

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED SECRETARY OF  
STATE BILL)

**A BILL FOR**

1 An Act relating to the administration of elections, making  
2 penalties applicable, and including effective date  
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.2, subsection 4, paragraph a, Code  
2 2021, is amended to read as follows:

3 a. For a county, in an odd-numbered year, the first Tuesday  
4 in March, the second Tuesday in September, or the first Tuesday  
5 after the first Monday in November. For a county, in an  
6 even-numbered year, the first Tuesday in March, ~~or~~ the second  
7 Tuesday in September, or the first Tuesday after the first  
8 Monday in November.

9 Sec. 2. Section 39A.3, subsection 1, paragraph b, Code 2021,  
10 is amended by adding the following new subparagraph:

11 NEW SUBPARAGRAPH. (9) Causes or permits voter registration  
12 data or information designated as confidential by chapter  
13 48A or 52 to be accessed, acquired, transmitted, or used for  
14 purposes other than permitted by section 47.7, 48A.10A, or  
15 53.2. For the purposes of this subparagraph, "*information*  
16 *designated as confidential*" includes a registered voter's  
17 driver's license number or nonoperator's identification card  
18 number, a registered voter's identification number assigned  
19 to the voter by the state commissioner pursuant to section  
20 47.7, a voter identification card number assigned under section  
21 48A.10A, and a voter verification number required under section  
22 53.2.

23 Sec. 3. Section 48A.30, subsection 1, paragraph a, Code  
24 2021, is amended to read as follows:

25 a. The registered voter dies. For the purposes of this  
26 subsection, the commissioner may accept as evidence of death a  
27 notice from the state registrar of vital statistics forwarded  
28 by the state registrar of voters, a notice from the federal  
29 social security administration, a written statement from a  
30 person related to the registered voter within the second degree  
31 of consanguinity or first degree of affinity, an obituary  
32 in a newspaper or that appears on the internet site of a  
33 funeral establishment licensed under chapter 156 or by the  
34 proper authority of another state, a written statement from an  
35 election official or personal representative of the registered

1 voter's estate, or a notice from the county recorder of the  
2 county where the registered voter died.

3 Sec. 4. Section 49.31, subsection 2, paragraph c, Code 2021,  
4 is amended to read as follows:

5 c. On the general election ballot the names of candidates  
6 for the nonpartisan offices listed in section 39.21 shall  
7 be arranged by drawing lots for position. The commissioner  
8 shall hold the drawing on the ~~first business day following the~~  
9 ~~deadline for filing of nomination certificates or petitions~~  
10 ~~with the commissioner for the general election pursuant to~~  
11 section 44.4 sixty-eighth day prior to the first Tuesday after  
12 the first Monday in November. If a candidate withdraws, dies,  
13 or is removed from the ballot after the ballot position of  
14 names has been determined, such candidate's name shall be  
15 removed from the ballot, and the order of the remaining names  
16 shall not be changed.

17 Sec. 5. Section 49.75, Code 2021, is amended to read as  
18 follows:

19 **49.75 Oath.**

20 Before opening the polls, each of the board members shall  
21 take the following oath:

22 I, A. B., do solemnly swear or affirm that I will  
23 impartially, and to the best of my knowledge and ability,  
24 perform the duties of precinct election official of this  
25 election, and will studiously endeavor to prevent fraud,  
26 deceit, and abuse in conducting the election.

27 I understand that as a precinct election official, I have  
28 access to certain information that is considered confidential  
29 and is protected under Code chapters 22, 39A, 48A, and 715C.  
30 Due to this protected status, I agree to only release this  
31 information in accordance with Iowa law.

32 Additionally, I understand that the prohibition on sharing  
33 confidential information extends before and after the hours  
34 that my assigned polling place is open.

35 Sec. 6. Section 49.78, subsection 4, Code 2021, is amended

1 to read as follows:

2 4. A person who is registered to vote but is unable  
3 to present a form of identification under subsection 2 or  
4 3 may establish identity and residency in the precinct by  
5 written oath of a person who is also registered to vote in  
6 the precinct. Before signing an oath under this subsection,  
7 the attesting registered voter shall present to the precinct  
8 election official proof of the voter's identity as provided  
9 in subsection 2 or 3. The attesting registered voter's oath  
10 shall attest to the stated identity of the person wishing to  
11 vote and that the person is a current resident of the precinct.  
12 The oath must be signed by the attesting registered voter in  
13 the presence of the appropriate precinct election official.  
14 A registered voter who has signed two oaths on election day  
15 attesting to a person's identity and residency as provided in  
16 this subsection is prohibited from signing any further oaths as  
17 provided in this subsection on that day.

18 Sec. 7. Section 50.24, subsection 2, Code 2021, is amended  
19 to read as follows:

20 2. Upon convening, the board shall open and canvass the  
21 tally lists and shall prepare abstracts stating the number of  
22 votes cast in the county, or in that portion of the county  
23 in which the election was held, for each office and on each  
24 question on the ballot for the election. The board shall  
25 contact the chairperson of the special precinct board before  
26 adjourning and include in the canvass any write-in votes  
27 tallied and recorded by the special precinct board or any  
28 absentee ballots which were received after the polls closed in  
29 accordance with section 53.17 and which were canvassed by the  
30 special precinct board after election day. The abstract shall  
31 further indicate the name of each person who received votes for  
32 each office on the ballot, and the number of votes each person  
33 named received for that office, and the number of votes for and  
34 against each question submitted to the voters at the election.  
35 The votes of all write-in candidates who each received less

1 than five percent of the votes cast for an office or who  
2 each received fewer than ten votes and was not determined to  
3 be elected shall be reported collectively under the heading  
4 "scattering".

5 Sec. 8. Section 50.51, subsection 5, Code 2021, is amended  
6 to read as follows:

7 5. In advance of ~~any~~ all other election elections, the state  
8 commissioner ~~may~~ shall order an audit of the election in the  
9 manner provided in this section.

10 Sec. 9. Section 53.22, subsection 3, Code 2021, is amended  
11 to read as follows:

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

28 Sec. 10. Section 53.22, subsection 6, paragraph a, Code  
29 2021, is amended to read as follows:

30 a. If the registered voter becomes a patient, tenant, or  
31 resident of a hospital, assisted living program, or health  
32 care facility outside the county where the voter is registered  
33 to vote ~~within three days before the date of any election~~  
34 after the deadline to make a written application for an  
35 absentee ballot pursuant to section 53.2 or on election day,

1 the voter may designate a person to deliver and return the  
2 absentee ballot. The designee may be any person the voter  
3 chooses except that no candidate for any office to be voted  
4 upon for the election for which the ballot is requested may  
5 deliver a ballot under this subsection. The request for an  
6 absentee ballot may be made by telephone to the office of the  
7 commissioner not later than four hours before the close of the  
8 polls. If the requester is found to be a registered voter of  
9 that county, the ballot shall be delivered by mail or by the  
10 person designated by the voter. An application form shall be  
11 included with the absentee ballot and shall be signed by the  
12 voter and returned with the ballot.

13 Sec. 11. Section 53.30, Code 2021, is amended to read as  
14 follows:

15 **53.30 Ballots, ballot envelopes, and other information**  
16 **preserved.**

17 1. At the conclusion of each meeting of the absentee and  
18 special voter precinct board, the board shall reconcile the  
19 number of signed affidavits provided to the board by the  
20 commissioner and the number of ballots that were counted and  
21 tabulated. The board shall record the number of ballots that  
22 were rejected prior to opening the affidavit envelope, the  
23 number of absentee ballots that have been challenged and are  
24 currently unopened, and the number of absentee ballots that  
25 were accepted for counting and tabulated. The board shall also  
26 reconcile the number of provisional ballots provided to the  
27 board by the commissioner, the number of provisional ballots  
28 that were accepted for counting and tabulation, and the number  
29 of provisional ballots that were rejected.

30 2. At the conclusion of each meeting of the absentee and  
31 special voters precinct board, the board shall securely seal  
32 all ballots counted by them in the manner prescribed in section  
33 50.12. The ballot envelopes, including the affidavit envelope  
34 if an affidavit envelope was provided, the return envelope, and  
35 secrecy envelope bearing the signatures of precinct election

1 officials, as required by section 53.23, shall be preserved.  
2 All applications for absentee ballots, ballots rejected without  
3 being opened, absentee ballot logs, and any other documents  
4 pertaining to the absentee ballot process shall be preserved  
5 until such time as the documents may be destroyed pursuant to  
6 section 50.19.

7 3. Following each primary and general election, each  
8 commissioner shall report to the state commissioner the number  
9 of voted absentee ballots received by the commissioner, the  
10 total number of ballots counted and tabulated by the board,  
11 and the number of absentee ballots rejected by the board. The  
12 commissioner shall also provide the total number of provisional  
13 ballots cast, the number of provisional ballots rejected,  
14 and the number of provisional ballots that were counted and  
15 tabulated by the board.

16 Sec. 12. Section 53.49, Code 2021, is amended to read as  
17 follows:

18 **53.49 Applicable to armed forces and other citizens.**

19 The provisions of this subchapter as to absent voting shall  
20 apply only to absent voters in the armed forces of the United  
21 States as defined for the purpose of absentee voting in section  
22 53.37. The provisions of sections 53.1 through ~~53.34~~ 53.33  
23 shall apply to all other voters not members of the armed forces  
24 of the United States.

25 Sec. 13. Section 99F.7, subsection 11, paragraph a, Code  
26 2021, is amended to read as follows:

27 a. A license to conduct gambling games in a county shall  
28 be issued only if the county electorate approves the conduct  
29 of the gambling games as provided in this subsection. The  
30 board of supervisors, upon receipt of a valid petition meeting  
31 the requirements of section 331.306, and subject to the  
32 requirements of paragraph "e", shall direct the commissioner of  
33 elections to submit to the registered voters of the county a  
34 proposition to approve or disapprove the conduct of gambling  
35 games in the county. The proposition shall be submitted at an

1 election held on a date specified in section 39.2, subsection  
2 4, paragraph "a". ~~To be submitted at a general election, the~~  
3 ~~petition must be received by the board of supervisors at least~~  
4 ~~five working days before the last day for candidates for county~~  
5 ~~offices to file nomination papers for the general election~~  
6 ~~pursuant to section 44.4.~~ If a majority of the county voters  
7 voting on the proposition favor the conduct of gambling games,  
8 the commission may issue one or more licenses as provided in  
9 this chapter. If a majority of the county voters voting on  
10 the proposition do not favor the conduct of gambling games, a  
11 license to conduct gambling games in the county shall not be  
12 issued.

13 Sec. 14. Section 277.4, subsection 4, Code 2021, is amended  
14 to read as follows:

15 4. Any person on whose behalf nomination petitions have  
16 been filed under this section may withdraw as a candidate by  
17 filing a signed statement to that effect with the secretary at  
18 ~~any time prior to 5:00 p.m. on the thirty-fifth day before the~~  
19 election consistent with section 44.9, subsection 5.

20 Sec. 15. REPEAL. Section 53.34, Code 2021, is repealed.

21 Sec. 16. REPEAL. 2017 Iowa Acts, chapter 155, section 1,  
22 is repealed.

23 Sec. 17. EFFECTIVE DATE. The following, being deemed of  
24 immediate importance, take effect upon enactment:

25 1. The section of this Act amending section 49.75.

26 2. The section of this Act amending section 49.78,  
27 subsection 4.

28 3. The section of this Act amending section 53.22,  
29 subsection 3.

30 4. The section of this Act amending section 53.22,  
31 subsection 6, paragraph "a".

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with  
34 the explanation's substance by the members of the general assembly.

35 This bill relates to the conduct of elections.



1 The bill adds the first Tuesday after the first Monday in  
2 November of an even-numbered year as an available date for a  
3 county to hold a special election on a public measure.

4 The bill adds the disclosure of confidential voter  
5 information for nonapproved purposes to the definition of  
6 election misconduct in the second degree. By operation of  
7 law, a person who commits election misconduct in the second  
8 degree is guilty of an aggravated misdemeanor. An aggravated  
9 misdemeanor is punishable by confinement for no more than two  
10 years and a fine of at least \$855 but not more than \$8,540.

11 The bill allows a county commissioner of registration to  
12 cancel a voter's registration if the commissioner receives  
13 notice of the voter's death from the federal social security  
14 administration.

15 The bill sets the date for the drawing of lots for the  
16 arrangement of candidates on a nonpartisan ballot to the  
17 sixty-eighth day prior to the first Tuesday after the first  
18 Monday in November.

19 The bill adds provisions regarding the safeguarding of  
20 confidential information to the oath taken by precinct election  
21 officials. This provision of the bill takes effect upon  
22 enactment.

23 The bill requires a voter who is attesting to the  
24 identity of a registered voter who is unable to produce  
25 voter identification to first provide proof of the attesting  
26 voter's identity. This provision of the bill takes effect upon  
27 enactment.

28 The bill requires a county board of supervisors to report  
29 write-in candidates who received fewer than 10 votes and were  
30 not elected under the collective heading "scattering" when  
31 canvassing votes after an election.

32 The bill requires the state commissioner of elections to  
33 order election audits prior to all elections other than general  
34 elections.

35 The bill allows a registered voter who becomes a patient,

1 tenant, or resident of a hospital, assisted living program,  
2 or health care facility in the county where the voter is  
3 registered to vote after the deadline for making a written  
4 application for an absentee ballot to request an absentee  
5 ballot during that period, including election day. Current law  
6 allows a person who becomes so confined within three days prior  
7 to the date of an election to request an absentee ballot. This  
8 provision of the bill takes effect upon enactment.

9 The bill requires an absentee and special voters precinct  
10 board to reconcile the number of signed affidavits provided  
11 to the board by the commissioner and the number ballots that  
12 were counted and tabulated at the conclusion of each meeting.  
13 The board shall also reconcile the number of provisional  
14 ballots provided to the board by the commissioner, the number  
15 of provisional ballots that were accepted for counting and  
16 tabulation, and the number of provisional ballots that were  
17 rejected. The bill also requires each county commissioner of  
18 elections to report to the state commissioner of elections  
19 following each primary and general election. The report shall  
20 include the number of voted absentee ballots received by the  
21 commissioner, the total number of ballots counted and tabulated  
22 by the board, and the number of absentee ballots rejected  
23 by the board. The commissioner shall also report the total  
24 number of provisional ballots cast, the number of provisional  
25 ballots rejected, and the number of provisional ballots that  
26 were counted and tabulated by the absentee and special voters  
27 precinct board.

28 The bill removes a special deadline for the receipt of  
29 petitions for ballot propositions to approve the conduct of  
30 gambling games in a county. The bill requires such petitions  
31 to be submitted as required for other petitions.

32 The bill changes the withdrawal deadline for candidates for  
33 school district office from 35 days before the election to 25  
34 days before the election.

35 The bill repeals a section of 2017 Iowa Acts, chapter 155,

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1 that was not codified and is inconsistent with current law.

2 The bill removes a provision making the willful false

3 swearing of an affidavit a fraudulent practice.