

Senate Amendment to
House File 2486

H-8256

1 Amend House File 2486, as passed by the House, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <DIVISION I

5 SECRETARY OF STATE EMERGENCY POWERS

6 Section 1. Section 47.1, subsection 2, Code 2020, is amended
7 to read as follows:

8 2. The state commissioner of elections may exercise
9 emergency powers over any election being held in a district in
10 which either a natural or other disaster or extremely inclement
11 weather has occurred within twenty-one days of the election.
12 The state commissioner of elections may also exercise emergency
13 powers during an armed conflict involving United States armed
14 forces, or mobilization of those forces, or if an election
15 contest court finds that there were errors in the conduct of
16 an election making it impossible to determine the result. The
17 state commissioner of elections shall exercise emergency powers
18 as provided in section 47.12.

19 Sec. 2. Section 47.1, Code 2020, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 2A. The general assembly may, by concurrent
22 resolution, rescind an emergency declaratory order. If the
23 general assembly is not in session, the legislative council
24 may, by a majority vote, rescind the emergency declaration
25 order. Rescission shall be effective upon filing of the
26 concurrent resolution or vote of the legislative council with
27 the secretary of state.

28 Sec. 3. Section 47.1, subsection 4, Code 2020, is amended by
29 striking the subsection.

30 Sec. 4. NEW SECTION. 47.12 **Emergency election procedures.**

31 1. For purposes of this section:

32 a. *"Election contest court"* means any of the courts
33 specified in sections 57.1, 58.4, 61.1, 62.1A, and 376.10.

34 b. *"Extremely inclement weather"* means a natural occurrence,
35 such as a rainstorm, windstorm, ice storm, blizzard, tornado,

1 or other weather conditions, that makes travel extremely
2 dangerous, that threatens the public health and safety, or that
3 damages and destroys public and private property.

4 *c. "Natural disaster"* means a natural occurrence, such
5 as a fire, flood, blizzard, earthquake, tornado, windstorm,
6 ice storm, or other events, that threatens the public health
7 and safety or that damages and destroys public and private
8 property.

9 *d. "Other disaster"* means an occurrence caused by machines
10 or people, such as fire, hazardous substance, or nuclear power
11 plant accident or incident, that threatens the public health
12 and safety or that damages and destroys public and private
13 property.

14 2. The county commissioner of elections, or the county
15 commissioner's designee, may notify the state commissioner
16 that due to a natural or other disaster or extremely inclement
17 weather an election cannot safely be conducted in the time
18 or place for which the election is scheduled to be held. If
19 the county commissioner or the county commissioner's designee
20 is unable to transmit notice of the hazardous conditions,
21 the notice may be given by any elected county official.
22 Verification of the county commissioner's agreement with the
23 severity of the conditions and the danger to the election
24 process shall be transmitted to the state commissioner as soon
25 as possible. Notice may be given by telephone, electronic
26 mail, or by facsimile machine, but a signed notice shall also
27 be delivered to the state commissioner.

28 3. After receiving notice of hazardous conditions, the
29 state commissioner, or the state commissioner's designee, may
30 declare that an emergency exists in the affected precinct or
31 precincts. A copy of the declaration of the emergency shall
32 be provided to the county commissioner and posted on the
33 internet site for both the state commissioner and the county
34 commissioner.

35 4. *a.* When the state commissioner has declared that an

1 emergency exists due to a natural or other disaster or to
2 extremely inclement weather, the county commissioner, or the
3 county commissioner's designee, shall consult with the state
4 commissioner to develop a plan to conduct the election under
5 the emergency conditions.

6 *b.* Modifications may be made to the method for conducting
7 the election including relocation of polling places,
8 postponement of the hour of opening the polls, postponement of
9 the date of the election if no candidates for federal offices
10 are on the ballot, reduction in the number of precinct election
11 officials in nonpartisan elections, or other reasonable and
12 prudent modifications that will permit the election to be
13 conducted, but no modifications shall be made to requirements
14 for voter identification and absentee ballot request
15 and delivery. All modifications to the usual method for
16 conducting elections shall be approved in advance by the state
17 commissioner unless prior approval is impossible to obtain.

18 *c.* If an emergency exists in all precincts of a county,
19 the number of polling places shall not be reduced by more than
20 thirty-five percent. The polling places allowed to open shall
21 be equitably distributed in the county based on the ratio of
22 regular polling places located in unincorporated areas in the
23 county to regular polling places in incorporated areas in the
24 county.

25 5. *a.* A substitute polling place shall be as close as
26 possible to the originally designated polling place and shall
27 be within the same precinct if possible. Preference shall
28 be given to buildings that are accessible to the elderly and
29 disabled. Public buildings shall be made available without
30 charge by the authorities responsible for their administration.
31 If necessary, more than one precinct may be located in the same
32 room.

33 *b.* A notice of the location of the substitute polling place
34 shall be posted on the door of the former polling place not
35 later than one hour before the scheduled time for opening the

1 polls or as soon as possible. If it is unsafe or impossible
2 to post the sign on the door of the former polling place, the
3 notice shall be posted in some other visible place at or near
4 the site of the former polling place. If time permits, notice
5 of the relocation of the polling place shall be published in
6 the same newspaper in which notice of election was published,
7 otherwise notice of relocation may be published in any
8 newspaper of general circulation in the political subdivision
9 that will appear on or before election day. The county
10 commissioner shall inform all broadcast media and print news
11 organizations serving the jurisdiction of the modifications and
12 publish a notice on the county commissioner's internet site.

13 6. An election, other than an election at which a federal
14 office appears on the ballot, may be postponed until the
15 following Tuesday. If the election involves more than one
16 precinct, the postponement must include all precincts within
17 the political subdivision. If the election is postponed,
18 ballots shall not be reprinted to reflect the modification in
19 the election date. The date of the close of voter registration
20 by mail for the election shall not be extended. Precinct
21 election registers prepared for the original election date may
22 be used or reprinted at the commissioner's discretion. Except
23 as provided in this section, a postponed election shall be
24 conducted in the same manner as an election taking place on the
25 regularly scheduled election day.

26 7. a. Absentee ballots shall be delivered to voters
27 pursuant to section 53.22 until the date the election is
28 actually held. Absentee ballots shall be accepted at the
29 commissioner's office until the hour the polls close on
30 the date the election is held. Absentee ballots that are
31 postmarked no later than the day before the election is
32 actually held or that bear a barcode traceable to a date of
33 entry into the federal mail system no later than the day before
34 the election is actually held shall be accepted if received no
35 later than the length of time prescribed for the usual conduct

1 of the election. The time shall be calculated from the date on
2 which the election is held, not the date for which the election
3 was originally scheduled.

4 *b.* If absentee ballots have been tabulated before the
5 election is postponed, the absentee ballots shall be sealed in
6 an envelope by the absentee and special voters precinct board
7 and stored securely until the date the election is actually
8 held. The sealed envelopes shall be opened by the absentee
9 and special voters precinct board on the date the election is
10 actually held, counters on the tabulating equipment, if any,
11 shall be reset to zero, and all absentee ballots tabulated on
12 the original election date shall be retabulated.

13 8. The absentee and special voters precinct board shall
14 meet to consider provisional ballots at the times specified in
15 sections 50.22 and 52.23, calculated from the date the election
16 is held. No absentee ballots shall be counted until the date
17 the election is held.

18 9. The canvass of votes shall be rescheduled for one week
19 after the originally scheduled canvass date.

20 10. *a.* If the emergency is declared while the polls are
21 open and the decision is made to postpone the election, each
22 precinct polling place in the political subdivision shall be
23 notified to close its doors and to halt all voting immediately.
24 People present in the polling place who are waiting to vote
25 shall not be given ballots. People who have received and
26 marked their ballots shall deposit them in the ballot box.
27 Unmarked ballots shall be returned to the precinct election
28 officials.

29 *b.* The precinct election officials shall seal all ballots
30 that were cast before the declaration of the emergency in
31 secure containers. The containers shall be clearly marked as
32 ballots from the postponed election. If it is safe to do so,
33 the ballot containers, election register, and other election
34 supplies shall be transported to the county commissioner's
35 office. The ballots shall be stored in a secure place. If

1 it is unsafe to travel to the county commissioner's office,
2 the chairperson of the precinct election board shall securely
3 store the ballots and the election register until it is safe
4 to return the ballots and election register to the county
5 commissioner. If no contest is pending six months after the
6 canvass for the election is completed, the unopened, sealed
7 ballot containers shall be destroyed.

8 *c.* If automatic tabulating equipment is used, the automatic
9 tabulating equipment shall be closed and sealed without
10 printing the results. Before the date the election is held,
11 the automatic tabulating equipment shall be reset to zero.
12 Documents showing the progress of the count, if any, shall be
13 sealed in an envelope and stored. No person shall reveal the
14 progress of the count. After six months, the sealed envelope
15 containing the vote totals shall be destroyed if no contest is
16 pending.

17 11. The state commissioner shall maintain records of each
18 emergency declaration. The records of emergency declarations
19 for federal elections shall be kept for twenty-two months
20 and records for all other elections shall be kept for six
21 months following the election. The records shall include the
22 following information:

23 *a.* The county in which the emergency occurred.

24 *b.* The date and time the emergency declaration was
25 requested.

26 *c.* The name and title of the person making the request.

27 *d.* The name and date of the election affected.

28 *e.* The jurisdiction for which the election is to be
29 conducted.

30 *f.* The number of precincts in the jurisdiction.

31 *g.* The number of precincts affected by the emergency.

32 *h.* The nature of the emergency.

33 *i.* The date or dates of the occurrence of the natural or
34 other disaster or extremely inclement weather.

35 *j.* The conditions affecting the conduct of the election.

1 *k.* Whether the polling places may safely be opened on time.

2 *l.* Any action taken such as but not limited to moving the
3 polling place, changing the voting system, or postponing the
4 election until the following Tuesday.

5 *m.* The method to be used to inform the public of changes
6 made in the election procedure.

7 *n.* The signature of the state commissioner or the state
8 commissioner's designee who was responsible for declaring the
9 emergency.

10 12. *a.* (1) If an emergency occurs that will adversely
11 affect the conduct of an election at which candidates for
12 federal office will appear on the ballot, the election shall
13 not be postponed or delayed. Emergency measures shall be
14 limited to relocation of polling places, modification of
15 the method of voting not including requirements for voter
16 identification and absentee ballot request and delivery,
17 reduction of the number of precinct election officials at
18 a precinct, and other modifications of prescribed election
19 procedures that will enable the election to be conducted on the
20 date and during the hours required by law.

21 (2) The primary election held in June of even-numbered years
22 and the general election held in November of even-numbered
23 years shall not be postponed. Special elections called by
24 the governor pursuant to section 69.14 shall not be postponed
25 unless no federal office appears on the ballot.

26 *b.* If a federal or state court order extends the time
27 established for closing the polls pursuant to section 49.73,
28 any person who votes after the statutory hour for closing the
29 polls shall vote only by casting a provisional ballot pursuant
30 to section 49.81. Provisional ballots cast after the statutory
31 hour for closing the polls shall be sealed in a separate
32 envelope from provisional ballots cast during the statutory
33 polling hours. The absentee and special voters precinct board
34 shall tabulate and report the results of the two sets of
35 provisional ballots separately.

1 13. A voter who is entitled to vote by absentee ballot under
2 the federal Uniformed and Overseas Citizens Absentee Voting
3 Act, 42 U.S.C. §1973ff et seq., and the provisions set forth
4 in chapter 53, subchapter II, may return an absentee ballot
5 via electronic transmission only if the voter is located in an
6 area designated by the federal department of defense to be an
7 imminent danger pay area or if the voter is an active member of
8 the army, navy, marine corps, merchant marine, coast guard, air
9 force, or Iowa national guard and is located outside the United
10 States or any of its territories. Procedures for the return of
11 absentee ballots by electronic transmission shall be determined
12 by the state commissioner by rule.

13 14. *a.* If an election contest court finds that there were
14 errors in the conduct of an election that make it impossible
15 to determine the result of the election, the contest court
16 shall notify the state commissioner of its finding. The state
17 commissioner shall order a repeat election to be held. The
18 repeat election date shall be set by the state commissioner.
19 The repeat election shall be conducted under the state
20 commissioner's supervision.

21 *b.* The repeat election shall be held at the earliest
22 possible time, but it shall not be held earlier than fourteen
23 days after the date the election was set aside. Voter
24 registration, publication, equipment testing, and other
25 applicable deadlines shall be calculated from the date of the
26 repeat election.

27 *c.* The repeat election shall be conducted under the same
28 procedures required for the election that was set aside,
29 except that all known errors in preparation and procedure
30 shall be corrected. The nominations from the initial election
31 shall be used in the repeat election unless the contest court
32 specifically rejects the initial nomination process in its
33 findings. Precinct election officials for the repeat election
34 may be replaced at the discretion of the auditor.

35 *d.* The following materials prepared for the original

1 election shall be used or reconstructed for the repeat
2 election:

3 (1) Ballots showing the date of repeat election, which may
4 be stamped on ballots printed for the original election.

5 (2) Notice of election showing the date of repeat election.

6 DIVISION II

7 COUNTY SEALS

8 Sec. 5. Section 331.552, subsection 4, Code 2020, is amended
9 to read as follows:

10 4. a. Keep the official county seal provided by the county.
11 The official seal shall be an impression seal on the face of
12 which shall appear the name of the county, the word "county"
13 which may be abbreviated, ~~the word "treasurer" which may be~~
14 ~~abbreviated,~~ and the word "Iowa". A county shall have only one
15 official county seal.

16 b. Notwithstanding paragraph "a", the county commissioner
17 of elections may use a facsimile of the official county seal
18 or a modified facsimile of the official county seal for the
19 purposes of election duties set forth in sections 43.36 and
20 49.51, and section 49.57, subsection 6. If modified, the
21 county seal shall contain the name of the county, the word
22 "county", which may be abbreviated, the word "auditor", which
23 may be abbreviated, and the word "Iowa".

24 DIVISION III

25 VOTER IDENTIFICATION

26 Sec. 6. Section 53.2, subsection 4, paragraph a, unnumbered
27 paragraph 1, Code 2020, is amended to read as follows:

28 ~~Each application shall contain the following information To~~
29 request an absentee ballot, a registered voter shall provide:

30 Sec. 7. Section 53.2, subsection 4, paragraph b, Code 2020,
31 is amended to read as follows:

32 b. If insufficient information has been provided, including
33 the absence of a voter verification number, either on the
34 prescribed form or on an application created by the applicant,
35 the commissioner shall, ~~by the best means available, obtain~~

1 ~~the additional necessary information~~ within twenty-four hours
2 after the receipt of the absentee ballot request, contact the
3 applicant by telephone and electronic mail, if such information
4 has been provided by the applicant. If the commissioner is
5 unable to contact the applicant by telephone or electronic
6 mail, the commissioner shall send a notice to the applicant
7 at the address where the applicant is registered to vote, or
8 to the applicant's mailing address if it is different from
9 the residential address. If the applicant has requested the
10 ballot to be sent to an address that is not the applicant's
11 residential or mailing address, the commissioner shall send an
12 additional notice to the address where the applicant requested
13 the ballot to be sent. A commissioner shall not use the voter
14 registration system to obtain additional necessary information.
15 A voter requesting or casting a ballot pursuant to section
16 53.22 shall not be required to provide a voter verification
17 number.

18 Sec. 8. Section 53.2, subsection 4, Code 2020, is amended by
19 adding the following new paragraph:

20 NEW PARAGRAPH. *d.* If an applicant does not have current
21 access to the applicant's voter verification number, the
22 commissioner shall verify the applicant's identity prior to
23 supplying the voter verification number by asking the applicant
24 to provide at least two of the following facts about the
25 applicant:

26 (1) Date of birth.

27 (2) The last four digits of the applicant's social security
28 number, if applicable.

29 (3) Residential address.

30 (4) Mailing address.

31 (5) Middle name.

32 (6) Voter verification number as defined in paragraph "c".

33 Sec. 9. Section 53.10, subsection 2, paragraph a, Code 2020,
34 is amended to read as follows:

35 *a.* Each person who wishes to vote by absentee ballot at

1 the commissioner's office shall first sign an application
2 for a ballot including the following information: name,
3 current address, voter verification number, and the election
4 for which the ballot is requested. The person may report a
5 change of address or other information on the person's voter
6 registration record at that time. Prior to furnishing a
7 ballot, the commissioner shall verify the person's identity
8 as provided in section 49.78. The registered voter shall
9 immediately mark the ballot; enclose the ballot in a secrecy
10 envelope, if necessary, and seal it in the envelope marked
11 with the affidavit; subscribe to the affidavit on the reverse
12 side of the envelope; and return the absentee ballot to the
13 commissioner. The commissioner shall record the numbers
14 appearing on the application and affidavit envelope along with
15 the name of the registered voter.

16 Sec. 10. Section 53.10, subsection 2, Code 2020, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *Ob.* If an unregistered person offering
19 to vote an absentee ballot pursuant to this section prior to
20 the deadline in section 48A.9 does not have an Iowa driver's
21 license, an Iowa nonoperator's identification card, or a voter
22 identification number assigned to the voter by the state
23 commissioner pursuant to section 47.7, subsection 2, the person
24 may satisfy identity and residence requirements as provided in
25 section 49.78. This section shall also apply to a registered
26 voter casting a ballot pursuant to this section who has not yet
27 received a voter verification number.

28 Sec. 11. Section 53.18, subsections 2 and 3, Code 2020, are
29 amended to read as follows:

30 2. a. If the commissioner receives the return envelope
31 containing the completed absentee ballot by 5:00 p.m. on the
32 Saturday before the election for general elections and by 5:00
33 p.m. on the Friday before the election for all other elections,
34 the commissioner shall review the affidavit marked on the
35 return envelope, if applicable, for completeness or shall open

1 the return envelope to review the affidavit for completeness.
2 ~~If the affidavit is incomplete, the commissioner shall, within~~
3 ~~twenty-four hours of the time the envelope was received, notify~~
4 ~~the voter of that fact and that the voter may complete the~~
5 ~~affidavit in person at the office of the commissioner by 5:00~~
6 ~~p.m. on the day before the election, vote a replacement ballot~~
7 ~~in the manner and within the time period provided in subsection~~
8 ~~3, or appear at the voter's precinct polling place on election~~
9 ~~day and cast a ballot in accordance with section 53.19,~~
10 subsection 3. If the affidavit lacks the signature of the
11 registered voter, the commissioner shall, within twenty-four
12 hours of the receipt of the envelope, notify the voter of the
13 deficiency and inform the voter that the voter may vote a
14 replacement ballot as provided in subsection 3, cast a ballot
15 as provided in section 53.19, subsection 3, or complete the
16 affidavit in person at the office of the commissioner not later
17 than noon on the Monday following the election, or if the law
18 authorizing the election specifies that the votes be canvassed
19 earlier than the Monday following the election, before the
20 canvass of the election.

21 b. If the commissioner receives the return envelope
22 containing the completed absentee ballot after the deadline
23 in paragraph "a", the commissioner shall submit the affidavit
24 to the absentee and special voters precinct board for review.
25 If the absentee and special voters precinct determines that
26 the affidavit is incomplete, the commissioner shall, within
27 twenty-four hours of the determination, notify the voter. If
28 the affidavit lacks the signature of the registered voter, the
29 commissioner shall notify the voter that the voter may complete
30 the affidavit in person at the office of the commissioner
31 not later than noon on the Monday following the election, or
32 if the law authorizing the election specifies that the votes
33 be canvassed earlier than the Monday following the election,
34 before the canvass of the election.

35 3. If the affidavit envelope or the return envelope marked

1 with the affidavit contains a defect that would cause the
2 absentee ballot to be rejected by the absentee and special
3 voters precinct board, the commissioner shall immediately
4 notify the voter of that fact and that the voter's absentee
5 ballot shall not be counted unless the voter requests and
6 returns a replacement ballot in the time permitted under
7 section 53.17, subsection 2. ~~For the purposes of this section,~~
8 ~~a return envelope marked with the affidavit shall be considered~~
9 ~~to contain a defect if it appears to the commissioner that~~
10 ~~the signature on the envelope has been signed by someone~~
11 ~~other than the registered voter, in comparing the signature~~
12 ~~on the envelope to the signature on record of the registered~~
13 ~~voter named on the envelope. A signature or marking made~~
14 ~~in accordance with section 39.3, subsection 17, shall not~~
15 ~~be considered a defect for purposes of this section.~~ The
16 voter may request a replacement ballot in person, in writing,
17 or over the telephone. The same serial number that was
18 assigned to the records of the original absentee ballot
19 application shall be used on the envelope and records of the
20 replacement ballot. The envelope marked with the affidavit and
21 containing the completed replacement ballot shall be marked
22 "Replacement ballot". The envelope marked with the affidavit
23 and containing the original ballot shall be marked "Defective"
24 and the replacement ballot shall be attached to such envelope
25 containing the original ballot and shall be stored in a secure
26 place until they are delivered to the absentee and special
27 voters precinct board, notwithstanding sections 53.26 and
28 53.27.

29 Sec. 12. Section 53.18, Code 2020, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 04. For the purposes of this section, a
32 return envelope marked with the affidavit shall be considered
33 incomplete if the affidavit lacks the registered voter's
34 signature. A signature or marking made in accordance with
35 section 39.3, subsection 17, shall not cause an affidavit to be

1 considered incomplete.

2 Sec. 13. Section 53.22, subsection 3, Code 2020, is amended
3 to read as follows:

4 3. Any registered voter who becomes a patient, tenant, or
5 resident of a hospital, assisted living program, or health care
6 facility in the county where the voter is registered to vote
7 ~~within three days prior to the date of any election after the~~
8 deadline to make a written application for an absentee ballot
9 as provided in section 53.2 or on election day may request an
10 absentee ballot during that period or on election day. As an
11 alternative to the application procedure prescribed by section
12 53.2, the registered voter may make the request directly to
13 the officers who are delivering and returning absentee ballots
14 under [this section](#). Alternatively, the request may be made by
15 telephone to the office of the commissioner not later than four
16 hours before the close of the polls. If the requester is found
17 to be a registered voter of that county, these officers shall
18 deliver the appropriate absentee ballot to the registered voter
19 in the manner prescribed by [this section](#).

20 Sec. 14. Section 53.22, subsection 6, paragraph a, Code
21 2020, is amended to read as follows:

22 a. If the registered voter becomes a patient, tenant, or
23 resident of a hospital, assisted living program, or health
24 care facility outside the county where the voter is registered
25 to vote ~~within three days before the date of any election~~
26 after the deadline to make a written application for an
27 absentee ballot as provided in section 53.2 or on election
28 day, the voter may designate a person to deliver and return
29 the absentee ballot. The designee may be any person the voter
30 chooses except that no candidate for any office to be voted
31 upon for the election for which the ballot is requested may
32 deliver a ballot under [this subsection](#). The request for an
33 absentee ballot may be made by telephone to the office of the
34 commissioner not later than four hours before the close of the
35 polls. If the requester is found to be a registered voter of

1 that county, the ballot shall be delivered by mail or by the
2 person designated by the voter. An application form shall be
3 included with the absentee ballot and shall be signed by the
4 voter and returned with the ballot.

5 DIVISION IV

6 CONDUCT OF ELECTIONS

7 Sec. 15. Section 43.14, subsection 1, paragraph g, Code
8 2020, is amended by striking the paragraph.

9 Sec. 16. Section 43.24, subsection 1, paragraph a, Code
10 2020, is amended to read as follows:

11 a. Objections to the legal sufficiency of a nomination
12 petition or certificate of nomination filed or issued under
13 this chapter or to the eligibility of a candidate may be filed
14 in writing by any person who would have the right to vote for
15 the candidate for the office in question. Objections relating
16 to incorrect or incomplete information for information that is
17 required under section 43.14 or 43.18 shall be sustained.

18 Sec. 17. Section 44.6, Code 2020, is amended to read as
19 follows:

20 **44.6 Hearing before state commissioner.**

21 Objections filed with the state commissioner shall be
22 considered by the secretary of state and auditor of state and
23 attorney general, and a majority decision shall be final; but
24 if the objection is to the certificate of nomination of one
25 or more of the above named officers, said officer or officers
26 so objected to shall not pass upon the same, but their places
27 shall be filled, respectively, by the treasurer of state,
28 the governor, and the secretary of agriculture. Objections
29 relating to incorrect or incomplete information for information
30 that is required under section 44.3 shall be sustained.

31 Sec. 18. Section 44.7, Code 2020, is amended to read as
32 follows:

33 **44.7 Hearing before commissioner.**

34 Except as otherwise provided in [section 44.8](#), objections
35 filed with the commissioner shall be considered by the county

1 auditor, county treasurer, and county attorney, and a majority
2 decision shall be final. However, if the objection is to the
3 certificate of nomination of one or more of the above named
4 county officers, the officer or officers objected to shall not
5 pass upon the objection, but their places shall be filled,
6 respectively, by the chairperson of the board of supervisors,
7 the sheriff, and the county recorder. Objections relating to
8 incorrect or incomplete information for information that is
9 required under section 44.3 shall be sustained.

10 Sec. 19. Section 44.8, Code 2020, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 3. Objections relating to incorrect or
13 incomplete information for information that is required under
14 section 44.3 shall be sustained.

15 Sec. 20. Section 45.5, subsection 1, paragraph f, Code 2020,
16 is amended by striking the paragraph.

17 Sec. 21. Section 47.7, Code 2020, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 3. The state registrar of voters shall use
20 information from the electronic registration information center
21 to update information in the statewide voter registration
22 system, including but not limited to the following reports:

- 23 a. In-state duplicates.
- 24 b. In-state updates.
- 25 c. Cross-state matches.
- 26 d. Deceased.
- 27 e. Eligible but unregistered.
- 28 f. National change of address.

29 Sec. 22. Section 48A.10A, subsection 1, Code 2020, is
30 amended to read as follows:

31 1. The state registrar shall compare lists of persons who
32 are registered to vote with the department of transportation's
33 driver's license and nonoperator's identification card files
34 and shall, on an initial basis, issue a voter identification
35 card to each active, registered voter whose name does not

1 appear in the department of transportation's files or upon the
2 request of the registered voter. The voter identification
3 card shall include the name of the registered voter, a
4 signature line above which the registered voter shall
5 sign the voter identification card, the registered voter's
6 identification number assigned to the voter pursuant to section
7 47.7, subsection 2, and an additional four-digit personal
8 identification number assigned by the state commissioner.

9 **Sec. 23. NEW SECTION. 49.42B Form of official ballot —**
10 **candidates for president and vice president.**

11 When candidates for president and vice president of the
12 United States appear on the ballot, the following statement
13 shall appear directly above the section of the ballot listing
14 such candidates:

15 [A ballot cast for the named candidates for president and vice
16 president of the United States is considered to be cast for
17 the slate of presidential electors nominated by the political
18 party, nonparty political organization, or independent
19 candidate.]

20 **Sec. 24.** Section 50.48, subsection 3, Code 2020, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. *c.* In addition to the persons listed in
23 paragraph "a", the candidate requesting the recount and the
24 apparent winning candidate may each submit a request to a
25 commissioner from a county other than the county conducting the
26 recount to be present at the recount. Such a commissioner may
27 report any irregularities observed by the commissioner at any
28 time after the election to the state commissioner.

29 **Sec. 25.** Section 53.8, Code 2020, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 4. *a.* The state commissioner shall not
32 mail an application for an absentee ballot to a person who has
33 not requested such application.

34 *b.* The commissioner and the state commissioner shall not
35 mail an absentee ballot to a person who has not submitted an

1 application for an absentee ballot.

2 Sec. 26. Section 53.30, Code 2020, is amended to read as
3 follows:

4 **53.30 Ballots, ballot envelopes, and other information**
5 **preserved.**

6 1. At the conclusion of each meeting of the absentee and
7 special voter precinct board, the board shall reconcile the
8 number of signed affidavits provided to the board by the
9 commissioner and the number of ballots that were counted and
10 tabulated. The board shall record the number of ballots that
11 were rejected prior to opening the affidavit envelope, the
12 number of absentee ballots that have been challenged and are
13 currently unopened, and the number of absentee ballots that
14 were accepted for counting and tabulation. The board shall
15 also reconcile the number of provisional ballots provided
16 to the board by the commissioner, the number of provisional
17 ballots that were accepted for counting and tabulation, and the
18 number of provisional ballots that were rejected.

19 2. At the conclusion of each meeting of the absentee and
20 special voters precinct board, the board shall securely seal
21 all ballots counted by them in the manner prescribed in section
22 50.12. The ballot envelopes, including the affidavit envelope
23 if an affidavit envelope was provided, the return envelope, and
24 secrecy envelope bearing the signatures of precinct election
25 officials, as required by [section 53.23](#), shall be preserved.
26 All applications for absentee ballots, ballots rejected without
27 being opened, absentee ballot logs, and any other documents
28 pertaining to the absentee ballot process shall be preserved
29 until such time as the documents may be destroyed pursuant to
30 section 50.19.

31 3. Following each primary and general election,
32 commissioners shall report to the state commissioner the
33 number of voted absentee ballots received by the commissioner,
34 the total number of absentee ballots counted and tabulated
35 by the board, and the number of absentee ballots rejected by

1 the board. The commissioner shall also provide the number of
2 provisional ballots cast, the number of provisional ballots
3 rejected, and the number of provisional ballots that were
4 counted and tabulated by the board.

5 Sec. 27. Section 54.5, subsection 2, Code 2020, is amended
6 to read as follows:

7 2. The state central committee shall also file a list of
8 the names and addresses of the party's presidential electors
9 and alternate electors, one from each congressional district
10 and two from the state at large, not later than 5:00 p.m.
11 on the eighty-first day before the general election. A
12 political party may elect up to two alternate electors at the
13 party's state convention. Additionally, the party's state
14 central committee may nominate one alternate elector for each
15 congressional district.

16 Sec. 28. Section 54.5, Code 2020, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 2A. Each elector nominee and alternate
19 elector nominee of a political party or group of petitioners
20 shall execute the following pledge, which shall accompany
21 the submission of the corresponding names to the state
22 commissioner:

23 If selected for the position of elector, I agree to serve
24 and to mark my ballots for president and vice president for
25 the nominees for those offices of the party (or group of
26 petitioners) that nominated me.

27 Sec. 29. Section 54.7, Code 2020, is amended to read as
28 follows:

29 **54.7 Meeting — certificate.**

30 1. The presidential electors and alternate electors shall
31 meet in the capitol, at the seat of government, on the first
32 Monday after the second Wednesday in December next following
33 their election.

34 2. If, at the time of such meeting, any elector for any
35 cause is absent, ~~those present shall at once proceed to~~

1 ~~elect, from the citizens of the state, a substitute elector or~~
2 ~~electors, and certify the choice so made to the governor, and~~
3 ~~the governor shall immediately cause the person or persons so~~
4 ~~selected to be notified thereof~~ the state commissioner shall
5 appoint an individual to substitute for the elector as follows:

6 a. If the alternate elector is present to vote, by
7 appointing the alternate elector for the vacant position.

8 b. If the alternate elector is not present to vote, by
9 appointing an elector chosen by lot from among the other
10 alternate electors present to vote who were nominated by the
11 same political party or group of petitioners.

12 c. If the number of alternate electors present to vote is
13 insufficient to fill a vacant position pursuant to paragraphs
14 "a" and "b", by appointing any immediately available citizen
15 of the state who is qualified to serve as an elector and
16 chosen through nomination by a plurality vote of the remaining
17 electors, including nomination and vote by a single elector if
18 only one remains.

19 d. If there is a tie between at least two nominees to
20 substitute as an elector in a vote conducted under paragraph
21 "c", by appointing an elector chosen by lot from among those
22 nominees.

23 e. If all elector positions are vacant and cannot be filled
24 through the processes set forth in paragraphs "a", "b", "c", and
25 "d", by appointing a single presidential elector with remaining
26 vacant positions filled pursuant to the method set forth in
27 paragraph "c" and, if necessary, paragraph "d".

28 3. To qualify to substitute for an elector under subsection
29 2, an individual who has not executed the pledge required for
30 elector nominees and alternate elector nominees under section
31 54.5 shall execute the following pledge:

32 I agree to serve and to mark my ballots for president and vice
33 president consistent with the pledge of the individual whose
34 elector position I have succeeded.

35 Sec. 30. Section 54.8, Code 2020, is amended by striking the

1 section and inserting in lieu thereof the following:

2 **54.8 Elector voting — certificate of governor.**

3 1. At the time designated for elector voting and after all
4 vacant positions have been filled under section 54.7, the state
5 commissioner shall provide each elector with a presidential
6 and a vice presidential ballot. The elector shall mark the
7 elector's presidential and vice presidential ballots with
8 the elector's votes for the offices of president and vice
9 president, respectively, along with the elector's signature and
10 the elector's legibly printed name.

11 2. Except as otherwise provided by law of this state outside
12 of this chapter, each elector shall present both completed
13 ballots to the state commissioner who shall examine the ballots
14 and accept and cast all ballots of electors whose votes are
15 consistent with their pledges executed under section 54.5
16 or 54.7. Except as otherwise provided by law of this state
17 outside of this chapter, the state commissioner shall not
18 accept and shall not count an elector's presidential and vice
19 presidential ballots if the elector has not marked both ballots
20 or has marked one ballot in violation of the elector's pledge.

21 3. An elector who refuses to present a ballot, presents
22 an unmarked ballot, or presents a ballot marked in violation
23 of the elector's pledge executed under section 54.5 or 54.7
24 vacates the office of elector. The state commissioner shall
25 declare the creation of the vacancy and fill the vacancy
26 pursuant to section 54.7.

27 4. The state commissioner shall distribute ballots to
28 and collect ballots from a substitute elector and repeat the
29 process set forth in this section for examining ballots,
30 declaring and filling vacant positions as required, and
31 recording appropriately completed ballots from the substituted
32 electors until all of the state's electoral votes have been
33 cast and recorded.

34 5. The governor shall duly certify the results, under the
35 seal of the state, to the United States secretary of state, and

1 as required by Act of Congress related to such elections.

2 Sec. 31. NEW SECTION. **54.8A Elector replacement —**
3 **associated certificates.**

4 1. After the vote of this state's electors is completed,
5 if the final list of electors differs from any list that the
6 governor previously included on a certificate of ascertainment
7 prepared and transmitted under 3 U.S.C. §6, the state
8 commissioner shall immediately prepare an amended certificate
9 of ascertainment and transmit the amended certificate to the
10 governor for the governor's signature.

11 2. The governor shall immediately deliver the signed
12 amended certificate of ascertainment to the state commissioner
13 and a signed duplicate original of the amended certificate
14 of ascertainment to all individuals entitled to receive this
15 state's certificate of ascertainment, indicating that the
16 amended certificate of ascertainment is to be substituted for
17 the certificate of ascertainment previously submitted.

18 3. The state commissioner shall prepare a certificate
19 of vote. The electors on the final list shall sign the
20 certificate. The state commissioner shall process and
21 transmit the signed certificate with the amended certificate of
22 ascertainment under 3 U.S.C. §§9 through 11.

23 Sec. 32. Section 54.9, Code 2020, is amended to read as
24 follows:

25 **54.9 Compensation.**

26 The electors shall each receive a compensation of
27 ~~five dollars~~ one-half of the federal general services
28 administration's per diem rate for the relevant date and
29 location for every day's attendance, and the same mileage as
30 members of the general assembly which shall be paid from funds
31 not otherwise appropriated from the general fund of the state.

32 Sec. 33. Section 68A.406, subsection 1, paragraph f, Code
33 2020, is amended to read as follows:

34 f. Property Notwithstanding paragraphs "d" and "e",
35 property leased by a candidate, committee, or an organization

1 established to advocate the nomination, election, or defeat of
2 a candidate or the passage or defeat of a ballot issue that
3 has not yet registered pursuant to [section 68A.201](#), when ~~the~~
4 ~~property is used as campaign headquarters or a campaign office~~
5 and the placement of the sign is limited to the space that is
6 actually leased.

7 Sec. 34. REPEAL. Section 43.80, Code 2020, is repealed.

8 Sec. 35. EFFECTIVE DATE. The following takes effect January
9 1, 2021:

10 The section of this division of this Act repealing section
11 43.80.

12 DIVISION V

13 NOMINATIONS BY PETITION

14 Sec. 36. Section 43.20, subsection 1, Code 2020, is amended
15 by striking the subsection and inserting in lieu thereof the
16 following:

17 1. Nomination papers shall be signed by eligible electors as
18 provided in section 45.1.

19 Sec. 37. Section 43.20, subsection 2, Code 2020, is amended
20 by striking the subsection.

21 Sec. 38. Section 45.1, Code 2020, is amended to read as
22 follows:

23 **45.1 Nominations by petition.**

24 1. Nominations for candidates for president and vice
25 president, governor and lieutenant governor, and ~~for other~~
26 ~~statewide elected offices~~ United States senator may be made
27 by nomination petitions signed by not less than ~~one thousand~~
28 ~~five hundred eligible electors residing in not less than~~
29 ~~ten counties of the state~~ four thousand eligible electors,
30 including at least two hundred eligible electors each from at
31 least ten counties of the state.

32 2. Nominations for candidates for statewide offices other
33 than those listed in subsection 1 may be made by nomination
34 petitions signed by not less than two thousand five hundred
35 eligible electors, including at least one hundred twenty-five

1 eligible electors from not less than ten counties of the state.

2 ~~2.~~ 3. Nominations for candidates for a representative
3 in the United States house of representatives may be made by
4 nomination petitions signed by not less than ~~the number of~~
5 ~~eligible electors equal to the number of signatures required in~~
6 ~~subsection 1~~ divided by the number of congressional districts.
7 ~~Signers of the petition shall be eligible electors who are~~
8 ~~residents of the congressional district~~ two thousand eligible
9 electors who are residents of the congressional district,
10 including at least seventy-seven eligible electors each from at
11 least one-half of the counties in the congressional district.

12 ~~3.~~ 4. Nominations for candidates for the state senate
13 may be made by nomination petitions signed by not less than
14 one hundred eligible electors who are residents of the senate
15 district.

16 ~~4.~~ 5. Nominations for candidates for the state house of
17 representatives may be made by nomination petitions signed by
18 not less than fifty eligible electors who are residents of the
19 representative district.

20 ~~5.~~ 6. Nominations for candidates for offices filled by the
21 voters of a whole county may be made by nomination petitions
22 signed by not less than two hundred eligible electors who are
23 residents of the county ~~equal in number to at least one percent~~
24 ~~of the number of registered voters in the county on July 1 in~~
25 ~~the year preceding the year in which the office will appear on~~
26 ~~the ballot, or by at least two hundred fifty eligible electors~~
27 ~~who are residents of the county, whichever is less.~~

28 ~~6.~~ 7. Nominations for candidates for the office of county
29 supervisor elected by the voters of a supervisor district may
30 be made by nomination petitions signed by not less than two
31 hundred eligible electors who are residents of the supervisor
32 district ~~equal in number to at least one percent of the number~~
33 ~~of registered voters in the supervisor district on July 1 in~~
34 ~~the year preceding the year in which the office will appear on~~
35 ~~the ballot, or by at least one hundred fifty eligible electors~~

1 ~~who are residents of the supervisor district, whichever is~~
2 ~~less.~~

3 ~~7.~~ 8. a. Nomination papers for the offices of president
4 and vice president shall include the names of the candidates
5 for both offices on each page of the petition. A certificate
6 listing the names of the candidates for presidential electors,
7 one from each congressional district and two from the state at
8 large, shall be filed in the state commissioner's office at the
9 same time the nomination papers are filed.

10 b. Nomination papers for the offices of governor and
11 lieutenant governor shall include the names of candidates for
12 both offices on each page of the petition. Nomination papers
13 for other statewide elected offices and all other offices shall
14 include the name of the candidate on each page of the petition.

15 ~~8.~~ 9. Nominations for candidates for elective offices in
16 cities where the council has adopted nominations under this
17 chapter may be submitted as follows:

18 a. Except as otherwise provided in [subsection 9 10](#), in
19 cities having a population of ~~three thousand five hundred~~
20 twenty thousand or greater according to the most recent federal
21 decennial census, nominations may be made by nomination papers
22 signed by not less than ~~twenty-five~~ one hundred eligible
23 electors who are residents of the city or ward.

24 b. In cities having a population of ~~one hundred five~~
25 thousand or greater, but less than ~~three thousand five hundred~~
26 twenty thousand, according to the most recent federal decennial
27 census, nominations may be made by nomination papers signed by
28 not less than ~~ten~~ fifty eligible electors who are residents of
29 the city or ward.

30 c. In cities having a population ~~less than one hundred of~~
31 one thousand or greater, but less than five thousand, according
32 to the most recent federal decennial census, nominations may
33 be made by nomination papers signed by not less than five
34 twenty-five eligible electors who are residents of the city.

35 d. In cities having a population less than one thousand

1 according to the most recent decennial census, nominations
2 may be made by nomination papers signed by not less than ten
3 eligible electors who are residents of the city.

4 ~~9. 10. Nominations for candidates, other than partisan~~
5 ~~candidates, for elective offices in special charter cities~~
6 ~~subject to [section 43.112](#) may be submitted as follows:~~

7 ~~a. For the office of mayor, and alderman at large,~~
8 ~~nominations and ward alderman in special charter cities subject~~
9 ~~to the provisions of section 43.112 may be made by nomination~~
10 ~~papers signed by not less than one hundred eligible electors~~
11 ~~residing in the city equal in number to at least two percent of~~
12 ~~the total vote received by all candidates for mayor at the last~~
13 ~~preceding city election.~~

14 ~~b. For the office of ward alderman, nominations may be made~~
15 ~~by nomination papers signed by eligible electors residing in~~
16 ~~the ward equal in number to at least two percent of the total~~
17 ~~vote received by all candidates for ward alderman in that ward~~
18 ~~at the last preceding city election.~~

19 Sec. 39. EFFECTIVE DATE. This division of this Act takes
20 effect January 1, 2021.

21 DIVISION VI

22 AFFIDAVIT OF CANDIDACY

23 Sec. 40. AFFIDAVIT OF CANDIDACY — 2020 GENERAL ELECTION
24 NOMINEES. For the 2020 general election, a candidate nominated
25 for county hospital trustee or township trustee shall file
26 with the county commissioner a signed, notarized affidavit of
27 candidacy and nomination petition, if applicable, by 5:00 p.m.
28 not less than sixty-nine days before the general election. An
29 affidavit of candidacy shall include the information required
30 under section 44.3.>

31 2. Title page, by striking line 1 and inserting <An Act
32 relating to the conduct of elections, including the use of
33 emergency powers during elections, nomination procedures,
34 issuance of bonds, voter registration, absentee ballots,
35 campaign finance, and the use of a county seal on materials

1 related to elections, and including effective date provisions.>