

House File 759

H-1148

1 Amend House File 759 as follows:

2 1. Page 16, line 3, before <For> by inserting <a.>

3 2. Page 16, line 8, before <The> by inserting <b.>

4 3. Page 16, after line 10 by inserting:

5 <c. From the moneys appropriated in paragraph "a", the  
6 secretary of state shall use \$20,000 to reimburse county  
7 commissioners of elections for the tracking and counting of  
8 mailed absentee ballots.>

9 4. Page 20, after line 6 by inserting:

10 <Sec. \_\_\_\_\_. Section 53.17, subsection 1, paragraph b, Code  
11 2019, is amended to read as follows:

12 b. The sealed return envelope may be mailed to the  
13 commissioner by the registered voter or by the voter's  
14 designee. If mailed by the voter's designee, the envelope  
15 must be mailed within seventy-two hours of retrieving it from  
16 the voter or within time to be postmarked or, if applicable,  
17 to have the ~~intelligent mail~~ postal service barcode traced to  
18 a date of entry into the federal mail system not later than  
19 the day before the election, as provided in section 53.17A,  
20 whichever is earlier.

21 Sec. \_\_\_\_\_. Section 53.17, subsection 2, Code 2019, is amended  
22 to read as follows:

23 2. In order for the ballot to be counted, the return  
24 envelope must be received in the commissioner's office before  
25 the polls close on election day or be clearly postmarked by an  
26 officially authorized postal service or bear an ~~intelligent~~  
27 ~~mail~~ a postal service barcode traceable to a date of entry  
28 into the federal mail system not later than the day before the  
29 election, as provided in section 53.17A, and received by the  
30 commissioner not later than noon on the Monday following the  
31 election.

32 Sec. \_\_\_\_\_. Section 53.17, subsection 4, paragraph f, Code  
33 2019, is amended to read as follows:

34 f. A statement that the completed absentee ballot will  
35 be delivered to the commissioner's office within seventy-two

1 hours of retrieving it from the voter or before the closing of  
2 the polls on election day, whichever is earlier, or that the  
3 completed absentee ballot will be mailed to the commissioner  
4 within seventy-two hours of retrieving it from the voter or  
5 within time to be postmarked or, if applicable, to have the  
6 ~~intelligent-mail~~ postal service barcode traced to a date of  
7 entry into the federal mail system not later than the day  
8 before the election, as provided in section 53.17A, whichever  
9 is earlier.

10 Sec. \_\_\_\_ . NEW SECTION. **53.17A Absentee ballot tracking.**

11 1. For the purposes of this chapter:

12 a. "*Postal service barcode*" means a barcode purchased by the  
13 sender and supplied by the United States postal service that is  
14 used to sort and track letters and flat packages and is printed  
15 on an absentee ballot return envelope at the direction of the  
16 commissioner before the envelope is sent to the voter.

17 b. "*Tracking information database*" means a database  
18 administered by the United States postal service that is  
19 accessible to the commissioner and contains information  
20 regarding letters or flat packages.

21 2. a. Prior to implementing for the first time,  
22 discontinuing the usage of, or reimplementing the usage  
23 of a postal service barcode and tracking information, the  
24 commissioner shall send notice to the state commissioner prior  
25 to October 1, 2020, for an election taking place in 2020 after  
26 that date, and by October 1 of each year thereafter.

27 b. The commissioner shall not implement or discontinue  
28 the use of a postal service barcode or tracking information  
29 database during an election after an absentee ballot has been  
30 mailed for that election pursuant to section 53.8.

31 c. The state commissioner shall adopt rules regarding  
32 the statewide implementation of a postal service barcode and  
33 tracking information database, including procedures to be  
34 followed when usage of a postal service barcode or the tracking  
35 information database is negatively impacted. Each commissioner

1 shall use a postal service barcode and tracking information  
2 database consistent with rules of the state commissioner.  
3 Every commissioner shall send notice to the state commissioner  
4 and implement the use of a postal service barcode and tracking  
5 information database prior to October 1, 2020.

6 3. a. An absentee ballot received after the polls close  
7 on election day but prior to the official canvass shall be  
8 counted if the commissioner determines that the ballot entered  
9 the federal mail system by the deadline specified in section  
10 53.17 or 53.22. The date of entry of such an absentee ballot  
11 into the federal mail system shall only be verified as provided  
12 in paragraph "b".

13 b. (1) If the postmark indicates that the absentee ballot  
14 entered the federal mail system by the deadline specified  
15 in section 53.17 or 53.22, the ballot shall be included for  
16 canvass by the absentee and special voters precinct board.

17 (2) If the postmark is illegible, missing, or dated on or  
18 after election day, the commissioner shall attempt to verify  
19 the ballot's date of entry into the federal mail system by  
20 querying the postal service barcode in the tracking information  
21 database. If the tracking information database indicates that  
22 the absentee ballot entered the federal mail system by the  
23 deadline specified in section 53.17 or 53.22, the ballot shall  
24 be included for canvass by the absentee and special voters  
25 precinct board. The commissioner shall provide a report to  
26 the absentee and special voters precinct board regarding the  
27 information available in the tracking information database.

28 (3) If there is a discrepancy between the date indicated by  
29 the postmark and the postal service barcode, the earlier of the  
30 two shall determine the date of entry of the absentee ballot  
31 into the federal mail system.

32 (4) (a) If neither the postmark nor the postal service  
33 barcode indicates that the absentee ballot entered the federal  
34 mail system by the deadline specified in section 53.17 or  
35 53.22, the absentee ballot shall be sent to the absentee

1 and special voters precinct board pursuant to subparagraph  
2 division (b) with the numeric value assigned to the postal  
3 service barcode and a full report from the tracking information  
4 database.

5 (b) An absentee and special voters precinct board member  
6 from each political party for partisan elections, or any  
7 two members of the board for nonpartisan elections, shall  
8 review the postal service barcode and tracking database  
9 information report of each absentee ballot submitted pursuant  
10 to subparagraph division (a) and certify that the tracking  
11 information database report corresponds to the absentee ballot  
12 by initialing the report and the absentee ballot envelope.  
13 If the board concludes that the postal service barcode and  
14 tracking information database report verify that the absentee  
15 ballot entered the federal mail system by the deadline  
16 specified in section 53.17 or 53.22, the ballot shall be  
17 counted. Otherwise, the ballot shall not be counted.

18 4. The commissioner shall file a report regarding absentee  
19 ballot tracking and counting for each general election no later  
20 than December 1 following each general election. The report  
21 shall be in a form prescribed by the state commissioner.

22 Sec. \_\_\_\_\_. Section 53.22, subsection 6, paragraph b, Code  
23 2019, is amended to read as follows:

24 b. Absentee ballots voted under [this subsection](#) shall be  
25 delivered to the commissioner no later than the time the polls  
26 are closed on election day. If the ballot is returned by mail  
27 the return envelope must be received by the time the polls  
28 close, or be clearly postmarked by an officially authorized  
29 postal service or bear ~~an intelligent mail~~ a postal service  
30 barcode traceable to a date of entry into the federal mail  
31 system not later than the day before the election, as provided  
32 in section 53.17A, and received by the commissioner no later  
33 than the time established for the canvass by the board of  
34 supervisors for that election.>

35 5. By renumbering as necessary.

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