

House File 2486

S-5124

1 Amend the amendment, S-5117, to House File 2486, as passed by
2 the House, as follows:

3 1. By striking page 1, line 4, through page 30, line 33, and
4 inserting:

5 Sec. _____. Section 53.18, subsections 2 and 3, Code 2020, are
6 amended to read as follows:

7 2. a. If the commissioner receives the return envelope
8 containing the completed absentee ballot by 5:00 p.m. on the
9 Saturday before the election for general elections and by 5:00
10 p.m. on the Friday before the election for all other elections,
11 the commissioner shall review the affidavit marked on the
12 return envelope, if applicable, for completeness or shall open
13 the return envelope to review the affidavit for completeness.
14 ~~If the affidavit is incomplete, the commissioner shall, within~~
15 ~~twenty-four hours of the time the envelope was received, notify~~
16 ~~the voter of that fact and that the voter may complete the~~
17 ~~affidavit in person at the office of the commissioner by 5:00~~
18 ~~p.m. on the day before the election, vote a replacement ballot~~
19 ~~in the manner and within the time period provided in subsection~~
20 ~~3, or appear at the voter's precinct polling place on election~~
21 ~~day and cast a ballot in accordance with section 53.19,~~
22 subsection 3. If the affidavit lacks the signature of the
23 registered voter, the commissioner shall, within twenty-four
24 hours of the receipt of the envelope, notify the voter of the
25 deficiency and inform the voter that the voter may vote a
26 replacement ballot as provided in subsection 3, cast a ballot
27 as provided in section 53.19, subsection 3, or complete the
28 affidavit in person at the office of the commissioner not later
29 than noon on the Monday following the election, or if the law
30 authorizing the election specifies that the votes be canvassed
31 earlier than the Monday following the election, before the
32 canvass of the election.

33 b. If the commissioner receives the return envelope
34 containing the completed absentee ballot after the deadline
35 in paragraph "a", the commissioner shall submit the affidavit

1 to the absentee and special voters precinct board for review.
2 If the absentee and special voters precinct determines that
3 the affidavit is incomplete, the commissioner shall, within
4 twenty-four hours of the determination, notify the voter. If
5 the affidavit lacks the signature of the registered voter, the
6 commissioner shall notify the voter that the voter may complete
7 the affidavit in person at the office of the commissioner
8 not later than noon on the Monday following the election, or
9 if the law authorizing the election specifies that the votes
10 be canvassed earlier than the Monday following the election,
11 before the canvass of the election.

12 3. If the affidavit envelope or the return envelope marked
13 with the affidavit contains a defect that would cause the
14 absentee ballot to be rejected by the absentee and special
15 voters precinct board, the commissioner shall immediately
16 notify the voter of that fact and that the voter's absentee
17 ballot shall not be counted unless the voter requests and
18 returns a replacement ballot in the time permitted under
19 section 53.17, subsection 2. ~~For the purposes of this section,~~
20 ~~a return envelope marked with the affidavit shall be considered~~
21 ~~to contain a defect if it appears to the commissioner that~~
22 ~~the signature on the envelope has been signed by someone~~
23 ~~other than the registered voter, in comparing the signature~~
24 ~~on the envelope to the signature on record of the registered~~
25 ~~voter named on the envelope. A signature or marking made~~
26 ~~in accordance with section 39.3, subsection 17, shall not~~
27 ~~be considered a defect for purposes of this section.~~ The
28 voter may request a replacement ballot in person, in writing,
29 or over the telephone. The same serial number that was
30 assigned to the records of the original absentee ballot
31 application shall be used on the envelope and records of the
32 replacement ballot. The envelope marked with the affidavit and
33 containing the completed replacement ballot shall be marked
34 "Replacement ballot". The envelope marked with the affidavit
35 and containing the original ballot shall be marked "Defective"

1 and the replacement ballot shall be attached to such envelope
2 containing the original ballot and shall be stored in a secure
3 place until they are delivered to the absentee and special
4 voters precinct board, notwithstanding [sections 53.26](#) and
5 [53.27](#).

6 Sec. _____. Section 53.18, Code 2020, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 04. For the purposes of this section, a
9 return envelope marked with the affidavit shall be considered
10 incomplete if the affidavit lacks the registered voter's
11 signature. A signature or marking made in accordance with
12 section 39.3, subsection 17, shall not cause an affidavit to be
13 considered incomplete.

14 Sec. _____. Section 53.22, subsection 3, Code 2020, is amended
15 to read as follows:

16 3. Any registered voter who becomes a patient, tenant, or
17 resident of a hospital, assisted living program, or health care
18 facility in the county where the voter is registered to vote
19 ~~within three days prior to the date of any election~~ after the
20 deadline to make a written application for an absentee ballot
21 as provided in section 53.2 or on election day may request an
22 absentee ballot during that period or on election day. As an
23 alternative to the application procedure prescribed by section
24 53.2, the registered voter may make the request directly to
25 the officers who are delivering and returning absentee ballots
26 under [this section](#). Alternatively, the request may be made by
27 telephone to the office of the commissioner not later than four
28 hours before the close of the polls. If the requester is found
29 to be a registered voter of that county, these officers shall
30 deliver the appropriate absentee ballot to the registered voter
31 in the manner prescribed by [this section](#).

32 Sec. _____. Section 53.22, subsection 6, paragraph a, Code
33 2020, is amended to read as follows:

34 a. If the registered voter becomes a patient, tenant, or
35 resident of a hospital, assisted living program, or health

1 care facility outside the county where the voter is registered
2 to vote ~~within three days before the date of any election~~
3 after the deadline to make a written application for an
4 absentee ballot as provided in section 53.2 or on election
5 day, the voter may designate a person to deliver and return
6 the absentee ballot. The designee may be any person the voter
7 chooses except that no candidate for any office to be voted
8 upon for the election for which the ballot is requested may
9 deliver a ballot under this subsection. The request for an
10 absentee ballot may be made by telephone to the office of the
11 commissioner not later than four hours before the close of the
12 polls. If the requester is found to be a registered voter of
13 that county, the ballot shall be delivered by mail or by the
14 person designated by the voter. An application form shall be
15 included with the absentee ballot and shall be signed by the
16 voter and returned with the ballot.

17 Sec. _____. Section 331.552, subsection 4, Code 2020, is
18 amended to read as follows:

19 4. a. Keep the official county seal provided by the county.
20 The official seal shall be an impression seal on the face of
21 which shall appear the name of the county, the word "county"
22 which may be abbreviated, ~~the word "treasurer" which may be~~
23 ~~abbreviated,~~ and the word "Iowa". A county shall have only one
24 official county seal.

25 b. Notwithstanding paragraph "a", the county commissioner
26 of elections may use a facsimile of the official county seal
27 or a modified facsimile of the official county seal for the
28 purposes of election duties set forth in sections 43.36 and
29 49.51, and section 49.57, subsection 6. If modified, the
30 county seal shall contain the name of the county, the word
31 "county", which may be abbreviated, the word "auditor", which
32 may be abbreviated, and the word "Iowa".>

33 2. Title page, by striking line 1 and inserting <An Act
34 relating to the conduct of elections, including the use
35 of absentee ballots and the placement of a county seal on

1 materials related to elections.>

2 3. By renumbering, redesignating, and correcting internal
3 references as necessary.>

4 2. By renumbering as necessary.

PAM JOCHUM