

House File 516 - Enrolled

House File 516

AN ACT

RELATING TO THE CONDUCT AND ADMINISTRATION OF ELECTIONS,
INCLUDING VOTER REGISTRATION, ABSENTEE VOTING, VOTER
IDENTITY VERIFICATION, SIGNATURE VERIFICATION, POLLING
PLACE PROHIBITIONS, COMMISSIONER DUTIES AND CERTIFICATIONS,
VOTER MISCONDUCT INFORMATION AND REPORTING, STRAIGHT PARTY
VOTING, THE VOTING AGE AT PRIMARY ELECTIONS, CANDIDATE
FILING DEADLINES, AND POST-ELECTION AUDITS, CREATING AN
ELECTRONIC POLL BOOK AND POLLING PLACE TECHNOLOGY REVOLVING
LOAN FUND, PROVIDING PENALTIES, AND INCLUDING EFFECTIVE DATE
AND APPLICABILITY PROVISIONS.

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

DIVISION I

GENERAL PROVISIONS

Section 1. Section 22.7, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 70. The voter verification number, as defined in section 53.2, subsection 4, paragraph "c", that is assigned to a voter and maintained and updated in the statewide voter registration system.

NEW SUBSECTION. 71. The personal identification number assigned by the state commissioner of elections pursuant to section 48A.10A, subsection 1.

Sec. 2. Section 39A.5, subsection 1, paragraph b, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) Violating any provision of chapter 48A for which another penalty is not provided.

Sec. 3. NEW SECTION. **48A.24 Deadline for submitting voter registration forms.**

1. A person who accepts a completed voter registration form from an applicant shall submit the form to the appropriate commissioner within seven days of receiving the form if the person accepting the form is doing so on behalf of any of the following:

a. A political party, as defined in section 43.2.

b. A nonparty political organization required to nominate candidates under chapter 44.

c. A candidate or committee, as defined in section 68A.102.

2. Notwithstanding the deadline in subsection 1, a person described in subsection 1 who accepts a completed voter registration form from an applicant within three days of the voter registration deadline prescribed in section 48A.9 for the next election shall submit the form to the appropriate commissioner within twenty-four hours of accepting the form, and not later than the registration deadline.

Sec. 4. Section 48A.30, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Of.* The registered voter is not a resident of Iowa, or the registered voter submits documentation under section 607A.4, subsection 3, that indicates that the voter is not a citizen of the United States.

Sec. 5. Section 48A.31, Code 2017, is amended to read as follows:

48A.31 Deceased persons record.

The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, once each calendar quarter, a certified list of all persons seventeen ~~and one-half~~ years of age and older in the state whose deaths have been reported to the bureau of vital records of the Iowa department of public health since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications

of the state registrar of voters and shall be transmitted to the state registrar of voters without charge for production or transmission. The commissioner shall, in the month following the end of a calendar quarter, run the statewide voter registration system's matching program to determine whether a listed decedent was registered to vote in the county and shall immediately cancel the registration of any person named on the list of decedents.

Sec. 6. Section 53.2, subsections 1, 4, and 8, Code 2017, are amended to read as follows:

1. *a.* Any registered voter, under the circumstances specified in [section 53.1](#), may on any day, except election day, and not more than ~~seventy~~ one hundred twenty days prior to the date of the election, apply in person for an absentee ballot at the commissioner's office or at any location designated by the commissioner. However, for those elections in which the commissioner directs the polls be opened at noon pursuant to section 49.73, a voter may apply in person for an absentee ballot at the commissioner's office from 8:00 a.m. until 11:00 a.m. on election day.

b. A registered voter may make written application to the commissioner for an absentee ballot. A written application for an absentee ballot must be received by the commissioner no later than 5:00 p.m. ~~on the Friday before the election~~ on the same day as the voter registration deadline provided in section 48A.9 for the election for which the ballot is requested, except when the absentee ballot is requested and voted at the commissioner's office pursuant to section 53.10. A written application for an absentee ballot delivered to the commissioner and received by the commissioner more than ~~seventy~~ one hundred twenty days prior to the date of the election shall be ~~retained by the commissioner and processed in the same manner as a written application received not more than seventy days before the date of the election~~ returned to the voter with a notification of the date when the applications will be accepted.

4. *a.* Each application shall contain the following information:

(1) The name and signature of the registered voter, ~~the.~~

(2) The registered voter's date of birth, ~~the~~.

(3) The address at which the voter is registered to vote, ~~and the~~.

(4) The registered voter's voter verification number.

(5) The name or date of the election for which the absentee ballot is requested, ~~and such~~.

(6) Such other information as may be necessary to determine the correct absentee ballot for the registered voter.

b. If insufficient information has been provided, including the absence of a voter verification number, either on the prescribed form or on an application created by the applicant, the commissioner shall, by the best means available, obtain the additional necessary information. A voter requesting or casting a ballot pursuant to section 53.22 shall not be required to provide a voter verification number.

c. For purposes of this subsection, "voter verification number" means the registered voter's driver's license number or nonoperator's identification card number assigned to the voter by the department of transportation or the registered voter's identification number assigned to the voter by the state commissioner pursuant to section 47.7, subsection 2.

8. An application for an absentee ballot that is returned to the commissioner by a person acting as an actual or implied agent for a political party, as defined in section 43.2, or by a candidate, or committee, all both as defined by chapter 68A, shall be returned to the commissioner within seventy-two hours of the time the completed application was received from the applicant or no later than 5:00 p.m. on the Friday before same day as the election deadline under subsection 1, paragraph "b", whichever is earlier. An application received by a person acting as an actual or implied agent of a political party after the deadline but before the date of the election shall be returned to the commissioner within twenty-four hours.

Sec. 7. Section 53.8, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For envelopes mailed at any election other than the primary election, the commissioner shall not mark any envelope with any information related to the party affiliation of the applicant.

Sec. 8. Section 53.10, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A voter shall not vote or offer to vote any ballot except such as the voter has received from the commissioner. A voter voting an absentee ballot at the commissioner's office shall not take or remove any ballot from the commissioner's office.

Sec. 9. Section 53.23, subsection 3, paragraph b, subparagraph (1), Code 2017, is amended to read as follows:

(1) The commissioner may direct the board to meet on the day before the election for the purpose of reviewing the absentee voters' affidavits appearing on the sealed envelopes. If in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, the members of the board may open the sealed affidavit envelopes and remove the secrecy envelope containing the ballot, but under no circumstances shall a secrecy envelope or a return envelope marked with an affidavit be opened before the board convenes on election day, except as provided in paragraph "c". If the affidavit envelopes are opened before election day pursuant to this paragraph "b", ~~two observers, one~~ the observers appointed by each of ~~the two~~ political parties referred to in ~~section 49.13, subsection 2,~~ party, as defined in section 43.2, shall witness the proceedings. Each political party may appoint up to five observers under this paragraph "b". The observers shall be appointed by the county chairperson or, if the county chairperson fails to make an appointment, by the state chairperson. However, if either or both political parties fail to appoint an observer, the commissioner may continue with the proceedings.

Sec. 10. Section 53.23, subsection 4, Code 2017, is amended to read as follows:

4. The room where members of the special precinct election board are engaged in counting absentee ballots on the day before the election pursuant to [subsection 3](#), paragraph "c", or during the hours the polls are open shall be policed so as to prevent any person other than those whose presence is authorized by [this subsection](#) from obtaining information about the progress of the count. The only persons who may

be admitted to that room are the members of the board, ~~one challenger~~ five challengers representing each political party, one observer representing any nonparty political organization or any candidate nominated by petition pursuant to chapter 45 or any other nonpartisan candidate in a city or school election appearing on the ballot of the election in progress, one observer representing persons supporting a public measure appearing on the ballot and one observer representing persons opposed to such measure, and the commissioner or the commissioner's designee. It shall be unlawful for any of these persons to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time while the board is convened pursuant to subsection 3, paragraph "c", or at any time before the polls are closed.

Sec. 11. EFFECTIVE DATE. The section of this division of this Act amending section 53.2 takes effect January 1, 2018.

DIVISION II

VOTER IDENTITY AND SIGNATURE VERIFICATION

Sec. 12. Section 48A.2, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. "*Voter identification card*" means a card issued pursuant to section 48A.10A.

Sec. 13. Section 48A.7A, subsection 1, paragraph b, subparagraph (1), subparagraph division (c), Code 2017, is amended to read as follows:

(c) A United States military or veterans identification card.

Sec. 14. Section 48A.7A, subsection 1, paragraph b, subparagraph (2), unnumbered paragraph 1, Code 2017, is amended to read as follows:

If the photographic identification presented does not contain the person's current address in the precinct, the person shall also present one of the following documents that shows the person's name and current address in the precinct, and the document must be dated, or describe terms of residency current to, within forty-five days prior to presentation:

Sec. 15. Section 48A.7A, subsection 1, paragraph c, Code 2017, is amended to read as follows:

c. In lieu of paragraph "b", a person wishing to vote

may establish identity and residency in the precinct by written oath of a person who is registered to vote in the precinct. Before signing an oath under this paragraph, the attesting registered voter shall present to the precinct election official proof of the voter's identity, as described in section 49.78, subsection 2. The registered voter's oath shall attest to the stated identity of the person wishing to vote and that the person is a current resident of the precinct. The oath must be signed by the attesting registered voter in the presence of the appropriate precinct election official. A registered voter who has signed an oath on election day attesting to a person's identity and residency as provided in this paragraph is prohibited from signing any further oaths as provided in this paragraph on that day.

Sec. 16. Section 48A.7A, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *a.* If a person registers to vote under this section at a polling place that has access to an electronic poll book, the precinct election official shall verify against a database maintained by the state commissioner that the person has not been convicted of a felony or, if the person has been convicted of a felony, the person has had the person's voting rights restored. If the precinct election official determines that the person has not been convicted of a felony or has been convicted of a felony but the person's voting rights have been restored, the precinct election official shall furnish a ballot to the voter. If the database indicates that the person has been convicted of a felony and that the person's voting rights have not been restored, the precinct election official shall challenge the person under section 49.79.

b. If a person registers to vote under this section at a polling place that does not have access to an electronic poll book, the person shall be permitted to cast a provisional ballot under section 49.81, and the absentee and special voters precinct board, appointed pursuant to section 53.23, shall verify against a database maintained by the state commissioner that the person has not been convicted of a felony or, if the person has been convicted of a felony, the person's voting

rights have been restored. If information in the database indicates that the person has not been convicted of a felony or, if the person has been convicted of a felony, the person's voting rights have been restored, the voter's provisional ballot shall be counted. If the database indicates that the person has been convicted of a felony and the person's voting rights have not been restored, the voter's provisional ballot shall be rejected.

Sec. 17. Section 48A.8, subsection 2, Code 2017, is amended to read as follows:

2. An eligible elector who registers by mail and who has not previously voted in an election for federal office in the county of registration shall be required to provide identification documents when voting for the first time in the county, unless the registrant provided on the registration form the registrant's Iowa driver's license number, or the registrant's Iowa nonoperator's identification card number, or the last four numerals of the registrant's social security number and the driver's license, nonoperator's identification, or partial social security number matches an existing state or federal identification record with the same number, name, and date of birth. If the registrant under this subsection votes in person at the polls, or by absentee ballot at the commissioner's office or at a satellite voting station, the registrant shall provide a current and valid photo identification card, ~~or~~ and shall present, as proof of residence, to the appropriate election official one of the following current documents that shows the name and address of the registrant:

0a. Residential lease.

00a. Property tax statement.

a. Utility bill.

b. Bank statement.

c. Paycheck.

d. Government check.

e. Other government document.

Sec. 18. NEW SECTION. **48A.10A Voter identification cards — verification of voter registration information.**

1. The state registrar shall compare lists of persons who

are registered to vote with the department of transportation's driver's license and nonoperator's identification card files and shall, on an initial basis, issue a voter identification card to each active, registered voter whose name does not appear in the department of transportation's files. The voter identification card shall include the name of the registered voter, a signature line above which the registered voter shall sign the voter identification card, the registered voter's identification number assigned to the voter pursuant to section 47.7, subsection 2, and an additional four-digit personal identification number assigned by the state commissioner.

2. The commissioner shall issue voter identification cards on an ongoing basis as prescribed by the state registrar. The commissioner shall, as a part of the voter acknowledgment process required under sections 48A.26 and 48A.26A, issue a voter identification card to a registered voter under this subsection at the time of registration or update to registration if the registered voter's name does not appear in the department of transportation's driver's license or nonoperator's identification card files. A registered voter whose name appears in the department of transportation's driver's license or nonoperator's identification card files shall not be issued a voter identification card pursuant to this section.

3. A person issued a voter identification card under this section shall not be charged any fee for the issuance or delivery of the voter identification card.

4. Implementation of this section shall be contingent upon appropriations by the general assembly in sufficient amounts to meet the requirements of this section.

5. The state registrar shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 19. Section 48A.26A, subsection 1, Code 2017, is amended to read as follows:

1. Within ~~forty-five~~ twenty-one days of receiving a voter registration form completed under [section 48A.7A](#), the commissioner shall send an acknowledgment to the registrant, in the manner provided in [section 48A.26, subsections 2 through 5](#), as applicable, at the mailing address shown on the registration

form. The acknowledgment shall be sent by nonforwardable mail.

Sec. 20. NEW SECTION. **48A.26B Form of acknowledgment.**

The state registrar shall adopt rules pursuant to chapter 17A to prescribe the form of written acknowledgments sent to a registrant by a commissioner pursuant to section 48A.26 or 48A.26A.

Sec. 21. Section 48A.38, subsection 1, paragraph f, Code 2017, is amended to read as follows:

f. The county commissioner of registration and the state registrar of voters shall remove a voter's whole or partial social security number, as applicable, voter identification number assigned by the state commissioner, Iowa driver's license number, or Iowa nonoperator's identification card number from a voter registration list prepared pursuant to this section.

Sec. 22. Section 49.53, subsection 1, Code 2017, is amended to read as follows:

1. The commissioner shall not less than four nor more than twenty days before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a facsimile of the portion of the ballot containing the first rotation as prescribed by [section 49.31, subsection 2](#), and shall show the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. The sample ballot published as a part of the notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not cause upper case letters appearing in candidates' names or in summaries of public measures on the published sample ballot to be less than nine point type. The notice shall also state the date of the election, the hours the polls will be open, that each voter is required to provide identification at the polling place before the voter can receive and cast a ballot, the location of each polling place at which voting is to occur in the election, and the names of the precincts voting at each polling place, but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice. The notice shall include the full

text of all public measures to be voted upon at the election.

Sec. 23. Section 49.77, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The board members of their respective precincts shall have charge of the ballots and shall furnish them to the voters after verifying each voter's identity pursuant to section 49.78.

Sec. 24. Section 49.77, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

VOTER'S DECLARATION
OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the precinct, ward or township, city of, county of, Iowa.

I am a registered voter. I was born on the day of (month) (year). I have not voted and will not vote in any other precinct in said election.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

.....
Signature of Voter
.....
Address
.....
Telephone (optional)

Approved:

.....

Board Member

Sec. 25. Section 49.77, subsection 3, Code 2017, is amended by striking the subsection.

Sec. 26. Section 49.77, subsection 4, paragraph a, Code 2017, is amended to read as follows:

a. A person whose name does not appear on the election register of the precinct in which that person claims the right to vote shall not be permitted to vote, unless the person affirms that the person is currently registered in the county

and presents proof of identity and residence as required pursuant to section 48A.8, or the commissioner informs the precinct election officials that an error has occurred and that the person is a registered voter of that precinct. If the commissioner finds no record of the person's registration but the person insists that the person is a registered voter of that precinct, the precinct election officials shall allow the person to cast a ballot in the manner prescribed by section 49.81.

Sec. 27. NEW SECTION. **49.78 Voter identity and signature verification.**

1. To ensure the integrity of, and to instill public confidence in, all elections in this state the general assembly finds that the verification of a voter's identity is necessary before a voter is permitted to receive and cast a ballot.

2. *a.* Before a precinct election official furnishes a ballot to a voter under section 49.77, the voter shall establish the voter's identity by presenting the official with one of the following forms of identification for verification:

(1) An Iowa driver's license issued pursuant to section 321.189.

(2) An Iowa nonoperator's identification card issued pursuant to section 321.190.

(3) A United States passport.

(4) A United States military or veterans identification card.

b. Upon being presented with a form of identification under this section, the precinct election official shall examine the identification. The precinct election official shall use the information on the identification card, including the signature, to determine whether the person offering to vote appears to be the person depicted on the identification card. The voter's signature shall generally be presumed to be valid. If the identification provided does not appear to be the person offering to vote under section 49.77, the precinct election official shall challenge the person offering to vote in the same manner provided for other challenges by sections 49.79 and 49.80. A person offering to vote who establishes identity by presenting a veteran's identification card that does not

contain a signature, is not subject to challenge under this paragraph "b".

3. To establish the voter's identity under this section, a person who is registered to vote but is unable to present a form of identification listed under subsection 2 may present any of the following:

a. A current voter identification card provided pursuant to section 48A.10A that contains the voter identification number if the voter identification card is signed before the voter presents the card to the election official.

b. Other forms of identification sufficient to establish identity and residence under section 48A.7A, subsection 1, paragraph "b".

4. A person who is registered to vote but is unable to present a form of identification under subsection 2 or 3 may establish identity and residency in the precinct by written oath of a person who is also registered to vote in the precinct. The attesting registered voter's oath shall attest to the stated identity of the person wishing to vote and that the person is a current resident of the precinct. The oath must be signed by the attesting registered voter in the presence of the appropriate precinct election official. A registered voter who has signed two oaths on election day attesting to a person's identity and residency as provided in this subsection is prohibited from signing any further oaths as provided in this subsection on that day.

5. The form of the written oath required of a registered voter attesting to the identity and residency of the voter unable to present a form of identification shall read as follows:

I, (name of attesting registered voter), do solemnly swear or affirm all of the following:

I am a preregistered voter in this precinct or I registered to vote in this precinct today, and a registered voter did not sign an oath on my behalf. I have not signed more than one oath attesting to the identity and residence of any other person in this election.

I am a resident of the ... precinct, ... ward or township, city of, county of, Iowa.

I reside at (street address) in (city or township).

I personally know (name of voter), and I personally know that (name of voter) is a resident of the ... precinct, ward or township, city of, county of, Iowa. I understand that any false statement in this oath is a class "D" felony punishable by no more than five years in confinement and a fine of at least seven hundred fifty dollars but not more than seven thousand five hundred dollars.

.....
Signature of Attesting Registered Voter
Subscribed and sworn before me on .. (date).

.....
Signature of Precinct Election Official

6. A voter who is not otherwise disqualified from voting and who has established identity under subsection 2, 3, or 4 shall be furnished a ballot and be allowed to vote under section 49.77.

7. A registered voter who fails to establish the voter's identity under this section shall be permitted to cast a provisional ballot under section 49.81.

8. a. Notwithstanding subsection 7, for any election conducted prior to January 1, 2019, a registered voter who fails to establish the voter's identity under this section shall be permitted to vote upon signing an oath attesting to the voter's identity. The form of the written oath required of the person voting under this subsection shall read as follows: My name is, and I am a United States citizen, at least eighteen years of age. I am the person named above, I am a registered voter of this county, and I am eligible to vote in this election.

.....
(signature of voter) (date)

b. This subsection is repealed July 1, 2019.

Sec. 28. Section 49.81, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A prospective voter who is unable to establish identity under section 49.78, subsection 2, paragraph "a", or section 49.78, subsection 3 or 4, shall be notified by

the appropriate precinct election official that the voter may cast a provisional ballot. The voter shall mark the ballot and immediately seal it in an envelope of the type prescribed by subsection 4. The voter shall deliver the sealed envelope to a precinct election official who shall deposit it in an envelope marked "provisional ballots". The ballot shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.

Sec. 29. Section 49.124, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The training course and the continuing education program under this section shall include practical and holistic instruction on the criteria for determining whether a person meets the requirements for establishing identity under section 49.78, subsection 2, consistent with all voting rights and nondiscrimination provisions of federal and state law. The state commissioner of elections shall adopt rules pursuant to chapter 17A to implement instruction required under this subsection.

Sec. 30. Section 53.2, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The commissioner may dispute an application if it appears to the commissioner that the signature on the application has been signed by someone other than the registered voter, in comparing the signature on the application to the signature on record of the registered voter named on the application. If the commissioner disputes a registered voter's application under this subsection, the commissioner shall notify the registered voter and the registered voter may submit a new application and signature or update the registered voter's signature on record, as provided by rule adopted by the state commissioner.

Sec. 31. Section 53.18, subsection 3, Code 2017, is amended to read as follows:

3. If the affidavit envelope or the return envelope marked with the affidavit contains a defect that would cause the absentee ballot to be rejected by the absentee and special voters precinct board, the commissioner shall immediately notify the voter of that fact and that the voter's absentee

ballot shall not be counted unless the voter requests and returns a replacement ballot in the time permitted under section 53.17, subsection 2. For the purposes of this section, a return envelope marked with the affidavit shall be considered to contain a defect if it appears to the commissioner that the signature on the envelope has been signed by someone other than the registered voter, in comparing the signature on the envelope to the signature on record of the registered voter named on the envelope. A signature or marking made in accordance with section 39.3, subsection 17, shall not be considered a defect for purposes of this section. The voter may request a replacement ballot in person, in writing, or over the telephone. The same serial number that was assigned to the records of the original absentee ballot application shall be used on the envelope and records of the replacement ballot. The envelope marked with the affidavit and containing the completed replacement ballot shall be marked "Replacement ballot". The envelope marked with the affidavit and containing the original ballot shall be marked "Defective" and the replacement ballot shall be attached to such envelope containing the original ballot and shall be stored in a secure place until they are delivered to the absentee and special voters precinct board, notwithstanding [sections 53.26](#) and [53.27](#).

Sec. 32. Section 53.22, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The proof of identity requirements under section 49.78 shall not apply to a voter casting a ballot pursuant to this section.

Sec. 33. Section 53.25, Code 2017, is amended to read as follows:

53.25 Rejecting ballot.

1. a. If the absentee voter's affidavit lacks the voter's signature, if the applicant is not a duly registered voter on election day in the precinct where the absentee ballot was cast, if the envelope marked with the affidavit contains more than one ballot of any one kind, or if the voter has voted in person, such vote shall be rejected by the absentee and special voters precinct board. If the affidavit envelope or

return envelope marked with the affidavit is open, or has been opened and resealed, or if the ballot is not enclosed in such envelope, and an affidavit envelope or return envelope marked with the affidavit with the same serial number and marked "Replacement ballot" is not attached as provided in section 53.18, the ~~vote~~ ballot shall be rejected by the absentee and special voters precinct board.

b. If a voter casts a provisional ballot pursuant to section 49.78, subsection 7, and the voter has failed to establish the voter's identity at the commissioner's office, the provisional ballot shall be rejected by the absentee and special voters precinct board.

2. If the absentee or provisional ballot is rejected prior to the opening of the affidavit envelope or return envelope marked with the affidavit, the voter casting the ballot shall be notified by a precinct election official by the time the canvass is completed of the reason for the rejection on a form prescribed by the state commissioner of elections.

Sec. 34. SEVERABILITY. If any provision of this division of this Act or the application of any provision of this division of this Act to any person or circumstance is held invalid, the invalidity shall not affect other provisions of the division which can be given effect without the invalid provisions or application of the invalid provisions, and to this end, the provisions of the division are severable.

Sec. 35. EFFECTIVE DATE. This division of this Act takes effect upon the appropriation of moneys by the general assembly to the state commissioner of elections in an amount sufficient for implementation of section 48A.10A as declared by the general assembly.

Sec. 36. APPLICABILITY. This division of this Act applies to elections held on or after the effective date of this division of this Act.

DIVISION III

POLLING PLACES

Sec. 37. NEW SECTION. **47.11 Electronic poll book and polling place technology program — revolving loan fund.**

1. An electronic poll book and polling place technology program is created and an electronic poll book and polling

place technology revolving loan fund is created in the state treasury under the control of the state commissioner. The program and revolving loan fund shall be administered by the state commissioner and the revolving loan fund shall include moneys allocated from the state commissioner's budget and any other moneys obtained or accepted by the state commissioner for deposit in the revolving loan fund.

2. *a.* The state commissioner may loan moneys in the revolving loan fund to county commissioners for the purchase or update of electronic poll book and polling place technology.

b. Moneys loaned under this subsection shall be used, in accordance with section 49.28, to furnish electronic poll books to election precincts for the purpose of modernizing polling places throughout the state.

c. The state commissioner may spend an amount not to exceed thirty percent of the moneys in the revolving loan fund at the beginning of a fiscal year to administer polling place technology to ensure compliance with state standards of technological security and the protection of personally identifiable information.

3. A loan made under this section shall bear no interest.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the revolving loan fund shall be credited to the revolving loan fund. Notwithstanding section 8.33, moneys in the revolving loan fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert to any other fund but shall remain available in the revolving loan fund for the purposes designated.

5. The state commissioner shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 38. Section 49.88, subsection 1, Code 2017, is amended to read as follows:

1. No more than one person shall be allowed to occupy any voting booth at any time. The use of ~~cameras, cellular telephones, pagers, or other electronic communications devices~~ in the voting booth photographic devices and the display of voted ballots is prohibited if such use or display is for purposes prohibited under chapter 39A, interferes with other voters, or interferes with the orderly operation of the polling

place.

DIVISION IV

ELECTION CERTIFICATION, OVERSIGHT, AND AUDITS

Sec. 39. Section 39.2, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. All special elections which are authorized or required by law, unless the applicable law otherwise requires, shall be held on Tuesday. A special election shall not be held on the first, second, ~~and third~~, and fourth Tuesdays preceding and following the primary and the general elections.

Sec. 40. Section 47.1, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The state commissioner may, at the state commissioner's discretion, examine the records of a commissioner to evaluate complaints and to ensure compliance with the provisions of chapters 39 through 53. The state commissioner shall adopt rules pursuant to chapter 17A to require a commissioner to provide written explanations related to examinations conducted pursuant to this subsection.

Sec. 41. NEW SECTION. **49.128 Commissioner filings and notifications.**

1. No later than twenty days following a general election, the commissioner shall place on file in the commissioner's office a certification that the county met the following requirements at the general election:

a. The testing of voting equipment was performed, as required under section 52.35.

b. The election personnel training course was conducted, as required under section 49.124.

c. Polling places met accessibility standards, as required under section 49.21.

d. The schedule of required publications was adhered to, as required under section 49.53.

e. The commissioner has complied with administrative rules adopted by the state commissioner under chapter 52, including having a written voting system security plan.

2. a. If the county is required to conduct an audit under section 50.51, the commissioner shall include a copy of the results with the certification required under this section.

b. If a county is not required to conduct an audit under section 50.51, the commissioner shall include a copy of the certification required under this section along with the election canvass summary report required under section 50.30A.

3. The commissioner shall file a copy of the certification under this section with the state commissioner.

4. The commissioner shall promptly notify the state commissioner of each suspected incidence of election misconduct that the commissioner has referred to other agencies or law enforcement for investigation.

5. The state commissioner shall prescribe a form for use by the county commissioners.

Sec. 42. Section 50.12, Code 2017, is amended to read as follows:

50.12 Return and preservation of ballots.

Immediately after making the proclamation, and before separating, the board members of each precinct in which votes have been received by paper ballot shall enclose in an envelope or other container all ballots which have been counted by them, except those endorsed "Rejected as double", "Defective", or "Objected to", and securely seal the envelope. The signatures of all board members of the precinct shall be placed across the seal or the opening of the container so that it cannot be opened without breaking the seal. The precinct election officials shall return all the ballots to the commissioner, who shall carefully preserve them for six months. Ballots from elections for federal offices shall be preserved for twenty-two months. The sealed packages containing voted ballots shall be opened only for an official recount authorized by section 50.48, 50.49, or 50.50, for an election contest held pursuant to chapters 57 through 62, to conduct an audit pursuant to section 50.51, or to destroy the ballots pursuant to section 50.19.

Sec. 43. NEW SECTION. 50.51 Election audits.

1. After each general election, the state commissioner shall, with the cooperation of the county commissioners, conduct an audit of the official canvass of votes from the preceding general election.

2. The state commissioner shall determine the number of

counties and precincts to be audited and shall select the precincts to be audited by lot. The absentee ballot and special voters precinct for each county, established pursuant to section 53.20, shall be included with all other precincts of the county for selection by lot. In every precinct selected, the commissioner shall conduct a hand count of all ballots cast in the preceding general election for president of the United States or governor, as the case may be. The hand count shall be observed by a representative selected by each of the two political parties whose candidates received the highest number of votes statewide in the preceding general election.

3. *a.* The commissioner may order an administrative recount pursuant to section 50.50 if the commissioner determines the results of an audit require an administrative recount.

b. If selected to conduct an audit, the commissioner shall provide an audit report to the county board of supervisors and shall transmit the audit report to the state commissioner no later than twenty days following the election.

4. The results of an audit conducted pursuant to this section shall not change the results, or invalidate the certification, of an election.

5. In advance of any other election, the state commissioner may order an audit of the election in the manner provided in this section.

6. The state commissioner shall adopt rules, pursuant to chapter 17A, to implement this section.

DIVISION V

VOTER MISCONDUCT INFORMATION AND REPORTING

Sec. 44. Section 48A.26A, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A county attorney receiving a notification pursuant to subsection 2 shall review the voter's registration documents and other such information as may be necessary, and report the findings to the commissioner and state registrar of voters.

Sec. 45. NEW SECTION. **48A.27A Voting more than once — referral and examination.**

1. If the state registrar of voters receives information from another jurisdiction that a registered voter of this state

may have voted or attempted to vote more than once in the same election, the state registrar shall provide the information to the appropriate commissioner.

2. If a commissioner receives information from the state registrar of voters or from another jurisdiction that a registered voter may have voted or attempted to vote more than once in the same election, the commissioner shall provide the information to the county attorney in each jurisdiction where the voter voted or attempted to vote. A county attorney of this state that is provided such information shall examine the information and report any findings to the commissioner.

DIVISION VI

STRAIGHT PARTY VOTING

Sec. 46. Section 49.37, subsection 1, Code 2017, is amended to read as follows:

1. For general elections, and for other elections in which more than one partisan office will be filled, the ~~first section of the ballot shall be for straight party voting~~ arranged as provided in this section.

~~a. Each political party or organization which has nominated candidates for more than one office shall be listed. Instructions to the voter for straight party or organization voting shall be in substantially the following form:~~

~~To vote for all candidates from a single party or organization, mark the voting target next to the party or organization name. Not all parties or organizations have nominated candidates for all offices. Marking a straight party or organization vote does not include votes for nonpartisan offices, judges, or questions.~~

~~b. Political parties and nonparty political organizations which have nominated candidates for only one office shall be listed below the other political organizations under the following heading:~~

~~Other Political Organizations. The following organizations have nominated candidates for only one office:~~

~~c. Offices shall be arranged in groups. Partisan offices, nonpartisan offices, judges, and public measures shall be separated by a distinct line appearing on the ballot.~~

Sec. 47. Section 49.37, Code 2017, is amended by adding the

following new subsection:

NEW SUBSECTION. 1A. Offices shall be arranged in groups. Partisan offices, nonpartisan offices, judges, and public measures shall be separated by a distinct line appearing on the ballot.

Sec. 48. Section 49.57, subsection 2, Code 2017, is amended to read as follows:

~~2. In the area of the general election ballot for straight party voting, the party or organization names shall be printed in upper case and lower case letters using a uniform font size for each political party or nonparty political organization. The font size shall be not less than twelve point type. After the name of each candidate for a partisan office the name of the candidate's political party shall be printed in at least six point type. The names of political parties and nonparty political organizations may be abbreviated on the remainder of the ballot if both the full name and the abbreviation appear in the "Straight Party" and "Other Political Party" areas of the ballot.~~

Sec. 49. Section 49.98, Code 2017, is amended to read as follows:

49.98 Counting ballots.

The ballots shall be counted according to the voters' marks on them as provided in [sections 49.92 to 49.97 and 49.93](#), and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, the vote for that office shall not be counted. ~~When there is a conflict between a straight party or organization vote for one political party or nonparty political organization and the vote cast by marking the voting target next to the name of a candidate for another political party or nonparty political organization on the ballot, the mark next to the name of the candidate shall be held to control, and the straight party or organization vote in that case shall not apply as to that office.~~ A ballot shall be rejected if the voter used a mark to identify the voter's ballot. For each voting system, ~~the~~ The state commissioner shall, by rule adopted pursuant to [chapter 17A](#), develop uniform definitions of what constitutes a vote.

Sec. 50. REPEAL. Sections 49.94, 49.95, 49.96, and 49.97, Code 2017, are repealed.

DIVISION VII

ABSENTEE VOTING PERIOD

Sec. 51. Section 53.8, subsection 1, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, but not more than twenty-nine days before the election, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. The absentee ballot shall be sent to the registered voter by one of the following methods:

Sec. 52. Section 53.10, subsection 1, Code 2017, is amended to read as follows:

1. Not more than ~~forty~~ twenty-nine days before the date of the primary election or the general election, the commissioner shall provide facilities for absentee voting in person at the commissioner's office. This service shall also be provided for other elections as soon as the ballots are ready, but in no case shall absentee ballots be available under this section more than ~~forty~~ twenty-nine days before an election.

Sec. 53. Section 53.11, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. ~~Satellite~~ Not more than twenty-nine days before the date of an election, satellite absentee voting stations may be established throughout the cities and county at the direction of the commissioner and shall be established upon receipt of a petition signed by not less than one hundred eligible electors requesting that a satellite absentee voting station be established at a location to be described on the petition. However, if a special election is scheduled in the county on a date that falls between the date of the regular city election and the date of the city runoff election, the commissioner is not required to establish a satellite absentee voting station for the city runoff election.

Sec. 54. APPLICABILITY. This division of this Act applies to elections held on or after January 1, 2018.

DIVISION VIII

VOTING AGE AT PRIMARY ELECTIONS

Sec. 55. Section 48A.5, subsection 2, paragraph c, Code 2017, is amended to read as follows:

c. (1) Be at least eighteen years of age. However, for purposes of voting in the primary election, an eligible elector shall be at least eighteen years of age on the date of the respective general election or city election. Completed registration forms shall be accepted from registrants who are at least seventeen ~~and one-half~~ years of age; ~~however,~~. For an election other than a primary election, the registration shall not be effective until the registrant reaches the age of eighteen. The commissioner of registration shall ensure that the birth date shown on the registration form is at least seventeen and one-half years earlier than the date the registration is processed.

(2) A registrant who is at least seventeen ~~and one-half~~ years of age and who will be eighteen by the date of a pending election is a registered voter for the pending election for purposes of [chapter 53](#). For purposes of voting in a primary election under chapter 43, a registrant who will be at least eighteen years of age by the date of the respective general election or city election is a registered voter for the pending primary election.

Sec. 56. Section 48A.11, subsection 3, Code 2017, is amended to read as follows:

3. a. The following questions and statement regarding eligibility shall be included on forms that may be used for registration by mail:

[1] "Are you a citizen of the United States of America?"

[2] "Will you be eighteen years of age on or before election day?"

[3] "If you checked 'no' in response to either of these questions, do not complete this form."

b. The forms shall also include information noting that, for purposes of voting in a primary election, a person may complete the form if the person is a citizen of the United States of America and will be at least eighteen years of age on the date of the general election.

Sec. 57. Section 48A.14, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. The challenged registrant is less than seventeen ~~and one-half~~ years of age.

Sec. 58. Section 48A.23, subsection 1, Code 2017, is amended to read as follows:

1. At least twice during each school year, the board of directors of each school district operating a high school and the authorities in charge of each accredited nonpublic school shall offer the opportunity to register to vote to each student who is at least seventeen ~~and one-half~~ years of age.

Sec. 59. Section 48A.26, subsection 9, Code 2017, is amended to read as follows:

9. When a person who is at least seventeen ~~and one-half~~ years of age but less than eighteen years of age registers to vote, the commissioner shall maintain a record of the registration so as to clearly indicate that it will not take effect until the registrant's eighteenth birthday and that the person is registered and qualifies to vote at any election held on or after that date. However, the commissioner shall indicate that the person is registered and qualifies to vote at the pending primary election if the person will be at least eighteen years of age on the date of the respective general election or city election.

Sec. 60. Section 49.79, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. ~~The~~ For an election other than a primary election, the challenged person is less than eighteen years of age as of the date of the election at which the person is offering to vote. For a primary election, the challenged person will be less than eighteen years of age on the date of the respective general election or city election.

Sec. 61. Section 49.81, subsection 4, paragraph a, Code 2017, is amended to read as follows:

a. (1) The individual envelopes used for each provisional ballot cast pursuant to [subsection 1](#) shall have space for the voter's name, date of birth, and address and shall have printed on them the following:

I am a United States citizen, at least eighteen years of

age or, for purposes of voting in a primary election, I will be at least eighteen years of age on the date of the respective general election or city election. I believe I am a registered voter of this county and I am eligible to vote in this election.

.....

(signature of voter) (date)

(2) The following information is to be provided by the precinct election official:

Reason for casting provisional ballot:

.....

.....

.....

(signature of precinct election official)

Sec. 62. Section 280.9A, subsection 3, Code 2017, is amended to read as follows:

3. At least twice during each school year, the board of directors of each local public school district operating a high school and the authorities in charge of each accredited nonpublic school operating a high school shall offer the opportunity to register to vote to each student who is at least seventeen ~~and one-half~~ years of age, as required by section 48A.23.

Sec. 63. Section 602.8102, subsection 15, Code 2017, is amended to read as follows:

15. Monthly, notify the county commissioner of registration and the state registrar of voters of persons seventeen ~~and one-half~~ years of age and older who have been convicted of a felony during the preceding calendar month or persons who at any time during the preceding calendar month have been legally declared to be a person who is incompetent to vote as that term is defined in [section 48A.2](#).

Sec. 64. EFFECTIVE DATE. This division of this Act takes effect January 1, 2019.

DIVISION IX

CANDIDATE FILING DEADLINES

Sec. 65. Section 43.6, subsection 1, Code 2017, is amended to read as follows:

1. When a vacancy occurs in the office of senator in the Congress of the United States, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general and [section 69.13](#) requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs eighty-nine or more days before the date of that primary election. If the vacancy occurs less than one hundred four days before the date of that primary election, the state commissioner shall accept nomination papers for that office only until 5:00 p.m. on the seventy-fourth day before the primary election, the provisions of [section 43.11](#) notwithstanding. If the vacancy occurs later than eighty-nine days before the date of that primary election, but not less than ~~eighty-nine~~ eighty-one days before the date of the general election, the nominations shall be made in the manner prescribed by [this chapter](#) for filling vacancies in nominations for offices to be voted for at the general election.

Sec. 66. Section 43.73, Code 2017, is amended to read as follows:

43.73 State commissioner to certify nominees.

1. Not less than ~~sixty-nine~~ sixty-four days before the general election the state commissioner shall certify to each commissioner, under separate party headings, the name of each person nominated as shown by the official canvass made by the executive council, or as certified to the state commissioner by the proper persons when any person has been nominated by a convention or by a party committee, or by petition, the office to which the person is nominated, and the order in which federal and state offices, judges, constitutional amendments, and state public measures shall appear on the official ballot.

2. The state commissioner shall similarly certify to the appropriate commissioner or commissioners at the earliest practicable time the names of nominees for a special election, called under [section 69.14](#), submitted to the state commissioner pursuant to [section 43.78, subsection 4](#).

Sec. 67. Section 43.76, subsection 1, Code 2017, is amended to read as follows:

1. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the state commissioner may withdraw as a nominee for that office on or before, but not later than, the ~~eighty-ninth~~ eighty-first day before the date of the general election by so notifying the state commissioner in writing.

Sec. 68. Section 43.77, subsections 3 and 4, Code 2017, are amended to read as follows:

3. The person nominated in the primary election as the party's candidate for that office subsequently withdrew as permitted by [section 43.76](#), was found to lack the requisite qualifications for the office, or died, at a time not later than the ~~eighty-ninth~~ eighty-first day before the date of the general election in the case of an office for which nomination papers must be filed with the state commissioner and not later than the seventy-fourth day before the date of the general election in the case of an office for which nomination papers must be filed with the county commissioner.

4. A vacancy has occurred in the office of senator in the Congress of the United States, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general, under the circumstances described in section 69.13, less than eighty-nine days before the primary election and not less than eighty-nine days before the general election.

Sec. 69. Section 43.78, subsection 2, Code 2017, is amended to read as follows:

2. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with [subsection 1](#), paragraph "a", "b", or "c" shall be submitted in writing to the state commissioner not later than 5:00 p.m. on the ~~eighty-first~~ seventy-third day before the date of the general election.

Sec. 70. Section 43.79, Code 2017, is amended to read as follows:

43.79 Death of candidate after time for withdrawal.

The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the ~~eighty-eighth~~ eighty-first day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner,

or beginning on the seventy-third day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending on the last day before the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the Congress of the United States, governor, attorney general, senator or representative in the general assembly or county supervisor, [section 49.58](#) shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter 69.

Sec. 71. Section 44.4, subsection 1, Code 2017, is amended to read as follows:

1. Nominations made pursuant to [this chapter](#) and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than ninety-nine days nor later than 5:00 p.m. on the ~~eighty-first~~ seventy-third day before the date of the general election to be held in November. Nominations made for a special election called pursuant to [section 69.14](#) shall be filed by 5:00 p.m. not less than twenty-five days before the date of an election called upon at least forty days' notice and not less than fourteen days before the date of an election called upon at least eighteen days' notice. Nominations made for a special election called pursuant to [section 69.14A](#) shall be filed by 5:00 p.m. not less than twenty-five days before the date of the election. Nominations made pursuant to [this chapter](#) and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ninety-two days nor later than 5:00 p.m. on the sixty-ninth day before the date of the general election. Nominations made pursuant to [this chapter](#) or [chapter 45](#) for city office shall be filed not more than seventy-two days nor later than 5:00 p.m. on the forty-seventh day before the city election with the county commissioner of elections responsible under [section 47.2](#) for conducting elections held for the city, who shall process them as provided by law.

Sec. 72. Section 44.9, subsection 1, Code 2017, is amended to read as follows:

1. In the office of the state commissioner, at least ~~seventy-four~~ sixty-eight days before the date of the election.

Sec. 73. Section 44.11, Code 2017, is amended to read as follows:

44.11 Vacancies filled.

If a candidate named under [this chapter](#) withdraws before the deadline established in [section 44.9](#), declines a nomination, or dies before election day, or if a certificate of nomination is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to a certificate of nomination, or to the eligibility of any candidate named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than ~~seventy-four~~ sixty-eight days before the election in the case of nominations required to be filed with the state commissioner, not less than sixty-four days before the election in the case of nominations required to be filed with the commissioner, not less than thirty-five days before the election in the case of nominations required to be filed in the office of the school board secretary, and not less than forty-two days before the election in the case of nominations required to be filed with the commissioner for city elections.

Sec. 74. Section 46.21, unnumbered paragraph 1, Code 2017, is amended to read as follows:

At least ~~sixty-nine~~ sixty-four days before each judicial election, the state commissioner of elections shall certify to the county commissioner of elections of each county a list of the judges of the supreme court, court of appeals, and district court including district associate judges, full-time associate juvenile judges, and full-time associate probate judges, and clerks of the district court to be voted on in each county at that election. The county commissioner of elections shall place the names upon the ballot in the order in which they appear in the certificate. The state commissioner of elections

shall rotate the names in the certificate by county. The names of all judges and clerks to be voted on shall be placed upon one ballot, which shall be in substantially the following form:

DIVISION X

PUBLIC EDUCATION

Sec. 75. PUBLIC EDUCATION. The state commissioner of elections shall, in consultation with the county commissioners of elections and other relevant stakeholder groups, develop and implement a comprehensive and statewide public education plan, including multimedia advertising, in order to inform the voters of this state of the election day identification requirements contained in this Act.

LINDA UPMEYER

Speaker of the House

JACK WHITVER

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 516, Eighty-seventh General Assembly.

CARMINE BOAL

Chief Clerk of the House

Approved _____, 2017

TERRY E. BRANSTAD

Governor