrange the surnames of each
34 political party's candidates for each office to which two or
35 more persons are to be elected at large alphabetically for

1 the respective offices for the first precinct on the list,
2 ~~thereafter~~ providing that the candidates of the political
3 parties described in section 49.13, subsection 2, shall appear
4 before all other candidates on the ballot and alternating
5 the appearance of the names of such candidates by political
6 party. Thereafter for each those political party parties and
7 for each succeeding precinct, the names appearing first for
8 the respective offices in the last preceding precinct shall be
9 placed last among those political party candidates described
10 in section 49.13, subsection 2, so that the names that were
11 second before the change shall be first after the change. The
12 ~~commissioner may also rotate the names of candidates of a~~
13 ~~political party in the reverse order of that provided in this~~
14 ~~subsection or alternate the rotation so that the candidates of~~
15 ~~different parties shall not be paired as they proceed through~~
16 ~~the rotation.~~ The names of candidates of any other political
17 party shall appear on the ballot after the candidates of the
18 political parties described in section 49.13, subsection 2, and
19 the commissioner shall arrange and rotate the surnames of such
20 candidates in the same manner as provided for the candidates of
21 the political parties described in section 49.13, subsection
22 2. The procedure for arrangement of names on ballots provided
23 in [this section](#) shall likewise be substantially followed in
24 elections in political subdivisions of less than a county.>

25 5. Page 4, after line 14 by inserting:

26 <Sec. _____. Section 53.8, subsection 1, Code 2017, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. c. For envelopes mailed at any election
29 other than the primary election, the commissioner shall not
30 mark any envelope with any information related to the party
31 affiliation of the applicant.>

32 6. Page 4, after line 21 by inserting:

33 <Sec. _____. Section 53.23, subsection 3, paragraph b,
34 subparagraph (1), Code 2017, is amended to read as follows:

35 (1) The commissioner may direct the board to meet on the day

1 before the election for the purpose of reviewing the absentee
2 voters' affidavits appearing on the sealed envelopes. If in
3 the commissioner's judgment this procedure is necessary due
4 to the number of absentee ballots received, the members of
5 the board may open the sealed affidavit envelopes and remove
6 the secrecy envelope containing the ballot, but under no
7 circumstances shall a secrecy envelope or a return envelope
8 marked with an affidavit be opened before the board convenes
9 on election day, except as provided in paragraph "c". If the
10 affidavit envelopes are opened before election day pursuant to
11 this paragraph "b", ~~two observers, one~~ the observers appointed
12 ~~by each of the two political parties referred to in section~~
13 ~~49.13, subsection 2,~~ party, as defined in section 43.2, shall
14 witness the proceedings. Each political party may appoint up
15 to five observers under this paragraph "b". The observers
16 shall be appointed by the county chairperson or, if the
17 county chairperson fails to make an appointment, by the state
18 chairperson. However, if either or both political parties fail
19 to appoint an observer, the commissioner may continue with the
20 proceedings.

21 Sec. ____ . Section 53.23, subsection 4, Code 2017, is amended
22 to read as follows:

23 4. The room where members of the special precinct election
24 board are engaged in counting absentee ballots on the day
25 before the election pursuant to [subsection 3](#), paragraph "c",
26 or during the hours the polls are open shall be policed so
27 as to prevent any person other than those whose presence is
28 authorized by [this subsection](#) from obtaining information
29 about the progress of the count. The only persons who may
30 be admitted to that room are the members of the board, ~~one~~
31 ~~challenger~~ five challengers representing each political
32 party, one observer representing any nonparty political
33 organization or any candidate nominated by petition pursuant
34 to [chapter 45](#) or any other nonpartisan candidate in a city or
35 school election appearing on the ballot of the election in

1 progress, one observer representing persons supporting a public
2 measure appearing on the ballot and one observer representing
3 persons opposed to such measure, and the commissioner or the
4 commissioner's designee. It shall be unlawful for any of these
5 persons to communicate or attempt to communicate, directly or
6 indirectly, information regarding the progress of the count at
7 any time while the board is convened pursuant to subsection 3,
8 paragraph "c", or at any time before the polls are closed.>

9 7. Page 4, line 26, by striking <registration> and inserting
10 <identification>

11 8. Page 6, after line 21 by inserting:

12 <Sec. _____. Section 48A.8, subsection 2, Code 2017, is
13 amended to read as follows:

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

33 0a. Residential lease.

34 00a. Property tax statement.

35 a. Utility bill.

1, Iowa.

2 I am a registered voter. I was born on the day of
3 (month) (year). I have
4 not voted and will not vote in any
5 other precinct in said election.

6 I understand that any false statement in this declaration is
7 a criminal offense punishable as provided by law.

8
9 Signature of Voter
10
11 Address
12
13 Telephone (optional)

14 Approved:

15

16 Board Member>

17 18. Page 8, after line 24 by inserting:

18 <Sec. ____ . Section 49.77, subsection 4, paragraph a, Code
19 2017, is amended to read as follows:

20 a. A person whose name does not appear on the election
21 register of the precinct in which that person claims the right
22 to vote shall not be permitted to vote, unless the person
23 affirms that the person is currently registered in the county
24 and presents proof of identity and residence as required
25 pursuant to section 48A.8, or the commissioner informs the
26 precinct election officials that an error has occurred and
27 that the person is a registered voter of that precinct. If
28 the commissioner finds no record of the person's registration
29 but the person insists that the person is a registered voter
30 of that precinct, the precinct election officials shall allow
31 the person to cast a ballot in the manner prescribed by section
32 49.81.>

33 19. Page 9, line 26, by striking <registration> and
34 inserting <identification>

20. Page 9, line 28, by striking <registration> and

35 inserting <identification>

1 21. Page 16, line 11, after <CERTIFICATION> by inserting <,
2 OVERSIGHT,>

3 22. Page 16, after line 18 by inserting:

4 <Sec. _____. Section 47.1, Code 2017, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 6. The state commissioner may, at the
7 state commissioner's discretion, examine the records of a
8 commissioner to evaluate complaints and to ensure compliance
9 with the provisions of chapters 39 through 53. The state
10 commissioner shall adopt rules pursuant to chapter 17A to
11 require a commissioner to provide written explanations related
12 to examinations conducted pursuant to this subsection.>

13 23. Page 21, after line 21 by inserting:

14 <DIVISION ____
15 ABSENTEE VOTING PERIOD

16 Sec. _____. Section 53.8, subsection 1, paragraph a,
17 unnumbered paragraph 1, Code 2017, is amended to read as
18 follows:

19 Upon receipt of an application for an absentee ballot
20 and immediately after the absentee ballots are printed,
21 but not more than twenty-nine days before the election, the
22 commissioner shall mail an absentee ballot to the applicant
23 within twenty-four hours, except as otherwise provided in
24 subsection 3. The absentee ballot shall be sent to the
25 registered voter by one of the following methods:

26 Sec. _____. Section 53.10, subsection 1, Code 2017, is amended
27 to read as follows:

28 1. Not more than ~~forty~~ twenty-nine days before the date of
29 the primary election or the general election, the commissioner
30 shall provide facilities for absentee voting in person at the
31 commissioner's office. This service shall also be provided
32 for other elections as soon as the ballots are ready, but in
33 no case shall absentee ballots be available under this section
34 more than ~~forty~~ twenty-nine days before an election.

35 Sec. _____. Section 53.11, subsection 1, paragraph a, Code
1 2017, is amended to read as follows:

2 a. Satellite Not more than twenty-nine days before the
3 date of an election, satellite absentee voting stations may be
4 established throughout the cities and county at the direction
5 of the commissioner and shall be established upon receipt
6 of a petition signed by not less than one hundred eligible
7 electors requesting that a satellite absentee voting station
8 be established at a location to be described on the petition.
9 However, if a special election is scheduled in the county on a
10 date that falls between the date of the regular city election
11 and the date of the city runoff election, the commissioner is
12 not required to establish a satellite absentee voting station
13 for the city runoff election.

14 Sec. _____. APPLICABILITY. This division of this Act applies
15 to elections held on or after January 1, 2018.

16 DIVISION _____

17 VOTING AGE AT PRIMARY ELECTIONS

18 Sec. _____. Section 48A.5, subsection 2, paragraph c, Code
19 2017, is amended to read as follows:

20 c. (1) Be at least eighteen years of age. However,
21 for purposes of voting in the primary election, an eligible
22 elector shall be at least eighteen years of age on the date of
23 the respective general election or city election. Completed
24 registration forms shall be accepted from registrants who are
25 at least seventeen ~~and one-half~~ years of age; ~~however,~~ For
26 an election other than a primary election, the registration
27 shall not be effective until the registrant reaches the age
28 of eighteen. The commissioner of registration shall ensure
29 that the birth date shown on the registration form is at
30 least seventeen ~~and one-half~~ years earlier than the date the
31 registration is processed.

32 (2) A registrant who is at least seventeen ~~and one-half~~
33 years of age and who will be eighteen by the date of a pending
34 election is a registered voter for the pending election for

35 purposes of chapter 53. For purposes of voting in a primary
1 election under chapter 43, a registrant who will be at least
2 eighteen years of age by the date of the respective general
3 election or city election is a registered voter for the pending
4 primary election.

5 Sec. _____. Section 48A.11, subsection 3, Code 2017, is
6 amended to read as follows:

7 3. a. The following questions and statement regarding
8 eligibility shall be included on forms that may be used for
9 registration by mail:

10 [1] "Are you a citizen of the United States of America?"

11 [2] "Will you be eighteen years of age on or before election
12 day?"

13 [3] "If you checked 'no' in response to either of these
14 questions, do not complete this form."

15 b. The forms shall also include information noting that, for
16 purposes of voting in a primary election, a person may complete
17 the form if the person is a citizen of the United States of
18 America and will be at least eighteen years of age on the date
19 of the general election.

20 Sec. _____. Section 48A.14, subsection 1, paragraph b, Code
21 2017, is amended to read as follows:

22 b. The challenged registrant is less than seventeen ~~and~~
23 ~~one-half~~ years of age.

24 Sec. _____. Section 48A.23, subsection 1, Code 2017, is
25 amended to read as follows:

26 1. At least twice during each school year, the board of
27 directors of each school district operating a high school and
28 the authorities in charge of each accredited nonpublic school
29 shall offer the opportunity to register to vote to each student
30 who is at least seventeen ~~and one-half~~ years of age.

31 Sec. _____. Section 48A.26, subsection 9, Code 2017, is
32 amended to read as follows:

33 9. When a person who is at least seventeen ~~and one-half~~
34 years of age but less than eighteen years of age registers

35 to vote, the commissioner shall maintain a record of the
1 registration so as to clearly indicate that it will not take
2 effect until the registrant's eighteenth birthday and that the
3 person is registered and qualifies to vote at any election
4 held on or after that date. However, the commissioner shall
5 indicate that the person is registered and qualifies to vote
6 at the pending primary election if the person will be at least
7 eighteen years of age on the date of the respective general
8 election or city election.

9 Sec. _____. Section 49.79, subsection 2, paragraph b, Code
10 2017, is amended to read as follows:

11 b. The For an election other than a primary election, the
12 challenged person is less than eighteen years of age as of the
13 date of the election at which the person is offering to vote.
14 For a primary election, the challenged person will be less than
15 eighteen years of age on the date of the respective general
16 election or city election.

17 Sec. _____. Section 49.81, subsection 4, paragraph a, Code
18 2017, is amended to read as follows:

19 a. (1) The individual envelopes used for each provisional
20 ballot cast pursuant to [subsection 1](#) shall have space for the
21 voter's name, date of birth, and address and shall have printed
22 on them the following:

23 I am a United States citizen, at least eighteen years of
24 age or, for purposes of voting in a primary election, I
25 will be at least eighteen years of age on the date of the
26 respective general election or city election. I believe I am
27 a registered voter of this county and I am eligible to vote in
28 this election.

29

30 (signature of voter) (date)

31 (2) The following information is to be provided by the
32 precinct election official:

33 Reason for casting provisional ballot:

34

35

1

.....

2

(signature of precinct

3

election official)

4

Sec. _____. Section 280.9A, subsection 3, Code 2017, is

5

amended to read as follows:

6

3. At least twice during each school year, the board of

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directors of each local public school district operating a

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high school and the authorities in charge of each accredited

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nonpublic school operating a high school shall offer the

10

opportunity to register to vote to each student who is at least

11

seventeen ~~and one-half~~ years of age, as required by section

12

48A.23.

13

Sec. _____. Section 602.8102, subsection 15, Code 2017, is

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amended to read as follows:

15

15. Monthly, notify the county commissioner of registration

16

and the state registrar of voters of persons seventeen ~~and~~

17

~~one-half~~ years of age and older who have been convicted of a

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felony during the preceding calendar month or persons who at

19

any time during the preceding calendar month have been legally

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declared to be a person who is incompetent to vote as that term

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is defined in [section 48A.2](#).

22

Sec. _____. EFFECTIVE DATE. This division of this Act takes

23

effect January 1, 2018.

24

DIVISION ____

25

CANDIDATE FILING DEADLINES

26

Sec. _____. Section 43.6, subsection 1, Code 2017, is amended

27

to read as follows:

28

1. When a vacancy occurs in the office of senator in the

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Congress of the United States, secretary of state, auditor

30

of state, treasurer of state, secretary of agriculture, or

31

attorney general and [section 69.13](#) requires that the vacancy

32

be filled for the balance of the unexpired term at a general

33

election, candidates for the office shall be nominated in the

34

preceding primary election if the vacancy occurs eighty-nine

35 or more days before the date of that primary election. If
1 the vacancy occurs less than one hundred four days before the
2 date of that primary election, the state commissioner shall
3 accept nomination papers for that office only until 5:00 p.m.
4 on the seventy-fourth day before the primary election, the
5 provisions of [section 43.11](#) notwithstanding. If the vacancy
6 occurs later than eighty-nine days before the date of that
7 primary election, but not less than ~~eighty-nine~~ eighty-one days
8 before the date of the general election, the nominations shall
9 be made in the manner prescribed by [this chapter](#) for filling
10 vacancies in nominations for offices to be voted for at the
11 general election.

12 Sec. _____. Section 43.73, Code 2017, is amended to read as
13 follows:

14 **43.73 State commissioner to certify nominees.**

15 1. Not less than ~~sixty-nine~~ sixty-four days before the
16 general election the state commissioner shall certify to each
17 commissioner, under separate party headings, the name of each
18 person nominated as shown by the official canvass made by the
19 executive council, or as certified to the state commissioner
20 by the proper persons when any person has been nominated by
21 a convention or by a party committee, or by petition, the
22 office to which the person is nominated, and the order in which
23 federal and state offices, judges, constitutional amendments,
24 and state public measures shall appear on the official ballot.

25 2. The state commissioner shall similarly certify to the
26 appropriate commissioner or commissioners at the earliest
27 practicable time the names of nominees for a special election,
28 called under [section 69.14](#), submitted to the state commissioner
29 pursuant to [section 43.78, subsection 4](#).

30 Sec. _____. Section 43.76, subsection 1, Code 2017, is amended
31 to read as follows:

32 1. A candidate nominated in a primary election for any
33 office for which nomination papers are required to be filed
34 with the state commissioner may withdraw as a nominee for that

35 office on or before, but not later than, the ~~eighty-ninth~~
1 eighty-first day before the date of the general election by so
2 notifying the state commissioner in writing.

3 Sec. _____. Section 43.77, subsections 3 and 4, Code 2017, are
4 amended to read as follows:

5 3. The person nominated in the primary election as the
6 party's candidate for that office subsequently withdrew as
7 permitted by [section 43.76](#), was found to lack the requisite
8 qualifications for the office, or died, at a time not later
9 than the ~~eighty-ninth~~ eighty-first day before the date of the
10 general election in the case of an office for which nomination
11 papers must be filed with the state commissioner and not later
12 than the seventy-fourth day before the date of the general
13 election in the case of an office for which nomination papers
14 must be filed with the county commissioner.

15 4. A vacancy has occurred in the office of senator in the
16 Congress of the United States, secretary of state, auditor
17 of state, treasurer of state, secretary of agriculture, or
18 attorney general, under the circumstances described in section
19 69.13, less than eighty-nine days before the primary election
20 and not less than eighty-nine days before the general election.

21 Sec. _____. Section 43.78, subsection 2, Code 2017, is amended
22 to read as follows:

23 2. The name of any candidate designated to fill a vacancy on
24 the general election ballot in accordance with [subsection 1](#),
25 paragraph "a", "b", or "c" shall be submitted in writing to the
26 state commissioner not later than 5:00 p.m. on the ~~eighty-first~~
27 seventy-third day before the date of the general election.

28 Sec. _____. Section 43.79, Code 2017, is amended to read as
29 follows:

30 **43.79 Death of candidate after time for withdrawal.**

31 The death of a candidate nominated as provided by law for any
32 office to be filled at a general election, during the period
33 beginning on the ~~eighty-eighth~~ eighty-first day before the
34 general election, in the case of any candidate whose nomination

35 papers were filed with the state commissioner, or beginning
1 on the seventy-third day before the general election, in the
2 case of any candidate ~~whose nomination papers were filed with~~
3 ~~the commissioner~~ filing nomination papers under this chapter,
4 and ending on the last day before the general election shall
5 not operate to remove the deceased candidate's name from the
6 general election ballot. If the deceased candidate was seeking
7 the office of senator or representative in the Congress of
8 the United States, governor, attorney general, senator or
9 representative in the general assembly or county supervisor,
10 section 49.58 shall control. If the deceased candidate was
11 seeking any other office, and as a result of the candidate's
12 death a vacancy is subsequently found to exist, the vacancy
13 shall be filled as provided by [chapter 69](#).

14 Sec. _____. Section 44.4, subsection 1, Code 2017, is amended
15 to read as follows:

16 1. Nominations made pursuant to [this chapter](#) and chapter
17 45 which are required to be filed in the office of the state
18 commissioner shall be filed in that office not more than
19 ninety-nine days nor later than 5:00 p.m. on the ~~eighty-first~~
20 seventy-third day before the date of the general election to
21 be held in November. Nominations made for a special election
22 called pursuant to [section 69.14](#) shall be filed by 5:00 p.m.
23 not less than twenty-five days before the date of an election
24 called upon at least forty days' notice and not less than
25 fourteen days before the date of an election called upon at
26 least eighteen days' notice. Nominations made for a special
27 election called pursuant to [section 69.14A](#) shall be filed by
28 5:00 p.m. not less than twenty-five days before the date of
29 the election. Nominations made pursuant to [this chapter](#) and
30 chapter 45 which are required to be filed in the office of
31 the commissioner shall be filed in that office not more than
32 ninety-two days nor later than 5:00 p.m. on the sixty-ninth
33 day before the date of the general election. Nominations made
34 pursuant to [this chapter](#) or [chapter 45](#) for city office shall

35 be filed not more than seventy-two days nor later than 5:00
1 p.m. on the forty-seventh day before the city election with the
2 county commissioner of elections responsible under [section 47.2](#)
3 for conducting elections held for the city, who shall process
4 them as provided by law.

5 Sec. _____. Section 44.9, subsection 1, Code 2017, is amended
6 to read as follows:

7 1. In the office of the state commissioner, at least
8 ~~seventy-four~~ sixty-eight days before the date of the election.

9 Sec. _____. Section 44.11, Code 2017, is amended to read as
10 follows:

11 **44.11 Vacancies filled.**

12 If a candidate named under [this chapter](#) withdraws before the
13 deadline established in [section 44.9](#), declines a nomination,
14 or dies before election day, or if a certificate of nomination
15 is held insufficient or inoperative by the officer with whom
16 it is required to be filed, or in case any objection made
17 to a certificate of nomination, or to the eligibility of any
18 candidate named in the certificate, is sustained by the board
19 appointed to determine such questions, the vacancy or vacancies
20 may be filled by the convention, or caucus, or in such manner
21 as such convention or caucus has previously provided. The
22 vacancy or vacancies shall be filled not less than ~~seventy-four~~
23 sixty-eight days before the election in the case of nominations
24 required to be filed with the state commissioner, not less
25 than sixty-four days before the election in the case of
26 nominations required to be filed with the commissioner or the
27 state commissioner, not less than thirty-five days before the
28 election in the case of nominations required to be filed in
29 the office of the school board secretary, and not less than
30 forty-two days before the election in the case of nominations
31 required to be filed with the commissioner for city elections.

32 Sec. _____. Section 46.21, unnumbered paragraph 1, Code 2017,
33 is amended to read as follows:

34 At least ~~sixty-nine~~ sixty-four days before each judicial

35 election, the state commissioner of elections shall certify to
1 the county commissioner of elections of each county a list of
2 the judges of the supreme court, court of appeals, and district
3 court including district associate judges, full-time associate
4 juvenile judges, and full-time associate probate judges, and
5 clerks of the district court to be voted on in each county at
6 that election. The county commissioner of elections shall
7 place the names upon the ballot in the order in which they
8 appear in the certificate. The state commissioner of elections
9 shall rotate the names in the certificate by county. The names
10 of all judges and clerks to be voted on shall be placed upon one
11 ballot, which shall be in substantially the following form:>
12 24. Title page, line 5, after <voting,> by inserting <the
13 voting age at primary elections, candidate filing deadlines,>
14 25. By renumbering, redesignating, and correcting internal
15 references as necessary.

ROBY SMITH