

House Amendment to
Senate File 568

S-3243

1 Amend Senate File 568, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 2, after line 16 by inserting:

4 <Sec. ____ . NEW SECTION. **39.28 Actions — intervention.**

5 1. A political party, as defined in section 43.2, or a
6 nonparty political organization organized pursuant to chapter
7 44, may intervene in a proceeding under chapter 17A or an
8 action filed in the district court, court of appeals, or
9 supreme court to challenge a provision of chapters 39 through
10 62 or a rule adopted to implement such a provision.

11 2. A political party, as defined in section 43.2, or a
12 nonparty political organization organized pursuant to chapter
13 44, may petition the district court to modify or vacate an
14 injunction against the enforcement of a provision of chapters
15 39 through 62. A denial of a petition to modify or vacate
16 an injunction is appealable as a matter of right as a final
17 judgment.>

18 2. Page 4, after line 1 by inserting:

19 <Sec. ____ . Section 43.36, Code 2021, is amended to read as
20 follows:

21 **43.36 Australian ballot.**

22 The Australian ballot system as now used in this state,
23 except as herein modified, shall be used at said primary
24 election. The endorsement of the precinct election officials
25 and the facsimile or likeness of the county seal shall appear
26 upon the ballots as provided for general elections.>

27 3. Page 7, after line 5 by inserting:

28 <Sec. ____ . Section 45.1, subsections 5, 6, 8, and 9, Code
29 2021, are amended to read as follows:

30 5. Nominations for candidates for offices filled by the
31 voters of a whole county may be made by nomination petitions
32 signed by eligible electors who are residents of the county
33 ~~equal in number to at least one percent of the number of~~
34 ~~registered voters in the county on July 1 in the year preceding~~
35 ~~the year in which the office will appear on the ballot, or by at~~

1 ~~least two hundred fifty eligible electors who are residents of~~
2 ~~the county, whichever is less. as follows:~~

3 a. For a county with a population of fifteen thousand or
4 fewer according to the most recent federal decennial census,
5 nomination petitions shall include at least fifty signatures.

6 b. For a county with a population of greater than fifteen
7 thousand but fewer than fifty thousand according to the most
8 recent federal decennial census, nomination petitions shall
9 include at least seventy-five signatures.

10 c. For a county with a population of fifty thousand or
11 greater according to the most recent federal decennial census,
12 nomination petitions shall include at least one hundred
13 signatures.

14 6. Nominations for candidates for the office of county
15 supervisor elected by the voters of a supervisor district may
16 be made by nomination petitions signed by eligible electors who
17 are residents of the supervisor district ~~equal in number to at~~
18 ~~least one percent of the number of registered voters in the~~
19 ~~supervisor district on July 1 in the year preceding the year~~
20 ~~in which the office will appear on the ballot, or by at least~~
21 ~~one hundred fifty eligible electors who are residents of the~~
22 ~~supervisor district, whichever is less. as follows:~~

23 a. For a supervisor district with a population of fifty
24 thousand or fewer according to the most recent federal
25 decennial census, nomination petitions shall include at least
26 fifty signatures.

27 b. For a supervisor district with a population of greater
28 than fifty thousand according to the most recent federal
29 decennial census, nomination petitions shall include at least
30 one hundred signatures.

31 8. Nominations for candidates for elective offices in
32 cities where the council has adopted nominations under this
33 chapter may be submitted as follows:

34 a. Except as otherwise provided in [subsection 9](#), in cities
35 having a population of ~~three thousand five hundred~~ twenty-five

1 thousand or greater according to the most recent federal
2 decennial census, nominations may be made by nomination papers
3 signed by not less than ~~twenty-five~~ seventy-five eligible
4 electors who are residents of the city or ward.

5 *b.* In cities having a population of ~~one hundred~~ seven
6 thousand five hundred or greater, but less than ~~three thousand~~
7 ~~five hundred~~ twenty-five thousand, according to the most recent
8 federal decennial census, nominations may be made by nomination
9 papers signed by not less than ~~ten~~ fifty eligible electors who
10 are residents of the city or ward.

11 *c.* In cities having a population of two thousand five
12 hundred or greater, but less than ~~one hundred~~ seven thousand
13 five hundred, according to the most recent federal decennial
14 census, nominations may be made by nomination papers signed
15 by not less than ~~five~~ twenty-five eligible electors who are
16 residents of the city or ward.

17 *d.* In cities having a population of less than two thousand
18 five hundred, according to the most recent federal decennial
19 census, nominations may be made by nomination papers signed by
20 not less than ten eligible electors who are residents of the
21 city or ward.

22 9. Nominations for candidates, other than partisan
23 candidates, for elective offices in special charter cities
24 subject to [section 43.112](#) may be submitted as follows:

25 *a.* For the office of mayor and alderman at large,
26 nominations may be made by nomination papers signed by
27 seventy-five eligible electors residing in the city ~~equal in~~
28 ~~number to at least two percent of the total vote received by~~
29 ~~all candidates for mayor at the last preceding city election.~~

30 *b.* For the office of ward alderman, nominations may be made
31 by nomination papers signed by seventy-five eligible electors
32 residing in the ward ~~equal in number to at least two percent of~~
33 ~~the total vote received by all candidates for ward alderman in~~
34 ~~that ward at the last preceding city election.~~

35 Sec. ____ . Section 48A.28, subsection 2, paragraph b, as

1 amended by 2021 Iowa Acts, Senate File 413, is amended to read
2 as follows:

3 *b.* A commissioner participating in the national change of
4 address program, in the first quarter of each calendar year,
5 shall send a notice and preaddressed, postage paid return
6 card by forwardable mail to each registered voter whose name
7 was not reported by the national change of address program
8 and who has not voted in the most recent general election and
9 has not registered again or who has not reported a change to
10 an existing registration. Registered voters receiving such
11 notice shall be marked inactive. The form and language of the
12 notice and return card shall be specified by the state voter
13 registration commission by rule. A registered voter shall
14 not be sent a notice and return card under this subsection
15 more frequently than once in a four-year period. A registered
16 voter shall not be sent a notice and return card under this
17 subsection if the registered voter was not eighteen years of
18 age on the date of the general election.>

19 4. Page 7, after line 20 by inserting:

20 <Sec. _____. Section 48A.41, subsection 1, as enacted by 2021
21 Iowa Acts, Senate File 413, section 32, is amended to read as
22 follows:

23 1. The state registrar of voters shall conduct an audit
24 of voter registration maintenance by each commissioner of
25 registration in April of each odd-numbered year, on a schedule
26 determined by the ~~commissioner~~ state registrar of voters.>

27 5. By striking page 8, line 30, through page 9, line 6.

28 6. Page 10, line 5, by striking ~~<or likeness of the>~~ and
29 inserting <facsimile or likeness of the>

30 7. Page 11, after line 25 by inserting:

31 <Sec. _____. Section 49.81, Code 2021, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 6. If a person casts a provisional ballot
34 pursuant to this section or section 49.78, the voter must offer
35 the required proof of residency or identification to vote in

1 the polling place before the polls close on election day, or
2 to the commissioner's office in order for the ballot to be
3 counted. The proof must be received by the commissioner not
4 later than noon on the Monday following the election, or if the
5 law authorizing the election specifies that the supervisors
6 canvass the votes earlier than the Monday following the
7 election, the proof must be received by the commissioner before
8 the canvass for that election by the board of supervisors.>

9 8. By striking page 12, line 15, through page 13, line 2.

10 9. Page 13, by striking lines 16 through 33.

11 10. Page 14, after line 25 by inserting:

12 <Sec. _____. Section 53.2, subsection 4, paragraph a,
13 subparagraph (1), Code 2021, is amended to read as follows:

14 (1) The name and signature of the registered voter and the
15 date on which the request was signed.

16 Sec. _____. Section 53.11, subsection 1, Code 2021, is amended
17 by adding the following new paragraphs:

18 NEW PARAGRAPH. c. An otherwise valid petition for a
19 satellite absentee voting station shall be rejected within four
20 days of the commissioner's receipt of the petition if any of
21 the following circumstances apply:

22 (1) The site requested is not accessible to elderly and
23 disabled voters.

24 (2) The site requested has other physical limitations that
25 make it impossible to meet the requirements for ballot security
26 and secret voting.

27 (3) The owner of the site refuses permission to locate the
28 satellite absentee voting station at the site requested by the
29 petition, unless the site is required to serve as a polling
30 place pursuant to section 49.21, subsection 2.

31 (4) After reasonable efforts, the commissioner is unable
32 to sufficiently staff the satellite absentee voting station to
33 ensure compliance with the law of this state.

34 NEW PARAGRAPH. d. An otherwise valid petition for a
35 satellite absentee voting station may be rejected within four

1 days of the commissioner's receipt of the petition if any of
2 the following circumstances apply:

3 (1) The petition requests a satellite absentee voting
4 station for a city runoff election and a special election is
5 scheduled to be held between the date of the regular city
6 election and the city runoff election.

7 (2) The owner of the site demands payment for the site's
8 use, unless the site is required to serve as a polling place
9 pursuant to section 49.21, subsection 2.

10 Sec. _____. Section 53.11, Code 2021, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 7. Notwithstanding subsection 1, if the
13 commissioner receives valid petitions to establish two or more
14 satellite absentee voting stations located within the same
15 precinct, the commissioner may choose to establish a satellite
16 absentee voting station at only one of the locations.>

17 11. Page 15, after line 11 by inserting:

18 <Sec. _____. Section 53.33, as enacted by 2021 Iowa Acts,
19 Senate File 413, section 65, is amended by striking the section
20 and inserting in lieu thereof the following:

21 **53.33 Unlawful return of ballot.**

22 1. For the purposes of this section:

23 *a. "Delivery agent"* means an individual registered to vote
24 in this state who has been designated to return a completed
25 absentee ballot to the commissioner by another registered
26 voter who is unable to return the registered voter's own
27 absentee ballot due to reason of blindness or other disability.
28 *"Delivery agent"* does not include the registered voter's
29 employer, an agent of the registered voter's employer, an
30 officer or agent of the registered voter's union, or a person
31 acting as an actual or implied agent for a political party
32 as defined in section 43.2, or a candidate or committee, as
33 defined in section 68A.102.

34 *b. "Immediate family member"* means an individual related to
35 a registered voter within the fourth degree of consanguinity

1 or affinity.

2 2. No person other than the registered voter, an individual
3 who lives in the same household as the registered voter, an
4 immediate family member of the registered voter, an individual
5 acting in accordance with section 53.22, or a delivery agent
6 acting on behalf of a registered voter who is unable to return
7 the registered voter's own ballot due to reason of blindness or
8 other disability, shall collect and return a completed absentee
9 ballot.

10 3. A registered voter who is unable to return the registered
11 voter's own completed absentee ballot due to reason of
12 blindness or any physical disability other than intoxication
13 may designate a delivery agent to return the registered voter's
14 completed absentee ballot. The registered voter shall complete
15 and sign a designation of delivery agent form prescribed by the
16 state commissioner prior to surrendering a ballot to a delivery
17 agent.

18 4. A delivery agent shall return no more than two completed
19 absentee ballots per election. This limit shall apply to all
20 elections occurring on the same calendar date.

21 5. A delivery agent shall fill out a receipt pursuant
22 to section 53.17, subsection 4, when retrieving a completed
23 absentee ballot from a registered voter.

24 6. A delivery agent shall collect the registered voter's
25 designation of delivery agent form at the time the delivery
26 agent collects the registered voter's completed absentee
27 ballot. The delivery agent shall deliver the registered
28 voter's designation of delivery agent form to the commissioner
29 at the same time as the registered voter's completed absentee
30 ballot.

31 7. Notwithstanding any provision of law to the contrary, a
32 delivery agent shall do all of the following when delivering a
33 completed absentee ballot to the commissioner:

34 a. Deliver the completed absentee ballot in person to the
35 commissioner's office. The delivery agent shall not deliver

1 the completed absentee ballot by mail or to a ballot drop box.

2 *b.* Present identification sufficient to establish identity
3 pursuant to section 49.78.

4 *c.* On a form prescribed by the state commissioner, the
5 delivery agent shall provide the delivery agent's full legal
6 name, residential address, phone number, and electronic mail
7 address, if applicable. The delivery agent shall also sign
8 under penalty of perjury a statement in substantially the
9 following form:

10 Under penalty of perjury, I hereby certify that I am a
11 registered voter in the State of Iowa and not the employer,
12 agent of the employer, or officer or agent of the union of
13 the registered voter whose completed absentee ballot I am
14 returning, or a person acting as an actual or implied agent for
15 a political party as defined in section 43.2, or a candidate
16 or committee, as defined in section 68A.102. I also certify
17 that I am acting as the delivery agent of the registered voter
18 whose completed absentee ballot I am returning, that I am
19 returning the registered voter's completed absentee ballot to
20 the commissioner who issued the ballot, and that I have not
21 altered or tampered with the ballot. I acknowledge that Iowa
22 law prohibits delivery agents from returning more than two
23 completed absentee ballots for all elections occurring on the
24 same date. I have complied with Iowa law. I understand that
25 if I provide false information on this form, I may be guilty of
26 perjury, a class "D" felony, and subject to a maximum prison
27 term not to exceed five years and a fine of at least \$1,025 but
28 not more than \$10,245.>

29 12. Page 16, line 32, by striking <a.>

30 13. Page 17, by striking lines 2 through 9.

31 14. Page 18, line 3, by striking <43.80, 49A.10, 49A.11,>
32 and inserting <43.80>

33 15. Page 18, after line 24 by inserting:

34 <i. The section of this Act amending section 45.1,
35 subsections 5, 6, 8, and 9.>

- 1 16. Page 18, line 25, by striking <i.> and inserting <j.>
- 2 17. Page 18, line 27, by striking <j.> and inserting <k.>
- 3 18. Title page, line 2, by striking <nominations and> and
4 inserting <nominations,>
- 5 19. Title page, line 3, after <Constitution,> by inserting
6 <and absentee voting,>
- 7 20. By renumbering as necessary.