

Reprinted 3/19

MAR 6 1984
Place On Calendar

HOUSE FILE 2468

BY COMMITTEE ON STATE
GOVERNMENT

(Formerly Study Bill 767)

Passed House, Date 3-13-84 (p. 1002) Passed Senate, Date 3-28-84 (p. 1125)

Vote: Ayes 86 Nays 13 Vote: Ayes 43 Nays 0

Approved May 8, 1984

A BILL FOR

1 An Act relating to the election laws by providing a method
 2 for challenging nomination petitions, eliminating the
 3 requirement for notarization of absentee ballots, allowing
 4 the mailing of certain absentee ballots, regulating the
 5 office hours of the county commissioner of elections,
 6 revising delivery of registration forms and changes in
 7 registration, requiring identification of political
 8 advertisers, providing for assistance to certain voters
 9 and making certain technical corrections to the voting
 10 laws and providing penalties and effective dates.

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

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HF 2468

1 Section 1. NEW SECTION. 43.24 OBJECTIONS TO NOMINATION
2 PETITIONS OR CERTIFICATES OF NOMINATION.

3 1. WRITTEN OBJECTIONS REQUIRED. Nomination petitions
4 or certificates of nomination filed under this chapter which
5 are apparently in conformity with the law are valid unless
6 objection is made in writing.

7 Objections to the legal sufficiency of a nomination petition
8 or certificate of nomination filed or issued under this chapter
9 or to the eligibility of a candidate may be filed in writing
10 by any person who would have the right to vote for the
11 candidate for the office in question.

12 Objections shall be filed with the officer with whom the
13 nomination petition or certificate of nomination was filed,
14 and within the following time:

15 a. Those filed with the state commissioner, not less than
16 sixty days before the date of the election.

17 b. Those filed with the commissioner, not less than fifty
18 days before the date of the election.

19 c. Objections to nominations to fill vacancies at a special
20 election held under section 69.14, under which the forty-day
21 notice of election provisions applies, shall be filed with
22 the state commissioner not less than fifteen days prior to
23 the date set for the special election. If the forty-day
24 notice provision does not apply, objections to nominations
25 to fill vacancies at a special election held under section
26 69.14 may be filed any time prior to the date set for the
27 special election.

28 2. NOTICE OF OBJECTIONS.

29 a. When objections have been filed, notice shall be mailed
30 within seventy-two hours by certified mail to the candidate
31 affected, addressed to the candidate's place of residence
32 as stated in the candidate's affidavit of candidacy or in
33 the certificate of nomination, stating that objections have
34 been made, the nature of the objections, and the time and
35 place the objections will be considered.

1 b. If an objection is filed to a nomination to fill a
2 vacancy at a special election held under section 69.14, under
3 which the forty-day notice of election provision of section
4 69.14 does not apply, notice of the objection shall be made
5 to the candidate by the state commissioner as soon as
6 practicable. Under this paragraph, failure to notify a
7 candidate of an objection to the candidate's nomination prior
8 to the date set for the special election does not invalidate
9 the hearing conducted under subsection 3. The hearing to
10 an objection shall proceed as quickly as possible to expedite
11 the special election.

12 3. HEARING. Objections filed with the state commissioner
13 shall be considered by the secretary of state, auditor of
14 state, and attorney general. However, if the objection is
15 to the nomination petition, certificate of nomination, or
16 eligibility of one or more of those officers, those officers
17 shall be replaced, respectively, by the treasurer of state,
18 secretary of agriculture, and lieutenant governor for the
19 hearing.

20 Objections filed with the commissioner shall be considered
21 by the county auditor, county treasurer, and county attorney.
22 However, if the objection is to the nomination petition,
23 certificate of nomination, or eligibility of one or more of
24 those officers, their places shall be filled, respectively,
25 by the county sheriff, county recorder, and chairperson of
26 the board of supervisors. In either case, a majority vote
27 shall decide the issue.

28 Sec. 2. Section 47.2, Code 1983, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. The office of county auditor or county
31 commissioner of elections in each county shall be open for
32 at least eight hours on the Saturday preceding a general
33 election, primary election, or special election called by
34 the governor for the purpose of receiving absentee ballots
35 and conducting other official business relating to the

1 election.

2 Sec. 3. Section 48.3, Code 1983, is amended to read as
3 follows:

4 48.3 REGISTRATION BY-MAIL FORM. As an alternative to
5 the method of registration prescribed by section 48.2, any
6 a person entitled to register under that section may submit
7 cause delivery of a completed voter registration form to the
8 commissioner of registration in the person's county of
9 residence ~~by-postage-paid-United-States-mail~~. A registration
10 form or the envelope containing one or more registration forms
11 for the use of individual registrants ~~who-are-related-to-each~~
12 ~~other-within-the-first-degree-of-consanguinity-or-affinity~~
13 ~~and-who-reside-at-the-same-address-shall~~ must be postmarked
14 or otherwise delivered by the twenty-fifth day prior to an
15 election or the registration will not take effect for that
16 election. A separate registration form shall be signed by
17 each individual registrant. Within five working days after
18 receiving a registration ~~by-mail~~, the commissioner shall send
19 the registrant a receipt of the registration by first class
20 mail marked "do not forward". If the receipt is returned
21 by the postal service the commissioner shall treat the
22 registration as prescribed by section 48.31, subsection 7.
23 An improperly addressed or delivered registration form shall
24 be forwarded to the appropriate county commissioner of
25 registration within two working days after it is received
26 by any other official.

27 Sec. 4. Section 48.6, subsection 9, Code Supplement 1983,
28 is amended to read as follows:

29 9. A statement certification in substantially the following
30 form:

31 "I state certify that I am a citizen of the United States,
32 that I am or will be an eligible elector at any election at
33 which I attempt to vote and that all of the information I
34 have given upon this voter registration form is true. I
35 ~~hereby~~ authorize cancellation of any prior registration to

1 vote in this or any other jurisdiction and my eligibility
2 to vote in any jurisdiction where voter registration is not
3 required. I am aware that fraudulently registering, or
4 attempting to do so, is a felony an aggravated misdemeanor
5 under Iowa law." At the time the registration is signed by
6 the eligible elector it shall also be signed by a mobile
7 registrar, employee of the commissioner's office, or other
8 eligible elector.

9 Sec. 5. Section 48.7, subsection 1, paragraph a, Code
10 Supplement 1983, is amended to read as follows:

11 a. ~~The qualified elector may submit to the commissioner~~
12 ~~a form of the type provided for electors registering under~~
13 ~~section 48.3 providing for the elector's current name,~~
14 ~~telephone number, social security number and address and a~~
15 written notice of the change of name, telephone number, or
16 address, bearing the elector's signature. Upon receipt of
17 the ~~form~~ notice, the commissioner shall change the registration
18 records accordingly and the change shall be reflected in the
19 election registers prepared for the next election held ten
20 or more days after receipt of the qualified elector's notice.
21 If the ~~form~~ notice received by the commissioner does not
22 contain the information regarding name and address necessary
23 to properly update the registration records, the commissioner
24 shall immediately send notice to the elector, by forwardable
25 mail directed to the elector's last known address, that the
26 elector's registration is defective. The commissioner's
27 notice shall advise the elector of the corrections necessary.

28 Sec. 6. Chapter 49, Code 1983, is amended by adding the
29 following new section:

30 NEW SECTION. POLITICAL ADVERTISEMENTS. A person who
31 causes the publication or distribution of printed material
32 after July 1, 1984 designed to promote or defeat the nomination
33 or election of a candidate for public office or the passage
34 of a constitutional amendment or public measure shall in-
35 clude conspicuously on the published material the identity

1 and address of the person responsible for the material. If
2 the person responsible is an organization, the name of one
3 officer of the organization shall appear on the material.

4 This section does not apply to the editorial or news

5 advertisements of a newspaper or magazine which are not
6 political advertisements.

7 Sec. 7. Section 49.89, Code 1983, is amended to read as
8 follows:

9 49.89 SELECTION OF OFFICIALS TO ASSIST VOTERS. At, or
10 before, the opening of the polls, the election board of each
11 precinct shall select two members of the board, of different
12 political parties in the case of any election in which
13 candidates appear on the ballot under the heading of either
14 of the political parties referred to in section 49.13, to
15 assist voters who may be unable to cast their votes without
16 assistance as described in section 49.90. ~~Voters-who-are~~
17 ~~blind-or-physically-disabled-may-have-the-assistance-of-any~~
18 ~~person-they-may-select-~~

19 Sec. 8. Section 49.90, Code 1983, is amended to read as
20 follows:

21 49.90 ASSISTING VOTER. Any voter who may declare upon
22 oath that ~~he-or-she~~ the voter cannot read the English language,
23 or is, by reason of any physical disability other than
24 intoxication, unable to cast a vote without assistance, shall,
25 upon request, be assisted by said two officers, or
26 alternatively by any other person the voter may select ~~if~~
27 ~~the-voter-is-blind-or-physically-disabled~~ in casting the vote.
28 Said officers, or person selected by the blind or physically
29 disabled voter, shall cast the vote of the voter requiring
30 assistance, and shall thereafter give no information regarding
31 the same. If any elector because of a handicap cannot enter
32 the building where the polling place for the elector's precinct
33 of residence is located, the two officers shall take a paper
34 ballot to the vehicle occupied by the handicapped elector
35 and allow the elector to cast the ballot in the vehicle.

1 If a handicapped elector cannot cast a ballot on a voting
2 machine the elector shall be allowed to cast a paper ballot,
3 which shall be opened immediately after the closing of the
4 polling place by the two precinct election officials designated
5 under section 49.89, who shall register the votes cast thereon
6 on a voting machine in the polling place before the votes
7 cast there are tallied pursuant to section 52.21. To preserve
8 so far as possible the confidentiality of each handicapped
9 elector's ballot, the two officers shall proceed substantially
10 in the same manner as provided in section 53.24. In precincts
11 where all voters use paper ballots, those cast by handicapped
12 voters shall be deposited in the regular ballot box and counted
13 in the usual manner.

14 Sec. 9. Section 50.24, Code 1983, is amended to read as
15 follows:

16 50.24 CANVASS BY BOARD OF SUPERVISORS. The county board
17 of supervisors shall meet to canvass the vote at nine o'clock
18 on the morning of the first Monday after the day of each
19 election to which this chapter is applicable, unless the law
20 authorizing the election specifies another date for the
21 canvass. If that Monday is a public holiday, ~~the provisions~~
22 ~~of section 4.1, subsection 22 shall control~~ controls. Upon
23 convening, the board shall open and canvass the tally lists
24 and shall prepare abstracts stating, in words written at
25 length, the number of votes cast in the county, or in that
26 portion of the county in which the election was held, for
27 each office or on each question on the ballot for the election.
28 The board shall also open and include in the canvass any
29 absentee ballots which were received after the polls closed
30 in accordance with section 53.17. The abstract shall further
31 indicate the name of each person who received votes for each
32 office on the ballot, and the number of votes each person
33 named received for that office, and the number of votes for
34 and against each question submitted to the voters at the
35 election.

1 Sec. 10. Section 53.2, unnumbered paragraph 2, Code
2 Supplement 1983, is amended to read as follows:

3 ~~Nothing in this~~ This section shall be construed to does
4 not require that a written communication mailed to the
5 commissioner's office to request an absentee ballot, or any
6 other document ~~except the absent voter's affidavit required~~
7 ~~by section 53-13,~~ be notarized as a prerequisite to receiving
8 or marking an absentee ballot or returning to the commissioner
9 an absentee ballot which has been voted.

10 Sec. 11. Section 53.8, subsection 3, unnumbered paragraphs
11 1 and 3, Code Supplement 1983, are amended to read as follows:

12 When an application for an absentee ballot is received
13 by the commissioner of any county from a qualified elector
14 who is confined to a residence by a physical disability or
15 illness, a patient in a hospital in that county or a resident
16 of any facility in that county shown to be a health care
17 facility by the list of licenses provided the commissioner
18 under section 135C.29, the absentee ballot shall be delivered
19 to the elector and returned to the commissioner in the manner
20 prescribed by section 53.22. However, if the application
21 is received more than ten calendar days before the election
22 and the commissioner has not elected to mail absentee ballots
23 to the applicant as provided under section 53.22, subsection
24 3, the commissioner shall mail to the applicant within twenty-
25 four hours a letter in substantially the following form:

26 Nothing in this subsection nor in section 53.22 shall be
27 construed to prohibit a qualified elector who is confined
28 to a residence by a physical disability or illness, a hospital
29 patient or resident of a health care facility, or who
30 anticipates entering a hospital or health care facility before
31 the date of a forthcoming election, from casting an absentee
32 ballot in the manner prescribed by section 53.11.

33 Sec. 12. Section 53.11, Code 1983, is amended to read
34 as follows:

35 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT. The

1 commissioner shall deliver an absentee ballot to any qualified
2 elector applying in person at ~~his~~ the commissioner's office
3 not more than forty days before the date of the general
4 election and the primary election, and for all other elections,
5 as soon as the ballot is available. The qualified elector
6 shall immediately mark the ballot, enclose and seal it in
7 a ballot envelope, ~~with-proper~~ subscribe to the affidavit
8 on the reverse side of the envelope, and return the absentee
9 ballot to the commissioner. The commissioner shall record
10 the numbers appearing on the application and ballot envelope
11 along with the name of the qualified elector. The commissioner
12 of any county in which there is located a city of five thousand
13 or more population, which is not the county seat, may permit
14 qualified electors to appear in person at some designated
15 place within each such city and there cast an absentee ballot
16 in the manner prescribed by this section.

17 Sec. 13. Section 53.12, Code 1983, is amended to read
18 as follows:

19 53.12 DUTY OF COMMISSIONER. The commissioner shall enclose
20 the absentee ballot in an unsealed envelope, to be furnished
21 by ~~him~~ the commissioner, which envelope shall bear upon its
22 face the words "county commissioner of elections", the address
23 of ~~his~~ the commissioner's office, and the same serial number
24 appearing on the unsealed envelope shall be affixed to the
25 application. ~~The seal of the officer notarizing the affidavit~~
26 ~~shall, if possible, be placed on the affidavit envelope in~~
27 ~~such a manner that the ballot will not be marked by the seal,~~
28 ~~however, if the officer's seal makes an imprint on the ballot~~
29 ~~that marking shall not invalidate the ballot.~~

30 Sec. 14. Section 53.15, unnumbered paragraph 1, Code 1983,
31 is amended to read as follows:

32 The qualified elector, on receipt of an absentee ballot,
33 shall, ~~in the presence of the officer notarizing the affidavit,~~
34 mark such the ballot in such a manner that ~~such officer~~ no
35 other person will ~~not~~ know how such the ballot is marked.

1 Sec. 15. Section 53.16, Code 1983, is amended to read
2 as follows:

3 53.16 ~~TAKING-AND~~ TAKING-AND SUBSCRIBING OATH TO AFFIDAVIT. After
4 marking ~~such~~ the ballot, the voter shall ~~before-said-officer,~~
5 make and subscribe to the affidavit on the reverse side of
6 the envelope, and ~~in-the-presence-of-such-officer,~~ fold ~~such~~
7 the ballot, or ballots, separately, so as to conceal the
8 markings ~~thereon~~ on them, and deposit ~~the-same~~ them in said
9 the envelope, ~~which-shall-then-be~~ and securely sealed seal
10 the envelope.

11 Sec. 16. Section 53.17, Code 1983, is amended by striking
12 the section and inserting in lieu thereof the following:

13 53.17 MAILING OR DELIVERING BALLOT. The sealed envelope
14 containing the absentee ballot shall be enclosed in a carrier
15 envelope which shall be securely sealed. The sealed carrier
16 envelope shall be returned to the commissioner by one of the
17 following methods:

18 1. The sealed carrier envelope may be delivered by the
19 qualified elector or the elector's designee to the
20 commissioner's office no later than the time the polls are
21 closed on election day.

22 2. The sealed carrier envelope may be mailed, postage
23 paid, to the commissioner. In order for the ballot to be
24 counted, the carrier envelope must be clearly postmarked by
25 the United States postal service not later than the day before
26 the election and received by the commissioner not later than
27 the time established for the canvass by the board of
28 supervisors for that election. The commissioner shall contact
29 the post office serving the commissioner's office at the
30 latest practicable hour prior to the canvass by the board
31 of supervisors for that election, and shall arrange for
32 absentee ballots received in that post office but not yet
33 delivered to the commissioner's office to be brought to the
34 commissioner's office prior to the canvass for that election
35 by the board of supervisors.

1 Sec. 17. Section 53.22, subsection 1, Code 1983, is amended
2 to read as follows:

3 1. a. A qualified elector who has applied for an absentee
4 ballot, in a manner other than that prescribed by section
5 53.11, and who is confined to a residence by a physical
6 disability or illness, or a resident or patient in a health
7 care facility or hospital located in the county to which the
8 application has been submitted shall be delivered the
9 appropriate absentee ballot by two special precinct election
10 officers, one of whom shall be a member of each of the
11 political parties referred to in section 49.13, who shall
12 be appointed by the commissioner from the election board panel
13 for the special precinct established by section 53.20. The
14 special precinct election officers shall be sworn in the
15 manner provided by section 49.75 for election board members,
16 shall receive compensation as provided in section 49.20 and
17 shall perform their duties during the ten calendar days
18 preceding the election and on election day if all ballots
19 requested under section 53.8, subsection 3 have not previously
20 been delivered and returned.

21 b. If an applicant under this subsection notifies the
22 commissioner that ~~he or she~~ the applicant will not be available
23 at the residence, health care facility or hospital address
24 at any time during the ten-day period immediately prior to
25 the election, but will be available there at some earlier
26 time, the commissioner shall direct the two special precinct
27 election officers to deliver the applicant's ballot at an
28 appropriate time prior to the ten-day period immediately
29 preceding the election. If a person who so requested an
30 absentee ballot has been dismissed from the health care
31 facility or hospital, the special precinct election officers
32 may take the ballot to the elector if ~~he or she~~ the elector
33 is currently residing in the county.

34 c. ~~The special precinct election officers shall both~~
35 ~~notarize each absent voter's affidavit as required by section~~

1 ~~53-16, any such officer who is not a notary public shall be~~
2 ~~provided with a stamp containing that person's name and the~~
3 ~~words "special precinct election officer" and may notarize~~
4 ~~the absentee affidavits so delivered by signing them and~~
5 ~~applying the stamp.~~ The special precinct election officers
6 shall travel together in the same vehicle and both shall be
7 present when an applicant casts ~~his or her~~ an absentee ballot.
8 If either or both of the special precinct election officers
9 ~~fails~~ fail to appear at the time the duties set forth in this
10 section are to be performed, the commissioner shall at once
11 appoint some other person, giving preference to persons
12 designated by the respective county chairpersons of the
13 political parties described in section 49.13, to carry out
14 the requirements of this section. The persons authorized
15 by this subsection to deliver an absentee ballot to an
16 applicant, if requested, may assist the applicant in filling
17 out the ballot as permitted by section 49.90. ~~The~~ After the
18 voter has securely sealed the marked ballot in the envelope
19 provided and has subscribed to the oath, the voted absentee
20 ballots shall be deposited in a sealed container which shall
21 be returned to the commissioner on the same day the ballots
22 are voted. On election day the officers shall return the
23 sealed container by the time the polls are closed.

24 Sec. 18. Section 53.22, Code 1983, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 3. For any election except a primary
27 or general election or a special election to fill a vacancy
28 under section 69.14, the commissioner may, as an alternative
29 to subsection 1, mail an absentee ballot to an applicant under
30 this section to be voted and returned to the commissioner
31 in accordance with this chapter. This subsection only applies
32 to applications for absentee ballots from a single health
33 care facility or hospital if there are no more than two
34 applications from that facility or hospital.

35 Sec. 19. Section 53.44, Code 1983, is amended by striking

1 the section and inserting in lieu thereof the following:

2 53.44 SIGNING THE AFFIDAVIT. The affidavit on the envelope
3 used in connection with voting by absentee ballot under this
4 division by members of the armed forces of the United States
5 need not be notarized or witnessed, but the affidavit on the
6 ballot envelope shall be completed and signed by the voter.

7 Sec. 20. This Act, being deemed of immediate importance,
8 takes effect from and after its publication in the Quad City
9 Times, a newspaper published in Davenport, Iowa, and in the
10 Sigourney News-Review, a newspaper published in Sigourney,
11 Iowa. Section 1 of this Act takes effect upon publication.
12 Section 4 of this Act takes effect January 1, 1985. All other
13 sections of this Act take effect on July 1, 1984.

14 EXPLANATION

15 Section 1 provides a method for challenging nomination
16 petitions under chapter 43. There is presently no method
17 for challenging political party candidates. The proposed
18 procedure is similar to that used for "nonparty" candidates
19 under chapters 44 and 45.

20 Sections 9 and 16 provide that an absentee ballot postmarked
21 no later than the day before election day may be counted if
22 it is received no later than the time the board of supervisors
23 canvasses the votes for that election.

24 Section 18 provides that for any election except the primary
25 and general elections and special elections held to fill
26 vacancies under section 69.14, absentee ballots may be mailed
27 to residents of a health care facility or hospital if there
28 are no more than two requests from the facility.

29 Many other sections strike the requirement that absentee
30 ballots must be notarized. Absentee ballots can only be sent
31 or given to registered voters upon written and signed request.

32 Section 2 of this bill provides that the office of county
33 auditor or county commissioner of elections in each county
34 shall be open for at least eight hours on the Saturday
35 preceding a general election, primary election, or special

1 election called by the governor for the purpose of conducting
2 official business relating to the election.

3 Section 3 of the bill allows postcard voter registration
4 forms to be delivered to the commissioner of registration
5 by means other than the United States mail and to be delivered
6 collectively.

7 Section 4 of this bill requires that an applicant certify
8 on the applicant's voter registration form that the applicant
9 is a citizen of the United States. The bill also corrects
10 an error on the current required form by stating that the
11 penalty for fraudulent registration is an aggravated
12 misdemeanor as provided in section 48.16.

13 Section 5 of the bill allows the voter to notify the
14 commissioner of elections of a change of address, name or
15 telephone number by a written notice rather than being required
16 to use the postcard registration form.

17 Section 6 of this bill requires that political
18 advertisements carry the identity and address of the person
19 responsible for the advertisement. If the responsible person
20 is an organization, the names of certain officers of the
21 organization are to appear. Chapter 49 provides a penalty
22 of a simple misdemeanor.

23 Sections 7 and 8 of the bill amends the statute on assisting
24 disabled, blind and illiterate voters to conform with the
25 1982 amendments to the federal Voting Rights Act.

26 Section 1 of the bill is effective upon publication.
27 Section 4 of the bill takes effect January 1, 1985. All other
28 sections take effect July 1, 1984.

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HOUSE FILE 2468

H-5510

- 1 Amend House File 2468 as follows:
- 2 1. Page 5, line 31, by striking the word "same"
- 3 and inserting in lieu thereof the words "same vote
- 4 cast".

H-5510 FILED MARCH 8, 1984 BY SPEAR of Lee

Adopted 3/13 (p 1001)

HOUSE FILE 2468

H-5511

- 1 Amend House File 2468 as follows:
- 2 1. Page 6, line 27, by striking the word "or"
- 3 and inserting in lieu thereof the words "or and".

H-5511 FILED MARCH 8, 1984 BY SPEAR of Lee

Adopted 3/13 (p 1002)

HOUSE FILE 2468

H-5512

- 1 Amend House File 2468 as follows:
- 2 1. Page 5, lines 28 and 29, by striking the words
- 3 "blind or physically disabled" and inserting in lieu
- 4 thereof the words "blind-or-physically-disabled".

H-5512 FILED MARCH 8, 1984 BY SPEAR of Lee

*Adopted as amended by 5630
3/13 (p 1001)*

HOUSE FILE 2468

H-5513

- 1 Amend House File 2468 as follows:
- 2 1. Page 5, line 5, by striking the word
- 3 "advertisements" and inserting in lieu thereof the
- 4 word "articles".

H-5513 FILED MARCH 8, 1984 BY SPEAR of Lee

Adopted 3/13 (p 1001)

HOUSE FILE 2468

H-5623

- 1 Amend House File 2468 as follows:
- 2 1. Page 1, by inserting after line 27, the
- 3 following:
- 4 "d. Those filed with a city clerk under section
- 5 43.115, not less than twenty-five days before the
- 6 date of the election."
- 7 2. Page 2, line 20, by inserting after the word
- 8 "commissioner" the words "or with a city clerk under
- 9 section 43.115".
- 10 3. Page 2, by inserting after line 27 the
- 11 following:
- 12 "Sec. 2. Section 43.115, Code 1983, is amended
- 13 by adding the following new unnumbered paragraph:
- 14 NEW UNNUMBERED PARAGRAPH. Objections to nomination
- 15 petitions and certificates of nominations shall be
- 16 filed and decided as provided in section 43.24."

H-5623 FILED MARCH 12, 1984 BY SWEARINGEN of Keokuk

*Adopted as amended by 5633
3/13 (p 1000)*

HOUSE FILE 2468

H-5618

- 1 Amend House File 2468 as follows:
- 2 1. Page 4, line 31, by striking the word "printed"
- 3 and inserting in lieu thereof the word "published".

BY SWEARINGEN of Keokuk
SWARTZ of Marshall

H-5618 FILED MARCH 12, 1984

Adopted 3/13 (p. 1000)

HOUSE FILE 2468

H-5630

- 1 Amend amendment H-5512 to House File 2468 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the following:
- 4 "1. Page 5, line 22, by inserting after the word
- 5 "voter" the words "is blind,"."

H-5630 FILED MARCH 13, 1984 BY SPEAR of Lee

ADOPTED (p. 1001)

HOUSE FILE 2468

H-5633

- 1 Amend amendment H-5623 to House File 2468 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 11 and
- 4 inserting in lieu thereof the following:
- 5 "d. Those filed with the city clerk under chap-
- 6 ter 43, at least thirty days prior to the municipal
- 7 election."
- 8 2. Page 2, by inserting after line 27 the fol-
- 9 lowing:
- 10 "Objections filed with the city clerk shall be
- 11 considered by the mayor and clerk and one member of
- 12 the council chosen by the council by ballot, and a
- 13 majority decision shall be final; but if the objec-
- 14 tion is to the certificate of nomination of either
- 15 of those city officials, that official shall not
- 16 pass upon said objection, but that official's place
- 17 shall be filled by a member of the council against
- 18 whom no objection exists, chosen as above."

H-5633 FILED MARCH 13, 1984 BY SWEARINGEN of Keokuk

ADOPTED (p. 1000)

HOUSE FILE 2468

H-5636

- 1 Amend House File 2468 as follows:
- 2 1. Page 9, line 25, by striking the words "the
- 3 United States" and inserting in lieu thereof the words
- 4 "an officially authorized"

H-5636 FILED MARCH 13, 1984 BY ARNOULD of Scott

ADOPTED BY UNANIMOUS CONSENT

(p. 1000)

Sen. State Govt. 3/19 To Pass 3/23 (p. 999)

HOUSE FILE 2468

State Government
Slater Chair
Drake
Wade

HOUSE FILE 2468

BY COMMITTEE ON STATE
GOVERNMENT

(As Amended and Passed by the House)

Passed House, Date 4-3-84 (p. 1597) Passed Senate, Date 3-28-84 (p. 1125)

Vote: Ayes 85 Nays 10 Vote: Ayes 43 Nays 0

Approved May 8, 1984

A BILL FOR

1 An Act relating to the election laws by providing a method
 2 for challenging nomination petitions, eliminating the
 3 requirement for notarization of absentee ballots, allowing
 4 the mailing of certain absentee ballots, regulating the
 5 office hours of the county commissioner of elections,
 6 revising delivery of registration forms and changes in
 7 registration, requiring identification of political
 8 advertisers, providing for assistance to certain voters
 9 and making certain technical corrections to the voting
 10 laws and providing penalties and effective dates.

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

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House Amendments _____

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1 Section 1. NEW SECTION. 43.24 OBJECTIONS TO NOMINATION
2 PETITIONS OR CERTIFICATES OF NOMINATION.

3 1. WRITTEN OBJECTIONS REQUIRED. Nomination petitions
4 or certificates of nomination filed under this chapter which
5 are apparently in conformity with the law are valid unless
6 objection is made in writing.

7 Objections to the legal sufficiency of a nomination petition
8 or certificate of nomination filed or issued under this chapter
9 or to the eligibility of a candidate may be filed in writing
10 by any person who would have the right to vote for the
11 candidate for the office in question.

12 Objections shall be filed with the officer with whom the
13 nomination petition or certificate of nomination was filed,
14 and within the following time:

15 a. Those filed with the state commissioner, not less than
16 sixty days before the date of the election.

17 b. Those filed with the commissioner, not less than fifty
18 days before the date of the election.

19 c. Objections to nominations to fill vacancies at a special
20 election held under section 69.14, under which the forty-day
21 notice of election provisions applies, shall be filed with
22 the state commissioner not less than fifteen days prior to
23 the date set for the special election. If the forty-day
24 notice provision does not apply, objections to nominations
25 to fill vacancies at a special election held under section
26 69.14 may be filed any time prior to the date set for the
27 special election.

28 d. Those filed with the city clerk under chapter 43, at
29 least thirty days prior to the municipal election.

30 2. NOTICE OF OBJECTIONS.

31 a. When objections have been filed, notice shall be mailed
32 within seventy-two hours by certified mail to the candidate
33 affected, addressed to the candidate's place of residence
34 as stated in the candidate's affidavit of candidacy or in
35 the certificate of nomination, stating that objections have

1 been made, the nature of the objections, and the time and
2 place the objections will be considered.

3 b. If an objection is filed to a nomination to fill a
4 vacancy at a special election held under section 69.14, under
5 which the forty-day notice of election provision of section
6 69.14 does not apply, notice of the objection shall be made
7 to the candidate by the state commissioner as soon as
8 practicable. Under this paragraph, failure to notify a
9 candidate of an objection to the candidate's nomination prior
10 to the date set for the special election does not invalidate
11 the hearing conducted under subsection 3. The hearing to
12 an objection shall proceed as quickly as possible to expedite
13 the special election.

14 3. HEARING. Objections filed with the state commissioner
15 shall be considered by the secretary of state, auditor of
16 state, and attorney general. However, if the objection is
17 to the nomination petition, certificate of nomination, or
18 eligibility of one or more of those officers, those officers
19 shall be replaced, respectively, by the treasurer of state,
20 secretary of agriculture, and lieutenant governor for the
21 hearing.

22 Objections filed with the commissioner shall be considered
23 by the county auditor, county treasurer, and county attorney.
24 However, if the objection is to the nomination petition,
25 certificate of nomination, or eligibility of one or more of
26 those officers, their places shall be filled, respectively,
27 by the county sheriff, county recorder, and chairperson of
28 the board of supervisors. In either case, a majority vote
29 shall decide the issue.

30 Objections filed with the city clerk shall be considered
31 by the mayor and clerk and one member of the council chosen
32 by the council by ballot, and a majority decision shall be
33 final; but if the objection is to the certificate of nomination
34 of either of those city officials, that official shall not
35 pass upon said objection, but that official's place shall

1 be filled by a member of the council against whom no objection
2 exists, chosen as above.

3 Sec. 2. Section 43.115, Code 1983, is amended by adding
4 the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. Objections to nomination
6 petitions and certificates of nominations shall be filed and
7 decided as provided in section 43.24.

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8 Sec. 3. Section 47.2, Code 1983, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. The office of county auditor or county
11 commissioner of elections in each county shall be open for
12 at least eight hours on the Saturday preceding a general
13 election, primary election, or special election called by
14 the governor for the purpose of receiving absentee ballots
15 and conducting other official business relating to the
16 election.

17 Sec. 4. Section 48.3, Code 1983, is amended to read as
18 follows:

19 48.3 REGISTRATION BY-MAIL FORM. As an alternative to
20 the method of registration prescribed by section 48.2, any
21 a person entitled to register under that section may submit
22 cause delivery of a completed voter registration form to the
23 commissioner of registration in the person's county of
24 residence by-postage-paid-United-States-mail. A registration
25 form or the envelope containing one or more registration forms
26 for the use of individual registrants ~~who-are-related-to-each~~
27 ~~other-within-the-first-degree-of-consanguinity-or-affinity~~
28 ~~and-who-reside-at-the-same-address-shall~~ must be postmarked
29 or otherwise delivered by the twenty-fifth day prior to an
30 election or the registration will not take effect for that
31 election. A separate registration form shall be signed by
32 each individual registrant. Within five working days after
33 receiving a registration ~~by-mail~~, the commissioner shall send
34 the registrant a receipt of the registration by first class
35 mail marked "do not forward". If the receipt is returned

1 by the postal service the commissioner shall treat the
2 registration as prescribed by section 48.31, subsection 7.
3 An improperly addressed or delivered registration form shall
4 be forwarded to the appropriate county commissioner of
5 registration within two working days after it is received
6 by any other official.

7 Sec. 5. Section 48.6, subsection 9, Code Supplement 1983,
8 is amended to read as follows:

9 9. A statement certification in substantially the following
10 form:

11 "I state certify that I am a citizen of the United States,
12 that I am or will be an eligible elector at any election at
13 which I attempt to vote and that all of the information I
14 have given upon this voter registration form is true. I
15 hereby authorize cancellation of any prior registration to
16 vote in this or any other jurisdiction and my eligibility
17 to vote in any jurisdiction where voter registration is not
18 required. I am aware that fraudulently registering, or
19 attempting to do so, is a ~~felony~~ an aggravated misdemeanor
20 under Iowa law." At the time the registration is signed by
21 the eligible elector it shall also be signed by a mobile
22 registrar, employee of the commissioner's office, or other
23 eligible elector.

24 Sec. 6. Section 48.7, subsection 1, paragraph a, Code
25 Supplement 1983, is amended to read as follows:

26 a. The qualified elector may submit to the commissioner
27 ~~a-form-of-the-type-provided-for-electors-registering-under~~
28 ~~section-48-3-providing-for-the-elector's-current-name,~~
29 ~~telephone-number,-social-security-number-and-address-and a~~
30 written notice of the change of name, telephone number, or
31 address, bearing the elector's signature. Upon receipt of
32 the ~~form~~ notice, the commissioner shall change the registration
33 records accordingly and the change shall be reflected in the
34 election registers prepared for the next election held ten
35 or more days after receipt of the qualified elector's notice.

1 If the ~~form~~ notice received by the commissioner does not
2 contain the information regarding name and address necessary
3 to properly update the registration records, the commissioner
4 shall immediately send notice to the elector, by forwardable
5 mail directed to the elector's last known address, that the
6 elector's registration is defective. The commissioner's
7 notice shall advise the elector of the corrections necessary.

8 Sec. 7. Chapter 49, Code 1983, is amended by adding the
9 following new section:

10 NEW SECTION. POLITICAL ADVERTISEMENTS. A person who
11 causes the publication or distribution of published material
12 after July 1, 1984 designed to promote or defeat the nomination
13 or election of a candidate for public office or the passage
14 of a constitutional amendment or public measure shall in-
15 clude conspicuously on the published material the identity
16 and address of the person responsible for the material. If
17 the person responsible is an organization, the name of one
18 officer of the organization shall appear on the material.
19 This section does not apply to the editorial or news articles
20 of a newspaper or magazine which are not political
21 advertisements.

22 Sec. 8. Section 49.89, Code 1983, is amended to read as
23 follows:

24 49.89 SELECTION OF OFFICIALS TO ASSIST VOTERS. At, or
25 before, the opening of the polls, the election board of each
26 precinct shall select two members of the board, of different
27 political parties in the case of any election in which
28 candidates appear on the ballot under the heading of either
29 of the political parties referred to in section 49.13, to
30 assist voters who may be unable to cast their votes without
31 assistance as described in section 49.90. ~~Voters-who-are~~
32 ~~blind-or-physically-disabled-may-have-the-assistance-of-any~~
33 ~~person-they-may-select.~~

34 Sec. 9. Section 49.90, Code 1983, is amended to read as
35 follows:

1 49.90 ASSISTING VOTER. Any voter who may declare upon
2 oath that ~~he-or-she~~ the voter is blind, cannot read the English
3 language, or is, by reason of any physical disability other
4 than intoxication, unable to cast a vote without assistance,
5 shall, upon request, be assisted by said two officers, or
6 alternatively by any other person the voter may select ~~if~~
7 ~~the-voter-is-blind-or-physically-disabled~~ in casting the vote.
8 Said officers, or person selected by the ~~blind-or-physically~~
9 disabled voter, shall cast the vote of the voter requiring
10 assistance, and shall thereafter give no information regarding
11 the same vote cast. If any elector because of a handicap
12 cannot enter the building where the polling place for the
13 elector's precinct of residence is located, the two officers
14 shall take a paper ballot to the vehicle occupied by the
15 handicapped elector and allow the elector to cast the ballot
16 in the vehicle. If a handicapped elector cannot cast a ballot
17 on a voting machine the elector shall be allowed to cast a
18 paper ballot, which shall be opened immediately after the
19 closing of the polling place by the two precinct election
20 officials designated under section 49.89, who shall register
21 the votes cast thereon on a voting machine in the polling
22 place before the votes cast there are tallied pursuant to
23 section 52.21. To preserve so far as possible the
24 confidentiality of each handicapped elector's ballot, the
25 two officers shall proceed substantially in the same manner
26 as provided in section 53.24. In precincts where all voters
27 use paper ballots, those cast by handicapped voters shall
28 be deposited in the regular ballot box and counted in the
29 usual manner.

30 Sec. 10. Section 50.24, Code 1983, is amended to read
31 as follows:

32 50.24 CANVASS BY BOARD OF SUPERVISORS. The county board
33 of supervisors shall meet to canvass the vote at nine o'clock
34 on the morning of the first Monday after the day of each
35 election to which this chapter is applicable, unless the law

1 authorizing the election specifies another date for the
2 canvass. If that Monday is a public holiday, ~~the provisions~~
3 ~~of~~ section 4.1, subsection 22 ~~shall control~~ controls. Upon
4 convening, the board shall open and canvass the tally lists
5 and shall prepare abstracts stating, in words written at
6 length, the number of votes cast in the county, or in that
7 portion of the county in which the election was held, for
8 each office or and on each question on the ballot for the
9 election. The board shall also open and include in the canvass
10 any absentee ballots which were received after the polls
11 closed in accordance with section 53.17. The abstract shall
12 further indicate the name of each person who received votes
13 for each office on the ballot, and the number of votes each
14 person named received for that office, and the number of votes
15 for and against each question submitted to the voters at the
16 election.

17 Sec. 11. Section 53.2, unnumbered paragraph 2, Code
18 Supplement 1983, is amended to read as follows:

19 ~~Nothing in this~~ This section ~~shall be construed to~~ does
20 not require that a written communication mailed to the
21 commissioner's office to request an absentee ballot, or any
22 other document ~~except the absent voter's affidavit required~~
23 ~~by section 53-13,~~ be notarized as a prerequisite to receiving
24 or marking an absentee ballot or returning to the commissioner
25 an absentee ballot which has been voted.

26 Sec. 12. Section 53.8, subsection 3, unnumbered paragraphs
27 1 and 3, Code Supplement 1983, are amended to read as follows:

28 When an application for an absentee ballot is received
29 by the commissioner of any county from a qualified elector
30 who is confined to a residence by a physical disability or
31 illness, a patient in a hospital in that county or a resident
32 of any facility in that county shown to be a health care
33 facility by the list of licenses provided the commissioner
34 under section 135C.29, the absentee ballot shall be delivered
35 to the elector and returned to the commissioner in the manner

1 prescribed by section 53.22. However, if the application
2 is received more than ten calendar days before the election
3 and the commissioner has not elected to mail absentee ballots
4 to the applicant as provided under section 53.22, subsection
5 3, the commissioner shall mail to the applicant within twenty-
6 four hours a letter in substantially the following form:

7 Nothing in this subsection nor in section 53.22 shall be
8 construed to prohibit a qualified elector who is confined
9 to a residence by a physical disability or illness, a hospital
10 patient or resident of a health care facility, or who
11 anticipates entering a hospital or health care facility before
12 the date of a forthcoming election, from casting an absentee
13 ballot in the manner prescribed by section 53.11.

14 Sec. 13. Section 53.11, Code 1983, is amended to read
15 as follows:

16 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT. The
17 commissioner shall deliver an absentee ballot to any qualified
18 elector applying in person at ~~his~~ the commissioner's office
19 not more than forty days before the date of the general
20 election and the primary election, and for all other elections,
21 as soon as the ballot is available. The qualified elector
22 shall immediately mark the ballot, enclose and seal it in
23 a ballot envelope, with-proper subscribe to the affidavit
24 on the reverse side of the envelope, and return the absentee
25 ballot to the commissioner. The commissioner shall record
26 the numbers appearing on the application and ballot envelope
27 along with the name of the qualified elector. The commissioner
28 of any county in which there is located a city of five thousand
29 or more population, which is not the county seat, may permit
30 qualified electors to appear in person at some designated
31 place within each such city and there cast an absentee ballot
32 in the manner prescribed by this section.

33 Sec. 14. Section 53.12, Code 1983, is amended to read
34 as follows:

35 53.12 DUTY OF COMMISSIONER. The commissioner shall enclose

1 the absentee ballot in an unsealed envelope, to be furnished
2 by him the commissioner, which envelope shall bear upon its
3 face the words "county commissioner of elections", the address
4 of his the commissioner's office, and the same serial number
5 appearing on the unsealed envelope shall be affixed to the
6 application. ~~The seal of the officer notarizing the affidavit~~
7 ~~shall, if possible, be placed on the affidavit envelope in~~
8 ~~such a manner that the ballot will not be marked by the seal,~~
9 ~~however, if the officer's seal makes an imprint on the ballot~~
10 ~~that marking shall not invalidate the ballot.~~

11 Sec. 15. Section 53.15, unnumbered paragraph 1, Code 1983,
12 is amended to read as follows:

13 The qualified elector, on receipt of an absentee ballot,
14 ~~shall, in the presence of the officer notarizing the affidavit,~~
15 mark such the ballot in such a manner that such officer no
16 other person will not know how such the ballot is marked.

17 Sec. 16. Section 53.16, Code 1983, is amended to read
18 as follows:

19 53.16 ~~MAKING-AND~~ SUBSCRIBING OATH TO AFFIDAVIT. After
20 marking such the ballot, the voter shall, ~~before said officer,~~
21 make and subscribe to the affidavit on the reverse side of
22 the envelope, and, ~~in the presence of such officer,~~ fold such
23 the ballot, or ballots, separately, so as to conceal the
24 markings thereon on them, and deposit the same them in said
25 the envelope, ~~which shall then be~~ and securely sealed seal
26 the envelope.

27 Sec. 17. Section 53.17, Code 1983, is amended by striking
28 the section and inserting in lieu thereof the following:

29 53.17 MAILING OR DELIVERING BALLOT. The sealed envelope
30 containing the absentee ballot shall be enclosed in a carrier
31 envelope which shall be securely sealed. The sealed carrier
32 envelope shall be returned to the commissioner by one of the
33 following methods:

34 1. The sealed carrier envelope may be delivered by the
35 qualified elector or the elector's designee to the

1 commissioner's office no later than the time the polls are
2 closed on election day.

3 2. The sealed carrier envelope may be mailed, postage
4 paid, to the commissioner. In order for the ballot to be
5 counted, the carrier envelope must be clearly postmarked by
6 an officially authorized postal service not later than the
7 day before the election and received by the commissioner not
8 later than the time established for the canvass by the board
9 of supervisors for that election. The commissioner shall
10 contact the post office serving the commissioner's office
11 at the latest practicable hour prior to the canvass by the
12 board of supervisors for that election, and shall arrange
13 for absentee ballots received in that post office but not
14 yet delivered to the commissioner's office to be brought to
15 the commissioner's office prior to the canvass for that
16 election by the board of supervisors.

17 Sec. 18. Section 53.22, subsection 1, Code 1983, is amended
18 to read as follows:

19 1. a. A qualified elector who has applied for an absentee
20 ballot, in a manner other than that prescribed by section
21 53.11, and who is confined to a residence by a physical
22 disability or illness, or a resident or patient in a health
23 care facility or hospital located in the county to which the
24 application has been submitted shall be delivered the
25 appropriate absentee ballot by two special precinct election
26 officers, one of whom shall be a member of each of the
27 political parties referred to in section 49.13, who shall
28 be appointed by the commissioner from the election board panel
29 for the special precinct established by section 53.20. The
30 special precinct election officers shall be sworn in the
31 manner provided by section 49.75 for election board members,
32 shall receive compensation as provided in section 49.20 and
33 shall perform their duties during the ten calendar days
34 preceding the election and on election day if all ballots
35 requested under section 53.8, subsection 3 have not previously

1 been delivered and returned.

2 b. If an applicant under this subsection notifies the
3 commissioner that ~~he-or-she~~ the applicant will not be available
4 at the residence, health care facility or hospital address
5 at any time during the ten-day period immediately prior to
6 the election, but will be available there at some earlier
7 time, the commissioner shall direct the two special precinct
8 election officers to deliver the applicant's ballot at an
9 appropriate time prior to the ten-day period immediately
10 preceding the election. If a person who so requested an
11 absentee ballot has been dismissed from the health care
12 facility or hospital, the special precinct election officers
13 may take the ballot to the elector if ~~he-or-she~~ the elector
14 is currently residing in the county.

15 c. ~~The special precinct election officers shall both~~
16 ~~notarize each absent voter's affidavit as required by section~~
17 ~~53-167, any such officer who is not a notary public shall be~~
18 ~~provided with a stamp containing that person's name and the~~
19 ~~words "special precinct election officer" and may notarize~~
20 ~~the absentee affidavits so delivered by signing them and~~
21 ~~applying the stamp.~~ The special precinct election officers
22 shall travel together in the same vehicle and both shall be
23 present when an applicant casts ~~his-or-her~~ an absentee ballot.
24 If either or both of the special precinct election officers
25 ~~fails~~ fail to appear at the time the duties set forth in this
26 section are to be performed, the commissioner shall at once
27 appoint some other person, giving preference to persons
28 designated by the respective county chairpersons of the
29 political parties described in section 49.13, to carry out
30 the requirements of this section. The persons authorized
31 by this subsection to deliver an absentee ballot to an
32 applicant, if requested, may assist the applicant in filling
33 out the ballot as permitted by section 49.90. ~~The~~ After the
34 voter has securely sealed the marked ballot in the envelope
35 provided and has subscribed to the oath, the voted absentee

1 ballots shall be deposited in a sealed container which shall
2 be returned to the commissioner on the same day the ballots
3 are voted. On election day the officers shall return the
4 sealed container by the time the polls are closed.

5 Sec. 19. Section 53.22, Code 1983, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 3. For any election except a primary
8 or general election or a special election to fill a vacancy
9 under section 69.14, the commissioner may, as an alternative
10 to subsection 1, mail an absentee ballot to an applicant under
11 this section to be voted and returned to the commissioner
12 in accordance with this chapter. This subsection only applies
13 to applications for absentee ballots from a single health
14 care facility or hospital if there are no more than two
15 applications from that facility or hospital.

16 Sec. 20. Section 53.44, Code 1983, is amended by striking
17 the section and inserting in lieu thereof the following:

18 53.44 SIGNING THE AFFIDAVIT. The affidavit on the envelope
19 used in connection with voting by absentee ballot under this
20 division by members of the armed forces of the United States
21 need not be notarized or witnessed, but the affidavit on the
22 ballot envelope shall be completed and signed by the voter.

23 Sec. 21. This Act, being deemed of immediate importance,
24 takes effect from and after its publication in the Quad City
25 Times, a newspaper published in Davenport, Iowa, and in the
26 Sigourney News-Review, a newspaper published in Sigourney,
27 Iowa. Section 1 of this Act takes effect upon publication.
28 Section 5 of this Act takes effect January 1, 1985. All other
29 sections of this Act take effect on July 1, 1984.

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S-5537

1 Amend House File 2468 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 7 the following:
4 "Sec. ____ . Section 47.2, subsection 1, Code 1983,
5 is amended to read as follows:

6 1. The county auditor of each county is designated
7 as the county commissioner of elections in each county.

8 However, in counties having a population of fifty
9 thousand or more, the board of supervisors shall
10 appoint a county commissioner of elections. The

11 county commissioner of elections shall conduct voter
12 registration pursuant to chapter 48 and conduct all
13 elections within the county."

14 2. Page 12, by inserting after line 22 the following:

15 "Sec. ____ . Section 331.505, Code 1983, is amended by
16 adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. In counties having a
18 population of fifty thousand or more, subsections 1,
19 2, and 4 do not apply to the auditor."

20 3. Title page, line 5, by inserting after the word
21 "elections," the words "providing for the appointment
22 of the county commissioner of elections by the board
23 of supervisors in certain counties".

24 4. By numbering, renumbering and correcting internal
25 references as necessary.

S-5537 FILED

BY JOE BROWN

MARCH 26, 1984

W/D 3/28 (y. 1125)

S-5504

1 Amend/House File 2468 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 7, lines 30 and 31, by striking the words
 4 "confined to a residence by a physical disability
 5 or illness,"
 6 2. Page 8, lines 8 and 9, by striking the words
 7 "confined to a residence by a physical disability
 8 or illness,"
 9 3. Page 10, lines 21 and 22, by striking the words
 10 "confined to a residence by a physical disability
 11 or illness, or".

S-5504 FILED
 MARCH 23, 1984
Adopted 3/28 (p. 1125)

BY COMMITTEE ON STATE GOVERNMENT
 TOM SLATER, CHAIR

HOUSE FILE 2468

S-5532

1 Amend House File 2468 as amended, passed and
 2 reprinted by House as follows:
 3 1. Page 12, by inserting after line 22 the
 4 following:
 5 "Sec. 21. ADVISORY MEASURE ON LOTTERY.
 6 1. The advisory measure described in subsection
 7 2 shall be placed on the ballot at the 1984 general
 8 election, published, and submitted to a vote of the
 9 entire people of the state in the same manner as
 10 provided for constitutional amendments under chapters
 11 6 and 49. The vote on the measure is advisory only
 12 and of no legal effect.
 13 2. The ballot for the advisory measure shall be
 14 substantially in the following form:
 15 "Should the state establish a public
 16 lottery?"

Yes _____
 No _____

S-5532 FILED
 MARCH 26, 1984
Filed out of order 3/28 (p. 1125)

BY JAMES V. GALLAGHER

SENATE AMENDMENT TO HOUSE FILE 2468

H-5959

1 Amend House File 2468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 7, lines 30 and 31, by striking the words
4 "confined to a residence by a physical disability
5 or illness,".
6 2. Page 8, lines 8 and 9, by striking the words
7 "confined to a residence by a physical disability
8 or illness,".
9 3. Page 10, lines 21 and 22, by striking the words
10 "confined to a residence by a physical disability
11 or illness, or".

6041>

H-5959 FILED MARCH 29, 1984

RECEIVED FROM THE SENATE

House concurred 4/3 (p. 1597)

HOUSE FILE 2468

H-6041

1 Amend the Senate amendment H-5959 to House File
2 2468 as amended, passed and reprinted as follows:
3 1. Page 1, by inserting after line 2 the following:
4 "____. Page 1, by inserting before line 1 the
5 following:
6 "Sec. 50. Section 43.11, Code 1983, is amended
7 by adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. For purposes of
9 subsections 1 and 2, nomination papers which are
10 mailed and postmarked at least twenty-four hours
11 before the five o'clock p.m. deadline specified in
12 subsections 1 or 2, as appropriate, and are received
13 not later than thirty days after the appropriate
14 deadline shall be considered as having been filed
15 before the appropriate deadline.""
16 2. Page 1, by inserting after line 11 the
17 following:
18 "____. Page 12, line 27, by inserting after the
19 word "Iowa." the words and figures "Section 50 of
20 this Act is retroactive to March 26, 1984."
21 _____. Title page, line 1, by inserting after the
22 word "providing" the words "that nomination papers
23 are considered to have been filed on time if they
24 have been mailed and postmarked before the appropriate
25 deadline,".
26 _____. By numbering, renumbering and correcting
27 internal references as necessary."

H-6041 FILED APRIL 2, 1984

BY SCHROEDER of Pottawattamie

Has. german 4/3 (p. 1597)

HOUSE FILE 2468

AN ACT

RELATING TO THE ELECTION LAWS BY PROVIDING A METHOD FOR CHALLENGING NOMINATION PETITIONS, ELIMINATING THE REQUIREMENT FOR NOTARIZATION OF ABSENTEE BALLOTS, ALLOWING THE MAILING OF CERTAIN ABSENTEE BALLOTS, REGULATING THE OFFICE HOURS OF THE COUNTY COMMISSIONER OF ELECTIONS, REVISING DELIVERY OF REGISTRATION FORMS AND CHANGES IN REGISTRATION, REQUIRING IDENTIFICATION OF POLITICAL ADVERTISERS, PROVIDING FOR ASSISTANCE TO CERTAIN VOTERS AND MAKING CERTAIN TECHNICAL CORRECTIONS TO THE VOTING LAWS AND PROVIDING PENALTIES AND EFFECTIVE DATES.

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

Section 1. NEW SECTION. 43.24 OBJECTIONS TO NOMINATION PETITIONS OR CERTIFICATES OF NOMINATION.

1. WRITTEN OBJECTIONS REQUIRED. Nomination petitions or certificates of nomination filed under this chapter which are apparently in conformity with the law are valid unless objection is made in writing.

Objections to the legal sufficiency of a nomination petition or certificate of nomination filed or issued under this chapter or to the eligibility of a candidate may be filed in writing by any person who would have the right to vote for the candidate for the office in question.

Objections shall be filed with the officer with whom the nomination petition or certificate of nomination was filed, and within the following time:

- a. Those filed with the state commissioner, not less than sixty days before the date of the election.
- b. Those filed with the commissioner, not less than fifty days before the date of the election.

c. Objections to nominations to fill vacancies at a special election held under section 69.14, under which the forty-day notice of election provisions applies, shall be filed with the state commissioner not less than fifteen days prior to the date set for the special election. If the forty-day notice provision does not apply, objections to nominations to fill vacancies at a special election held under section 69.14 may be filed any time prior to the date set for the special election.

d. Those filed with the city clerk under chapter 43, at least thirty days prior to the municipal election.

2. NOTICE OF OBJECTIONS.

a. When objections have been filed, notice shall be mailed within seventy-two hours by certified mail to the candidate affected, addressed to the candidate's place of residence as stated in the candidate's affidavit of candidacy or in the certificate of nomination, stating that objections have been made, the nature of the objections, and the time and place the objections will be considered.

b. If an objection is filed to a nomination to fill a vacancy at a special election held under section 69.14, under which the forty-day notice of election provision of section 69.14 does not apply, notice of the objection shall be made to the candidate by the state commissioner as soon as practicable. Under this paragraph, failure to notify a candidate of an objection to the candidate's nomination prior to the date set for the special election does not invalidate the hearing conducted under subsection 3. The hearing to an objection shall proceed as quickly as possible to expedite the special election.

3. HEARING. Objections filed with the state commissioner shall be considered by the secretary of state, auditor of state, and attorney general. However, if the objection is to the nomination petition, certificate of nomination, or eligibility of one or more of those officers, those officers

shall be replaced, respectively, by the treasurer of state, secretary of agriculture, and lieutenant governor for the hearing.

Objections filed with the commissioner shall be considered by the county auditor, county treasurer, and county attorney. However, if the objection is to the nomination petition, certificate of nomination, or eligibility of one or more of those officers, their places shall be filled, respectively, by the county sheriff, county recorder, and chairperson of the board of supervisors. In either case, a majority vote shall decide the issue.

Objections filed with the city clerk shall be considered by the mayor and clerk and one member of the council chosen by the council by ballot, and a majority decision shall be final; but if the objection is to the certificate of nomination of either of those city officials, that official shall not pass upon said objection, but that official's place shall be filled by a member of the council against whom no objection exists, chosen as above.

Sec. 2. Section 43.115, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Objections to nomination petitions and certificates of nominations shall be filed and decided as provided in section 43.24.

Sec. 3. Section 47.2, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. The office of county auditor or county commissioner of elections in each county shall be open for at least eight hours on the Saturday preceding a general election, primary election, or special election called by the governor for the purpose of receiving absentee ballots and conducting other official business relating to the election.

Sec. 4. Section 48.3, Code 1983, is amended to read as follows:

48.3 REGISTRATION BY-MAIL FORM. As an alternative to the method of registration prescribed by section 48.2, any a person entitled to register under that section may submit cause delivery of a completed voter registration form to the commissioner of registration in the person's county of residence by-postage-paid-United-States-mail. A registration form or the envelope containing one or more registration forms for the use of individual registrants who-are-related-to-each other-within-the-first-degree-of-consanguinity-or-affinity and-who-reside-at-the-same-address-shall must be postmarked or otherwise delivered by the twenty-fifth day prior to an election or the registration will not take effect for that election. A separate registration form shall be signed by each individual registrant. Within five working days after receiving a registration by-mail, the commissioner shall send the registrant a receipt of the registration by first class mail marked "do not forward". If the receipt is returned by the postal service the commissioner shall treat the registration as prescribed by section 48.31, subsection 7. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official.

Sec. 5. Section 48.6, subsection 9, Code Supplement 1983, is amended to read as follows:

9. A statement certification in substantially the following form:

"I state certify that I am a citizen of the United States, that I am or will be an eligible elector at any election at which I attempt to vote and that all of the information I have given upon this voter registration form is true. I hereby authorize cancellation of any prior registration to vote in this or any other jurisdiction and my eligibility to vote in any jurisdiction where voter registration is not required. I am aware that fraudulently registering, or

attempting to do so, is ~~a felony~~ an aggravated misdemeanor under Iowa law." At the time the registration is signed by the eligible elector it shall also be signed by a mobile registrar, employee of the commissioner's office, or other eligible elector.

Sec. 6. Section 48.7, subsection 1, paragraph a, Code Supplement 1983, is amended to read as follows:

a. The qualified elector may submit to the commissioner ~~a form of the type provided for electors registering under section 48.3 providing for the elector's current name, telephone number, social security number and address and a~~ written notice of the change of name, telephone number, or address, bearing the elector's signature. Upon receipt of the ~~form~~ notice, the commissioner shall change the registration records accordingly and the change shall be reflected in the election registers prepared for the next election held ten or more days after receipt of the qualified elector's notice. If the ~~form~~ notice received by the commissioner does not contain the information regarding name and address necessary to properly update the registration records, the commissioner shall immediately send notice to the elector, by forwardable mail directed to the elector's last known address, that the elector's registration is defective. The commissioner's notice shall advise the elector of the corrections necessary.

Sec. 7. Chapter 49, Code 1983, is amended by adding the following new section:

NEW SECTION. POLITICAL ADVERTISEMENTS. A person who causes the publication or distribution of published material after July 1, 1984 designed to promote or defeat the nomination or election of a candidate for public office or the passage of a constitutional amendment or public measure shall include conspicuously on the published material the identity and address of the person responsible for the material. If the person responsible is an organization, the name of one officer of the organization shall appear on the material.

This section does not apply to the editorial or news articles of a newspaper or magazine which are not political advertisements.

Sec. 8. Section 49.89, Code 1983, is amended to read as follows:

49.89 SELECTION OF OFFICIALS TO ASSIST VOTERS. At, or before, the opening of the polls, the election board of each precinct shall select two members of the board, of different political parties in the case of any election in which candidates appear on the ballot under the heading of either of the political parties referred to in section 49.13, to assist voters who may be unable to cast their votes without assistance as described in section 49.90. ~~Voters who are blind or physically disabled may have the assistance of any person they may select.~~

Sec. 9. Section 49.90, Code 1983, is amended to read as follows:

49.90 ASSISTING VOTER. Any voter who may declare upon oath that ~~he or she~~ the voter is blind, cannot read the English language, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance, shall, upon request, be assisted by said two officers, or alternatively by any other person the voter may select ~~if the voter is blind or physically disabled~~ in casting the vote. Said officers, or person selected by the ~~blind or physically disabled~~ voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the same vote cast. If any elector because of a handicap cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the handicapped elector and allow the elector to cast the ballot in the vehicle. If a handicapped elector cannot cast a ballot on a voting machine the elector shall be allowed to cast a paper ballot, which shall be opened immediately after the

closing of the polling place by the two precinct election officials designated under section 49.89, who shall register the votes cast thereon on a voting machine in the polling place before the votes cast there are tallied pursuant to section 52.21. To preserve so far as possible the confidentiality of each handicapped elector's ballot, the two officers shall proceed substantially in the same manner as provided in section 53.24. In precincts where all voters use paper ballots, those cast by handicapped voters shall be deposited in the regular ballot box and counted in the usual manner.

Sec. 10. Section 50.24, Code 1983, is amended to read as follows:

50.24 CANVASS BY BOARD OF SUPERVISORS. The county board of supervisors shall meet to canvass the vote at nine o'clock on the morning of the first Monday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass. If that Monday is a public holiday, ~~the provisions of section 4.1, subsection 22 shall control~~. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating, in words written at length, the number of votes cast in the county, or in that portion of the county in which the election was held, for each office ~~or~~ and on each question on the ballot for the election. The board shall also open and include in the canvass any absentee ballots which were received after the polls closed in accordance with section 53.17. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election.

Sec. 11. Section 53.2, unnumbered paragraph 2, Code Supplement 1983, is amended to read as follows:

~~Nothing in this~~ This section shall be construed to ~~does not require~~ that a written communication mailed to the commissioner's office to request an absentee ballot, or any other document ~~except the absent voter's affidavit required by section 53.13,~~ be notarized as a prerequisite to receiving or marking an absentee ballot or returning to the commissioner an absentee ballot which has been voted.

Sec. 12. Section 53.8, subsection 3, unnumbered paragraphs 1 and 3, Code Supplement 1983, are amended to read as follows:

When an application for an absentee ballot is received by the commissioner of any county from a qualified elector who is a patient in a hospital in that county or a resident of any facility in that county shown to be a health care facility by the list of licenses provided the commissioner under section 135C.29, the absentee ballot shall be delivered to the elector and returned to the commissioner in the manner prescribed by section 53.22. However, if the application is received more than ten calendar days before the election and the commissioner has not elected to mail absentee ballots to the applicant as provided under section 53.22, subsection 3, the commissioner shall mail to the applicant within twenty-four hours a letter in substantially the following form:

Nothing in this subsection nor in section 53.22 shall be construed to prohibit a qualified elector who is a hospital patient or resident of a health care facility, or who anticipates entering a hospital or health care facility before the date of a forthcoming election, from casting an absentee ballot in the manner prescribed by section 53.11.

Sec. 13. Section 53.11, Code 1983, is amended to read as follows:

53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT. The commissioner shall deliver an absentee ballot to any qualified elector applying in person at ~~his~~ the commissioner's office not more than forty days before the date of the general election and the primary election, and for all other elections,

as soon as the ballot is available. The qualified elector shall immediately mark the ballot, enclose and seal it in a ballot envelope, ~~with proper~~ subscribe to the affidavit on the reverse side of the envelope, and return the absentee ballot to the commissioner. The commissioner shall record the numbers appearing on the application and ballot envelope along with the name of the qualified elector. The commissioner of any county in which there is located a city of five thousand or more population, which is not the county seat, may permit qualified electors to appear in person at some designated place within each such city and there cast an absentee ballot in the manner prescribed by this section.

Sec. 14. Section 53.12, Code 1983, is amended to read as follows:

53.12 DUTY OF COMMISSIONER. The commissioner shall enclose the absentee ballot in an unsealed envelope, to be furnished by ~~him~~ the commissioner, which envelope shall bear upon its face the words "county commissioner of elections", the address of ~~his~~ the commissioner's office, and the same serial number appearing on the unsealed envelope shall be affixed to the application. ~~The seal of the officer notarizing the affidavit shall, if possible, be placed on the affidavit envelope in such a manner that the ballot will not be marked by the seal, however, if the officer's seal makes an imprint on the ballot that marking shall not invalidate the ballot.~~

Sec. 15. Section 53.15, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The qualified elector, on receipt of an absentee ballot, shall, ~~in the presence of the officer notarizing the affidavit,~~ mark ~~such~~ the ballot in such a manner that ~~such officer~~ no other person will ~~not~~ know how ~~such~~ the ballot is marked.

Sec. 16. Section 53.16, Code 1983, is amended to read as follows:

53.16 TAKING AND SUBSCRIBING OATH TO AFFIDAVIT. After marking ~~such~~ the ballot, the voter shall, ~~before said officer,~~

make and subscribe to the affidavit on the reverse side of the envelope, and, ~~in the presence of such officer,~~ fold ~~such~~ the ballot, or ballots, separately, so as to conceal the markings ~~thereon on them,~~ and deposit ~~the same~~ them in ~~said~~ the envelope, ~~which shall then be~~ and securely sealed seal the envelope.

Sec. 17. Section 53.17, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

53.17 MAILING OR DELIVERING BALLOT. The sealed envelope containing the absentee ballot shall be enclosed in a carrier envelope which shall be securely sealed. The sealed carrier envelope shall be returned to the commissioner by one of the following methods:

1. The sealed carrier envelope may be delivered by the qualified elector or the elector's designee to the commissioner's office no later than the time the polls are closed on election day.

2. The sealed carrier envelope may be mailed, postage paid, to the commissioner. In order for the ballot to be counted, the carrier envelope must be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than the time established for the canvass by the board of supervisors for that election. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour prior to the canvass by the board of supervisors for that election, and shall arrange for absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office prior to the canvass for that election by the board of supervisors.

Sec. 18. Section 53.22, subsection 1, Code 1983, is amended to read as follows:

1. a. A qualified elector who has applied for an absentee ballot, in a manner other than that prescribed by section

53.11, and who is a resident or patient in a health care facility or hospital located in the county to which the application has been submitted shall be delivered the appropriate absentee ballot by two special precinct election officers, one of whom shall be a member of each of the political parties referred to in section 49.13, who shall be appointed by the commissioner from the election board panel for the special precinct established by section 53.20. The special precinct election officers shall be sworn in the manner provided by section 49.75 for election board members, shall receive compensation as provided in section 49.20 and shall perform their duties during the ten calendar days preceding the election and on election day if all ballots requested under section 53.8, subsection 3 have not previously been delivered and returned.

b. If an applicant under this subsection notifies the commissioner that ~~he or she~~ the applicant will not be available at the residence, health care facility or hospital address at any time during the ten-day period immediately prior to the election, but will be available there at some earlier time, the commissioner shall direct the two special precinct election officers to deliver the applicant's ballot at an appropriate time prior to the ten-day period immediately preceding the election. If a person who so requested an absentee ballot has been dismissed from the health care facility or hospital, the special precinct election officers may take the ballot to the elector if ~~he or she~~ the elector is currently residing in the county.

c. ~~The special precinct election officers shall both notarize each absent voter's affidavit as required by section 53.16, any such officer who is not a notary public shall be provided with a stamp containing that person's name and the words "special precinct election officer" and may notarize the absentee affidavits so delivered by signing them and applying the stamp.~~ The special precinct election officers

shall travel together in the same vehicle and both shall be present when an applicant casts ~~his or her~~ an absentee ballot. If either or both of the special precinct election officers ~~fails~~ fail to appear at the time the duties set forth in this section are to be performed, the commissioner shall at once appoint some other person, giving preference to persons designated by the respective county chairpersons of the political parties described in section 49.13, to carry out the requirements of this section. The persons authorized by this subsection to deliver an absentee ballot to an applicant, if requested, may assist the applicant in filling out the ballot as permitted by section 49.90. The After the voter has securely sealed the marked ballot in the envelope provided and has subscribed to the oath, the voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day the ballots are voted. On election day the officers shall return the sealed container by the time the polls are closed.

Sec. 19. Section 53.22, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For any election except a primary or general election or a special election to fill a vacancy under section 69.14, the commissioner may, as an alternative to subsection 1, mail an absentee ballot to an applicant under this section to be voted and returned to the commissioner in accordance with this chapter. This subsection only applies to applications for absentee ballots from a single health care facility or hospital if there are no more than two applications from that facility or hospital.

Sec. 20. Section 53.44, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

53.44 SIGNING THE AFFIDAVIT. The affidavit on the envelope used in connection with voting by absentee ballot under this division by members of the armed forces of the United States need not be notarized or witnessed, but the affidavit on the ballot envelope shall be completed and signed by the voter.

Sec. 21. This Act, being deemed of immediate importance, takes effect from and after its publication in the Quad City Times, a newspaper published in Davenport, Iowa, and in the Sigourney News-Review, a newspaper published in Sigourney, Iowa. Section 1 of this Act takes effect upon publication. Section 5 of this Act takes effect January 1, 1985. All other sections of this Act take effect on July 1, 1984.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2468, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 8, 1984

TERRY E. BRANSTAD
Governor