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HSB 222
STATE GOVERNMENT
JUN 25 1978
JBY

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON STATE
GOVERNMENT BILL BY CHAIRPERSON
MARTIN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to elections and voter registration by enacting
2 provisions relating to election misconduct and providing
3 criminal penalties, to voter registration deadlines and voter
4 registration by mail, to written summaries of proposed
5 constitutional amendments or of certain other public measures,
6 and to absentee voting and requirements and prohibitions
7 related to receiving, handling, and delivering absentee
8 ballots, and including effective date and applicability date
9 provisions.

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

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1 Section 1. Section 13.2, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14. Assist the state commissioner of
4 elections in preparing written summaries of constitutional
5 amendments or other public measures as required by section
6 49.44.

7 Sec. 2. NEW SECTION. 39A.1 TITLE AND PURPOSE -- ELECTION
8 OFFICIALS DEFINED.

9 1. This chapter may be cited and referred to as the
10 "Election Misconduct and Penalties Act".

11 2. The purpose of this chapter is to identify actions
12 which threaten the integrity of the election process and to
13 impose significant sanctions upon persons who intentionally
14 commit those acts. It is the intent of the general assembly
15 that offenses with the greatest potential to affect the
16 election process be vigorously prosecuted and strong
17 punishment meted out through the imposition of felony
18 sanctions which, as a consequence, removes the voting rights
19 of the offenders. Other offenses are still considered
20 serious, but based on the factual context in which they arise,
21 they may not rise to the level of offenses to which felony
22 penalties attach. The general assembly also recognizes that
23 instances may arise in which technical infractions of chapters
24 39 through 53 may occur which do not merit any level of
25 criminal sanction. In such instances, administrative notice
26 from the state or county commissioner of elections is
27 sufficient. Mandates or proscriptions in chapters 39 through
28 53 which are not specifically included in this chapter shall
29 be considered to be directive only, without criminal sanction.

30 3. For the purposes of this chapter, "election officials"
31 include the state commissioner, the county commissioner,
32 employees of the state commissioner and county commissioner
33 who are responsible for carrying out functions or duties under
34 chapters 39 through 53, and precinct election officials
35 appointed pursuant to sections 49.12, 49.14, 49.18, and 53.23.

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1 Sec. 3. NEW SECTION. 39A.2 ELECTION MISCONDUCT IN THE
2 FIRST DEGREE.

3 1. A person commits the crime of election misconduct in
4 the first degree if the person willfully commits any of the
5 following acts:

6 a. REGISTRATION FRAUD. Produces, procures, submits, or
7 accepts voter registration applications that are known by the
8 person to be materially false, fictitious, forged, or
9 fraudulent.

10 b. VOTE FRAUD.

11 (1) Destroys, delivers, or handles an application for a
12 ballot or an absentee ballot with the intent of interfering
13 with the elector's right to vote.

14 (2) Produces, procures, submits, or accepts ballots or
15 absentee ballots, or produces, procures, casts, accepts, or
16 tabulates ballots that are known by the person to be
17 materially false, fictitious, forged, or fraudulent.

18 (3) Votes or attempts to vote more than once at the same
19 election, or voting or attempting to vote at any election
20 knowing oneself not to be qualified.

21 (4) Otherwise deprives, defrauds, or attempts to deprive
22 or defraud the citizens of this state of a fair and
23 impartially conducted election process.

24 c. DURESS. Intimidates, threatens, or coerces, or
25 attempts to intimidate, threaten, or coerce, any person who
26 does any of the following:

27 (1) Registers to vote, or votes, or attempts to register
28 to vote.

29 (2) Urges or aids any person to register to vote, to vote,
30 or to attempt to register to vote.

31 (3) Exercises any right under chapters 39 through 53.

32 d. BRIBERY.

33 (1) Pays, offers to pay, or causes to be paid money or any
34 other thing of value to a person to influence the person's
35 vote.

1 (2) Pays, offers to pay, or causes to be paid money or
2 other thing of value to an election official conditioned on
3 some act done or omitted to be done contrary to the person's
4 official duty in relation to an election.

5 (3) Receives money or any other thing of value knowing
6 that it was given in violation of subparagraph (1) or (2).

7 e. CONSPIRACY. Conspires with or acts as an accessory
8 with another to commit an act in violation of paragraphs "a"
9 through "d".

10 2. Election misconduct in the first degree is a class "D"
11 felony.

12 Sec. 4. NEW SECTION. 39A.3 ELECTION MISCONDUCT IN THE
13 SECOND DEGREE.

14 1. A person commits the crime of election misconduct in
15 the second degree if the person willfully commits any of the
16 following acts:

17 a. INTERFERENCE WITH VALIDITY OF ELECTION.

18 (1) Possesses an official ballot outside of the voting
19 room unless the person is an election official or other person
20 authorized by law.

21 (2) Makes or possesses a counterfeit of an official
22 election ballot.

23 (3) Solicits or encourages a person to vote in an election
24 knowing that person is not qualified to vote in that election.

25 b. ACTIONS BY ELECTION OFFICIAL. As an election official:

26 (1) Refuses to register a person who is entitled to
27 register to vote under chapter 48A.

28 (2) Accepts a fee from an applicant applying for
29 registration.

30 (3) While the polls are open, opens a ballot received from
31 a voter, except as permitted by law.

32 (4) Marks a ballot by folding or otherwise so as to be
33 able to recognize it.

34 (5) Attempts to learn how a voter marked a ballot.

35 (6) Causes a voter to cast a vote contrary to the voter's

1 intention or wishes.

2 (7) Changes any ballot, or in any way causes any vote to
3 be recorded contrary to the intent of the person casting that
4 vote.

5 (8) Allows a person to do any of the acts proscribed by
6 subparagraphs (1) through (7).

7 2. Election misconduct in the second degree is an
8 aggravated misdemeanor.

9 Sec. 5. NEW SECTION. 39A.4 ELECTION MISCONDUCT IN THE
10 THIRD DEGREE.

11 1. A person commits the crime of election misconduct in
12 the third degree if the person willfully commits any of the
13 following acts:

14 a. ELECTION DAY ACTS. Any of the following on election
15 day:

16 (1) Loitering, congregating, electioneering, posting of
17 signs, treating voters, or soliciting votes, during the
18 receiving of the ballots, either on the premises of any
19 polling place or within three hundred feet of any outside door
20 of any building affording access to any room where the polls
21 are held, or of any outside door of any building affording
22 access to any hallway, corridor, stairway, or other means of
23 reaching the room where the polls are held. This subparagraph
24 shall not apply to the posting of signs on private property
25 not a polling place, except that the placement of a sign that
26 is more than ninety square inches in size on a motor vehicle,
27 trailer, or semitrailer, or any attachment to a motor vehicle,
28 trailer, or semitrailer parked on public property within three
29 hundred feet of a polling place is prohibited.

30 (2) Interrupting, hindering, or opposing any voter while
31 in or approaching the polling place for the purpose of voting.

32 (3) As a voter, allowing any person to see how the voter's
33 ballot is marked.

34 (4) As a voter, submitting a false statement as to the
35 voter's ability to mark a ballot.

1 (5) Interfering or attempting to interfere with a voter
2 when the voter is inside the enclosed voting space, or when
3 the voter is marking a ballot.

4 (6) Endeavoring to induce a voter to show how the voter
5 marks or has marked a ballot.

6 (7) Marking, or causing in any manner to be marked, on any
7 ballot, any character for the purpose of identifying such
8 ballot.

9 b. ACTIONS BY ELECTION OFFICIAL. As an election official:

10 (1) Serving as a member of a challenging committee or
11 observer under section 49.104, subsection 2, 5, or 6, while
12 serving as a precinct election official at the polls.

13 (2) Failing to perform duties prescribed by chapters 39
14 through 53, or performance of those duties in such a way as to
15 hinder the object of the law.

16 (3) Disclosing the manner in which a person's ballot has
17 been voted to anyone except as ordered by a court.

18 (4) Failing to carry out a duty with relation to open and
19 equal access to public records under the provisions of chapter
20 22 with respect to records that relate to an election or voter
21 registration.

22 (5) Furnishing a voter with a ballot other than the proper
23 ballot to be used at that election.

24 (6) Making or consenting to any false entry on the list of
25 voters or poll books.

26 (7) Placing or permitting another election official to
27 place anything other than a ballot into a ballot box as
28 provided in section 49.85, or permitting any person other than
29 an election official to place anything into a ballot box.

30 (8) Taking out of a ballot box, or permitting to be so
31 taken out, any ballot deposited in the ballot box, except in
32 the manner prescribed by law.

33 (9) Destroying or altering any ballot which has been given
34 to an elector.

35 (10) Permitting any person to vote in a manner prohibited

1 by law.

2 (11) Refusing or rejecting the vote of any voter qualified
3 to vote.

4 (12) Wrongfully doing any act or refusing to act for the
5 purpose of avoiding an election, or of rendering invalid the
6 ballots cast from any precinct or other district.

7 (13) Having been deputized to carry the poll books of any
8 election to the place where they are to be canvassed, failing
9 to deliver them to such place, safe, with seals unbroken, and
10 within the time specified by law.

11 c. MISCELLANEOUS OFFENSES.

12 (1) As a party committee member or a primary election
13 officer or public officer upon whom a duty is imposed by
14 chapter 43 or by a statute applicable to chapter 43, by
15 neglecting to perform any such duty, or performing any such
16 duty in such a way as to hinder the object of the statute, or
17 by disclosing to anyone, except as may be ordered by any court
18 of justice, the manner in which a ballot may have been voted.

19 (2) As a person who is designated pursuant to section 43.4
20 to report the results of a precinct caucus as it relates to
21 the selection and reporting of delegates selected as part of
22 the presidential nominating process or who is designated
23 pursuant to section 43.4 to tabulate and report the number of
24 persons attending the caucus favoring each presidential
25 candidate, by failing to perform those duties, falsifying the
26 information, or omitting information required to be reported
27 under section 43.4.

28 (3) By making a false answer under the provisions of
29 chapter 43 relative to the person's qualifications and party
30 affiliations.

31 (4) Paying, offering to pay, or receiving compensation for
32 voter registration assistance in violation of section 48A.25.

33 (5) Using voter registration information in violation of
34 section 48A.39.

35 (6) As a candidate, by making a promise to name or appoint

1 another person to a position or secure a position for another
2 person in violation of section 49.120.

3 (7) Soliciting the use of influence from any candidate in
4 violation of section 49.121.

5 (8) As a public official or employee, or a person acting
6 under color of a public official or employee, by knowingly
7 requiring a public employee to act in connection with an
8 absentee ballot in violation of section 53.7.

9 (9) As a person designated by the commissioner or by the
10 elector casting an absentee ballot, by failing to return an
11 absentee ballot in violation of section 53.35A.

12 (10) As an incumbent officeholder of, or a candidate for,
13 an office being voted for at the election in progress, by
14 serving as a member of a challenging committee or observer
15 under section 49.104, subsection 2, 5, or 6.

16 2. Election misconduct in the third degree is a serious
17 misdemeanor.

18 Sec. 6. NEW SECTION. 39A.5 ELECTION MISCONDUCT IN THE
19 FOURTH DEGREE.

20 1. A person commits the crime of election misconduct in
21 the fourth degree if the person willfully commits any of the
22 following acts:

23 a. ELECTION DAY ACTS.

24 (1) As an employer, by denying an employee the privilege
25 conferred by section 49.109, or subjecting an employee to a
26 penalty or reduction of wages because of the exercise of that
27 privilege.

28 (2) Failing or refusing to comply with any order or
29 command of an election official made in pursuance of the
30 provisions of chapter 49 to which another penalty does not
31 apply.

32 (3) Circulating, communicating, or attempting to circulate
33 or communicate information with reference to the result of the
34 counted ballots or making a compilation of vote subtotals
35 before the polls are closed in violation of section 51.11,

1 52.40, or 53.23.

2 (4) Destroying, defacing, tearing down, or removing any
3 list of candidates, card of instruction, or sample ballot
4 posted as provided by law prior to the closing of the polls.

5 (5) Removing or destroying the supplies or articles
6 furnished for the purpose of enabling voters to prepare their
7 ballots.

8 (6) Violating or attempting to violate any of the
9 provisions or requirements of chapter 49 to which another
10 penalty does not apply.

11 b. MISCELLANEOUS OFFENSES.

12 (1) A public employee acting in connection with an
13 absentee ballot in violation of section 53.7.

14 (2) A person neglecting or refusing to return an absentee
15 ballot in violation of section 53.35, or a person violating
16 any other provision of chapter 53 for which another penalty is
17 not provided.

18 (3) Filing a challenge containing false information under
19 section 48A.14.

20 2. Election misconduct in the fourth degree is a simple
21 misdemeanor.

22 Sec. 7. NEW SECTION. 39A.6 TECHNICAL INFRACTIONS --
23 NOTICE.

24 If the state commissioner or county commissioner becomes
25 aware of an apparent technical violation of any of the
26 provisions of chapters 39 through 53, the state commissioner
27 or county commissioner may administratively provide a written
28 notice and letter of instruction to the responsible persons
29 regarding proper compliance procedures. This notice is not a
30 final determination of facts or law in the matter, and does
31 not entitle a person to a proceeding under chapter 17A.

32 Sec. 8. Section 39.3, subsection 8, Code 1999, is amended
33 to read as follows:

34 8. "Infamous crime" means a felony as defined in section
35 701.7, or an offense classified as a felony under federal law

1 or under the laws of another state.

2 Sec. 9. Section 48A.5, subsection 6, Code 1999, is amended
3 to read as follows:

4 6. The deadlines for voter registration shall not apply to
5 a person who has been discharged from military service within
6 thirty sixty days preceding the date of an election. The
7 person shall present to the precinct election official a copy
8 of the person's discharge papers. The person shall complete a
9 voter registration form and give it to the official before
10 being permitted to vote.

11 Sec. 10. Section 48A.6, subsection 1, Code 1999, is
12 amended to read as follows:

13 1. A person who has been convicted of a felony as defined
14 in section 701.7, or convicted of an offense classified as a
15 felony under federal law or under the laws of another state.
16 If the person's rights are later restored by the governor, or
17 by the president of the United States, the person may register
18 to vote.

19 Sec. 11. Section 48A.8, Code 1999, is amended to read as
20 follows:

21 48A.8 REGISTRATION BY MAIL.

22 An eligible elector may register to vote by completing a
23 mail registration form. The form may be mailed or delivered
24 by the registrant or the registrant's designee to the
25 commissioner in the county where the person resides. A
26 separate registration form shall be signed by each individual
27 registrant. An eligible elector who registers by mail is
28 required to vote in person at the polling place at the first
29 election following registration in which the voter casts a
30 vote. However, this does not apply to mail registration forms
31 received from a motor vehicle driver's license station or from
32 any voter registration agency, to confined persons voting
33 pursuant to section 53.22, or to persons voting pursuant to
34 section 53.45.

35 Sec. 12. Section 48A.9, subsection 1, Code 1999, is

1 amended to read as follows:

2 1. Registration closes at five p.m. ~~eleven~~ thirty days
3 before each election ~~except-primary-and-general-elections.~~
4 ~~For-primary-and-general-elections, registration closes at five~~
5 ~~p.m. ten days before the election.~~ An eligible elector may
6 register during the time registration is closed in the
7 elector's precinct but the registration shall not become
8 effective until registration opens again in the elector's
9 precinct.

10 Sec. 13. Section 48A.9, subsection 3, Code 1999, is
11 amended to read as follows:

12 3. A registration form submitted by mail shall be
13 considered on time if it is postmarked no later than the
14 ~~fifteenth-day~~ thirty-five days before the election, even if it
15 is received by the commissioner after the deadline, or if the
16 registration form is received by the commissioner no later
17 than five p.m. on the last day to register to vote for an
18 election, even if it is postmarked after the ~~fifteenth~~ thirty-
19 fifth day before the election.

20 Sec. 14. Section 48A.25, unnumbered paragraph 1, Code
21 1999, is amended to read as follows:

22 A person may pay, offer to pay, or accept compensation for
23 assisting others in completing voter registration forms only
24 if the compensation is based solely on the time spent
25 providing the assistance. Paying, offering to pay, or
26 receiving compensation based on the number of registration
27 forms completed, or the party affiliations shown on completed
28 registration forms, or on any other performance criteria, is a
29 ~~serious-misdemeanor~~ unlawful.

30 Sec. 15. Section 48A.30, subsection 1, paragraph d, Code
31 1999, is amended to read as follows:

32 d. The clerk of the district court, or the United States
33 attorney, or the state registrar sends notice of the
34 registered voter's conviction of a felony as defined in
35 section 701.7, or conviction of an offense classified as a

1 felony under federal law or under the laws of another state.
2 The clerk of the district court shall send notice of a felony
3 conviction to the state registrar of voters. The state
4 registrar may also receive notices of felony convictions
5 obtained under federal law or under the laws of another state.
6 The registrar shall determine in which county the felon is
7 registered to vote, if any, and shall notify the county
8 commissioner of registration for that county of the felony
9 conviction.

10 Sec. 16. Section 48A.39, Code 1999, is amended to read as
11 follows:

12 48A.39 USE OF REGISTRATION INFORMATION ---PENALTY.

13 Information about individual registrants obtained from
14 voter registration records shall be used only to request the
15 registrant's vote at an election, or for another genuine
16 political purpose, or for a bona fide official purpose by an
17 elected official, or for bona fide political research, but
18 shall not be used for any commercial purposes. ~~A person who~~
19 ~~uses registration information in violation of this section~~
20 ~~commits a serious misdemeanor.~~

21 Sec. 17. Section 49.43, unnumbered paragraph 3, Code 1999,
22 is amended to read as follows:

23 Constitutional amendments and other public measures may to
24 be decided by the voters of the entire state shall be
25 summarized by the state commissioner as provided in sections
26 section 49.44 and. Other public measures shall be summarized
27 by the commissioner as provided in section 52.25.

28 Sec. 18. Section 49.44, unnumbered paragraph 3, Code 1999,
29 is amended to read as follows:

30 The commissioner may shall prepare a summary for public
31 measures ~~if the commissioner finds that a summary is needed to~~
32 clarify for the purpose of clarifying the question to the
33 voters. The summary describing the constitutional amendment
34 or public measure shall be written using terminology easily
35 understandable to the general public. The state commissioner

1 shall receive assistance from the office of attorney general
2 in preparing the written summary.

3 Sec. 19. Section 49.92, Code 1999, is amended to read as
4 follows:

5 49.92 VOTING MARK.

6 The instructions appearing on the ballot shall describe the
7 appropriate mark to be used by the voter. The mark shall be
8 consistent with the requirements of the voting system in use
9 in the precinct. The voting mark used on paper ballots may be
10 a cross or check which shall be placed in the voting targets
11 opposite the names of candidates. The fact that the voting
12 mark is made by an instrument other than a black lead pencil
13 shall not affect the validity of the ballot unless it appears
14 that the color or nature of the mark is intended to identify
15 or recognize the ballot contrary-to-the-intent-of-section
16 49:1077-subsection-7.

17 Sec. 20. Section 52.40, subsection 4, Code 1999, is
18 amended to read as follows:

19 4. The tabulation of ballots received from early pick-up
20 sites shall be conducted at the counting center during the
21 hours the polls are open, in the manner provided in sections
22 52.36 and 52.37, except that the room in which the ballots are
23 being counted shall not be open to the public during the hours
24 in which the polls are open and the room shall be policed so
25 as to prevent any person other than those whose presence is
26 authorized by this section and sections 52.36 and 52.37 from
27 obtaining information about the progress of the count. The
28 only persons who may be admitted to that room, as long as
29 admission does not impede the progress of the count, are the
30 members of the board, one challenger representing each
31 political party, one observer representing any nonparty
32 political organization or any candidate nominated by petition
33 pursuant to chapter 45, and the commissioner or the
34 commissioner's designee. No compilation of vote subtotals
35 shall be made while the polls are open. **Any-person-who-makes**

1 ~~a-Compilation-of-vote-subtotals-before-the-polls-are-closed~~
2 ~~commits-a-simple-misdemeanor.~~ It shall be unlawful for any
3 person to communicate or attempt to communicate, directly or
4 indirectly, information regarding the progress of the count at
5 any time before the polls are closed.

6 Sec. 21. Section 53.2, unnumbered paragraph 1, Code 1999,
7 is amended to read as follows:

8 Any registered voter may, under the circumstances specified
9 in section 53.1, ~~may-on-any-day,-except-election-day,~~ and not
10 more than seventy fifty days prior to before the date of the
11 election but not later than the Saturday before the election,
12 apply in person for an absentee ballot at the commissioner's
13 office or at any location designated by the commissioner, or
14 make written application to the commissioner for an absentee
15 ballot. Applications shall not be signed or solicited in
16 advance of the fifty-day period. Applications shall only be
17 accepted after the Saturday before the election if the
18 applicant is voting pursuant to section 53.22. The state
19 commissioner shall prescribe a form for absentee ballot
20 applications. However, if a registered voter submits an
21 application that includes all of the information required in
22 this section, the prescribed form is not required. Absentee
23 ballot applications may include instructions to send the
24 application directly to the county commissioner of elections.
25 However, no absentee ballot application shall be preaddressed
26 or printed with instructions to send the applications to
27 anyone other than the appropriate commissioner.

28 Sec. 22. Section 53.2, unnumbered paragraph 4, Code 1999,
29 is amended to read as follows:

30 Each application shall contain the name and signature of
31 the registered voter, the address at which the voter is
32 registered to vote, and the name or date of the election for
33 which the absentee ballot is requested, and such other
34 information as may be necessary to determine the correct
35 absentee ballot for the registered voter. The voter's

1 signature shall be the writing or markings of the voter.
2 Another person shall not sign an application on behalf of a
3 voter except that if the voter is unable due to a physical
4 disability to make a written signature or mark, a person
5 authorized by the voter may sign the application on behalf of
6 the voter. If insufficient information has been provided, the
7 commissioner shall, by the best means available, obtain the
8 additional necessary information.

9 Sec. 23. Section 53.2, unnumbered paragraph 6, Code 1999,
10 is amended to read as follows:

11 If an application for an absentee ballot is received from
12 an eligible elector who is not a registered voter the
13 commissioner shall send a registration form under section
14 ~~48A.8 and an absentee ballot to the eligible elector.~~ If the
15 ~~application is received so late that it is unlikely that the~~
16 ~~registration form can be returned in time to be effective on~~
17 ~~election day,~~ the The commissioner shall enclose with the
18 ~~absentee ballot~~ registration form a notice ~~to that effect,~~
19 informing the ~~voter~~ elector of the registration time limits in
20 section 48A.9 and informing the elector that if the elector
21 registers by mail, the elector will not be allowed to vote
22 absentee until the elector has voted in person at the polling
23 place. The commissioner shall record on the elector's
24 application that the elector is not currently registered to
25 vote. If the registration form is properly returned by the
26 time provided by section 48A.9, the commissioner shall record
27 on the elector's application the date of receipt of the
28 registration form and enter a notation of the registration on
29 the registration records.

30 Sec. 24. Section 53.7, subsection 2, Code 1999, is amended
31 to read as follows:

32 2. Any It is unlawful for any public officer or employee,
33 or any person acting under color of a public officer or
34 employee, ~~who to~~ knowingly ~~requires that~~ require a public
35 employee solicit an application or request for an application

1 for an absentee ballot, or knowingly requires that an employee
2 take an affidavit or request for an affidavit in connection
3 with an absentee ballot application, ~~7-commits-a-serious~~
4 ~~misdemeanor.~~

5 Sec. 25. Section 53.9, Code 1999, is amended to read as
6 follows:

7 53.9 PROHIBITED PERSONS.

8 No A person required to file reports under chapter 56, and
9 ~~no a~~ person acting as an actual or implied agent for a person
10 required to file reports under chapter 56, shall not receive,
11 handle, or deliver absentee ballots on behalf of voters. This
12 ~~prohibition does-not-apply-to~~ precludes prohibited persons
13 from being a voter's designee under section 53.17, and
14 precludes an unvoted ballot from being sent to a prohibited
15 person under section 53.2.

16 Sec. 26. Section 53.11, unnumbered paragraph 1, Code 1999,
17 is amended to read as follows:

18 ~~The~~ Except as provided in section 53.39, the commissioner
19 shall deliver an absentee ballot to any registered voter
20 applying in person at the commissioner's office, or at any
21 location designated by the commissioner, not more than ~~forty~~
22 thirty days before the date of the general election or the
23 primary election, and for all other elections, as soon as the
24 ballot is available. The registered voter shall immediately
25 mark the ballot, enclose and seal it in a ballot envelope,
26 subscribe to the affidavit on the reverse side of the
27 envelope, and return the absentee ballot to the commissioner.
28 The commissioner shall record the numbers appearing on the
29 application and ballot envelope along with the name of the
30 registered voter.

31 Sec. 27. Section 53.11, Code 1999, is amended by adding
32 the following new unnumbered paragraphs after subsection 4:

33 NEW UNNUMBERED PARAGRAPH. The commissioner shall publish
34 notice of all satellite voting stations established under this
35 section, whether upon a petition or at the direction of the

1 commissioner, within ten days of the applicable deadline
2 established in subsections 1 through 4.

3 NEW UNNUMBERED PARAGRAPH. The provisions of section 49.107
4 shall be applicable to satellite voting stations, including
5 the commissioner's office, during the satellite voting period.
6 However, the proximity to the satellite voting station in
7 which electioneering and other activity specified by section
8 49.107, subsection 1, is prohibited shall be one hundred feet
9 from any wall, posted sign, or other divider which serves as a
10 boundary of the area designated as a satellite voting station.

11 Sec. 28. Section 53.17, subsection 1, Code 1999, is
12 amended to read as follows:

13 1. The sealed carrier envelope may be delivered by the
14 registered voter or the voter's designee to the commissioner's
15 office no later than the time the polls are closed on election
16 day. The person who delivers a carrier envelope to the
17 commissioner's office shall sign a receipt presented by the
18 commissioner. The commissioner shall attach the signed
19 receipt to the carrier envelope.

20 Sec. 29. Section 53.18, Code 1999, is amended to read as
21 follows:

22 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

23 Upon receipt of the absentee ballot, the commissioner shall
24 at once record the number appearing on the application and
25 return carrier envelope, and the time of receipt of such
26 ballot, and whether the ballot was returned by personal
27 delivery by the voter or the voter's designee or by mail. The
28 commissioner shall attach the elector's application to the
29 unopened envelope. Absentee ballots shall be stored in a
30 secure place until they are delivered to the absentee and
31 special voters.

32 Sec. 30. Section 53.31, unnumbered paragraph 1, Code 1999,
33 is amended to read as follows:

34 Any person qualified to vote at the election in progress
35 may challenge the qualifications of a person casting who has

1 requested or cast an absentee ballot by submitting a written
2 challenge to the commissioner no later than five p.m. on the
3 day before the election. It is the duty of the special
4 precinct officials to challenge the absentee ballot of any
5 person whom the official knows or suspects is not duly
6 qualified. Challenges by members of the special precinct
7 election board or observers present pursuant to section 53.23
8 may be made at any time before the close of the polls on
9 election day. The challenge shall state the reasons for which
10 the challenge is being submitted and shall be signed by the
11 challenger. ~~When~~ If a challenge is received the absentee
12 ballot shall be set aside for consideration by the special
13 precinct election board when it meets as required by section
14 50.22.

15 Sec. 31. Section 53.35, Code 1999, is amended to read as
16 follows:

17 53.35 REFUSAL TO RETURN BALLOT.

18 Any It is unlawful for any person who, having procured an
19 official ballot or ballots, ~~shall~~ to willfully neglect or
20 refuse to cast or return the same in the manner provided~~7-or~~
21 ~~who shall willfully violate any provision of this chapter7~~
22 ~~shall7-unless otherwise provided7-be guilty of a simple~~
23 misdemeanor. Any person who applies for a ballot and
24 willfully neglects or refuses to return the same shall be
25 deemed to have committed an offense in the county to which
26 such ballot was returnable.

27 Sec. 32. Section 53.35A, Code 1999, is amended to read as
28 follows:

29 53.35A FAILURE TO RETURN BALLOT -- PENALTY.

30 Any It is unlawful for any person designated by the
31 commissioner, or by the elector casting the absentee ballot,
32 to deliver the sealed envelope containing the absentee ballot,
33 who to willfully ~~fails~~ fail to return the ballot to the
34 commissioner or the commissioner's designee~~7-is guilty of a~~
35 ~~serious-misdemeanor.~~

1 Sec. 33. Section 53.49, Code 1999, is amended to read as
2 follows:

3 53.49 APPLICABLE TO ARMED FORCES AND OTHER CITIZENS.

4 The provisions of this division as to absent voting shall
5 apply only to absent voters in the armed forces of the United
6 States as defined for the purpose of absentee voting in
7 section 53.37. The provisions of sections 53.1 to-53-367
8 through 53.35 shall apply to all other qualified voters not
9 members of the armed forces of the United States.

10 Sec. 34. Sections 43.119, 43.120, 48A.41, 49.107, 49.110,
11 49.111, 49.113, 49.119, 51.16, 51.17, 53.36, 722.4, 722.5,
12 722.6, 722.7, 722.8, and 722.9, Code 1999, are repealed.

13 Sec. 35. EFFECTIVE DATE AND APPLICABILITY. Sections 1,
14 17, and 18 of this Act, amending sections 13.2, 49.43, and
15 49.44, being deemed of immediate importance, take effect upon
16 enactment and apply to elections held on or after the
17 effective date of this Act.

18 EXPLANATION

19 This bill makes several changes to the laws on elections
20 and voter registration.

21 The bill corrects internal inconsistencies in the Code
22 relating to election misconduct and creates a new Code chapter
23 39A to contain the criminal provisions relating to violations
24 of election laws and the penalties applicable to those
25 violations.

26 Four levels of criminal election misconduct are
27 established, with penalties ranging from simple misdemeanor to
28 class "D" felony penalties. Specific references to criminal
29 provisions and penalties in the current Code are restated in
30 the new chapter and stricken or repealed from existing Code.

31 The penalties for some violations are changed in the bill.
32 The bill makes the violation of communicating the vote count
33 prior to the closing of the polls a simple misdemeanor where
34 previously no specific penalty was provided for such a
35 violation. The bill makes it a serious misdemeanor for a

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S.F. _____ H.F. _____

1 candidate to use influence on behalf of another in obtaining a
2 position in exchange for support during the election.

3 Previously, violation of this section was subject to the
4 general penalty provisions in Code chapter 49, which made it a
5 simple misdemeanor.

6 The bill upgrades various prohibited acts on election day
7 from simple to serious misdemeanors. The penalty for
8 willfully failing to perform duties or falsifying documents
9 relating to precinct caucuses is also changed from a simple
10 misdemeanor to a serious misdemeanor.

11 The penalty for certain misconduct by election officials is
12 changed from a serious misdemeanor to an aggravated
13 misdemeanor. This specifically includes misconduct by an
14 election official causing a voter to vote contrary to the
15 voter's wishes or changing a ballot or causing a vote to be
16 recorded contrary to the voter's intention.

17 Fraudulently registering to vote, giving false information
18 when registering to vote, or coercing someone to register or
19 to not register to vote is made a class "D" felony from an
20 aggravated misdemeanor. Bribery of voters or of election
21 officials, or bribery during the election process in general
22 is changed from serious or aggravated misdemeanors to class
23 "D" felonies. Also upgraded to a class "D" felony from a
24 serious misdemeanor are the charges of voting more than once
25 in an election or voting when knowing oneself not to be
26 qualified. The bill amends the definition of "infamous crime"
27 to add offenses classified as felonies under the law of
28 another state. The bill adds persons who have been convicted
29 of a felony in another state to the definition of
30 "disqualified voters".

31 The bill provides that an elector who registers to vote by
32 mail shall not be allowed to vote absentee until the elector
33 has voted in person at the polling place at the first election
34 held after registration in which the voter chooses to vote.
35 This does not apply to mail registrations received from a

1 motor vehicle driver's license station, a voter registration
2 agency, from confined persons voting absentee, or from persons
3 working, stationed, or residing outside of the United States
4 at the time of the election.

5 The bill changes the voter registration deadline to 30 days
6 before all elections. Currently, the deadline is 10 days
7 before a general or primary election and 11 days before all
8 other elections. A corresponding amendment is made to provide
9 that the registration deadline does not apply to military
10 personnel discharged within 60 days preceding an election.

11 The bill requires the state commissioner of elections to
12 prepare a written summary of any constitutional amendment or
13 other public measure to be voted on statewide. Current law
14 leaves preparation of such a summary to the discretion of the
15 state commissioner. The bill requires that the summary be
16 written using terminology easily understood by the general
17 public. The bill requires the attorney general to assist the
18 state commissioner in preparing the summary. This portion of
19 the bill takes effect upon enactment and applies to elections
20 held on or after the effective date.

21 The bill makes several changes to the laws on absentee
22 voting. Code section 53.2 is amended to shorten the period
23 during which persons can request absentee ballots to 50 days
24 before the election and requires that the request be dated no
25 earlier than 50 days before the election. Under current law,
26 persons can file requests for absentee ballots as early as 70
27 days before the election. Code section 53.2 is also amended
28 to require that all requests for absentee ballots be made by
29 the Saturday before the election. An exception would remain
30 for persons who are hospitalized within three days of the
31 election or who are residents of a health care facility.
32 Finally, Code section 53.2 is amended to prohibit anyone
33 signing a request on behalf of a voter, except where the voter
34 is unable to sign because of physical disability.

35 Code section 53.9 is amended to prohibit political persons

1 (i.e., political candidates, their agents, and political
2 parties) from receiving (by mail or in person), handling, or
3 delivering absentee ballots, whether voted or unvoted. The
4 amendment also specifically prohibits political persons from
5 being a voter's designee to receive, handle, or deliver the
6 ballot for the voter.

7 Code section 53.11 is amended to shorten the period during
8 which absentee voting in person can occur from 40 to 30 days
9 before the election, except that members of the armed forces
10 and persons overseas will still be sent absentee ballots 40
11 days before the election. Code section 53.11 is also amended
12 to require the county auditor to publish locations of
13 satellite voting stations within 10 days after the deadline
14 for petition requests for satellite voting stations. Finally,
15 Code section 53.11 is amended to prohibit electioneering
16 within 100 feet of satellite voting stations or the auditor's
17 office while absentee voting is allowed. Current
18 administrative rules prohibit electioneering within 30 feet of
19 the satellite voting station and are silent as to prohibitions
20 on electioneering near the auditor's office.

21 Code section 53.17 is amended to require persons delivering
22 absentee ballots to the election office to sign a receipt that
23 will be attached to the absentee ballot carrier envelope and
24 retained by the election office. Code section 53.18 is
25 amended to require the county auditor to record whether a
26 voted absentee ballot was delivered to the election office by
27 mail, voter's designee, or voter.

28 Code section 53.31 is amended to allow challenges to
29 absentee voters based on the request for an absentee ballot
30 filed with the election office.

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MAR 16 1999

Place On Calendar

HOUSE FILE 698
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 222)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to elections and voter registration by enacting
2 provisions relating to election misconduct and providing
3 criminal penalties, to voter registration deadlines and voter
4 registration by mail, to written summaries of proposed
5 constitutional amendments or of certain other public measures,
6 and to absentee voting and requirements and prohibitions
7 related to receiving, handling, and delivering absentee
8 ballots, and including effective date and applicability date
9 provisions.

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

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HF 698

1 Section 1. Section 13.2, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14. Assist the state commissioner of
4 elections in preparing written summaries of constitutional
5 amendments or other public measures as required by section
6 49.44.

7 Sec. 2. NEW SECTION. 39A.1 TITLE AND PURPOSE -- ELECTION
8 OFFICIALS DEFINED.

9 1. This chapter may be cited and referred to as the
10 "Election Misconduct and Penalties Act".

11 2. The purpose of this chapter is to identify actions
12 which threaten the integrity of the election process and to
13 impose significant sanctions upon persons who intentionally
14 commit those acts. It is the intent of the general assembly
15 that offenses with the greatest potential to affect the
16 election process be vigorously prosecuted and strong
17 punishment meted out through the imposition of felony
18 sanctions which, as a consequence, remove the voting rights of
19 the offenders. Other offenses are still considered serious,
20 but based on the factual context in which they arise, they may
21 not rise to the level of offenses to which felony penalties
22 attach. The general assembly also recognizes that instances
23 may arise in which technical infractions of chapters 39
24 through 53 may occur which do not merit any level of criminal
25 sanction. In such instances, administrative notice from the
26 state or county commissioner of elections is sufficient.
27 Mandates or proscriptions in chapters 39 through 53 which are
28 not specifically included in this chapter shall be considered
29 to be directive only, without criminal sanction.

30 3. For the purposes of this chapter, "election officials"
31 include the state commissioner, the county commissioner,
32 employees of the state commissioner and county commissioner
33 who are responsible for carrying out functions or duties under
34 chapters 39 through 53, and precinct election officials
35 appointed pursuant to sections 49.12, 49.14, 49.18, and 53.23.

1 Sec. 3. NEW SECTION. 39A.2 ELECTION MISCONDUCT IN THE
2 FIRST DEGREE.

3 1. A person commits the crime of election misconduct in
4 the first degree if the person willfully commits any of the
5 following acts:

6 a. REGISTRATION FRAUD. Produces, procures, submits, or
7 accepts voter registration applications that are known by the
8 person to be materially false, fictitious, forged, or
9 fraudulent.

10 b. VOTE FRAUD.

11 (1) Destroys, delivers, or handles an application for a
12 ballot or an absentee ballot with the intent of interfering
13 with the elector's right to vote.

14 (2) Produces, procures, submits, or accepts ballots or
15 absentee ballots, or produces, procures, casts, accepts, or
16 tabulates ballots that are known by the person to be
17 materially false, fictitious, forged, or fraudulent.

18 (3) Votes or attempts to vote more than once at the same
19 election, or voting or attempting to vote at any election
20 knowing oneself not to be qualified.

21 (4) Otherwise deprives, defrauds, or attempts to deprive
22 or defraud the citizens of this state of a fair and
23 impartially conducted election process.

24 c. DURESS. Intimidates, threatens, or coerces, or
25 attempts to intimidate, threaten, or coerce, any person who
26 does any of the following:

27 (1) Registers to vote, or votes, or attempts to register
28 to vote.

29 (2) Urges or aids any person to register to vote, to vote,
30 or to attempt to register to vote.

31 (3) Exercises any right under chapters 39 through 53.

32 d. BRIBERY.

33 (1) Pays, offers to pay, or causes to be paid money or any
34 other thing of value to a person to influence the person's
35 vote.

1 (2) Pays, offers to pay, or causes to be paid money or
2 other thing of value to an election official conditioned on
3 some act done or omitted to be done contrary to the person's
4 official duty in relation to an election.

5 (3) Receives money or any other thing of value knowing
6 that it was given in violation of subparagraph (1) or (2).

7 e. CONSPIRACY. Conspires with or acts as an accessory
8 with another to commit an act in violation of paragraphs "a"
9 through "d".

10 2. Election misconduct in the first degree is a class "D"
11 felony.

12 Sec. 4. NEW SECTION. 39A.3 ELECTION MISCONDUCT IN THE
13 SECOND DEGREE.

14 1. A person commits the crime of election misconduct in
15 the second degree if the person willfully commits any of the
16 following acts:

17 a. INTERFERENCE WITH VALIDITY OF ELECTION.

18 (1) Possesses an official ballot outside of the voting
19 room unless the person is an election official or other person
20 authorized by law.

21 (2) Makes or possesses a counterfeit of an official
22 election ballot.

23 (3) Solicits or encourages a person to vote in an election
24 knowing that person is not qualified to vote in that election.

25 b. ACTIONS BY ELECTION OFFICIAL. As an election official:

26 (1) Refuses to register a person who is entitled to
27 register to vote under chapter 48A.

28 (2) Accepts a fee from an applicant applying for
29 registration.

30 (3) While the polls are open, opens a ballot received from
31 a voter, except as permitted by law.

32 (4) Marks a ballot by folding or otherwise so as to be
33 able to recognize it.

34 (5) Attempts to learn how a voter marked a ballot.

35 (6) Causes a voter to cast a vote contrary to the voter's

1 intention or wishes.

2 (7) Changes any ballot, or in any way causes any vote to
3 be recorded contrary to the intent of the person casting that
4 vote.

5 (8) Allows a person to do any of the acts proscribed by
6 subparagraphs (1) through (7).

7 2. Election misconduct in the second degree is an
8 aggravated misdemeanor.

9 Sec. 5. NEW SECTION. 39A.4 ELECTION MISCONDUCT IN THE
10 THIRD DEGREE.

11 1. A person commits the crime of election misconduct in
12 the third degree if the person willfully commits any of the
13 following acts:

14 a. ELECTION DAY ACTS. Any of the following on election
15 day:

16 (1) Loitering, congregating, electioneering, posting of
17 signs, treating voters, or soliciting votes, during the
18 receiving of the ballots, either on the premises of any
19 polling place or within three hundred feet of any outside door
20 of any building affording access to any room where the polls
21 are held, or of any outside door of any building affording
22 access to any hallway, corridor, stairway, or other means of
23 reaching the room where the polls are held. This subparagraph
24 shall not apply to the posting of signs on private property
25 not a polling place, except that the placement of a sign that
26 is more than ninety square inches in size on a motor vehicle,
27 trailer, or semitrailer, or any attachment to a motor vehicle,
28 trailer, or semitrailer parked on public property within three
29 hundred feet of a polling place is prohibited.

30 (2) Interrupting, hindering, or opposing any voter while
31 in or approaching the polling place for the purpose of voting.

32 (3) As a voter, submitting a false statement as to the
33 voter's ability to mark a ballot.

34 (4) Interfering or attempting to interfere with a voter
35 when the voter is inside the enclosed voting space, or when

1 the voter is marking a ballot.

2 (5) Endeavoring to induce a voter to show how the voter
3 marks or has marked a ballot.

4 (6) Marking, or causing in any manner to be marked, on any
5 ballot, any character for the purpose of identifying such
6 ballot.

7 b. ACTIONS BY ELECTION OFFICIAL. As an election official:

8 (1) Serving as a member of a challenging committee or
9 observer under section 49.104, subsection 2, 5, or 6, while
10 serving as a precinct election official at the polls.

11 (2) Failing to perform duties prescribed by chapters 39
12 through 53, or performance of those duties in such a way as to
13 hinder the object of the law.

14 (3) Disclosing the manner in which a person's ballot has
15 been voted to anyone except as ordered by a court.

16 (4) Failing to carry out a duty with relation to open and
17 equal access to public records under the provisions of chapter
18 22 with respect to records that relate to an election or voter
19 registration.

20 (5) Furnishing a voter with a ballot other than the proper
21 ballot to be used at that election.

22 (6) Making or consenting to any false entry on the list of
23 voters or poll books.

24 (7) Placing or permitting another election official to
25 place anything other than a ballot into a ballot box as
26 provided in section 49.85, or permitting any person other than
27 an election official to place anything into a ballot box.

28 (8) Taking out of a ballot box, or permitting to be so
29 taken out, any ballot deposited in the ballot box, except in
30 the manner prescribed by law.

31 (9) Destroying or altering any ballot which has been given
32 to an elector.

33 (10) Permitting any person to vote in a manner prohibited
34 by law.

35 (11) Refusing or rejecting the vote of any voter qualified

1 to vote.

2 (12) Wrongfully doing any act or refusing to act for the
3 purpose of avoiding an election, or of rendering invalid the
4 ballots cast from any precinct or other district.

5 (13) Having been deputized to carry the poll books of any
6 election to the place where they are to be canvassed, failing
7 to deliver them to such place, safe, with seals unbroken, and
8 within the time specified by law.

9 c. MISCELLANEOUS OFFENSES.

10 (1) As a party committee member or a primary election
11 officer or public officer upon whom a duty is imposed by
12 chapter 43 or by a statute applicable to chapter 43, by
13 neglecting to perform any such duty, or performing any such
14 duty in such a way as to hinder the object of the statute, or
15 by disclosing to anyone, except as may be ordered by any court
16 of justice, the manner in which a ballot may have been voted.

17 (2) As a person who is designated pursuant to section 43.4
18 to report the results of a precinct caucus as it relates to
19 the selection and reporting of delegates selected as part of
20 the presidential nominating process or who is designated
21 pursuant to section 43.4 to tabulate and report the number of
22 persons attending the caucus favoring each presidential
23 candidate, by failing to perform those duties, falsifying the
24 information, or omitting information required to be reported
25 under section 43.4.

26 (3) By making a false answer under the provisions of
27 chapter 43 relative to the person's qualifications and party
28 affiliations.

29 (4) Paying, offering to pay, or receiving compensation for
30 voter registration assistance in violation of section 48A.25.

31 (5) Using voter registration information in violation of
32 section 48A.39.

33 (6) As a candidate, by making a promise to name or appoint
34 another person to a position or secure a position for another
35 person in violation of section 49.120.

1 (7) Soliciting the use of influence from any candidate in
2 violation of section 49.121.

3 (8) As a public official or employee, or a person acting
4 under color of a public official or employee, by knowingly
5 requiring a public employee to act in connection with an
6 absentee ballot in violation of section 53.7.

7 (9) As a person designated by the commissioner or by the
8 elector casting an absentee ballot, by failing to return an
9 absentee ballot in violation of section 53.35A.

10 (10) As an incumbent officeholder of, or a candidate for,
11 an office being voted for at the election in progress, by
12 serving as a member of a challenging committee or observer
13 under section 49.104, subsection 2, 5, or 6.

14 2. Election misconduct in the third degree is a serious
15 misdemeanor.

16 Sec. 6. NEW SECTION. 39A.5 ELECTION MISCONDUCT IN THE
17 FOURTH DEGREE.

18 1. A person commits the crime of election misconduct in
19 the fourth degree if the person willfully commits any of the
20 following acts:

21 a. ELECTION DAY ACTS.

22 (1) As an employer, by denying an employee the privilege
23 conferred by section 49.109, or subjecting an employee to a
24 penalty or reduction of wages because of the exercise of that
25 privilege.

26 (2) Failing or refusing to comply with any order or
27 command of an election official made in pursuance of the
28 provisions of chapter 49 to which another penalty does not
29 apply.

30 (3) Circulating, communicating, or attempting to circulate
31 or communicate information with reference to the result of the
32 counted ballots or making a compilation of vote subtotals
33 before the polls are closed in violation of section 51.11,
34 52.40, or 53.23.

35 (4) Destroying, defacing, tearing down, or removing any

1 list of candidates, card of instruction, or sample ballot
2 posted as provided by law prior to the closing of the polls.

3 (5) Removing or destroying the supplies or articles
4 furnished for the purpose of enabling voters to prepare their
5 ballots.

6 (6) Violating or attempting to violate any of the
7 provisions or requirements of chapter 49 to which another
8 penalty does not apply.

9 b. MISCELLANEOUS OFFENSES.

10 (1) A public employee acting in connection with an
11 absentee ballot in violation of section 53.7.

12 (2) A person neglecting or refusing to return an absentee
13 ballot in violation of section 53.35, or a person violating
14 any other provision of chapter 53 for which another penalty is
15 not provided.

16 (3) Filing a challenge containing false information under
17 section 48A.14.

18 2. Election misconduct in the fourth degree is a simple
19 misdemeanor.

20 Sec. 7. NEW SECTION. 39A.6 TECHNICAL INFRACTIONS --
21 NOTICE.

22 If the state commissioner or county commissioner becomes
23 aware of an apparent technical violation of any of the
24 provisions of chapters 39 through 53, the state commissioner
25 or county commissioner may administratively provide a written
26 notice and letter of instruction to the responsible persons
27 regarding proper compliance procedures. This notice is not a
28 final determination of facts or law in the matter, and does
29 not entitle a person to a proceeding under chapter 17A.

30 Sec. 8. Section 39.3, subsection 8, Code 1999, is amended
31 to read as follows:

32 8. "Infamous crime" means a felony as defined in section
33 701.7, or an offense classified as a felony under federal law
34 or under the laws of another state.

35 Sec. 9. Section 48A.5, subsection 6, Code 1999, is amended

1 to read as follows:

2 6. The deadlines for voter registration shall not apply to
3 a person who has been discharged from military service within
4 ~~thirty~~ sixty days preceding the date of an election. The
5 person shall present to the precinct election official a copy
6 of the person's discharge papers. The person shall complete a
7 voter registration form and give it to the official before
8 being permitted to vote.

9 Sec. 10. Section 48A.6, subsection 1, Code 1999, is
10 amended to read as follows:

11 1. A person who has been convicted of a felony as defined
12 in section 701.7, or convicted of an offense classified as a
13 felony under federal law or under the laws of another state.
14 If the person's rights are later restored by the governor, or
15 by the president of the United States, the person may register
16 to vote.

17 Sec. 11. Section 48A.8, Code 1999, is amended to read as
18 follows:

19 48A.8 REGISTRATION BY MAIL.

20 An eligible elector may register to vote by completing a
21 mail registration form. The form may be mailed or delivered
22 by the registrant or the registrant's designee to the
23 commissioner in the county where the person resides. A
24 separate registration form shall be signed by each individual
25 registrant. An eligible elector who registers by mail is
26 required to vote in person at the polling place at the first
27 election following registration in which the voter casts a
28 vote. However, this does not apply to mail registration forms
29 received from a motor vehicle driver's license station or from
30 any voter registration agency, to confined persons voting
31 pursuant to section 53.22, or to persons voting pursuant to
32 section 53.45.

33 Sec. 12. Section 48A.9, subsection 1, Code 1999, is
34 amended to read as follows:

35 1. Registration closes at five p.m. ~~eleven~~ twenty-nine

1 days before each election ~~except primary and general~~
2 elections. ~~For primary and general elections, registration~~
3 ~~closes at five p.m. ten days before the election.~~ An eligible
4 elector may register during the time registration is closed in
5 the elector's precinct but the registration shall not become
6 effective until registration opens again in the elector's
7 precinct.

8 Sec. 13. Section 48A.9, subsection 3, Code 1999, is
9 amended to read as follows:

10 3. A registration form submitted by mail shall be
11 considered on time if it is postmarked no later than the
12 fifteenth day thirty-five days before the election, even if it
13 is received by the commissioner after the deadline, or if the
14 registration form is received by the commissioner no later
15 than five p.m. on the last day to register to vote for an
16 election, even if it is postmarked after the fifteenth thirty-
17 fifth day before the election.

18 Sec. 14. Section 48A.25, unnumbered paragraph 1, Code
19 1999, is amended to read as follows:

20 A person may pay, offer to pay, or accept compensation for
21 assisting others in completing voter registration forms only
22 if the compensation is based solely on the time spent
23 providing the assistance. Paying, offering to pay, or
24 receiving compensation based on the number of registration
25 forms completed, or the party affiliations shown on completed
26 registration forms, or on any other performance criteria, is a
27 serious misdemeanor unlawful.

28 Sec. 15. Section 48A.27, subsection 4, paragraph c,
29 unnumbered paragraph 2, Code 1999, is amended to read as
30 follows:

31 The notice shall be sent by forwardable mail, and shall
32 include a postage paid preaddressed return card on which the
33 registered voter may state the registered voter's current
34 address. The notice shall contain a statement in
35 substantially the following form: "Information received from

1 the United States postal service indicates that you are no
2 longer a resident of, and therefore not eligible to vote in
3 (name of county) County, Iowa. If this information is not
4 correct, and you still live in (name of county) County, please
5 complete and mail the attached postage paid card at least ten
6 twenty-nine days before the ~~primary-or-general~~ next election
7 ~~and-at-least-eleven-days-before-any-other-election~~ at which
8 you wish to vote. If the information is correct and you have
9 moved, please contact a local official in your new area for
10 assistance in registering there. If you do not mail in the
11 card, you may be required to show identification proving your
12 residence in (name of county) County before being allowed to
13 vote in (name of county) County. If you do not return the
14 card, and you do not vote in an election in (name of county)
15 County, Iowa, on or before (date of second general election
16 following the date of the notice) your name will be removed
17 from the list of voters in that county. To ensure you receive
18 this notice, it is being sent to both your most recent
19 registration address and to your new address as reported by
20 the postal service."

21 Sec. 16. Section 48A.29, subsection 1, unnumbered
22 paragraph 2, Code 1999, is amended to read as follows:

23 The notice shall be sent by forwardable mail, and shall
24 include a postage paid preaddressed return card on which the
25 registered voter may state the registered voter's current
26 address. The notice shall contain a statement in
27 substantially the following form: "Information received from
28 the United States postal service indicates that you are no
29 longer a resident of (residence address) in (name of county)
30 County, Iowa. If this information is not correct, and you
31 still live in (name of county) County, please complete and
32 mail the attached postage paid card at least ~~ten~~ twenty-nine
33 days before the ~~primary-or-general-election-and-at-least~~
34 ~~eleven-days-before-any-other~~ next election at which you wish
35 to vote. If the information is correct, and you have moved,

1 please contact a local official in your new area for
2 assistance in registering there. If you do not mail in the
3 card, you may be required to show identification proving your
4 residence in (name of county) County before being allowed to
5 vote in (name of county) County. If you do not return the
6 card, and you do not vote in some election in (name of county)
7 County, Iowa, on or before (date of second general election
8 following the date of the notice) your name will be removed
9 from the list of voters in that county."

10 Sec. 17. Section 48A.29, subsection 3, unnumbered
11 paragraph 2, Code 1999, is amended to read as follows:

12 The notice shall be sent by forwardable mail, and shall
13 include a postage paid preaddressed return card on which the
14 registered voter may state the registered voter's current
15 address. The notice shall contain a statement in
16 substantially the following form: "Information received by
17 this office indicates that you are no longer a resident of
18 (residence address) in (name of county) County, Iowa. If the
19 information is not correct, and you still live at that
20 address, please complete and mail the attached postage paid
21 card at least ~~ten~~ twenty-nine days before the ~~primary-or~~
22 ~~general-election-and-at-least-eleven-days-before-any-other~~
23 next election at which you wish to vote. If the information
24 is correct, and you have moved within the county, you may
25 update your registration by listing your new address on the
26 card and mailing it back. If you have moved outside the
27 county, please contact a local official in your new area for
28 assistance in registering there. If you do not mail in the
29 card, you may be required to show identification proving your
30 residence in (name of county) County before being allowed to
31 vote in (name of county) County. If you do not return the
32 card, and you do not vote in some election in (name of county)
33 County, Iowa, on or before (date of second general election
34 following the date of the notice) your name will be removed
35 from the list of registered voters in that county."

1 Sec. 18. Section 48A.30, subsection 1, paragraph d, Code
2 1999, is amended to read as follows:

3 d. The clerk of the district court, or the United States
4 attorney, or the state registrar sends notice of the
5 registered voter's conviction of a felony as defined in
6 section 701.7, or conviction of an offense classified as a
7 felony under federal law or under the laws of another state.
8 The clerk of the district court shall send notice of a felony
9 conviction to the state registrar of voters. The state
10 registrar may also receive notices of felony convictions
11 obtained under federal law or under the laws of another state.
12 The registrar shall determine in which county the felon is
13 registered to vote, if any, and shall notify the county
14 commissioner of registration for that county of the felony
15 conviction.

16 Sec. 19. Section 48A.39, Code 1999, is amended to read as
17 follows:

18 48A.39 USE OF REGISTRATION INFORMATION ---PENALTY.

19 Information about individual registrants obtained from
20 voter registration records shall be used only to request the
21 registrant's vote at an election, or for another genuine
22 political purpose, or for a bona fide official purpose by an
23 elected official, or for bona fide political research, but
24 shall not be used for any commercial purposes. ~~A person who~~
25 ~~uses registration information in violation of this section~~
26 ~~commits a serious misdemeanor.~~

27 Sec. 20. Section 49.43, unnumbered paragraph 3, Code 1999,
28 is amended to read as follows:

29 Constitutional amendments and other public measures may to
30 be decided by the voters of the entire state shall be
31 summarized by the state commissioner as provided in sections
32 section 49.44 and. Other public measures shall be summarized
33 by the commissioner as provided in section 52.25.

34 Sec. 21. Section 49.44, unnumbered paragraph 3, Code 1999,
35 is amended to read as follows:

1 The commissioner ~~may~~ shall prepare a summary for public
2 measures ~~if the commissioner finds that a summary is needed to~~
3 clarify for the purpose of clarifying the question to the
4 voters. The summary describing the constitutional amendment
5 or public measure shall be written using terminology easily
6 understandable to the general public. The state commissioner
7 shall receive assistance from the office of attorney general
8 in preparing the written summary.

9 Sec. 22. Section 49.92, Code 1999, is amended to read as
10 follows:

11 49.92 VOTING MARK.

12 The instructions appearing on the ballot shall describe the
13 appropriate mark to be used by the voter. The mark shall be
14 consistent with the requirements of the voting system in use
15 in the precinct. The voting mark used on paper ballots may be
16 a cross or check which shall be placed in the voting targets
17 opposite the names of candidates. The fact that the voting
18 mark is made by an instrument other than a black lead pencil
19 shall not affect the validity of the ballot unless it appears
20 that the color or nature of the mark is intended to identify
21 or recognize the ballot contrary to the intent of section
22 49.107, subsection 7.

23 Sec. 23. Section 52.40, subsection 4, Code 1999, is
24 amended to read as follows:

25 4. The tabulation of ballots received from early pick-up
26 sites shall be conducted at the counting center during the
27 hours the polls are open, in the manner provided in sections
28 52.36 and 52.37, except that the room in which the ballots are
29 being counted shall not be open to the public during the hours
30 in which the polls are open and the room shall be policed so
31 as to prevent any person other than those whose presence is
32 authorized by this section and sections 52.36 and 52.37 from
33 obtaining information about the progress of the count. The
34 only persons who may be admitted to that room, as long as
35 admission does not impede the progress of the count, are the

1 members of the board, one challenger representing each
2 political party, one observer representing any nonparty
3 political organization or any candidate nominated by petition
4 pursuant to chapter 45, and the commissioner or the
5 commissioner's designee. No compilation of vote subtotals
6 shall be made while the polls are open. ~~Any person who makes~~
7 ~~a compilation of vote subtotals before the polls are closed~~
8 ~~commits a simple misdemeanor.~~ It shall be unlawful for any
9 person to communicate or attempt to communicate, directly or
10 indirectly, information regarding the progress of the count at
11 any time before the polls are closed.

12 Sec. 24. Section 53.2, unnumbered paragraph 1, Code 1999,
13 is amended to read as follows:

14 Any registered voter may, under the circumstances specified
15 in section 53.1, ~~may on any day, except election day,~~ and not
16 more than seventy fifty days ~~prior to~~ before the date of the
17 election but not later than the Saturday before the election,
18 apply in person for an absentee ballot at the commissioner's
19 office or at any location designated by the commissioner, or
20 make written application to the commissioner for an absentee
21 ballot. Applications shall not be signed or solicited in
22 advance of the fifty-day period. Applications shall only be
23 accepted after the Saturday before the election if the
24 applicant is voting pursuant to section 53.22. The state
25 commissioner shall prescribe a form for absentee ballot
26 applications. However, if a registered voter submits an
27 application that includes all of the information required in
28 this section, the prescribed form is not required. Absentee
29 ballot applications may include instructions to send the
30 application directly to the county commissioner of elections.
31 However, no absentee ballot application shall be preaddressed
32 or printed with instructions to send the applications to
33 anyone other than the appropriate commissioner.

34 Sec. 25. Section 53.2, unnumbered paragraph 4, Code 1999,
35 is amended to read as follows:

1 Each application shall contain the name and signature of
2 the registered voter, the address at which the voter is
3 registered to vote, and the name or date of the election for
4 which the absentee ballot is requested, and such other
5 information as may be necessary to determine the correct
6 absentee ballot for the registered voter. The voter's
7 signature shall be the writing or markings of the voter.
8 Another person shall not sign an application on behalf of a
9 voter except that if the voter is unable due to a physical
10 disability to make a written signature or mark, a person
11 authorized by the voter may sign the application on behalf of
12 the voter. If insufficient information has been provided, the
13 commissioner shall, by the best means available, obtain the
14 additional necessary information.

15 Sec. 26. Section 53.2, unnumbered paragraph 6, Code 1999,
16 is amended to read as follows:

17 If an application for an absentee ballot is received from
18 an eligible elector who is not a registered voter the
19 commissioner shall send a registration form under section
20 48A.8 ~~and an absentee ballot to the eligible elector. If the~~
21 ~~application is received so late that it is unlikely that the~~
22 ~~registration form can be returned in time to be effective on~~
23 ~~election day, the~~ The commissioner shall enclose with the
24 ~~absentee ballot~~ registration form a notice ~~to that effect,~~
25 informing the ~~voter~~ elector of the registration time limits in
26 section 48A.9 and informing the elector that if the elector
27 registers by mail, the elector will not be allowed to vote
28 absentee until the elector has voted in person at the polling
29 place. The commissioner shall record on the elector's
30 application that the elector is not currently registered to
31 vote. If the registration form is properly returned by the
32 time provided by section 48A.9, the commissioner shall record
33 on the elector's application the date of receipt of the
34 registration form and enter a notation of the registration on
35 the registration records.

1 Sec. 27. Section 53.7, subsection 2, Code 1999, is amended
2 to read as follows:

3 2. Any It is unlawful for any public officer or employee,
4 or any person acting under color of a public officer or
5 employee, who to knowingly requires-that require a public
6 employee solicit an application or request for an application
7 for an absentee ballot, or knowingly requires that an employee
8 take an affidavit or request for an affidavit in connection
9 with an absentee ballot application, ~~7-commits-a-serious~~
10 ~~misdemeanor.~~

11 Sec. 28. Section 53.9, Code 1999, is amended to read as
12 follows:

13 53.9 PROHIBITED PERSONS.

14 No A person required to file reports under chapter 56, and
15 no a person acting as an actual or implied agent for a person
16 required to file reports under chapter 56, shall not receive,
17 handle, or deliver absentee ballots on behalf of voters. This
18 prohibition ~~does-not-apply-to~~ precludes prohibited persons
19 from being a voter's designee under section 53.17, and
20 precludes an unvoted ballot from being sent to a prohibited
21 person under section 53.2.

22 Sec. 29. Section 53.11, unnumbered paragraph 1, Code 1999,
23 is amended to read as follows:

24 The Except as provided in section 53.39, the commissioner
25 shall deliver an absentee ballot to any registered voter
26 applying in person at the commissioner's office, or at any
27 location designated by the commissioner, not more than forty
28 thirty days before the date of the general election or the
29 primary election, and for all other elections, as soon as the
30 ballot is available. The registered voter shall immediately
31 mark the ballot, enclose and seal it in a ballot envelope,
32 subscribe to the affidavit on the reverse side of the
33 envelope, and return the absentee ballot to the commissioner.
34 The commissioner shall record the numbers appearing on the
35 application and ballot envelope along with the name of the

1 registered voter.

2 Sec. 30. Section 53.11, Code 1999, is amended by adding
3 the following new unnumbered paragraphs after subsection 4:

4 NEW UNNUMBERED PARAGRAPH. The commissioner shall publish
5 notice of all satellite voting stations established under this
6 section, whether upon a petition or at the direction of the
7 commissioner, within ten days of the applicable deadline
8 established in subsections 1 through 4.

9 NEW UNNUMBERED PARAGRAPH. The provisions of section 49.107
10 shall be applicable to satellite voting stations, including
11 the commissioner's office, during the satellite voting period.
12 However, the proximity to the satellite voting station in
13 which electioneering and other activity specified by section
14 49.107, subsection 1, is prohibited shall be thirty feet from
15 any wall, posted sign, or other divider which serves as a
16 boundary of the area designated as a satellite voting station.

17 Sec. 31. Section 53.17, subsection 1, Code 1999, is
18 amended to read as follows:

19 1. The sealed carrier envelope may be delivered by the
20 registered voter or the voter's designee to the commissioner's
21 office no later than the time the polls are closed on election
22 day. The person who delivers a carrier envelope to the
23 commissioner's office shall sign a receipt presented by the
24 commissioner. The commissioner shall attach the signed
25 receipt to the carrier envelope.

26 Sec. 32. Section 53.18, Code 1999, is amended to read as
27 follows:

28 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

29 Upon receipt of the absentee ballot, the commissioner shall
30 at once record the number appearing on the application and
31 return carrier envelope, and the time of receipt of such
32 ballot, and whether the ballot was returned by personal
33 delivery by the voter or the voter's designee or by mail. The
34 commissioner shall attach the elector's application to the
35 unopened envelope. Absentee ballots shall be stored in a

1 secure place until they are delivered to the absentee and
2 special voters.

3 Sec. 33. Section 53.31, unnumbered paragraph 1, Code 1999,
4 is amended to read as follows:

5 Any person qualified to vote at the election in progress
6 may challenge the qualifications of a person casting who has
7 requested or cast an absentee ballot by submitting a written
8 challenge to the commissioner no later than five p.m. on the
9 day before the election. It is the duty of the special
10 precinct officials to challenge the absentee ballot of any
11 person whom the official knows or suspects is not duly
12 qualified. Challenges by members of the special precinct
13 election board or observers present pursuant to section 53.23
14 may be made at any time before the close of the polls on
15 election day. The challenge shall state the reasons for which
16 the challenge is being submitted and shall be signed by the
17 challenger. When If a challenge is received the absentee
18 ballot shall be set aside for consideration by the special
19 precinct election board when it meets as required by section
20 50.22.

21 Sec. 34. Section 53.35, Code 1999, is amended to read as
22 follows:

23 53.35 REFUSAL TO RETURN BALLOT.

24 Any It is unlawful for any person who, having procured an
25 official ballot or ballots, shall to willfully neglect or
26 refuse to cast or return the same in the manner provided ~~or~~
27 ~~who shall willfully violate any provision of this chapter,~~
28 ~~shall, unless otherwise provided, be guilty of a simple~~
29 misdemeanor. Any person who applies for a ballot and
30 willfully neglects or refuses to return the same shall be
31 deemed to have committed an offense in the county to which
32 such ballot was returnable.

33 Sec. 35. Section 53.35A, Code 1999, is amended to read as
34 follows:

35 53.35A FAILURE TO RETURN BALLOT -- PENALTY.

1 Any It is unlawful for any person designated by the
2 commissioner, or by the elector casting the absentee ballot,
3 to deliver the sealed envelope containing the absentee ballot,
4 who to willfully fails fail to return the ballot to the
5 commissioner or the commissioner's designee, ~~is guilty of a~~
6 ~~serious misdemeanor.~~

7 Sec. 36. Section 53.49, Code 1999, is amended to read as
8 follows:

9 53.49 APPLICABLE TO ARMED FORCES AND OTHER CITIZENS.

10 The provisions of this division as to absent voting shall
11 apply only to absent voters in the armed forces of the United
12 States as defined for the purpose of absentee voting in
13 section 53.37. The provisions of sections 53.1 ~~to 53.367~~
14 through 53.35 shall apply to all other qualified voters not
15 members of the armed forces of the United States.

16 Sec. 37. Sections 43.119, 43.120, 48A.41, 49.110, 49.111,
17 49.113, 49.119, 51.16, 51.17, 53.36, 722.4, 722.5, 722.6,
18 722.7, 722.8, and 722.9, Code 1999, are repealed.

19 Sec. 38. EFFECTIVE DATE AND APPLICABILITY. Sections 1,
20 20, and 21 of this Act, amending sections 13.2, 49.43, and
21 49.44, being deemed of immediate importance, take effect upon
22 enactment and apply to elections held on or after the
23 effective date of this Act.

24 EXPLANATION

25 This bill makes several changes to the laws on elections
26 and voter registration.

27 The bill corrects internal inconsistencies in the Code
28 relating to election misconduct and creates a new Code chapter
29 39A to contain the criminal provisions relating to violations
30 of election laws and the penalties applicable to those
31 violations.

32 Four levels of criminal election misconduct are
33 established, with penalties ranging from simple misdemeanor to
34 class "D" felony penalties. Specific references to criminal
35 provisions and penalties in the current Code are restated in

1 the new chapter and stricken or repealed from existing Code.

2 The penalties for some violations are changed in the bill.

3 The bill makes the violation of communicating the vote count

4 prior to the closing of the polls a simple misdemeanor where

5 previously no specific penalty was provided for such a

6 violation. The bill makes it a serious misdemeanor for a

7 candidate to use influence on behalf of another in obtaining a

8 position in exchange for support during the election.

9 Previously, violation of this section was subject to the

10 general penalty provisions in Code chapter 49, which made it a

11 simple misdemeanor. A voter allowing another person to see

12 the voter's marked ballot is not longer a prohibited act.

13 The bill upgrades various prohibited acts on election day

14 from simple to serious misdemeanors. The penalty for

15 willfully failing to perform duties or falsifying documents

16 relating to precinct caucuses is also changed from a simple

17 misdemeanor to a serious misdemeanor.

18 The penalty for certain misconduct by election officials is

19 changed from a serious misdemeanor to an aggravated

20 misdemeanor. This specifically includes misconduct by an

21 election official causing a voter to vote contrary to the

22 voter's wishes or changing a ballot or causing a vote to be

23 recorded contrary to the voter's intention.

24 Fraudulently registering to vote, giving false information

25 when registering to vote, or coercing someone to register or

26 to not register to vote is made a class "D" felony from an

27 aggravated misdemeanor. Bribery of voters or of election

28 officials, or bribery during the election process in general

29 is changed from serious or aggravated misdemeanors to class

30 "D" felonies. Also upgraded to a class "D" felony from a

31 serious misdemeanor are the charges of voting more than once

32 in an election or voting when knowing oneself not to be

33 qualified. The bill amends the definition of "infamous crime"

34 to add offenses classified as felonies under the law of

35 another state. The bill adds persons who have been convicted

1 of a felony in another state to the definition of
2 "disqualified voters".

3 The bill provides that an elector who registers to vote by
4 mail shall not be allowed to vote absentee until the elector
5 has voted in person at the polling place at the first election
6 held after registration in which the voter chooses to vote.
7 This does not apply to mail registrations received from a
8 motor vehicle driver's license station, a voter registration
9 agency, from confined persons voting absentee, or from persons
10 working, stationed, or residing outside of the United States
11 at the time of the election.

12 The bill changes the voter registration deadline to 29 days
13 before all elections. Currently, the deadline is 10 days
14 before a general or primary election and 11 days before all
15 other elections. A corresponding amendment is made to provide
16 that the registration deadline does not apply to military
17 personnel discharged within 60 days preceding an election.

18 The bill requires the state commissioner of elections to
19 prepare a written summary of any constitutional amendment or
20 other public measure to be voted on statewide. Current law
21 leaves preparation of such a summary to the discretion of the
22 state commissioner. The bill requires that the summary be
23 written using terminology easily understood by the general
24 public. The bill requires the attorney general to assist the
25 state commissioner in preparing the summary. This portion of
26 the bill takes effect upon enactment and applies to elections
27 held on or after the effective date.

28 The bill makes several changes to the laws on absentee
29 voting. Code section 53.2 is amended to shorten the period
30 during which persons can request absentee ballots to 50 days
31 before the election and requires that the request be dated no
32 earlier than 50 days before the election. Under current law,
33 persons can file requests for absentee ballots as early as 70
34 days before the election. Code section 53.2 is also amended
35 to require that all requests for absentee ballots be made by

1 the Saturday before the election. An exception would remain
2 for persons who are hospitalized within three days of the
3 election or who are residents of a health care facility.
4 Finally, Code section 53.2 is amended to prohibit anyone
5 signing a request on behalf of a voter, except where the voter
6 is unable to sign because of physical disability.

7 Code section 53.9 is amended to prohibit political persons
8 (i.e., political candidates, their agents, and political
9 parties) from receiving (by mail or in person), handling, or
10 delivering absentee ballots, whether voted or unvoted. The
11 amendment also specifically prohibits political persons from
12 being a voter's designee to receive, handle, or deliver the
13 ballot for the voter.

14 Code section 53.11 is amended to shorten the period during
15 which absentee voting in person can occur from 40 to 30 days
16 before the election, except that members of the armed forces
17 and persons overseas will still be sent absentee ballots 40
18 days before the election. Code section 53.11 is also amended
19 to require the county auditor to publish locations of
20 satellite voting stations within 10 days after the deadline
21 for petition requests for satellite voting stations. Finally,
22 Code section 53.11 is amended to prohibit electioneering
23 within 30 feet of satellite voting stations or the auditor's
24 office while absentee voting is allowed. Current
25 administrative rules are silent as to prohibitions on
26 electioneering near the auditor's office.

27 Code section 53.17 is amended to require persons delivering
28 absentee ballots to the election office to sign a receipt that
29 will be attached to the absentee ballot carrier envelope and
30 retained by the election office. Code section 53.18 is
31 amended to require the county auditor to record whether a
32 voted absentee ballot was delivered to the election office by
33 mail, voter's designee, or voter.

34 Code section 53.31 is amended to allow challenges to
35 absentee voters based on the request for an absentee ballot

1 filed with the election office.

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**HOUSE FILE 698
FISCAL NOTE**

The estimate for House File 698 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 698 is an Act relating to elections and voter registration including provisions relating to election misconduct and providing criminal penalties. The Bill also includes provisions relating to absentee voting and requirements and prohibitions related to receiving, handling, and delivering absentee ballots.

CORRECTIONAL IMPACT

There would be no significant correctional impact associated with House File 698.

FISCAL IMPACT

House File 698 would have no significant General Fund impact. Also, there would be no significant impact to local governments.

SOURCES

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Commerce
Department of Justice
Iowa Association of Counties
Iowa League of Cities
Office of the Secretary of State

(LSB 3083hv, SLS)

FILED MARCH 24, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 698

H-1266

1 Amend House File 698 as follows:

2 1. Page 17, by striking lines 11 through 21, and
3 inserting the following:

4 "Sec. ____ . Section 53.8, subsection 1, Code 1999,
5 is amended to read as follows:

6 1. Upon receipt of an application for an absentee
7 ballot and immediately after the absentee ballots are
8 printed, the commissioner shall mail an absentee
9 ballot to the applicant within twenty-four hours,
10 except as otherwise provided in subsection 3. The
11 absentee ballot shall be mailed to the applicant at
12 the permanent residence address listed on the
13 applicant's voter registration record or at a
14 temporary residence address provided by the voter on
15 the application. A post office box may be used if it
16 is leased by the voter or the voter's family. The
17 absentee ballot shall be enclosed in an unsealed
18 envelope bearing a serial number and affidavit. The
19 absentee ballot and unsealed envelope shall be
20 enclosed in or with a carrier envelope which bears the
21 same serial number as the unsealed envelope. The
22 absentee ballot, unsealed envelope, and carrier
23 envelope shall be enclosed in a third envelope to be
24 sent to the registered voter."

By JOCHUM of Dubuque

H-1266 FILED MARCH 25, 1999

HOUSE FILE 698

H-1226

1 Amend House File 698 as follows:

2 1. By striking page 8, line 35, through page 9,
3 line 8.

4 2. By striking page 9, line 33, through page 10,
5 line 17.

6 3. By striking page 10, line 28, through page 12,
7 line 35.

8 4. By renumbering as necessary.

By O'BRIEN of Boone

H-1226 FILED MARCH 24, 1999

HOUSE FILE 698

H-1225

1 Amend House File 698 as follows:

2 1. By striking page 5, line 35, through page 6,
3 line 1.

4 2. By renumbering as necessary.

By CATALDO of Polk

H-1225 FILED MARCH 24, 1999

HOUSE FILE 698

H-1244

- 1 Amend House File 698 as follows:
- 2 1. Page 17, by striking lines 11 through 21.
- 3 2. Page 18, by inserting after line 25 the
- 4 following:
- 5 "Sec. ____ Section 53.17, subsection 2, Code 1999,
- 6 is amended to read as follows:
- 7 2. The sealed carrier envelope may be mailed to
- 8 the commissioner. The carrier envelope shall indicate
- 9 that greater postage than ordinary first class mail
- 10 may be required. The commissioner shall pay any
- 11 insufficient postage due on a carrier envelope bearing
- 12 ordinary first class postage and accept the ballot.
- 13 The sealed carrier envelope shall be mailed directly
- 14 from the voter to the commissioner and shall not be
- 15 mailed to a third party for delivery, in person or by
- 16 mail, to the commissioner."
- 17 3. By renumbering as necessary.

By JOCHUM of Dubuque

H-1244 FILED MARCH 25, 1999

HOUSE FILE 698

H-1262

- 1 Amend House File 698 as follows:
- 2 1. Page 14, by inserting after line 22 the
- 3 following:
- 4 "Sec. ____ Section 49.107, subsection 3, Code
- 5 1999, is amended by striking the subsection."
- 6 2. By renumbering as necessary.

By JACOBS of Polk

H-1262 FILED MARCH 25, 1999

HOUSE FILE 698

H-1243

- 1 Amend House File 698 as follows:
- 2 1. Page 15, by striking lines 12 through 33.

By LARKIN of Lee

H-1243 FILED MARCH 25, 1999

HOUSE FILE 698

H-1242

- 1 Amend House File 698 as follows:
- 2 1. Page 9, by striking lines 17 through 32.
- 3 2. Page 16, by striking lines 15 through 35.
- 4 3. By renumbering as necessary.

By CATALDO of Polk

H-1242 FILED MARCH 25, 1999

HOUSE FILE 698

H-1331

1 Amend House File 698 as follows:

2 1. Page 2, by inserting after line 20, the
3 following:

4 "(4) Makes any false or untrue statement in any
5 application for absentee ballots or makes or signs any
6 false certification or affidavit in connection with an
7 absentee ballot."

8 2. Page 2, line 21, by striking the figure "(4)"
9 and inserting the following: "(5)".

10 3. Page 9, by striking lines 17 through 32.

11 4. Page 9, line 35, by striking the word "twenty-
12 nine" and inserting the following: "twenty".

13 5. Page 10, line 12, by striking the word
14 "thirty-five" and inserting the following: "twenty-
15 five".

16 6. Page 10, lines 16 and 17, by striking the word
17 "thirty-fifth" and inserting the following: "twenty-
18 fifth".

19 7. Page 10, by inserting after line 17, the
20 following:

21 "Sec. ____ . NEW SECTION. 48A.9A ELECTION DAY
22 REGISTRATION.

23 A person who is eligible to vote may register on
24 election day by appearing in person at the polling
25 place for the precinct in which the person maintains
26 the person's residence, by completing a registration
27 card, making an oath in the form prescribed by the
28 state commissioner and providing proof of residence.
29 A person may prove residence for purposes of
30 registering by showing a driver's license or
31 nonoperator's identification card issued pursuant to
32 chapter 321.

33 The precinct election official responsible for
34 election day registration shall attempt to keep a
35 record of the number of persons who attempt to
36 register on election day but who cannot provide proof
37 of residence as required by this section. The record
38 shall be forwarded to the commissioner with the
39 election returns for that precinct."

40 8. Page 10, by inserting after line 27, the
41 following:

42 "Sec. ____ . Section 48A.26, subsections 1 and 4,
43 Code 1999, are amended to read as follows:

44 1. Within seven working days of receipt of a voter
45 registration form or change of information in a voter
46 registration record the commissioner shall send an
47 acknowledgment to the registrant at the mailing
48 address shown on the registration form. However, in
49 the case of election day registrations, the
50 commissioner shall send the acknowledgment within ten

H-1331

H-1331

Page 2

1 days of receipt of the election day registration. The
2 acknowledgment shall be sent by nonforwardable mail.

3 4. If the acknowledgment is returned as
4 undeliverable by the United States postal service, the
5 commissioner shall follow the procedure described in
6 section 48A.29, subsection 1. However, if the
7 acknowledgment mailed for an election day registration
8 is returned as undeliverable by the postal service,
9 the commissioner shall cancel the registration and
10 shall immediately notify the state commissioner of
11 registration and the county attorney."

12 9. Page 11, line 6, by striking the word "twenty-
13 nine" and inserting the following: "twenty".

14 10. Page 11, line 32, by striking the word
15 "twenty-nine" and inserting the following: "twenty".

16 11. Page 12, line 21, by striking the word
17 "twenty-nine" and inserting the following: "twenty".

18 12. Page 13, by inserting after line 15, the
19 following:

20 "Sec. _____. Section 48A.30, subsection 1, Code
21 1999, is amended by adding the following new
22 paragraph:

23 NEW PARAGRAPH. g. The acknowledgment of a voter
24 who registered to vote on election day is returned
25 pursuant to section 48A.26, subsection 4."

26 13. Page 14, by inserting after line 8, the
27 following:

28 "Sec. _____. Section 49.77, subsection 4, unnumbered
29 paragraph 1, Code 1999, is amended to read as follows:

30 A person whose name does not appear on the election
31 register of the precinct in which that person claims
32 the right to vote shall not be permitted to vote,
33 unless the person ~~affirms that the person is currently~~
34 ~~registered in the county and presents proof of~~
35 identity registers to vote at the polling place
36 pursuant to section 48A.9A, or unless the commissioner
37 informs the precinct election officials that an error
38 has occurred and that the person is a registered voter
39 of that precinct. If the commissioner finds no record
40 of the person's registration but the person insists
41 that the person is a registered voter of that
42 precinct, the precinct election officials shall allow
43 the person to cast a ballot in the manner prescribed
44 by section 49.81."

45 14. Page 14, by inserting after line 22 the
46 following:

47 "Sec. _____. Section 49.107, unnumbered paragraph 1,
48 Code 1999, is amended to read as follows:

49 The following acts, except as specially authorized
50 by law, are prohibited on any election day, including

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1 those days when voting is allowed at the
2 commissioner's office:"

3 15. Page 15, by inserting after line 11, the
4 following:

5 "Sec. _____. Section 53.1, Code 1999, is amended to
6 read as follows:

7 53.1 RIGHT TO VOTE -- CONDITIONS.

8 Any registered voter may, subject to the provisions
9 of this chapter, vote at any election:

10 1. When the voter expects to be absent on election
11 day during the time the polls are open from the
12 precinct in which the voter is a registered voter.

13 2. When, through illness or physical disability,
14 the voter expects to be prevented from going to the
15 polls and voting on election day.

16 3. ~~When the voter expects to be unable to go to~~
17 ~~the polls and vote on election day.~~ When, because of
18 religious discipline or observance of a religious
19 holiday, the voter expects to be prevented from going
20 to the polls and voting on election day.

21 4. When the voter is serving as a precinct
22 election official in another precinct on election day.

23 A person who has been designated to have power of
24 attorney by a registered voter does not have authority
25 to request or to cast an absentee ballot on behalf of
26 the registered voter."

27 16. Page 16, by striking lines 15 through 35.

28 17. Page 17, by inserting after line 10, the
29 following:

30 "Sec. _____. Section 53.8, subsection 1, Code 1999,
31 is amended to read as follows:

32 1. Upon receipt of an application for an absentee
33 ballot and immediately after the absentee ballots are
34 printed, the commissioner shall mail an absentee
35 ballot to the applicant within twenty-four hours,
36 except as otherwise provided in subsection 3. The
37 absentee ballot shall be enclosed in an unsealed
38 envelope bearing a serial number and affidavit. The
39 absentee ballot and unsealed envelope shall be
40 enclosed in or with a carrier envelope which bears the
41 same serial number as the unsealed envelope. The
42 carrier envelope shall include a space for the
43 signature of the person who delivers the carrier
44 envelope to the commissioner's office, if the envelope
45 is delivered in person. The absentee ballot, unsealed
46 envelope, and carrier envelope shall be enclosed in a
47 third envelope to be sent to the registered voter."

48 18. Page 17, line 21, by inserting after the
49 figure "53.2" the following: ", except when requested
50 by the person for the person's own use as a voter".

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1 19. Page 18, by striking lines 2 through 25, and
2 inserting the following:

3 "Sec. _____. Section 53.11, unnumbered paragraphs 2
4 and 3, Code 1999, are amended by striking the
5 paragraphs."

6 20. Page 18, by inserting before line 26 the
7 following:

8 "Sec. _____. Section 53.17, subsection 2, Code 1999,
9 is amended to read as follows:

10 2. The sealed carrier envelope may be mailed to
11 the commissioner. The carrier envelope shall indicate
12 that greater postage than ordinary first class mail
13 may be required. The commissioner shall pay any
14 insufficient postage due on a carrier envelope bearing
15 ordinary first class postage and accept the ballot.
16 The sealed carrier envelope shall be mailed directly
17 from the voter to the commissioner and shall not be
18 mailed to a third party for delivery, in person or by
19 mail, to the commissioner."

20 21. Page 19, by inserting after line 2 the
21 following:

22 "Sec. _____. Section 53.19, unnumbered paragraph 1,
23 Code 1999, is amended to read as follows:

24 The commissioner shall maintain a list of the
25 absentee ballots provided to registered voters, the
26 serial number appearing on the unsealed envelope, the
27 date the application for the absentee ballot was
28 received, and the date the absentee ballot was sent to
29 the registered voter requesting the absentee ballot,
30 and whether the ballot was returned to the
31 commissioner by mail or in person. After the
32 election, the commissioner shall report to the state
33 commissioner on the manner in which the ballots were
34 returned to the commissioner."

35 22. By renumbering as necessary.

By JACOBS of Polk
MARTIN of Scott

H-1331 FILED MARCH 30, 1999

HOUSE FILE 698

H-1326

1 Amend House File 698 as follows:

2 1. Page 9, line 35, by striking the word "twenty-
3 nine" and inserting the following: "twenty".

4 2. Page 10, line 12, by striking the word
5 "thirty-five" and inserting the following: "twenty-
6 five".

7 3. Page 10, lines 16 and 17, by striking the word
8 "thirty-fifth" and inserting the following: "twenty-
9 fifth".

10 4. Page 11, line 6, by striking the word "twenty-
11 nine" and inserting the following: "twenty".

12 5. Page 11, line 32, by striking the word
13 "twenty-nine" and inserting the following: "twenty".

14 6. Page 12, line 21, by striking the word
15 "twenty-nine" and inserting the following: "twenty".

By JACOBS of Polk
MARTIN of Scott

H-1326 FILED MARCH 30, 1999

HOUSE FILE 698

H-1327

1 Amend House File 698 as follows:

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

4 "Sec. ____ . Section 49.107, unnumbered paragraph 1,
5 Code 1999, is amended to read as follows:

6 The following acts, except as specially authorized
7 by law, are prohibited on any election day, including
8 those days when voting is allowed at the
9 commissioner's office or at satellite absentee voting
10 stations:"

11 2. Page 18, by inserting after line 1 the
12 following:

13 "Sec. ____ . Section 53.11, unnumbered paragraph 2,
14 Code 1999, is amended to read as follows:

15 Satellite absentee voting stations shall be
16 established throughout the cities and county at the
17 direction of the commissioner or upon receipt of a
18 petition signed by not less than one hundred eligible
19 electors requesting that a satellite absentee voting
20 station be established at a location to be described
21 on the petition. A satellite absentee voting station
22 may be opened no earlier than thirty days before the
23 election. A satellite absentee voting station
24 established by petition must be open at least one day
25 for a minimum of six hours. A satellite absentee
26 voting station established at the direction of the
27 commissioner or by petition may remain open until five
28 p.m. on the day Friday before the election."

29 3. Page 18, line 3, by striking the word
30 "paragraphs" and inserting the following:
31 "paragraph".

32 4. Page 18, by striking lines 9 through 16.

33 5. By renumbering as necessary.

By JACOBS of Polk
MARTIN of Scott

H-1327 FILED MARCH 30, 1999

HOUSE FILE 698

H-1328

1 Amend House File 698 as follows:

2 1. Page 17, line 21, by inserting after the
3 figure "53.2" the following: ", except when requested
4 by the person for the person's own use as a voter".

By JACOBS of Polk
MARTIN of Scott

H-1328 FILED MARCH 30, 1999

HOUSE FILE 698

H-1338

1 Amend the amendment, H-1331, to House File 698 as
2 follows:
3 1. Page 2, line 44, by inserting after the figure
4 "49.81." the following: "A person who registers to
5 vote at the polling place on election day shall cast a
6 ballot in the manner prescribed by section 49.81."

By JACOBS of Polk

H-1338 FILED MARCH 31, 1999

HOUSE FILE 698

H-1342

1 Amend the amendment, H-1331, to House File 698 as
2 follows:
3 1. Page 1, by striking lines 11 through 19, and
4 inserting the following:
5 "____. By striking page 9, line 33 through page
6 10, line 17, and inserting the".
7 2. Page 2, by striking lines 12 through 17, and
8 inserting the following:
9 "____. By striking page 10, line 28 through page
10 12, line 35."

By O'BRIEN of Boone

H-1342 FILED MARCH 31, 1999

HOUSE FILE 698

H-1343

1 Amend the amendment, H-1331, to House File 698 as
2 follows:
3 1. Page 3, by striking lines 3 through 26.
4 2. By renumbering as necessary.

By CATALDO of Polk

H-1343 FILED MARCH 31, 1999

HOUSE FILE 698

H-1344

- 1 Amend the amendment, H-1331, to House File 698 as
- 2 follows:
- 3 1. Page 4, by striking lines 1 through 5, and
- 4 inserting the following:
- 5 "____. Page 18, by striking lines 2 through 25."
- 6 2. By renumbering as necessary.

By JOCHUM of Dubuque

H-1344 FILED MARCH 31, 1999

HOUSE FILE 698

H-1349

- 1 Amend the amendment, H-1266, to House File 698 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "____. By striking page 17, line 11, through page
- 6 18, line 1, and inserting the following:".

By JOCHUM of Dubuque

H-1349 FILED MARCH 31, 1999

HOUSE FILE 698

H-1351

- 1 Amend the amendment, H-1331, to House File 698 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 19, and
- 4 inserting the following:
- 5 "____. By striking everything after the enacting
- 6 clause, and inserting the".
- 7 2. Page 1, by striking lines 40 through 41.
- 8 3. Page 2, by striking lines 12 through 19.
- 9 4. Page 2, by striking lines 26 and 27.
- 10 5. By striking page 2, line 45, through page 4,
- 11 line 35.
- 12 6. By renumbering and correcting internal
- 13 references as necessary.

By CHIODO of Polk

H-1351 FILED MARCH 31, 1999