

House File 2486 - Enrolled

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AN ACT

RELATING TO THE CONDUCT OF ELECTIONS, INCLUDING EMERGENCY POWERS, PROCEDURES RELATING TO ELECTORS, AND THE USE OF A COUNTY SEAL ON MATERIALS RELATED TO ELECTIONS.

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

Section 1. Section 43.14, subsection 1, paragraph g, Code 2020, is amended by striking the paragraph.

Sec. 2. Section 45.5, subsection 1, paragraph f, Code 2020, is amended by striking the paragraph.

Sec. 3. Section 47.1, subsection 2, Code 2020, is amended to read as follows:

2. a. The state commissioner of elections may exercise emergency powers over any election being held in a district in which either a natural or other disaster or extremely inclement weather has occurred. The state commissioner's decision to alter any conduct for an election using emergency powers must be approved by the legislative council. If the legislative council does not approve the secretary of state's use of emergency powers to conduct an election, the legislative council may choose to present and approve its own election procedures or choose to take no further action. The state

commissioner of elections may also exercise emergency powers during an armed conflict involving United States armed forces, or mobilization of those forces, or if an election contest court finds that there were errors in the conduct of an election making it impossible to determine the result.

b. If an emergency exists in all precincts of a county, the number of polling places shall not be reduced by more than thirty-five percent. The polling places allowed to open shall be equitably distributed in the county based on the ratio of regular polling places located in unincorporated areas in the county to regular polling places in incorporated areas in the county.

Sec. 4. Section 49.57, subsection 6, Code 2020, is amended to read as follows:

6. A portion of the ballot shall include the words "Official ballot", the unique identification number or name assigned by the commissioner to the ballot style, the date of the election, and the impression or likeness of the county seal of the county of the commissioner who has caused the ballot to be printed pursuant to section 49.51.

Sec. 5. Section 54.5, subsection 2, Code 2020, is amended to read as follows:

2. The state central committee shall also file a list of the names and addresses of the party's presidential electors and alternate electors, one from each congressional district and two from the state at large, not later than 5:00 p.m. on the eighty-first day before the general election. A political party may elect up to two alternate electors at the party's state convention. Additionally, the party's state central committee may nominate one alternate elector for each congressional district.

Sec. 6. Section 54.5, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Each elector nominee and alternate elector nominee of a political party or group of petitioners shall execute the following pledge, which shall accompany the submission of the corresponding names to the state commissioner:

If selected for the position of elector, I agree to serve and to mark my ballots for president and vice president for the nominees for those offices of the party (or group of petitioners) that nominated me.

Sec. 7. Section 54.7, Code 2020, is amended to read as follows:

54.7 Meeting — certificate.

1. The presidential electors and alternate electors shall meet in the capitol, at the seat of government, on the first Monday after the second Wednesday in December next following their election.

2. If, at the time of such meeting, any elector for any cause is absent, ~~those present shall at once proceed to elect, from the citizens of the state, a substitute elector or electors, and certify the choice so made to the governor, and the governor shall immediately cause the person or persons so selected to be notified thereof~~ the state commissioner shall appoint an individual to substitute for the elector as follows:

a. If the alternate elector is present to vote, by appointing the alternate elector for the vacant position.

b. If the alternate elector is not present to vote, by appointing an elector chosen by lot from among the other alternate electors present to vote who were nominated by the same political party or group of petitioners.

c. If the number of alternate electors present to vote is insufficient to fill a vacant position pursuant to paragraphs "a" and "b", by appointing any immediately available citizen of the state who is qualified to serve as an elector and chosen through nomination by a plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains.

d. If there is a tie between at least two nominees to substitute as an elector in a vote conducted under paragraph "c", by appointing an elector chosen by lot from among those nominees.

e. If all elector positions are vacant and cannot be filled through the processes set forth in paragraphs "a", "b", "c", and "d", by appointing a single presidential elector with remaining vacant positions filled pursuant to the method set forth in

paragraph "c" and, if necessary, paragraph "d".

3. To qualify to substitute for an elector under subsection 2, an individual who has not executed the pledge required for elector nominees and alternate elector nominees under section 54.5 shall execute the following pledge:

I agree to serve and to mark my ballots for president and vice president consistent with the pledge of the individual whose elector position I have succeeded.

Sec. 8. Section 54.8, Code 2020, is amended by striking the section and inserting in lieu thereof the following:

54.8 Elector voting — certificate of governor.

1. At the time designated for elector voting and after all vacant positions have been filled under section 54.7, the state commissioner shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's votes for the offices of president and vice president, respectively, along with the elector's signature and the elector's legibly printed name.

2. Except as otherwise provided by law of this state outside of this chapter, each elector shall present both completed ballots to the state commissioner who shall examine the ballots and accept and cast all ballots of electors whose votes are consistent with their pledges executed under section 54.5 or 54.7. Except as otherwise provided by law of this state outside of this chapter, the state commissioner shall not accept and shall not count an elector's presidential and vice presidential ballots if the elector has not marked both ballots or has marked one ballot in violation of the elector's pledge.

3. An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under section 54.5 or 54.7 vacates the office of elector. The state commissioner shall declare the creation of the vacancy and fill the vacancy pursuant to section 54.7.

4. The state commissioner shall distribute ballots to and collect ballots from a substitute elector and repeat the process set forth in this section for examining ballots, declaring and filling vacant positions as required, and

recording appropriately completed ballots from the substituted electors until all of the state's electoral votes have been cast and recorded.

5. The governor shall duly certify the results, under the seal of the state, to the United States secretary of state, and as required by Act of Congress related to such elections.

Sec. 9. NEW SECTION. **54.8A Elector replacement — associated certificates.**

1. After the vote of this state's electors is completed, if the final list of electors differs from any list that the governor previously included on a certificate of ascertainment prepared and transmitted under 3 U.S.C. §6, the state commissioner shall immediately prepare an amended certificate of ascertainment and transmit the amended certificate to the governor for the governor's signature.

2. The governor shall immediately deliver the signed amended certificate of ascertainment to the state commissioner and a signed duplicate original of the amended certificate of ascertainment to all individuals entitled to receive this state's certificate of ascertainment, indicating that the amended certificate of ascertainment is to be substituted for the certificate of ascertainment previously submitted.

3. The state commissioner shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The state commissioner shall process and transmit the signed certificate with the amended certificate of ascertainment under 3 U.S.C. §§9 through 11.

Sec. 10. Section 331.552, subsection 4, Code 2020, is amended to read as follows:

4. Keep the official county seal provided by the county. The official seal shall be an impression seal on the face of which shall appear the name of the county, the word "county", which may be abbreviated, ~~the word "treasurer" which may be abbreviated,~~ and the word "Iowa".

Sec. 11. **AFFIDAVIT OF CANDIDACY — 2020 GENERAL ELECTION NOMINEES.** For the 2020 general election, a candidate nominated for county hospital trustee or township trustee shall file with the county commissioner a signed, notarized affidavit of candidacy and nomination petition, if applicable, by 5:00 p.m.

not less than sixty-nine days before the general election. An affidavit of candidacy shall include the information required under section 44.3.

PAT GRASSLEY
Speaker of the House

CHARLES SCHNEIDER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2486, Eighty-eighth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2020

KIM REYNOLDS
Governor