

Senate File 2269

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AN ACT

RELATING TO ELECTIONS AND VOTER REGISTRATION, INCLUDING
IMPLEMENTING REQUIREMENTS OF FEDERAL LAW, ADJUSTING
LANGUAGE TO REFLECT CURRENT PRACTICE, MAKING CHANGES
RELATED TO VOTING MACHINES, MAKING CHANGES RELATED TO
ABSENTEE VOTING, PROVIDING PENALTIES, AND PROVIDING
EFFECTIVE AND APPLICABILITY DATES.

1 11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 12
1 13 Section 1. Section 39A.4, subsection 1, paragraph c, Code
1 14 2003, is amended by adding the following new subparagraphs:
1 15 NEW SUBPARAGRAPH. (11) Returning a voted absentee ballot,
1 16 by mail or in person, to the commissioner's office and the
1 17 person returning the ballot is not the voter, an absentee
1 18 ballot courier, a special precinct election official
1 19 designated pursuant to section 53.22, subsection 1, or the
1 20 designee of a voter described in section 53.22, subsection 5.
1 21 NEW SUBPARAGRAPH. (12) Making a false or untrue statement
1 22 reporting that a voted absentee ballot was returned to the
1 23 commissioner's office, by mail or in person, by a person other
1 24 than the voter, an absentee ballot courier, a special precinct
1 25 election official designated pursuant to section 53.22,
1 26 subsection 1, or the designee of a voter described in section
1 27 53.22, subsection 5.

1 28 Sec. 2. Section 46.21, unnumbered paragraph 1, Code 2003,
1 29 is amended to read as follows:

1 30 At least sixty-nine days before each judicial election, the
1 31 state commissioner of elections shall certify to the county
1 32 commissioner of elections of each county a list of the judges
1 33 of the supreme court, court of appeals, and district court
1 34 including district associate judges, full-time associate
1 35 juvenile judges, and full-time associate probate judges, and
2 1 clerks of the district court to be voted on in each county at
2 2 that election. The county commissioner of elections shall
2 3 place the names upon the ballot in the order in which they
2 4 appear in the certificate, ~~unless only one county is voting~~
~~2 5 thereon.~~ The state commissioner of elections shall rotate the
2 6 names in the certificate by county, ~~or the county commissioner~~
~~2 7 of elections shall rotate them upon the ballot by precinct if~~
~~2 8 only one county is voting thereon.~~ The names of all judges
2 9 and clerks to be voted on shall be placed upon one ballot,
2 10 which shall be in substantially the following form:

2 11 Sec. 3. Section 47.1, Code Supplement 2003, is amended by
2 12 adding the following new unnumbered paragraph:

2 13 NEW UNNUMBERED PARAGRAPH. The state commissioner shall
2 14 adopt rules pursuant to chapter 17A, for the implementation of
2 15 uniform and nondiscriminatory administrative complaint
2 16 procedures for resolution of grievances relating to violations
2 17 of Title III of Pub. L. No. 107-252. In complaint proceedings
2 18 in which all of the respondents are local election officials,
2 19 the presiding officer shall be the state commissioner of
2 20 elections. In complaint proceedings in which one of the
2 21 respondents is the state commissioner of elections, the
2 22 presiding officer shall be a panel consisting of all members
2 23 of the state voter registration commission appointed pursuant
2 24 to section 47.8, except the state commissioner of elections or
2 25 the state commissioner's designee.

2 26 Sec. 4. Section 47.7, subsections 2, 3, and 4, Code
2 27 Supplement 2003, are amended by striking the subsections and
2 28 inserting in lieu thereof the following:

2 29 2. a. On or before January 1, 2006, the state registrar
2 30 of voters shall implement in a uniform and nondiscriminatory
2 31 manner, a single, uniform, official, centralized, interactive
2 32 computerized statewide voter registration file defined,
2 33 maintained, and administered at the state level that contains
2 34 the name and registration information of every legally
2 35 registered voter in the state and assigns a unique identifier
3 1 to each legally registered voter in the state. The state
3 2 voter registration system shall be coordinated with other
3 3 agency databases within the state, including, but not limited
3 4 to, the department of transportation driver's license records,
3 5 judicial records of convicted felons and persons declared

3 6 incompetent to vote, and department of public health records
3 7 of deceased persons.

3 8 b. On or after January 1, 2006, a county shall not
3 9 establish or maintain a voter registration system separate
3 10 from the state voter registration system. Each county shall
3 11 provide to the state registrar the names, voter registration
3 12 information, and voting history of each registered voter in
3 13 the county in the form required by the state registrar.

3 14 c. A state or local election official may obtain immediate
3 15 electronic access to the information contained in the
3 16 computerized voter registration file. All voter registration
3 17 information obtained by a local election official shall be
3 18 electronically entered into the computerized voter
3 19 registration file on an expedited basis at the time the
3 20 information is provided to the local election official. The
3 21 state registrar shall provide such support as may be required
3 22 to enable local election officials to electronically enter the
3 23 information into the computerized voter registration file on
3 24 an expedited basis. The list generated from the computerized
3 25 file shall serve as the official voter registration list for
3 26 the conduct of all elections for federal office in the state.

3 27 d. The state registrar shall prescribe by rule the
3 28 procedures for access to the state voter registration file,
3 29 security requirements, and access protocols for adding,
3 30 changing, or deleting information from the state voter
3 31 registration file.

3 32 Sec. 5. Section 47.8, Code Supplement 2003, is amended by
3 33 adding the following new subsection:

3 34 NEW SUBSECTION. 5. In complaint proceedings held pursuant
3 35 to section 47.1 in which one of the respondents is the state
4 1 commissioner of elections, the presiding officer shall be a
4 2 panel consisting of all members of the state voter
4 3 registration commission, except the state commissioner of
4 4 elections or the state commissioner's designee.

4 5 Sec. 6. Section 48A.8, Code 2003, is amended to read as
4 6 follows:

4 7 48A.8 REGISTRATION BY MAIL.

4 8 1. An eligible elector may register to vote by completing
4 9 a mail registration form. The form may be mailed or delivered
4 10 by the registrant or the registrant's designee to the
4 11 commissioner in the county where the person resides. A
4 12 separate registration form shall be signed by each individual
4 13 registrant.

4 14 2. An eligible elector who registers by mail and who has
4 15 not previously voted in an election for federal office in the
4 16 county of registration shall be required to provide
4 17 identification documents when voting for the first time in the
4 18 county, unless the registrant provided on the registration
4 19 form the registrant's Iowa driver's license number, or the
4 20 registrant's Iowa nonoperator's identification card number, or
4 21 the last four numerals of the registrant's social security
4 22 number and the driver's license, nonoperator's identification,
4 23 or partial social security number matches an existing state or
4 24 federal identification record with the same number, name, and
4 25 date of birth. If the registrant under this subsection votes
4 26 in person at the polls, or by absentee ballot at the
4 27 commissioner's office or at a satellite voting station, the
4 28 registrant shall provide a current and valid photo
4 29 identification card, or shall present to the appropriate
4 30 election official one of the following current documents that
4 31 shows the name and address of the registrant:

4 32 a. Utility bill.

4 33 b. Bank statement.

4 34 c. Paycheck.

4 35 d. Government check.

5 1 e. Other government document.

5 2 3. If the registrant under subsection 2 votes an absentee
5 3 ballot by mail, the registrant shall provide a photocopy of
5 4 one of the documents listed in subsection 2 when returning the
5 5 absentee ballot.

5 6 4. A registrant under subsection 2 who is required to
5 7 present identification when casting a ballot in person shall
5 8 be permitted to vote a provisional ballot if the voter does
5 9 not provide the required identification documents. If a voter
5 10 who is required to present identification when casting a
5 11 ballot votes an absentee ballot by mail, the ballot returned
5 12 by the voter shall be considered a provisional ballot pursuant
5 13 to sections 49.81 and 53.31.

5 14 Sec. 7. Section 48A.11, subsection 1, paragraph b, Code
5 15 2003, is amended to read as follows:

5 16 b. The registrant's name, including first name and any

5 17 family forename or surname.

5 18 Sec. 8. Section 48A.11, subsection 1, paragraph e, Code
5 19 2003, is amended by striking the paragraph and inserting in
5 20 lieu thereof the following:

5 21 e. Iowa driver's license number if the registrant has a
5 22 current and valid Iowa driver's license, Iowa nonoperator's
5 23 identification card if the registrant has a current and valid
5 24 Iowa nonoperator's identification card, or the last four
5 25 numerals of the registrant's social security number. If the
5 26 registrant does not have an Iowa driver's license number, an
5 27 nonoperator's identification card number, or a social security
5 28 number, the form shall provide space for a number to be
5 29 assigned as provided in subsection 7.

5 30 Sec. 9. Section 48A.11, subsection 1, paragraph f, Code
5 31 2003, is amended to read as follows:

5 32 f. Date of birth, including month, date, and year.

5 33 Sec. 10. Section 48A.11, Code 2003, is amended by adding
5 34 the following new subsection:

5 35 NEW SUBSECTION. 2A. The following questions and statement
6 1 regarding eligibility shall be included on forms that may be
6 2 used for registration by mail:

6 3 a. Are you a citizen of the United States of America?

6 4 b. Will you be eighteen years of age on or before election
6 5 day?

6 6 c. If you checked "no" in response to either of these
6 7 questions, do not complete this form.

6 8 Sec. 11. Section 48A.11, subsection 5, Code 2003, is
6 9 amended to read as follows:

6 10 5. All forms for voter registration shall be prescribed ~~by~~
~~6 11 rule adopted~~ by the state voter registration commission.

6 12 Sec. 12. Section 48A.11, Code 2003, is amended by adding
6 13 the following new subsection:

6 14 NEW SUBSECTION. 7. A voter registration application
6 15 lacking the registrant's name, sex, date of birth, or
6 16 residence address or description shall not be processed. A
6 17 voter registration application lacking the registrant's
6 18 driver's license number, Iowa nonoperator's identification
6 19 card number, or the last four digits of the registrant's
6 20 social security number shall not be processed. A registrant
6 21 whose registration is not processed pursuant to this
6 22 subsection shall be notified pursuant to section 48A.26,
6 23 subsection 3. A registrant who does not have an Iowa driver's
6 24 license number, an Iowa nonoperator's identification number,
6 25 or a social security number and who notifies the registrar of
6 26 such shall be assigned a unique identifying number that shall
6 27 serve to identify the registrant for voter registration
6 28 purposes.

6 29 Sec. 13. NEW SECTION. 48A.25A VERIFICATION OF VOTER
6 30 REGISTRATION INFORMATION.

6 31 Upon receipt of an application for voter registration by
6 32 mail, the state registrar of voters shall compare the driver's
6 33 license number, the Iowa nonoperator's identification card
6 34 number, or the last four numerals of the social security
6 35 number provided by the registrant with the records of the
7 1 state department of transportation. To be verified, the voter
7 2 registration record shall contain the same name, date of
7 3 birth, and driver's license or whole or partial social
7 4 security number as the records of the department of
7 5 transportation. If the information cannot be verified, the
7 6 application shall be rejected and the registrant shall be
7 7 notified of the reason for the rejection. If the information
7 8 can be verified, a record shall be made of the verification
7 9 and the application shall be accepted.

7 10 The voter registration commission shall adopt rules in
7 11 accordance with chapter 17A to provide procedures for
7 12 processing registration applications if the department of
7 13 transportation does not, before the close of registration for
7 14 an election for which the voter registration would be
7 15 effective, if verified, provide a report that the information
7 16 on the application has matched or not matched the records of
7 17 the department.

7 18 This section does not apply to persons entitled to register
7 19 to vote and to vote pursuant to section 48A.5, subsection 4.

7 20 Sec. 14. Section 48A.26, subsection 3, Code 2003, is
7 21 amended to read as follows:

7 22 3. If the registration form is missing required
7 23 information pursuant to section 48A.11, subsection 7, the
7 24 acknowledgment shall advise the applicant what additional
7 25 information is required. The commissioner shall enclose a new
7 26 registration by mail form for the applicant to use. If the
7 27 registration form has no address, the commissioner shall make

7 28 a reasonable effort to determine where the acknowledgment
7 29 should be sent. If the incomplete application is received
7 30 during the twelve days before the close of registration for an
7 31 election, the commissioner shall provide the registrant with
7 32 an opportunity to complete the form before the close of
7 33 registration.

7 34 Sec. 15. Section 48A.26, Code 2003, is amended by adding
7 35 the following new subsections:
8 1 NEW SUBSECTION. 3A. If the registrant applied by mail to
8 2 register to vote and did not answer either "yes" or "no" to
8 3 the question in section 48A.11, subsection 2A, paragraph "a",
8 4 the application shall be processed, but the registration shall
8 5 be designated as valid only for elections that do not include
8 6 candidates for federal offices on the ballot. The
8 7 acknowledgment shall advise the applicant that the status of
8 8 the registration is local and the reason for the registration
8 9 being assigned local status. The commissioner shall enclose a
8 10 new registration by mail form for the applicant to use. If
8 11 the original application is received during the twelve days
8 12 before the close of registration for an election that includes
8 13 candidates for federal offices on the ballot, the commissioner
8 14 shall provide the registrant with an opportunity to complete
8 15 the form before the close of registration.

8 16 NEW SUBSECTION. 3B. If the registrant applied by mail to
8 17 register to vote and answered "no" to the question in section
8 18 48A.11, subsection 2A, paragraph "a", the application shall
8 19 not be processed. The acknowledgement shall advise the
8 20 applicant that the registration has been rejected because the
8 21 applicant indicated on the registration form that the
8 22 applicant is not a citizen of the United States.

8 23 Sec. 16. Section 48A.28, subsection 2, unnumbered
8 24 paragraph 2, Code 2003, is amended to read as follows:
8 25 A commissioner participating in the national change of
8 26 address program, in the first quarter of each calendar year,
8 27 shall send a notice and preaddressed, postage paid return card
8 28 by forwardable mail to each registered voter whose name was
8 29 not reported by the national change of address program and who
8 30 has not voted ~~in two or more consecutive general elections~~
8 31 and has not registered again, or who has not reported a change
8 32 to an existing registration, or who has not responded to a
8 33 notice from the commissioner or registrar during the preceding
8 34 four calendar years period between and following the previous
8 35 two general elections. The form and language of the notice

9 1 and return card shall be specified by the state voter
9 2 registration commission by rule. A registered voter shall not
9 3 be sent a notice and return card under this subsection more
9 4 frequently than once in a four-year period.

9 5 Sec. 17. Section 48A.36, subsection 2, Code 2003, is
9 6 amended to read as follows:

9 7 2. Upon receipt of electronic registration data under
9 8 subsection 1, the state registrar of voters ~~may shall~~ cause
9 9 the updating of registration records ~~for registrants in~~
9 10 ~~counties which have arranged for data processing services~~
9 11 ~~under section 47.7, subsection 2.~~ The registrar shall notify
9 12 the appropriate commissioner of the actions taken.

9 13 Sec. 18. Section 48A.37, subsection 2, Code 2003, is
9 14 amended to read as follows:

9 15 2. Electronic records shall include a status code
9 16 designating whether the records are active, ~~or~~ inactive,
9 17 local, or pending. Inactive records are records of registered
9 18 voters to whom notices have been sent pursuant to section
9 19 48A.28, subsection 3, and who have not returned the card or
9 20 otherwise responded to the notice, and those records have been
9 21 designated inactive pursuant to section 48A.29. Local records
9 22 are records of applicants who did not answer either "yes" or
9 23 "no" to the question in section 48A.11, subsection 2A,
9 24 paragraph "a". Pending records are records of applicants
9 25 whose applications have not been verified pursuant to section
9 26 48A.25A. All other records are active records. An inactive
9 27 record shall be made active when the registered voter votes at
9 28 an election, registers again, or reports a change of name,
9 29 address, telephone number, or political party affiliation. A
9 30 pending record shall be made active upon verification. A
9 31 local record shall be valid for any election for which no
9 32 candidates for federal office appear on the ballot, but the
9 33 registrant may not vote in a federal election unless the
9 34 registrant submits a new voter registration application before
9 35 election day indicating that the applicant is a citizen of the
10 1 United States.

10 2 Sec. 19. Section 48A.38, subsection 1, paragraph f, Code
10 3 2003, is amended to read as follows:

10 4 f. The county commissioner of registration and the state
10 5 registrar of voters shall remove a voter's social security
10 6 number, driver's license number, or Iowa nonoperator's
10 7 identification card number from a voter registration list
10 8 prepared pursuant to this section.

10 9 Sec. 20. Section 49.81, Code 2003, is amended to read as
10 10 follows:

10 11 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST PROVISIONAL
10 12 BALLOT.

10 13 1. A prospective voter who is prohibited under section
10 14 48A.8, subsection 4, section 49.77, subsection 4, or section
10 15 49.80 from voting except under this section shall be permitted
10 16 to notified by the appropriate precinct election official that
10 17 the voter may cast a paper provisional ballot. If a booth
10 18 meeting the requirement of section 49.25 is not available at
10 19 that polling place, the precinct election officials shall make
10 20 alternative arrangements to insure the challenged voter the
10 21 opportunity to vote in secret. The marked ballot, folded as
10 22 required by section 49.84, shall be delivered to a precinct
10 23 election official who shall immediately seal it in an envelope
10 24 of the type prescribed by subsection 4. The sealed envelope
10 25 shall be deposited in a special an envelope marked "ballots
10 26 for special precinct" "provisional ballots" and shall be
10 27 considered as having been cast in the special precinct
10 28 established by section 53.20 for purposes of the postelection
10 29 canvass.

10 30 2. Each person who casts a special provisional ballot
10 31 under this section shall receive a printed statement in
10 32 substantially the following form:

10 33 Your qualifications as a registered voter have been
10 34 challenged for the following reasons:

- 10 35 I.
11 1 II.
11 2 III.

11 3 You must show identification before your ballot can be
11 4 counted. Please bring or mail a copy of a current and valid
11 5 photo identification card to the county commissioners office
11 6 or bring or mail a copy of one of the following current
11 7 documents that show your name and address:

- 11 8 a. Utility bill.
11 9 b. Bank statement.
11 10 c. Paycheck.
11 11 d. Government check.
11 12 e. Other government document.

11 13 PARAGRAPH DIVIDED. Your right to vote will be reviewed by
11 14 the special precinct counting board on You have the
11 15 right and are encouraged to make a written statement and
11 16 submit additional written evidence to this board supporting
11 17 your qualifications as a registered voter. This written
11 18 statement and evidence may be given to an election official of
11 19 this precinct on election day or mailed or delivered to the
11 20 county commissioner of elections, but must be received before
11 21 a.m./p.m. on at If your ballot is not
11 22 counted you will receive, by mail, notification of this fact
11 23 and the reason that the ballot was not counted.

11 24 3. Any elector may present written statements or
11 25 documents, supporting or opposing the counting of any special
11 26 provisional ballot, to the precinct election officials on
11 27 election day, until the hour for closing the polls. Any
11 28 statements or documents so presented shall be delivered to the
11 29 commissioner when the election supplies are returned.

11 30 4. The individual envelopes used for each paper
11 31 provisional ballot cast pursuant to subsection 1 shall have
11 32 printed on them the format of the face of the registration
11 33 form under section 48A.8 and the following:

11 34 I believe I am a registered voter of this precinct county
11 35 and I am eligible to vote in this election. I registered to
12 1 vote in county on or about at My name at
12 2 that time was I have not moved to a different county
12 3 since that time. I am a United States citizen, at least
12 4 eighteen years of age.

12 5
12 6 (signature of voter) (date)

12 7 The following information is to be provided by the precinct
12 8 election official:

12 9 Reason for challenge:
12 10
12 11

12 12 Did not present required identification form.

12 13
12 14 (signature of precinct

election official)

12 15
12 16 The precinct election official shall attach a completed
12 17 voter registration form from each provisional voter unless the
12 18 person's registration status is listed in the election
12 19 register as pending.

12 20 Sec. 21. Section 49.98, Code 2003, is amended to read as
12 21 follows:

12 22 49.98 COUNTING BALLOTS.

12 23 The ballots shall be counted according to the voters' marks
12 24 on them as provided in sections 49.92 to 49.97, and not
12 25 otherwise. If, for any reason, it is impossible to determine
12 26 from a ballot, as marked, the choice of the voter for any
12 27 office, the vote for that office shall not be counted. When
12 28 there is a conflict between a straight party or organization
12 29 vote for one political party or nonparty political
12 30 organization and the vote cast by marking the voting target
12 31 next to the name of a candidate for another political party or
12 32 nonparty political organization on the ballot, the mark next
12 33 to the name of the candidate shall be held to control, and the
12 34 straight party or organization vote in that case shall not
12 35 apply as to that office. ~~Any ballot shall be rejected if it~~

~~is marked in any other manner than authorized in sections~~
~~49.92 to 49.97.~~ A ballot shall be rejected if the voter used
13 3 a mark to identify the voter's ballot. For each voting
13 4 system, the state commissioner shall, by rule adopted pursuant
13 5 to chapter 17A, develop uniform definitions of what
13 6 constitutes a vote.

13 7 Sec. 22. Section 50.20, Code 2003, is amended to read as
13 8 follows:

13 9 50.20 NOTICE OF NUMBER OF ~~SPECIAL~~ PROVISIONAL BALLOTS.

13 10 The commissioner shall compile a list of the number of
13 11 ~~special~~ provisional ballots cast under section 49.81 in each
13 12 precinct. The list shall be made available to the public as
13 13 soon as possible, but in no case later than nine o'clock a.m.
13 14 on the second day following the election. Any elector may
13 15 examine the list during normal office hours, and may also
13 16 examine the affidavit envelopes bearing the ballots of
13 17 challenged electors until the reconvening of the special
13 18 precinct board as required by this chapter. Only those
13 19 persons so permitted by section 53.23, subsection 4, shall
13 20 have access to the affidavits while that board is in session.
13 21 Any elector may present written statements or documents,
13 22 supporting or opposing the counting of any special ballot, at
13 23 the commissioner's office until the reconvening of the special
13 24 precinct board.

13 25 Sec. 23. Section 50.21, unnumbered paragraph 2, Code 2003,
13 26 is amended to read as follows:

13 27 If no ~~special~~ provisional ballots were cast in the county
13 28 pursuant to section 49.81 at any election, the special
13 29 precinct election board need not be so reconvened. If the
13 30 number of ~~special~~ provisional ballots ~~so~~ cast at any election
13 31 is not sufficient to require reconvening of the entire
13 32 election board of the special precinct, the commissioner may
13 33 reconvene only the number of members required. If the number
13 34 of ~~special~~ provisional ballots cast at any election exceeds
13 35 the number of absentee ballots cast, the size of the special
14 1 precinct election board may be increased at the commissioner's
14 2 discretion. The commissioner shall observe the requirements
14 3 of sections 49.12 and 49.13 in making adjustments to the size
14 4 of the special precinct election board.

14 5 Sec. 24. Section 52.1, subsection 2, paragraph h, Code
14 6 2003, is amended to read as follows:

14 7 h. "Voting machine" means a mechanical or electronic
14 8 device, meeting the requirements of section 52.7, designated
14 9 for use in casting, registering, recording, and counting votes
14 10 at an election. "Voting machine" includes, but is not limited
14 11 to, direct recording electronic devices.

14 12 Sec. 25. Section 52.2, Code 2003, is amended to read as
14 13 follows:

14 14 52.2 PURCHASE.

14 15 The board of supervisors of ~~any a~~ county may, by a majority
14 16 vote, authorize, purchase, and order the use of ~~either~~ voting
14 17 machines or an electronic voting system in any one or more
14 18 voting precincts within ~~said~~ the county until otherwise
14 19 ordered by ~~said the~~ board of supervisors. Voting machines and
14 20 an electronic voting system may be used concurrently ~~at~~
~~different precincts within any county, but not at the same~~
14 21 ~~precinct.~~

14 22
14 23 Sec. 26. Section 52.5, unnumbered paragraph 2, Code 2003,
14 24 is amended to read as follows:

14 25 The state commissioner shall formulate, with the advice and

14 26 assistance of the examiners, and adopt rules governing the
14 27 testing and examination of any voting machine or electronic
14 28 voting system by the board of examiners. The rules shall
14 29 prescribe the method to be used in determining whether the
14 30 machine or system is suitable for use within the state and
14 31 performance standards for voting equipment in use within the
14 32 state. The rules shall provide that all electronic voting
14 33 systems and voting machines approved for use by the examiners
14 34 after April 9, 2003, shall meet voting systems performance and
14 35 test standards, as adopted by the federal election commission

15 1 on April 30, 2002, and as deemed adopted by Pub. L. No. 107-
15 2 252, section 222. The rules shall include standards for
15 3 determining when recertification is necessary following
15 4 modifications to the equipment or to the programs used in
15 5 tabulating votes, and a procedure for rescinding certification
15 6 if a system or machine is found not to comply with performance
15 7 standards adopted by the state commissioner.

15 8 Sec. 27. Section 52.7, unnumbered paragraphs 2 and 4, Code
15 9 2003, are amended to read as follows:

15 10 It must also be so constructed as to prevent voting for
15 11 more than one person for the same office, except where the
15 12 voter is lawfully entitled to vote for more than one person
15 13 for that office; and it must afford the voter an opportunity
15 14 to vote for any or all persons for that office as the voter is
15 15 by law entitled to vote for and no more, at the same time
15 16 preventing the voter from voting for the same person twice.
15 17 The voting machine must be so constructed as to provide the
15 18 voter with an opportunity to change a vote before the ballot
15 19 is recorded and counted.

15 20 Such machine shall be so constructed as to accurately
15 21 account for every vote cast upon it. The machine shall be so
15 22 constructed as to remove information from the ballot
15 23 identifying the voter before the ballot is recorded and
15 24 counted. If the machine is a direct electronic recording
15 25 device, the machine shall be so constructed as to store each
15 26 ballot cast separate from the ballot tabulation function,
15 27 which ballot may be reproduced on paper in the case of a
15 28 recount, manual audit, or machine malfunction.

15 29 Sec. 28. Section 53.2, unnumbered paragraph 1, Code 2003,
15 30 is amended to read as follows:

15 31 Any registered voter, under the circumstances specified in
15 32 section 53.1, may on any day, except election day, and not
15 33 more than seventy days prior to the date of the election,
15 34 apply in person for an absentee ballot at the commissioner's
15 35 office or at any location designated by the commissioner, ~~or.~~
16 1 A registered voter may make written application to the
16 2 commissioner for an absentee ballot. A written application
16 3 for an absentee ballot must be received by the commissioner no
16 4 later than five p.m. on the Friday before the election. A
16 5 written application for an absentee ballot delivered to the
16 6 commissioner and received by the commissioner more than
16 7 seventy days prior to the date of the election shall be
16 8 retained by the commissioner and processed in the same manner
16 9 as a written application received not more than seventy days
16 10 before the date of the election.

16 11 PARAGRAPH DIVIDED. The state commissioner shall prescribe
16 12 a form for absentee ballot applications. ~~However, if a~~
16 13 ~~registered voter submits an application that includes all of~~
16 14 ~~the information required in this section, the prescribed form~~
16 15 ~~is not required.~~ Absentee ballot applications may include
16 16 instructions to send the application directly to the county
16 17 commissioner of elections. However, no absentee ballot
16 18 application shall be preaddressed or printed with instructions
16 19 to send the applications to anyone other than the appropriate
16 20 commissioner.

16 21 Sec. 29. Section 53.2, Code 2003, is amended by adding the
16 22 following new unnumbered paragraph:

16 23 NEW UNNUMBERED PARAGRAPH. An application for an absentee
16 24 ballot that is returned to the commissioner by a person acting
16 25 as an actual or implied agent for a political party,
16 26 candidate, or committee, all as defined by chapter 68A, shall
16 27 be returned to the commissioner within seventy-two hours of
16 28 the time the completed application was received from the
16 29 applicant or no later than five p.m. on the Friday before the
16 30 election, whichever is earlier.

16 31 Sec. 30. NEW SECTION. 53.3 RECEIPT REQUIRED FOR CERTAIN
16 32 ABSENTEE BALLOT APPLICATIONS.

16 33 When an application for an absentee ballot is solicited by,
16 34 and returned to the commissioner by, a person acting as an
16 35 actual or implied agent for a political party, candidate, or
17 1 committee, as defined by chapter 68A, the person shall issue

17 2 to the applicant a receipt for the completed application.

17 3 The receipt shall contain the following information:

17 4 1. The name of the applicant.

17 5 2. The date and time the completed application was
17 6 received from the applicant.

17 7 3. The name and date of the election for which the
17 8 application is being completed.

17 9 4. The name of the political party, candidate, or
17 10 committee for whom the person is soliciting and returning the
17 11 application for the absentee ballot.

17 12 5. The name of the person acting as an actual or implied
17 13 agent for the political party, candidate, or committee.

17 14 6. A statement that the application will be delivered to
17 15 the appropriate commissioner within seventy-two hours of the
17 16 date and time the completed application was received from the
17 17 applicant or no later than five p.m. on the Friday before the
17 18 election, whichever is earlier.

17 19 7. A statement that an absentee ballot will be mailed to
17 20 the applicant within twenty-four hours after the ballot for
17 21 the election is available.

17 22 The commissioner shall make receipt forms required by this
17 23 section available for photocopying at the expense of the
17 24 political party, candidate, or committee.

17 25 Sec. 31. Section 53.8, subsection 1, Code 2003, is amended
17 26 to read as follows:

17 27 1. Upon receipt of an application for an absentee ballot
17 28 and immediately after the absentee ballots are printed, the
17 29 commissioner shall mail an absentee ballot to the applicant
17 30 within twenty-four hours, except as otherwise provided in
17 31 subsection 3. The absentee ballot shall be enclosed in an
17 32 unsealed envelope bearing a serial number and affidavit. The
17 33 absentee ballot and unsealed envelope shall be enclosed in or
17 34 with a carrier envelope marked postage paid which bears the
17 35 same serial number as the unsealed envelope. The absentee
18 1 ballot, unsealed envelope, and carrier envelope shall be
18 2 enclosed in a third envelope to be sent to the registered
18 3 voter. If the ballot cannot be folded so that all of the
18 4 votes cast on the ballot will be hidden, the commissioner
18 5 shall also enclose a secrecy envelope with the absentee
18 6 ballot.

18 7 Sec. 32. Section 53.8, subsection 2, Code 2003, is amended
18 8 to read as follows:

18 9 2. If an application is received so late that it is
18 10 unlikely that the absentee ballot can be returned in time to
18 11 be counted on election day, the commissioner shall enclose
18 12 with the absentee ballot a statement to that effect. The
18 13 statement shall also point out that it is possible for the
18 14 applicant, or the applicant's designee if the absentee ballot
18 15 is voted by a voter described in section 53.22, subsection 5,
18 16 to personally deliver the completed absentee ballot to the
18 17 office of the commissioner at any time before the closing of
18 18 the polls on election day. The statement shall also point out
18 19 that it is possible for an absentee ballot courier to
18 20 personally deliver the completed absentee ballot to the office
18 21 of the commissioner within seventy-two hours of retrieving the
18 22 completed ballot or before the closing of the polls on
18 23 election day, whichever is earlier.

18 24 Sec. 33. Section 53.17, Code 2003, is amended to read as
18 25 follows:

18 26 53.17 MAILING OR DELIVERING BALLOT.

18 27 1. The sealed envelope containing the absentee ballot
18 28 shall be enclosed in a carrier envelope which shall be
18 29 securely sealed. The sealed carrier envelope shall be
18 30 returned to the commissioner by one of the following methods:

18 31 ~~1- a.~~ a. The sealed carrier envelope may be delivered by the
18 32 registered voter, by the special precinct election officials
18 33 designated pursuant to section 53.22, subsection 1, or by the
18 34 voter's designee if the absentee ballot is voted by a voter
18 35 described in section 53.22, subsection 5, to the

19 1 commissioner's office no later than the time the polls are
19 2 closed on election day, except as otherwise provided in
19 3 subsection 4.

19 4 ~~2- b.~~ b. The sealed carrier envelope may be mailed to the
19 5 commissioner by the registered voter, by an immediate family
19 6 member of the voter, or by the voter's designee if the ballot
19 7 is voted by a voter described in section 53.22, subsection 5.
19 8 ~~The carrier envelope shall indicate that greater postage than~~
19 9 ~~ordinary first class mail may be required. The commissioner~~
19 10 ~~shall pay any insufficient postage due on a carrier envelope~~
19 11 ~~bearing ordinary first class postage and accept the ballot.~~

19 12 c. The sealed carrier envelope may be delivered to the

19 13 commissioner by an absentee ballot courier, but only as
19 14 provided in subsection 4.

19 15 2. In order for the ballot to be counted, the carrier
19 16 envelope must be received in the commissioner's office before
19 17 the polls close on election day or be clearly postmarked by an
19 18 officially authorized postal service not later than the day
19 19 before the election and received by the commissioner not later
19 20 than noon on the Monday following the election.

19 21 3. If the law authorizing the election specifies that the
19 22 supervisors canvass the votes earlier than the Monday
19 23 following the election, absentee ballots returned through the
19 24 mail must be received not later than the time established for
19 25 the canvass by the board of supervisors for that election.
19 26 The commissioner shall contact the post office serving the
19 27 commissioner's office at the latest practicable hour before
19 28 the canvass by the board of supervisors for that election, and
19 29 shall arrange for absentee ballots received in that post
19 30 office but not yet delivered to the commissioner's office to
19 31 be brought to the commissioner's office before the canvass for
19 32 that election by the board of supervisors.

19 33 4. a. A person who acts as an actual or implied agent of
19 34 a political party, candidate, or committee, as defined by
19 35 chapter 68A, shall be registered with the commissioner as an
20 1 absentee ballot courier in order to deliver completed absentee
20 2 ballots to the commissioner. A candidate whose name is on the
20 3 ballot or an elected official shall not be registered as an
20 4 absentee ballot courier.

20 5 b. Absentee ballot couriers shall be registered with the
20 6 commissioner by the person providing the training required in
20 7 paragraph "c". The registration shall include the courier's
20 8 name and address and the best means for contacting the person
20 9 or the political party, candidate, or committee for which the
20 10 person is acting as an actual or implied agent. An absentee
20 11 ballot courier must be registered with the commissioner prior
20 12 to each election for which the person will be delivering
20 13 completed absentee ballots to the commissioner. However, if a
20 14 person has completed training as an absentee ballot courier
20 15 and the trainer is unable to register the person because the
20 16 commissioner's office is closed, the person may retrieve
20 17 completed absentee ballots if the trainer registers the
20 18 courier with the commissioner by facsimile transmission within
20 19 twenty-four hours of completion of training or by personally
20 20 delivering the registration information to the commissioner's
20 21 office by the close of the next business day following
20 22 completion of training or by mailing the registration
20 23 information to the commissioner, in which case the mailing
20 24 must be postmarked no later than the next business day
20 25 following completion of training. For each election, the
20 26 commissioner shall maintain a list of all persons who have
20 27 been registered as absentee ballot couriers.

20 28 c. A person wishing to be registered as an absentee ballot
20 29 courier must complete a training course in the laws,
20 30 procedures, and penalties related to handling completed
20 31 absentee ballots. The training course shall be conducted by
20 32 the commissioner; the commissioner's designee; or, in the case
20 33 of partisan elections, by the respective state or county
20 34 central committees, or a member of the paid staff of such
20 35 committees, or by the county party or the state party, or a
21 1 member of the paid staff of such parties. The curriculum for
21 2 the training course shall be established by the state
21 3 commissioner by rule adopted pursuant to chapter 17A.

21 4 d. When an absentee ballot courier retrieves a completed
21 5 absentee ballot from a voter, the courier shall fill out a
21 6 receipt to be retained by the voter. The state commissioner
21 7 shall prescribe a form for receipts required by this
21 8 subsection. The receipt shall include all of the following:

21 9 (1) The name of the courier.

21 10 (2) The date and time the voted absentee ballot was
21 11 received from the voter.

21 12 (3) The name and date of the election for which the
21 13 absentee ballot is being voted.

21 14 (4) The name of the political party, candidate, or
21 15 committee for which the courier is acting as an actual or
21 16 implied agent.

21 17 (5) A statement that the completed absentee ballot will be
21 18 delivered to the commissioner's office within seventy-two
21 19 hours or before the closing of the polls on election day,
21 20 whichever is earlier.

21 21 (6) A statement informing the voter that the voter may
21 22 verify that the person retrieving the completed ballot is a
21 23 registered absentee ballot courier by contacting the county

21 24 auditor's office.
21 25 e. An absentee ballot courier shall submit a cover sheet
21 26 listing the names of persons whose ballots are being delivered
21 27 each time the courier delivers ballots to the commissioner's
21 28 office. A completed ballot and cover sheet shall only be
21 29 delivered to the commissioner's office by the absentee ballot
21 30 courier who retrieved the ballot or by one other absentee
21 31 ballot courier designated by the political party, candidate,
21 32 or committee for which the absentee ballot couriers are acting
21 33 as actual or implied agents. The cover sheet shall include
21 34 space for the name and signature of the absentee ballot
21 35 courier who retrieved the ballot and the name and signature of
22 1 any second absentee ballot courier designated to deliver the
22 2 ballot and cover sheet to the commissioner's office.

22 3 f. A violation of any part of this subsection is election
22 4 misconduct in the first degree, pursuant to section 39A.2,
22 5 subsection 1, paragraph "b", subparagraph (1).

22 6 5. For purposes of this section, "immediate family member"
22 7 means the spouse, adult child or stepchild, adult grandchild,
22 8 parent or stepparent, grandparent, or adult sibling of the
22 9 voter.

22 10 Sec. 34. NEW SECTION. 53.37A STATE COMMISSIONER DUTIES.
22 11 The state commissioner of elections shall provide
22 12 information regarding voter registration procedures and
22 13 absentee ballot procedures to be used by members of the armed
22 14 forces of the United States. The state commissioner shall
22 15 accept valid voter registration applications and absentee
22 16 ballot applications and shall forward the applications to the
22 17 appropriate county commissioner of elections in a timely
22 18 manner.

22 19 Sec. 35. Section 53.40, unnumbered paragraph 1, Code 2003,
22 20 is amended to read as follows:

22 21 A request in writing for a ballot may be made by any member
22 22 of the armed forces of the United States who is or will be a
22 23 qualified voter on the day of the election at which the ballot
22 24 is to be cast, at any time before the election. Any member of
22 25 the armed forces of the United States may request ballots for
22 26 all elections to be held ~~within a calendar year through the~~
22 27 ~~next two general elections~~. The request may be made by using
22 28 the federal postcard application form and indicating that the
22 29 applicant wishes to receive ballots for all elections as
22 30 permitted by state law. The county commissioner shall send
22 31 the applicant a ballot for each election held ~~during the~~
22 32 ~~calendar year in which~~ after the application is received and
22 33 ~~through the next two general elections~~. The commissioner
22 34 shall forward a copy of the absentee ballot request to other
22 35 commissioners who are responsible under section 47.2,
23 1 subsection 2, for conducting elections in which the applicant
23 2 is eligible to vote.

23 3 Sec. 36. Section 53.53, Code 2003, is amended by adding
23 4 the following new unnumbered paragraphs:

23 5 NEW UNNUMBERED PARAGRAPH. A federal write-in ballot
23 6 received by the state commissioner of elections shall be
23 7 forwarded immediately to the appropriate county commissioner.
23 8 However, if the state commissioner receives a federal write-in
23 9 ballot after election day and before noon on the Monday
23 10 following an election, the state commissioner shall at once
23 11 verify that the voter has complied with the requirements of
23 12 this section and that the voter's federal write-in ballot is
23 13 eligible to be counted. If the ballot is eligible to be
23 14 counted, the state commissioner shall notify the appropriate
23 15 county commissioner and make arrangements for the ballot to be
23 16 transmitted to the county for counting. If the ballot is not
23 17 eligible to be counted, the state commissioner shall mail the
23 18 ballot to the appropriate commissioner along with notification
23 19 that the ballot is ineligible to be counted. The county
23 20 commissioner shall keep the ballot with the other records of
23 21 the election.

23 22 NEW UNNUMBERED PARAGRAPH. The county commissioner shall
23 23 notify a voter when the voter's federal write-in ballot was
23 24 not counted and shall give the voter the reason the ballot was
23 25 not counted.

23 26 Sec. 37. IMMEDIATE EFFECTIVE DATE. This Act, being deemed
23 27 of immediate importance, takes effect upon enactment and
23 28 applies to elections held on or after September 15, 2004.
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23 31

23 32 JEFFREY M. LAMBERTI
23 33 President of the Senate
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CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2269, Eightieth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2004

THOMAS J. VILSACK
Governor