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STATE GOVERNMENT

HOUSE FILE 304

BY JACOBS

(p. 921)
 Passed House, Date 3-27-01 Passed Senate, Date _____
 Vote: Ayes 56 Nays 43 Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to elections and voter qualifications and voter
 2 registration and concerning election misconduct and criminal
 3 penalties, voter registration deadlines and voter registration
 4 by mail, written summaries of proposed constitutional
 5 amendments or of certain other public measures, election
 6 polling hours, receiving, handling, and delivering absentee
 7 ballots, and the election of directors of local school
 8 districts, area education agencies, and merged areas, and
 9 including effective date and applicability date provisions.

HF 304

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

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DIVISION I

ELECTION MISCONDUCT AND PENALTIES

Section 1. NEW SECTION. 39A.1 TITLE AND PURPOSE --
ELECTION OFFICIALS DEFINED.

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

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

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

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

1. A person commits the crime of election misconduct in
the first degree if the person willfully commits any of the

1 following acts:

2 a. REGISTRATION FRAUD. Produces, procures, submits, or
3 accepts a voter registration application that is known by the
4 person to be materially false, fictitious, forged, or
5 fraudulent.

6 b. VOTE FRAUD.

7 (1) Destroys, delivers, or handles an application for a
8 ballot or an absentee ballot with the intent of interfering
9 with the voter's right to vote.

10 (2) Produces, procures, submits, or accepts a ballot or an
11 absentee ballot, or produces, procures, casts, accepts, or
12 tabulates a ballot that is known by the person to be
13 materially false, fictitious, forged, or fraudulent.

14 (3) Votes or attempts to vote more than once at the same
15 election, or votes or attempts to vote at an election knowing
16 oneself not to be qualified.

17 (4) Makes a false or untrue statement in an application
18 for an absentee ballot or makes or signs a false certification
19 or affidavit in connection with an absentee ballot.

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

23 c. DURESS. Intimidates, threatens, or coerces, or
24 attempts to intimidate, threaten, or coerce, a person to do
25 any of the following:

26 (1) To register to vote, to vote, or to attempt to
27 register to vote.

28 (2) To urge or aid a person to register to vote, to vote,
29 or to attempt to register to vote.

30 (3) To exercise a right under chapters 39 through 53.

31 d. BRIBERY.

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

35 (2) Pays, offers to pay, or causes to be paid money or any

1 other thing of value to an election official conditioned on
2 some act done or omitted to be done contrary to the person's
3 official duty in relation to an election.

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

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

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

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

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

16 a. INTERFERENCE WITH VALIDITY OF ELECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (4) Failing to carry out a duty with regard to access
16 under chapter 22 to a public record that relates to an
17 election or voter registration.

18 (5) Furnishing a voter with a ballot other than the proper
19 ballot to be used at an election.

20 (6) Making or consenting to a false entry on the list of
21 voters or poll books.

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

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

29 (9) Destroying or altering a ballot that has been given to
30 a voter.

31 (10) Permitting a person to vote in a manner prohibited by
32 law.

33 (11) Refusing or rejecting the vote of a voter qualified
34 to vote.

35 (12) Wrongfully acting or refusing to act for the purpose

1 of avoiding an election, or of rendering invalid a ballot cast
2 from a precinct or other voting district.

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

7 c. MISCELLANEOUS OFFENSES.

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

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

24 (3) Making a false answer under chapter 43 relative to a
25 person's qualifications and party affiliations.

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

28 (5) Using voter registration information in violation of
29 section 48A.39.

30 (6) As a candidate, making a promise to name or appoint
31 another person to a position or to secure a position for
32 another person in violation of section 49.120.

33 (7) Soliciting the use of influence from a candidate in
34 violation of section 49.121.

35 (8) As a public official or employee, or a person acting

1 under color of a public official or employee, knowingly
2 requiring a public employee to act in connection with an
3 absentee ballot in violation of section 53.7.

4 (9) As a person designated by the county commissioner of
5 elections or by the voter casting an absentee ballot, failing
6 to return an absentee ballot in violation of section 53.35A.

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

11 2. Election misconduct in the third degree is a serious
12 misdemeanor.

13 Sec. 5. NEW SECTION. 39A.5 ELECTION MISCONDUCT IN THE
14 FOURTH DEGREE.

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

18 a. ELECTION DAY ACTS.

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

23 (2) Failing or refusing to comply with an order or command
24 of an election official made pursuant to chapter 49 for which
25 another penalty is not provided.

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

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

34 (5) Removing or destroying the supplies or articles
35 furnished for the purpose of enabling voters to prepare their

1 ballots.

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

5 b. MISCELLANEOUS OFFENSES.

6 (1) As a public employee, acting in connection with an
7 absentee ballot in violation of section 53.7.

8 (2) Neglecting or refusing to return an absentee ballot in
9 violation of section 53.35, or violating any other provision
10 of chapter 53 for which another penalty is not provided.

11 (3) Filing a challenge containing false information under
12 section 48A.14.

13 2. Election misconduct in the fourth degree is a simple
14 misdemeanor.

15 Sec. 6. NEW SECTION. 39A.6 TECHNICAL INFRACTIONS --
16 NOTICE.

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

25 Sec. 7. Section 39.3, unnumbered paragraph 1, Code 2001,
26 is amended to read as follows:

27 The definitions established by this section shall apply
28 wherever the terms so defined appear in this chapter and in
29 chapters 39A, 43, 44, 45, 47, 48A through 53, and 56 unless
30 the context in which any such term is used clearly requires
31 otherwise.

32 Sec. 8. Section 39.3, subsection 8, Code 2001, 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.25, unnumbered paragraph 1, Code 2001,
3 is amended to read as follows:

4 A person may pay, offer to pay, or accept compensation for
5 assisting others in completing voter registration forms only
6 if the compensation is based solely on the time spent
7 providing the assistance. Paying, offering to pay, or
8 receiving compensation based on the number of registration
9 forms completed, or the party affiliations shown on completed
10 registration forms, or on any other performance criteria, is a
11 ~~serious-misdemeanor~~ unlawful.

12 Sec. 10. Section 48A.39, Code 2001, is amended to read as
13 follows:

14 48A.39 USE OF REGISTRATION INFORMATION ---PENALTY.

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

23 Sec. 11. Section 52.40, subsection 4, Code 2001, 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. 12. Section 53.7, subsection 2, Code 2001, is amended
13 to read as follows:

14 2. Any It is unlawful for any public officer or employee,
15 or any person acting under color of a public officer or
16 employee, who to knowingly requires that require a public
17 employee solicit an application or request for an application
18 for an absentee ballot, or knowingly requires that an employee
19 take an affidavit or request for an affidavit in connection
20 with an absentee ballot application, ~~7-commits a serious~~
21 ~~misdemeanor.~~

22 Sec. 13. Section 53.35, Code 2001, is amended to read as
23 follows:

24 53.35 REFUSAL TO RETURN BALLOT.

25 Any It is unlawful for any person who, having procured an
26 official ballot or ballots, shall to willfully neglect or
27 refuse to cast or return the same in the manner provided, ~~7-or~~
28 ~~who shall willfully violate any provision of this chapter,~~
29 ~~shall, unless otherwise provided, be guilty of a simple~~
30 ~~misdemeanor.~~ Any person who applies for a ballot and
31 willfully neglects or refuses to return the same shall be
32 deemed to have committed an offense in the county to which
33 such ballot was returnable.

34 Sec. 14. Section 53.35A, Code 2001, is amended to read as
35 follows:

1 53.35A FAILURE TO RETURN BALLOT -- PENALTY.

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

8 Sec. 15. Section 53.49, Code 2001, is amended to read as
9 follows:

10 53.49 APPLICABLE TO ARMED FORCES AND OTHER CITIZENS.

11 The provisions of this division as to absent voting shall
12 apply only to absent voters in the armed forces of the United
13 States as defined for the purpose of absentee voting in
14 section 53.37. The provisions of sections 53.1 ~~to~~ 53.36
15 through 53.35 shall apply to all other ~~qualified~~ voters not
16 members of the armed forces of the United States.

17 Sec. 16. Sections 43.119, 43.120, 48A.41, 49.110, 49.111,
18 49.113, 49.119, 51.16, 51.17, 53.36, 722.4, 722.5, 722.7, and
19 722.8, Code 2001, are repealed.

20 DIVISION II

21 VOTER REGISTRATION

22 Sec. 17. Section 48A.5, subsection 6, Code 2001, is
23 amended to read as follows:

24 6. The deadlines for voter registration shall not apply to
25 a person who has been discharged from military service within
26 thirty sixty days preceding the date of an election. The
27 person shall present to the precinct election official a copy
28 of the person's discharge papers. The person shall complete a
29 voter registration form and give it to the official before
30 being permitted to vote.

31 Sec. 18. Section 48A.6, subsection 1, Code 2001, is
32 amended to read as follows:

33 1. A person who has been convicted of a felony as defined
34 in section 701.7, or convicted of an offense classified as a
35 felony under federal law or under the laws of another state.

1 If the person's rights are later restored by the governor, or
2 by the president of the United States, the person may register
3 to vote.

4 Sec. 19. Section 48A.8, Code 2001, is amended to read as
5 follows:

6 48A.8 REGISTRATION BY MAIL.

7 An eligible elector may register to vote by completing a
8 mail registration form. The form may be mailed or delivered
9 by the registrant or the registrant's designee to the
10 commissioner in the county where the person resides. A
11 separate registration form shall be signed by each individual
12 registrant. An eligible elector who registers by mail is
13 required to vote in person at the polling place at the first
14 election following registration in which the voter casts a
15 vote. However, this does not apply to mail registration forms
16 received from a motor vehicle driver's license station or from
17 any voter registration agency, to confined persons voting
18 pursuant to section 53.22, or to persons voting pursuant to
19 section 53.45.

20 Sec. 20. Section 48A.9, subsection 1, Code 2001, is
21 amended to read as follows:

22 1. Registration closes at five p.m. ~~eleven~~ twenty days
23 before each election ~~except-primary-and-general-elections.~~
24 ~~For-primary-and-general-elections,-registration-closes-at-five~~
25 ~~p.m.-ten-days-before-the-election.~~ An eligible elector may
26 register during the time registration is closed in the
27 elector's precinct but the registration shall not become
28 effective until registration opens again in the elector's
29 precinct.

30 Sec. 21. Section 48A.9, subsection 3, Code 2001, is
31 amended to read as follows:

32 3. A registration form submitted by mail shall be
33 considered on time if it is postmarked no later than ~~the~~
34 ~~fifteenth-day~~ twenty-six days before the election, even if it
35 is received by the commissioner after the deadline, or if the

1 registration form is received by the commissioner no later
2 than five p.m. on the last day to register to vote for an
3 election, even if it is postmarked after the fifteenth twenty-
4 sixth day before the election.

5 Sec. 22. Section 48A.27, subsection 4, paragraph c,
6 unnumbered paragraph 2, Code 2001, is amended to read as
7 follows:

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

33 Sec. 23. Section 48A.29, subsection 1, unnumbered
34 paragraph 2, Code 2001, is amended to read as follows:

35 The notice shall be sent by forwardable mail, and shall

1 include a postage paid preaddressed return card on which the
2 registered voter may state the registered voter's current
3 address. The notice shall contain a statement in
4 substantially the following form: "Information received from
5 the United States postal service indicates that you are no
6 longer a resident of (residence address) in (name of county)
7 County, Iowa. If this information is not correct, and you
8 still live in (name of county) County, please complete and
9 mail the attached postage paid card at least ~~ten~~ twenty days
10 before the ~~primary-or-general-election-and-at-least-eleven~~
11 ~~days-before-any-other~~ next election at which you wish to vote.
12 If the information is correct, and you have moved, please
13 contact a local official in your new area for assistance in
14 registering there. If you do not mail in the card, you may be
15 required to show identification proving your residence in
16 (name of county) County before being allowed to vote in (name
17 of county) County. If you do not return the card, and you do
18 not vote in some election in (name of county) County, Iowa, on
19 or before (date of second general election following the date
20 of the notice) your name will be removed from the list of
21 voters in that county."

22 Sec. 24. Section 48A.29, subsection 3, unnumbered
23 paragraph 2, Code 2001, is amended to read as follows:

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

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

13 Sec. 25. Section 48A.30, subsection 1, paragraph d, Code
14 2001, is amended to read as follows:

15 d. The clerk of the district court, or the United States
16 attorney, or the state registrar sends notice of the
17 registered voter's conviction of a felony as defined in
18 section 701.7, or conviction of an offense classified as a
19 felony under federal law or under the laws of another state.
20 The clerk of the district court shall send notice of a felony
21 conviction to the state registrar of voters. The state
22 registrar may also receive notices of felony convictions
23 obtained under federal law or under the laws of another state.
24 The registrar shall determine in which county the felon is
25 registered to vote, if any, and shall notify the county
26 commissioner of registration for that county of the felony
27 conviction.

28 DIVISION III

29 CONDUCT OF ELECTIONS

30 Sec. 26. Section 13.2, Code 2001, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 15. Assist the state commissioner of
33 elections in preparing written summaries of constitutional
34 amendments or other public measures as required by section
35 49.44.

1 Sec. 27. Section 49.43, unnumbered paragraph 3, Code 2001,
2 is amended to read as follows:

3 Constitutional amendments and other public measures may to
4 be decided by the voters of the entire state shall be
5 summarized by the state commissioner as provided in sections
6 section 49.44 and. Other public measures shall be summarized
7 by the commissioner as provided in section 52.25.

8 Sec. 28. Section 49.44, unnumbered paragraph 3, Code 2001,
9 is amended to read as follows:

10 The commissioner may shall prepare a summary for public
11 ~~measures if the commissioner finds that a summary is needed to~~
12 clarify for the purpose of clarifying the question to the
13 voters. The summary describing the constitutional amendment
14 or public measure shall be written using terminology easily
15 understandable to the general public. The state commissioner
16 shall receive assistance from the office of attorney general
17 in preparing the written summary.

18 Sec. 29. Section 49.73, subsection 2, Code 2001, is
19 amended to read as follows:

20 2. The commissioner shall not shorten voting hours for any
21 election if there is filed in the commissioner's office, at
22 least twenty-five days before the election, a petition signed
23 by at least fifty eligible electors of the school district or
24 city, as the case may be, requesting that the polls be opened
25 not later than seven o'clock a.m. All polling places where
26 the candidates of or any public question submitted by any one
27 political subdivision are being voted upon shall be opened at
28 the same hour, except that this requirement shall not apply to
29 merged areas established under chapter 260C. The hours at
30 which the respective precinct polling places are to open shall
31 not be changed after publication of the notice required by
32 section 49.53. The polling places shall be closed at nine
33 o'clock eight p.m. ~~for state primary and general elections and~~
34 ~~other partisan elections, and for any other election held~~
35 ~~concurrently therewith, and at eight o'clock p.m. for all~~

1 other elections.

2 Sec. 30. Section 49.77, subsection 3, unnumbered paragraph
3 2, Code 2001, is amended to read as follows:

4 A precinct election official may shall require of the voter
5 ~~unknown-to-the-official,~~ identification upon which the voter's
6 photograph and signature or mark appears. If identification
7 is established to the satisfaction of the precinct election
8 officials, the person may then be allowed to vote.

9 Sec. 31. Section 49.92, Code 2001, 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. 32. EFFECTIVE DATE AND APPLICABILITY. This section
24 and the sections of this Act amending Code sections 13.2,
25 49.43, and 49.44, being deemed of immediate importance, take
26 effect upon enactment and apply to elections held on or after
27 the effective date of this section of this Act.

28 DIVISION IV

29 ABSENTEE VOTING

30 Sec. 33. Section 53.2, unnumbered paragraph 1, Code 2001,
31 is amended to read as follows:

32 Any registered voter may, under the circumstances specified
33 in section 53.1, ~~may-on-any-day,-except-election-day,~~ and not
34 more than seventy fifty days ~~prior-to~~ before the date of the
35 election but not later than the Saturday before the election,

1 apply in person for an absentee ballot at the commissioner's
2 office or at any location designated by the commissioner, or
3 make written application to the commissioner for an absentee
4 ballot. Applications shall not be signed or solicited in
5 advance of the fifty-day period. Applications shall only be
6 accepted after the Saturday before the election if the
7 applicant is voting pursuant to section 53.22. Except as
8 otherwise provided in section 53.22, subsections 3 and 4, no
9 more than ten absentee ballots shall be mailed to the same
10 address. The state commissioner shall prescribe a form for
11 absentee ballot applications. ~~However, if a registered voter~~
12 ~~submits an application that includes all of the information~~
13 ~~required in this section, the prescribed form is not required.~~
14 Absentee ballot applications may include instructions to send
15 the application directly to the county commissioner of
16 elections. However, no absentee ballot application shall be
17 preaddressed or printed with instructions to send the
18 applications to anyone other than the appropriate
19 commissioner.

20 Sec. 34. Section 53.2, unnumbered paragraph 4, Code 2001,
21 is amended to read as follows:

22 Each application shall contain the name and signature of
23 the registered voter, the address at which the voter is
24 registered to vote, and the name or date of the election for
25 which the absentee ballot is requested, and such other
26 information as may be necessary to determine the correct
27 absentee ballot for the registered voter. The voter's
28 signature shall be the writing or markings of the voter.
29 Another person shall not sign an application on behalf of a
30 voter except that if the voter is unable due to a physical
31 disability to make a written signature or mark, a person
32 authorized by the voter may sign the application on behalf of
33 the voter. If insufficient information has been provided, the
34 commissioner shall, by the best means available, obtain the
35 additional necessary information.

1 Sec. 35. Section 53.2, unnumbered paragraph 6, Code 2001,
2 is amended to read as follows:

3 If an application for an absentee ballot is received from
4 an eligible elector who is not a registered voter the
5 commissioner shall send a registration form under section
6 ~~48A.8 and an absentee ballot to the eligible elector. If the~~
7 ~~application is received so late that it is unlikely that the~~
8 ~~registration form can be returned in time to be effective on~~
9 ~~election day,~~ The commissioner shall enclose with the
10 ~~absentee ballot registration form~~ a notice ~~to that effect,~~
11 informing the ~~voter~~ elector of the registration time limits in
12 section 48A.9 and informing the elector that if the elector
13 registers by mail, the elector will not be allowed to vote
14 absentee until the elector has voted in person at the polling
15 place. The commissioner shall record on the elector's
16 application that the elector is not currently registered to
17 vote. If the registration form is properly returned by the
18 time provided by section 48A.9, the commissioner shall record
19 on the elector's application the date of receipt of the
20 registration form and enter a notation of the registration on
21 the registration records.

22 Sec. 36. Section 53.8, subsection 1, Code 2001, is amended
23 to read as follows:

24 1. Upon receipt of an application for an absentee ballot
25 and immediately after the absentee ballots are printed, the
26 commissioner shall mail an absentee ballot to the applicant
27 within twenty-four hours, except as otherwise provided in
28 subsection 3. The absentee ballot shall be enclosed in an
29 unsealed envelope bearing a serial number and affidavit. The
30 absentee ballot and unsealed envelope shall be enclosed in or
31 with a carrier envelope which bears the same serial number as
32 the unsealed envelope. The carrier envelope shall include a
33 space for the signature of the person who delivers the carrier
34 envelope to the commissioner's office, if the envelope is
35 delivered in person. The absentee ballot, unsealed envelope,

1 and carrier envelope shall be enclosed in a third envelope to
2 be sent to the registered voter.

3 Sec. 37. Section 53.9, Code 2001, is amended to read as
4 follows:

5 53.9 PROHIBITED PERSONS.

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

14 Sec. 38. Section 53.11, unnumbered paragraphs 1 and 2,
15 Code 2001, are amended to read as follows:

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

29 Satellite absentee voting stations shall be established
30 throughout the cities and county at the direction of the
31 commissioner or upon receipt of a petition signed by not less
32 than one hundred eligible electors requesting that a satellite
33 absentee voting station be established at a location to be
34 described on the petition. Satellite absentee voting stations
35 may only be located in public buildings supported by taxation.

1 A satellite absentee voting station established by petition
2 must be open at least one day for a minimum of six hours. A
3 satellite absentee voting station established at the direction
4 of the commissioner or by petition may remain open until five
5 p.m. on the day before the election.

6 Sec. 39. Section 53.11, Code 2001, is amended by adding
7 the following new unnumbered paragraphs after subsection 4:

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

13 NEW UNNUMBERED PARAGRAPH. The provisions of section 49.107
14 shall be applicable to satellite voting stations, including
15 the commissioner's office, during the satellite voting period.
16 However, the proximity to the satellite voting station in
17 which electioneering and other activity specified by section
18 49.107, subsection 1, is prohibited shall be thirty feet from
19 any wall, posted sign, or other divider which serves as a
20 boundary of the area designated as a satellite voting station.

21 Sec. 40. Section 53.17, subsection 1, Code 2001, is
22 amended to read as follows:

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

30 Sec. 41. Section 53.18, Code 2001, is amended to read as
31 follows:

32 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

33 Upon receipt of the absentee ballot, the commissioner shall
34 at once record the number appearing on the application and
35 return carrier envelope, and the time of receipt of such

1 ballot, and whether the ballot was returned by personal
2 delivery by the voter or the voter's designee or by mail. The
3 commissioner shall attach the elector's application to the
4 unopened envelope. Absentee ballots shall be stored in a
5 secure place until they are delivered to the absentee and
6 special voters.

7 Sec. 42. Section 53.19, unnumbered paragraph 1, Code 2001,
8 is amended to read as follows:

9 The commissioner shall maintain a list of the absentee
10 ballots provided to registered voters, the serial number
11 appearing on the unsealed envelope, the date the application
12 for the absentee ballot was received, ~~and~~ the date the
13 absentee ballot was sent to the registered voter requesting
14 the absentee ballot, and whether the ballot was returned to
15 the commissioner by mail or in person. After the election,
16 the commissioner shall report to the state commissioner on the
17 manner in which the ballots were returned to the commissioner.

18 Sec. 43. Section 53.31, unnumbered paragraph 1, Code 2001,
19 is amended to read as follows:

20 Any person qualified to vote at the election in progress
21 may challenge the qualifications of a person ~~casting~~ who has
22 requested or cast an absentee ballot by submitting a written
23 challenge to the commissioner no later than five p.m. on the
24 day before the election. It is the duty of the special
25 precinct officials to challenge the absentee ballot of any
26 person whom the official knows or suspects is not duly
27 qualified. Challenges by members of the special precinct
28 election board or observers present pursuant to section 53.23
29 may be made at any time before the close of the polls on
30 election day. The challenge shall state the reasons for which
31 the challenge is being submitted and shall be signed by the
32 challenger. ~~When~~ If a challenge is received the absentee
33 ballot shall be set aside for consideration by the special
34 precinct election board when it meets as required by section
35 50.22.

1 DIVISION V

2 SCHOOL ELECTIONS

3 Sec. 44. Section 260C.11, unnumbered paragraph 1, Code
4 2001, is amended to read as follows:

5 The governing board of a merged area is a board of
6 directors composed of one member elected from each director
7 district in the area by the electors of the respective
8 district. Members of the board shall be residents of the
9 district from which elected. Successors shall be chosen at
10 the ~~annual~~ regular school elections for members whose terms
11 expire. The term of a member of the board of directors is
12 ~~three~~ four years and commences at the organization meeting.
13 Vacancies on the board shall be filled at the next regular
14 meeting of the board by appointment by the remaining members
15 of the board. A member so chosen shall be a resident of the
16 district in which the vacancy occurred and shall serve until a
17 member is elected pursuant to section 69.12 to fill the
18 vacancy for the balance of the unexpired term. A vacancy is
19 defined in section 277.29. A member shall not serve on the
20 board of directors who is a member of a board of directors of
21 a local school district or a member of an area education
22 agency board.

23 Sec. 45. Section 260C.12, unnumbered paragraph 1, Code
24 2001, is amended to read as follows:

25 The board of directors of the merged area shall organize at
26 the first regular meeting in ~~October-of-each-year~~ December
27 following the regular school election. Organization of the
28 board shall be effected by the election of a president and
29 other officers from the board membership as board members
30 determine. The board of directors shall appoint a secretary
31 and a treasurer who shall each give bond as prescribed in
32 section 291.2 and who shall each receive the salary determined
33 by the board. The secretary and treasurer shall perform
34 duties under chapter 291 and additional duties the board of
35 directors deems necessary. However, the board may appoint one

1 person to serve as the secretary and treasurer. If one person
2 serves as the secretary and treasurer, only one bond is
3 necessary for that person. The frequency of meetings other
4 than organizational meetings shall be as determined by the
5 board of directors but the president or a majority of the
6 members may call a special meeting at any time.

7 Sec. 46. Section 260C.13, subsection 1, Code 2001, is
8 amended to read as follows:

9 1. The board of a merged area may change the number of
10 directors on the board and shall make corresponding changes in
11 the boundaries of director districts. Changes shall be
12 completed not later than ~~June 1 for the regular school~~
13 ~~election to be held the next following~~ September 1 of the year
14 of the regular school election. As soon as possible after
15 adoption of the boundary changes, notice of changes in the
16 director district boundaries shall be submitted by the merged
17 area to the county commissioner of elections in all counties
18 included in whole or in part in the merged area.

19 Sec. 47. Section 260C.15, subsections 1 and 4, Code 2001,
20 are amended to read as follows:

21 1. Regular elections held ~~annually~~ by the merged area for
22 the election of members of the board of directors as required
23 by section 260C.11, for the renewal of the twenty and one-
24 fourth cents per thousand dollars of assessed valuation levy
25 authorized in section 260C.22, or for any other matter
26 authorized by law and designated for election by the board of
27 directors of the merged area, shall be held on the date of the
28 school election as fixed by section 277.1. The election
29 notice shall be made a part of the local school election
30 notice published as provided in section 49.53 in each local
31 school district where voting is to occur in the merged area
32 election and the election shall be conducted by the county
33 commissioner of elections pursuant to chapters 39 to 53 and
34 section 277.20.

35 4. The votes cast in the election shall be canvassed and

1 abstracts of the votes cast shall be certified as required by
2 section 277.20. In each county whose commissioner of
3 elections is responsible under section 47.2 for conducting
4 elections held for a merged area, the county board of
5 supervisors shall convene on the ~~last Monday in September~~
6 after the regular school election or at the last regular board
7 meeting in ~~September~~ November, canvass the abstracts of votes
8 cast and declare the results of the voting. The commissioner
9 shall at once issue certificates of election to each person
10 declared elected, and shall certify to the merged area board
11 in substantially the manner prescribed by section 50.27 the
12 result of the voting on any public question submitted to the
13 voters of the merged area. Members elected to the board of
14 directors of a merged area shall qualify by taking the oath of
15 office prescribed in section 277.28.

16 Sec. 48. Section 260C.22, subsection 1, paragraph a, Code
17 2001, is amended to read as follows:

18 a. In addition to the tax authorized under section
19 260C.17, the voters in any a merged area may at the ~~annual~~
20 regular school election vote a tax not exceeding twenty and
21 one-fourth cents per thousand dollars of assessed value in any
22 one year for a period not to exceed ten years for the purchase
23 of grounds, construction of buildings, payment of debts
24 contracted for the construction of buildings, purchase of
25 buildings and equipment for buildings, and the acquisition of
26 libraries, for the purpose of paying costs of utilities, and
27 for the purpose of maintaining, remodeling, improving, or
28 expanding the community college of the merged area. If the
29 tax levy is approved under this section, the costs of
30 utilities shall be paid from the proceeds of the levy. The
31 tax shall be collected by the county treasurers and remitted
32 to the treasurer of the merged area as provided in section
33 331.552, subsection 29. The proceeds of the tax shall be
34 deposited in a separate and distinct fund to be known as the
35 voted tax fund, to be paid out upon warrants drawn by the

1 president and secretary of the board of directors of the
2 merged area district for the payment of costs incurred in
3 providing the school facilities for which the tax was voted.

4 Sec. 49. Section 273.8, subsections 1, 5, and 6, Code
5 2001, are amended to read as follows:

6 1. BOARD OF DIRECTORS. The board of directors of an area
7 education agency shall consist of not less than five nor more
8 than nine members, each a resident of and elected in the
9 manner provided in this section from a director district that
10 is approximately equal in population to the other director
11 districts in the area education agency. Each director shall
12 serve a ~~three-year~~ four-year term which commences at the
13 organization meeting.

14 5. CHANGE IN DIRECTORS. The board of an area education
15 agency may change the number of directors on the board and
16 shall make corresponding changes in the boundaries of director
17 districts. Changes shall be completed not later than ~~July~~
18 September 1 of a fiscal year for the director district
19 conventions to be held the following ~~September~~ November.

20 6. BOUNDARY LINE CHANGES. To the extent possible the
21 board shall provide that changes in the boundary lines of
22 director districts of area education agencies shall not
23 lengthen or diminish the term of office of a director of an
24 area education agency board. Initial terms of office shall be
25 set by the board so that as nearly as possible the terms of
26 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

27 Sec. 50. Section 273.8, subsection 2, unnumbered paragraph
28 2, Code 2001, is amended to read as follows:

29 The director district conventions shall be called and the
30 locations of the conventions shall be determined by the area
31 education agency administrator. ~~Annually~~ Biennially the
32 director district conventions shall be held within two weeks
33 following the regular school election. Notice of the time,
34 date and place of a director district convention shall be
35 published by the area education agency administrator at least

1 forty-five days prior to the day of the district conventions
2 in at least one newspaper of general circulation in the
3 director district. The cost of publication shall be paid by
4 the area education agency.

5 Sec. 51. Section 273.8, subsection 3, unnumbered paragraph
6 1, Code 2001, is amended to read as follows:

7 The board of directors of each area education agency shall
8 meet and organize at the first regular meeting in ~~October-of~~
9 ~~each-year~~ December following the regular school election at a
10 suitable place designated by the president. Directors whose
11 terms commence at the organization meeting shall qualify by
12 taking the oath of office required by section 277.28 at or
13 before the organization meeting.

14 Sec. 52. Section 274.7, Code 2001, is amended to read as
15 follows:

16 274.7 DIRECTORS.

17 The affairs of each school corporation shall be conducted
18 by a board of directors, the members of which in all community
19 or independent school districts shall be chosen for a term of
20 ~~three~~ four years.

21 Sec. 53. Section 275.12, subsection 2, paragraphs b
22 through e, Code 2001, are amended to read as follows:

23 b. Division of the entire school district into designated
24 geographical single director or multi-director subdistricts on
25 the basis of population for each director, to be known as
26 director districts, each of which ~~director-districts~~ shall be
27 represented on the school board by one or more directors who
28 shall be residents of the director district but who shall be
29 elected by the vote of the electors of the entire school
30 district. The boundaries of the director districts and the
31 area and population included within each district shall be
32 such as justice, equity, and the interests of the people may
33 require. Changes in the boundaries of director districts
34 shall not be made during a period commencing sixty days prior
35 to the date of the ~~annual~~ regular school election. Insofar As

1 far as ~~may-be~~ practicable, the boundaries of the districts
2 shall follow established political or natural geographical
3 divisions.

4 c. Election of not more than one-half of the total number
5 of school directors at large from the entire district and the
6 remaining directors from and as residents of designated
7 single-member or multi-member director districts into which
8 the entire school district shall be divided on the basis of
9 population for each director. In such case, all directors
10 shall be elected by the electors of the entire school
11 district. Changes in the boundaries of director districts
12 shall not be made during a period commencing sixty days prior
13 to the date of the ~~annual~~ regular school election.

14 d. Division of the entire school district into designated
15 geographical single director or multi-director subdistricts on
16 the basis of population for each director, to be known as
17 director districts, each of which ~~director-districts~~ shall be
18 represented on the school board by one or more directors who
19 shall be residents of the director district and who shall be
20 elected by the voters of the director district. Place of
21 voting in the director districts shall be designated by the
22 commissioner of elections. Changes in the boundaries of
23 director districts shall not be made during a period
24 commencing sixty days prior to the date of the ~~annual~~ regular
25 school election.

26 e. In districts having seven directors, election of three
27 directors at large by the electors of the entire district, ~~one~~
28 no more than two at each ~~annual~~ regular school election, and
29 election of the remaining directors as residents of and by the
30 electors of individual geographic subdistricts established on
31 the basis of population and identified as director districts,
32 no more than two at a regular school election. Boundaries of
33 the subdistricts shall follow precinct boundaries, ~~insofar as~~
34 far as practicable, and shall not be changed less than sixty
35 days prior to the ~~annual~~ regular school election.

1 Sec. 54. Section 275.25, subsection 3, Code 2001, is
2 amended to read as follows:

3 3. The directors who are elected and qualify to serve
4 shall serve until their successors are elected and qualify.
5 At the special election, the three newly elected director
6 directors receiving the most votes shall be elected to serve
7 until ~~the-director's-successor-qualifies~~ their successors
8 qualify after the ~~fourth~~ third regular school election date
9 occurring after the effective date of the reorganization; and
10 the two newly elected directors receiving the next largest
11 number of votes shall be elected to serve until the directors'
12 successors qualify after the ~~third~~ second regular school
13 election date occurring after the effective date of the
14 reorganization; ~~and the two newly elected directors receiving~~
15 ~~the next largest number of votes shall be elected to serve~~
16 ~~until the directors' successors qualify after the second~~
17 ~~regular school election date occurring after the effective~~
18 ~~date of the reorganization.~~ However, in districts that
19 include all or a part of a city of fifteen thousand or more
20 population and in districts in which the proposition to
21 establish a new corporation provides for the election of seven
22 directors, the ~~three newly elected directors receiving the~~
23 ~~most votes shall be elected to serve until the directors'~~
24 ~~successors qualify after the fourth regular school election~~
25 ~~date occurring after the effective date of the reorganization~~
26 timelines specified in this subsection for the terms of office
27 apply to the four newly elected directors receiving the most
28 votes and then to the three newly elected directors receiving
29 the next largest number of votes.

30 Sec. 55. Section 275.36, Code 2001, is amended to read as
31 follows:

32 275.36 SUBMISSION OF CHANGE TO ELECTORS.

33 If a petition for a change in the number of directors or in
34 the method of election of school directors, describing the
35 boundaries of the proposed director districts, if any, signed

1 by eligible electors of the school district equal in number to
2 at least thirty percent of those who voted in the last
3 previous ~~annual~~ regular school election in the school
4 district, but not less than one hundred persons, and
5 accompanied by affidavit as required by section 275.13 ~~be~~ is
6 filed with the school board of a school district, not earlier
7 than six months and not later than sixty-seven days before a
8 regular or special school election, the school board shall
9 submit ~~such~~ the proposition to the voters at the election. If
10 a proposition for a change in the number of directors or in
11 the method of election of school directors submitted to the
12 voters under this section is rejected, it shall not be
13 resubmitted to the voters of the district in substantially the
14 same form within the next three years; if it is approved, no
15 other proposal ~~may~~ shall be submitted to the voters of the
16 district under this section within the next six years.

17 Sec. 56. Section 275.37, Code 2001, is amended to read as
18 follows:

19 275.37 INCREASE IN NUMBER OF DIRECTORS.

20 At the next succeeding ~~annual~~ regular school election in a
21 district where the number of directors has been increased from
22 five to seven, and directors are elected at large, there shall
23 be elected a director to succeed each incumbent director whose
24 term is expiring in that year, and two additional directors.
25 Upon organizing as required by section 279.1, either one or
26 two of the newly elected director directors who received the
27 fewest votes in the election shall be assigned a term of
28 ~~either-one-year-or~~ two years if as necessary in order that as
29 nearly as possible ~~one-third~~ one-half of the members of the
30 board shall be elected ~~each-year~~ biennially.

31 Sec. 57. Section 275.38, Code 2001, is amended to read as
32 follows:

33 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

34 If change in the method of election of school directors is
35 approved at a regular or special school election, the

1 directors who were serving unexpired terms or were elected
2 concurrently with approval of the change of method shall serve
3 out the terms for which they were elected. If the plan
4 adopted is that described in section 275.12, subsection 2,
5 paragraph "b," "c," "d," or "e," the board shall at the
6 earliest practicable time designate the districts from which
7 residents are to be elected as school directors at each of the
8 next ~~three~~ two succeeding ~~annual~~ regular school elections,
9 arranging so far as possible for elections of directors as
10 residents of the respective districts to coincide with the
11 expiration of terms of incumbent members residing in those
12 districts. If an increase in the size of the board from five
13 to seven members is approved concurrently with the change in
14 method of election of directors, the board shall make the
15 necessary adjustment in the manner prescribed in section
16 275.37, as well as providing for implementation of the
17 districting plan under this section.

18 Sec. 58. Section 275.41, subsection 3, Code 2001, is
19 amended to read as follows:

20 3. Prior to the effective date of the reorganization, the
21 initial board shall approve a plan that commences at the
22 ~~second~~ first regular school election held after the effective
23 date of the merger and is completed at the ~~fourth~~ third
24 regular school election held after the effective date of the
25 merger, to replace the initial board with the regular board.
26 If the petition specifies a number of directors on the regular
27 board to be different from the number of directors on the
28 initial board, the plan shall provide that the number
29 specified in the petition for the regular board is in place by
30 the time the regular board is formed. The plan shall provide
31 that as nearly as possible ~~one-third~~ one-half of the members
32 of the board shall be elected ~~each-year~~ biennially, and if a
33 special election was held to elect a member to create an odd
34 number of members on the board, the term of that member shall
35 end at the organizational meeting following the ~~fourth~~ third

1 regular school election held after the effective date.

2 Sec. 59. Section 277.1, Code 2001, is amended to read as
3 follows:

4 277.1 REGULAR ELECTION.

5 The regular election shall be held ~~annually~~ biennially on
6 the ~~second~~ first Tuesday after the first Monday in ~~September~~
7 November of each odd-numbered year in each school district for
8 the election of officers of the district and merged area and
9 for the purpose of submitting to the voters any matter
10 authorized by law.

11 Sec. 60. Section 277.2, Code 2001, is amended to read as
12 follows:

13 277.2 SPECIAL ELECTION.

14 The board of directors in a school corporation may call a
15 special election at which the voters shall have the powers
16 exercised at the regular election with reference to the sale
17 of school property and the application to be made of the
18 proceeds, the authorization to change the method of election
19 of school directors to any method authorized by section
20 275.12, the authorization of seven members on the board of
21 directors, the authorization to establish or change the
22 boundaries of director districts, and the authorization of a
23 voter-approved physical plant and equipment levy or
24 indebtedness, as provided by law.

25 Sec. 61. Section 277.20, unnumbered paragraph 1, Code
26 2001, is amended to read as follows:

27 On the next ~~Friday~~ Monday after the regular school
28 election, the county board of supervisors shall canvass the
29 returns made to the county commissioner of elections from the
30 several precinct polling places and the absentee ballot
31 counting board, ascertain the result of the voting with regard
32 to every matter voted upon and cause a record to be made
33 thereof as required by section 50.24. Special elections held
34 in school districts shall be canvassed at the time and in the
35 manner required by that section. The board shall declare the

1 results of the voting for members of boards of directors of
2 school corporations nominated pursuant to section 277.4, and
3 the commissioner shall at once issue a certificate of election
4 to each person declared elected. The board shall also declare
5 the results of the voting on any public question submitted to
6 the voters of a single school district, and the commissioner
7 shall certify the result as required by section 50.27.

8 Sec. 62. Section 277.23, unnumbered paragraph 2, Code
9 2001, is amended to read as follows:

10 A change from five to seven directors shall be effected in
11 a district at the first regular election after authorization
12 by the voters or when a district becomes wholly or in part
13 within a city of fifteen thousand population or more in the
14 following manner: If the ~~term~~ terms of ~~one-director~~ two
15 directors of the five-member board ~~expires~~ expire at the time
16 of ~~said~~ the regular election, ~~three~~ four directors shall be
17 elected to serve until the ~~third~~ second following regular
18 election ~~thereafter~~; if the terms of ~~two~~ three directors
19 expire at the time of ~~said~~ the regular election, three
20 directors shall be elected to serve until the ~~third~~ second
21 regular election thereafter and ~~one-director~~ two directors
22 shall be elected to serve ~~a-term-the-expiration-of-which~~
23 ~~coincides-with-the-expiration-of-the-term-of-the-director~~
24 ~~heretofore-singly-elected~~ until the next regular election.

25 Sec. 63. Section 277.25, Code 2001, is amended to read as
26 follows:

27 277.25 DIRECTORS IN NEW DISTRICTS.

28 At the first election in newly organized districts the
29 directors shall be elected as follows:

30 1. In districts having three directors, ~~one-director~~ two
31 directors shall be elected for ~~one-year~~, ~~one-for~~ two years,
32 and one for ~~three~~ four years.

33 2. In districts having five directors, ~~two~~ three shall be
34 elected for ~~one-year~~, ~~two-for~~ two years, and one two for three
35 four years.

1 3. In districts having seven directors, ~~two~~ four shall be
2 elected for ~~one-year, two-for~~ two years, and three for ~~three~~
3 four years.

4 Sec. 64. TRANSITION PROVISIONS. In order to accomplish
5 the transition from election of directors of community and
6 independent school districts, merged areas, and area education
7 agencies, annually for terms of three years each to the
8 election of such directors biennially for terms of four years
9 each, the following adjustments in terms and times of election
10 shall be made, notwithstanding other provisions of law:

11 1. The term of office for each director of a community or
12 independent school district, merged area, and area education
13 agency board whose term expires in the year 2001 or 2002 shall
14 expire at noon on January 2, 2002, and successors to these
15 positions shall be elected at the regular election in 2001, or
16 in the case of the area education agency, at the director
17 district convention in 2001.

18 2. In community, independent, and consolidated school
19 districts, merged areas, and area education agencies having
20 five-member boards of directors, the persons elected as
21 directors in 2000 who received the greatest and the next
22 greatest number of votes in that election shall serve terms of
23 three years each, and the other persons so elected shall serve
24 terms of one year each.

25 3. In community, independent, and consolidated school
26 districts, merged areas, and area education agencies having
27 seven-member boards of directors, the persons elected as
28 directors in 2000 who received the greatest, the next
29 greatest, and the third greatest number of votes shall serve
30 terms of three years each, and the other persons so elected
31 shall serve terms of one year each.

32 4. In merged areas and area education agencies having more
33 than seven members, the persons elected as directors in 2000
34 who received the greatest, the next greatest, the third
35 greatest, and the fourth greatest number of votes shall serve

1 terms of three years each, and the other persons so elected
2 shall serve terms of one year each.

3 Sec. 65. EFFECTIVE DATE. This division of this Act takes
4 effect on July 1, 2001, for purposes of holding the regular
5 school election in November 2001.

6 EXPLANATION

7 This bill makes several changes to the laws on elections
8 and voter registration.

9 Division I of the bill corrects internal inconsistencies in
10 the Code relating to election misconduct and creates a new
11 Code chapter 39A to contain the criminal provisions relating
12 to violations of election laws and the penalties applicable to
13 those violations.

14 Four levels of criminal election misconduct are
15 established, with penalties ranging from simple misdemeanors
16 to class "D" felony penalties. Specific references to
17 criminal provisions and penalties in the current Code are
18 restated in the new chapter and stricken or repealed from
19 existing Code.

20 The penalties for some violations are changed in the bill.
21 The bill makes the violation of communicating the vote count
22 prior to the closing of the polls a simple misdemeanor where
23 previously no specific penalty was provided for such a
24 violation. The bill makes it a serious misdemeanor for a
25 candidate to use influence on behalf of another in obtaining a
26 position in exchange for support during the election.
27 Previously, violation of this section was subject to the
28 general penalty provisions in Code chapter 49, which made it a
29 simple misdemeanor. A voter allowing another person to see
30 the voter's marked ballot is no longer a prohibited act.

31 The bill upgrades various prohibited acts on election day
32 from simple to serious misdemeanors. The penalty for
33 willfully failing to perform duties or falsifying documents
34 relating to precinct caucuses is also changed from a simple
35 misdemeanor to a serious misdemeanor.

1 The penalty for certain misconduct by election officials is
2 changed from a serious misdemeanor to an aggravated
3 misdemeanor. This specifically includes misconduct by an
4 election official causing a voter to vote contrary to the
5 voter's intention or changing a ballot or causing a vote to be
6 recorded contrary to the voter's intention.

7 Fraudulently registering to vote, giving false information
8 when registering to vote, or coercing someone to register or
9 to not register to vote is made a class "D" felony from an
10 aggravated misdemeanor. Bribery of voters or of election
11 officials, or bribery during the election process in general
12 is changed from serious or aggravated misdemeanors to class
13 "D" felonies. Also upgraded to a class "D" felony from a
14 serious misdemeanor are the charges of voting more than once
15 in an election or voting when knowing oneself not to be
16 qualified. The bill amends the definition of "infamous crime"
17 to add offenses classified as felonies under the law of
18 another state. The bill adds persons who have been convicted
19 of a felony in another state to the definition of
20 "disqualified voters".

21 Division II of the bill makes changes to voter registration
22 laws. The bill provides that an elector who registers to vote
23 by mail shall not be allowed to vote absentee until the
24 elector has voted in person at the polling place at the first
25 election held after registration in which the voter chooses to
26 vote. This does not apply to mail registrations received from
27 a motor vehicle driver's license station, a voter registration
28 agency, from confined persons voting absentee, or from persons
29 working, stationed, or residing outside of the United States
30 at the time of the election.

31 The bill changes the voter registration deadline to 20 days
32 before all elections. Currently, the deadline is 10 days
33 before a general or primary election and 11 days before all
34 other elections. A corresponding amendment is made to provide
35 that the registration deadline does not apply to military

1 personnel discharged within 60 days preceding an election.
2 The bill also provides that registrations received by mail
3 must be postmarked no later than 26 days before the election.

4 Division III of the bill requires the state commissioner of
5 elections to prepare a written summary of any constitutional
6 amendment or other public measure to be voted on statewide.
7 Current law leaves preparation of such a summary to the
8 discretion of the state commissioner. The bill requires that
9 the summary be written using terminology easily understood by
10 the general public. The bill requires the attorney general to
11 assist the state commissioner in preparing the summary. This
12 portion of the bill takes effect upon enactment and applies to
13 elections held on or after the effective date.

14 The bill changes from 9 p.m. to 8 p.m. the hour at which
15 precinct polling places are to close for partisan elections
16 and any election held concurrently with a partisan election.
17 The bill also requires a voter to show a photo identification
18 card before being allowed to vote.

19 Division IV of the bill makes several changes to the laws
20 on absentee voting. Code section 53.2 is amended to shorten
21 the period during which persons can request absentee ballots
22 to 50 days before the election and requires that the request
23 be dated no earlier than 50 days before the election. Under
24 current law, persons can file requests for absentee ballots as
25 early as 70 days before the election. Code section 53.2 is
26 also amended to require that all requests for absentee ballots
27 be made by the Saturday before the election. An exception
28 would remain for persons who are hospitalized within three
29 days of the election or who are residents of a health care
30 facility. The bill provides that no more than 10 absentee
31 ballots may be mailed to the same address. That section is
32 also amended to provide that applications for an absentee
33 ballot may only be on the forms prescribed by the state
34 commission. Finally, Code section 53.2 is amended to prohibit
35 anyone signing a request on behalf of a voter, except where

1 the voter is unable to sign because of physical disability.

2 Code section 53.8 is amended to provide that absentee
3 ballot carrier envelopes include a space for the signature of
4 the person who delivers the carrier envelope to the
5 commissioner's office.

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

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

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

35 Code section 53.19 is amended to require the commissioner

1 to keep track of how absentee ballots were delivered to the
2 commissioner's office. That information is to be reported to
3 the state commissioner of elections.

4 Code section 53.31 is amended to allow challenges to
5 absentee voters based on the request for an absentee ballot
6 filed with the election office.

7 Division V of the bill provides for the consolidation of
8 election of the directors of local school districts, area
9 education agencies, and merged areas on the municipal general
10 election day in November in odd-numbered years. In order to
11 accomplish these purposes, the bill changes the terms of these
12 directors from three to four years and provides for a
13 transition period. This division of the bill takes effect on
14 July 1, 2001, for purposes of holding the regular school
15 election in November 2001.

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H-1242

1 Amend House File 304 as follows:

2 1. Page 12, by striking lines 4 through 19.

3 2. Page 17, by striking lines 2 through 8.

4 3. Page 19, by striking lines 1 through 21.

5 4. Page 20, line 14, by striking the words and
6 figures "paragraphs 1 and 2" and inserting the

7 following: "paragraph 2".

8 5. Page 20, line 15, by striking the word "are"

9 and inserting the following: "is".

10 6. Page 20, by striking lines 16 through 28.

11 7. Page 21, line 2, by striking the word "six"

12 and inserting the following: "~~six~~ four".

13 8. Page 21, line 7, by striking the word

14 "paragraphs" and inserting the following:

15 "paragraph".

16 9. Page 21, by striking lines 13 through 20.

17 10. Page 35, line 4, by striking the word and

18 figures "July 1, 2001" and inserting the following:

19 "January 1, 2003".

20 11. Page 35, line 5, by striking the figure

21 "2001" and inserting the following: "2003".

22 12. Title page, by striking lines 3 and 4, and

23 inserting the following: "penalties, voter

24 registration deadlines, written summaries of proposed

25 constitutional".

By COMMITTEE ON STATE GOVERNMENT
BY METCALF of Polk, Chairperson

H-1242 FILED MARCH 15, 2001

Adopted

3-27-01

(P. 178903)

Amendment H-1293 was adopted, placing out of order lines 17
through 21 of the committee amendment H- 1242.

(A912) 3-27-01

HOUSE FILE 304

H-1251

- 1 Amend House File 304 as follows:
2 1. By striking page 17, line 30 through page 18,
3 line 19.
4 2. By renumbering as necessary.

By TREMMEL of Wapello

H-1251 FILED MARCH 20, 2001

Adopted

3-27-01

(p. 910)

HOUSE FILE 304

H-1252

- 1 Amend House File 304 as follows:
2 1. By striking page 16, line 18 through page 17,
3 line 1.
4 2. Title page, lines 5 and 6, by striking the
5 words "election polling hours,".
6 3. By renumbering as necessary.

By FALCK of Fayette

H-1252 FILED MARCH 20, 2001

w/D

3-27-01

(p. 907)

HOUSE FILE 304

H-1253

1 Amend House File 304 as follows:

2 1. Page 35, by inserting before line 6 the
3 following:

4 "DIVISION VI
5 MAIL BALLOT ELECTIONS
6 Sec. ____ . NEW SECTION. 49B.1 MAIL BALLOT
7 ELECTIONS.

8 A mail ballot election may be conducted in cities
9 with a population of two hundred or less as provided
10 in this chapter.

11 Sec. ____ . NEW SECTION. 49B.2 DEFINITIONS.

12 As used in this chapter, unless the context
13 otherwise requires:

14 1. "Election day" is the date established by law
15 on which a particular election would be held if that
16 election were being conducted by means other than a
17 mail ballot election.

18 2. "Return verification envelope" means an
19 envelope that contains a secrecy envelope and which is
20 designed to allow election officials, upon examination
21 of the outside of the envelope, to determine that the
22 ballot is being submitted by someone who is in fact a
23 registered voter and who has not already voted.

24 3. "Secrecy envelope" means an envelope used to
25 contain the elector's ballot and that is designed to
26 conceal the voter's vote and to prevent the voter's
27 ballot from being distinguished from the ballots of
28 other voters.

29 Sec. ____ . NEW SECTION. 49B.3 MAIL BALLOT
30 ELECTION PROCEDURE.

31 The state commissioner of elections shall prescribe
32 uniform procedures and forms to be used in the conduct
33 of mail ballot elections.

34 Sec. ____ . NEW SECTION. 49B.4 INITIATION BY
35 GOVERNING BODY.

36 1. The city council of a city may, by resolution,
37 request that the county commissioner of elections
38 conduct the regular city election or a special city
39 election under this chapter. Only a city with two
40 hundred or fewer registered voters at the time the
41 resolution is adopted may make such a request. The
42 council must file the resolution with the county
43 commissioner not later than ninety days before the
44 date of the election. The commissioner shall approve
45 the request if the commissioner determines that it is
46 economically and administratively feasible to conduct
47 the regular city election or a special city election
48 by mail.

49 2. After the resolution is approved, the county
50 commissioner shall prepare a written plan for conduct

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1 of the election as provided in section 49B.5. At
2 least seventy-one days before the date set for the
3 election, the county commissioner shall forward a copy
4 of the written plan to the city council concerned.

5 Sec. _____. NEW SECTION. 49B.5 WRITTEN PLAN FOR
6 CONDUCT OF ELECTION -- AMENDMENTS -- APPROVAL
7 PROCEDURE.

8 1. The county commissioner shall prepare a written
9 plan, including a timetable, for the conduct of a mail
10 ballot election and shall submit it to the state
11 commissioner of elections at least seventy-one days
12 before the date of the election.

13 2. The plan may be amended by the county
14 commissioner any time before the sixty-fourth day
15 before the date of the election by notifying the state
16 commissioner of elections in writing of any changes.

17 3. Within five days after receiving the plan, and
18 as soon as possible after receiving any amendments,
19 the state commissioner of elections shall approve,
20 disapprove, or recommend changes to the plan or
21 amendments. The final plan shall be approved and
22 available to the public at least two days before the
23 deadline for candidates to file nomination papers in
24 the office of the city clerk.

25 4. When the written plan has been approved, the
26 county commissioner shall proceed to conduct the
27 election according to the approved plan.

28 Sec. _____. NEW SECTION. 49B.6 PUBLICATION OF
29 NOTICE.

30 The county commissioner shall, not more than ten
31 days and not less than four days before the date that
32 ballots are to be mailed, publish notice that a mail
33 ballot election will be conducted. The notice shall
34 be published in a newspaper of general circulation in
35 each city for which the mail ballot election will be
36 conducted. The notice shall include all of the
37 following information:

38 1. The date ballots will be mailed.

39 2. The last day that a voter can request an
40 absentee ballot.

41 3. Voter registration deadlines.

42 4. Location or locations where mail ballots can be
43 deposited pursuant to section 49B.13.

44 5. Instructions for obtaining a replacement ballot
45 if a voter's ballot is destroyed, spoiled, lost, or
46 not received pursuant to section 49B.9.

47 The county commissioner is not required to publish
48 a sample ballot.

49 Sec. _____. NEW SECTION. 49B.7 MAILING BALLOTS.

50 1. Official ballots for a mail ballot election

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1 shall be prepared and all other initial procedures for
2 elections shall be followed as otherwise provided by
3 law.

4 2. The county commissioner of elections shall mail
5 an official ballot to every registered voter of the
6 city conducting the election on a date not sooner than
7 the twentieth day before the date of the election and
8 not later than the tenth day before the date of the
9 election. An exception shall be made for those
10 ballots delivered as prescribed in section 49B.12.

11 3. All ballots shall be mailed by first class
12 mail.

13 4. Ballots mailed by the county commissioner shall
14 be addressed to the address of each voter appearing in
15 the registration records of the city, and placed in an
16 envelope which is prominently marked "Do Not Forward".

17 5. The ballot shall contain the following warning:
18 "Any person who, by use of violence, threats of
19 violence, or any means of duress, procures the vote of
20 a voter for or against any measure or candidate is
21 subject, upon conviction, to imprisonment or to a
22 fine, or both."

23 Sec. ____ . NEW SECTION. 49B.8 REGISTRATION.

24 The county commissioner shall not mail a ballot
25 under this chapter to any voter not registered thirty
26 days before the date of the election. Voters
27 registered less than thirty days before the date of
28 the election, but before the close of registration,
29 may apply for a ballot under section 49B.9.

30 Sec. ____ . NEW SECTION. 49B.9 REPLACEMENT
31 BALLOTS.

32 If the mail ballot is destroyed, spoiled, lost, or
33 not received by the voter, the voter may obtain a
34 replacement ballot from the county commissioner as
35 provided in this section. A voter seeking a
36 replacement ballot shall sign a statement, on a form
37 prescribed by the state commissioner, that the ballot
38 was destroyed, spoiled, lost, or not received. The
39 voter or the voter's designee shall deliver the
40 statement to the county commissioner before noon on
41 the date of the election. The voter may mail the
42 statement to the county commissioner. However, a
43 county commissioner shall not transmit a ballot by
44 mail under this section unless the statement is
45 received before five p.m. on the fourth day before the
46 date of the election. When a statement is timely
47 received under this section, the county commissioner
48 shall give the ballot to the voter if the voter is
49 present in the office of the county commissioner, or
50 promptly mail the ballot to the voter at the address

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1 contained in the statement, except when prohibited by
2 this section. If the voter is present in the county
3 commissioner's office, the ballot shall be voted at
4 that time. The county commissioner shall keep a
5 record of each replacement ballot provided under this
6 section. If a voter, having received and voted a
7 replacement ballot as provided under this section,
8 later finds the lost ballot, the voter shall return
9 the lost ballot to the county commissioner.

10 Sec. _____. NEW SECTION. 49B.10 VOTING AND RETURN
11 OF BALLOT.

12 1. A registered voter, upon receipt of a mail
13 ballot, shall mark the ballot in such a manner that no
14 other person will know how the ballot is marked and
15 shall place it in the secrecy envelope provided with
16 the ballot.

17 A voter who is blind, cannot read, or because of a
18 physical disability is unable to mark the ballot, may
19 be assisted by any person selected by the voter.

20 2. The voter shall place the secrecy envelope
21 containing the ballot in the return verification
22 envelope and sign and securely seal the return
23 verification envelope. The sealed return verification
24 envelope shall be returned to the county commissioner
25 by one of the following methods:

26 a. The sealed return verification envelope may be
27 delivered by the registered voter or the voter's
28 designee to the county commissioner's office or a
29 place designated by the commissioner no later than the
30 time the polls close on election day.

31 b. The sealed return verification envelope may be
32 mailed, postage paid, to the county commissioner. In
33 order for the ballot to be counted, the return
34 verification envelope must be clearly postmarked by an
35 officially authorized postal service not later than
36 the day before the election and received by the county
37 commissioner not later than the time established for
38 the canvass by the board of supervisors for that
39 election. The county commissioner shall contact the
40 post office serving the county commissioner's office
41 at the latest practical hour before the canvass by the
42 board of supervisors for that election, and shall
43 arrange for return verification envelopes received in
44 that post office but not yet delivered to the
45 commissioner's office to be brought to the
46 commissioner's office before the canvass for that
47 election by the board of supervisors.

48 Sec. _____. NEW SECTION. 49B.11 ABSENTEE BALLOTS.

49 1. A registered voter who will be absent from the
50 city during the time when the ballots are mailed may

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1 do either of the following:

2 a. Vote in person in the county commissioner's
3 office as soon as ballots are available and until noon
4 the day before the ballots are scheduled to be mailed.

5 b. Make a written request, signed by the voter and
6 addressed to the county commissioner, that the ballot
7 be mailed to an address other than that which appears
8 on the voter's registration record. Written requests
9 shall be accepted until noon the day before the
10 ballots are scheduled to be mailed.

11 2. Ballots mailed to voters pursuant to this
12 section shall be mailed the same day that all other
13 ballots are mailed.

14 Sec. ____ . NEW SECTION. 49B.12 BALLOTING BY
15 CONFINED PERSONS.

16 A person who is a resident or patient in a health
17 care facility or hospital located in the county in
18 which the election is to be held shall not be mailed a
19 ballot but shall have a ballot delivered in the manner
20 prescribed by section 53.22, subsection 1.

21 Sec. ____ . NEW SECTION. 49B.13 PERSONAL DELIVERY
22 OF MAIL BALLOT -- BALLOT DROPOFF STATIONS.

23 A ballot dropoff station for the deposit of mail
24 ballots may be established in the city conducting the
25 mail ballot election at the direction of the county
26 commissioner. A ballot dropoff station established at
27 the direction of the commissioner shall be open from
28 eight a.m. until five p.m. on the day of the election.

29 Sec. ____ . NEW SECTION. 49B.14 RECEIPT OF BALLOT
30 -- SIGNATURE VERIFICATION.

31 When a mail ballot is returned, the county
32 commissioner, or the county commissioner's designees,
33 shall first examine the return verification envelope
34 to determine whether it was submitted by a registered
35 voter who has not previously voted. A ballot shall be
36 counted only if it is returned in the return
37 verification envelope, the envelope is signed by the
38 voter to whom the ballot is issued, and the signature
39 has been verified as provided in this section.

40 The county commissioner or the county
41 commissioner's designees shall verify the signature of
42 each voter on the return verification envelope with
43 the signature in the voter's registration records and
44 may commence verification at any time before election
45 day. If a voter to whom a replacement ballot has been
46 issued under section 49B.9 returns more than one
47 ballot, only the replacement ballot shall be counted.

48 If the voter's signature is verified and the ballot
49 is otherwise valid, the county commissioner or the
50 county commissioner's designees shall deposit the

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1 ballot unopened in an official ballot box.

2 Sec. ____ . NEW SECTION. 49B.15 PROCEDURE FOR
3 INVALID BALLOTS.

4 If the county commissioner is not convinced that
5 the individual who signed the return verification
6 envelope is the voter whose name appears on the
7 registration card, the county commissioner shall not
8 deposit the ballot in a ballot box but shall do all of
9 the following:

10 1. Give notice to the voter as follows:

11 a. As soon as possible after receipt of a voter's
12 ballot, give notice to the voter, either by telephone
13 or by first class mail, if the county commissioner is
14 unable to verify the voter's signature.

15 b. Inform the voter that the voter may appear in
16 person at the county commissioner's office before the
17 close of the polls on election day and verify the
18 signature.

19 2. Permit any voter appearing pursuant to
20 subsection 1, paragraph "b", to:

21 a. Verify the voter's signature, after proof of
22 identification, by affirming that the signature is in
23 fact the voter's or by completing a new registration
24 card containing the voter's current signature.

25 b. If necessary, request and receive a replacement
26 ballot and vote at that time.

27 3. If the discrepancy is not rectified to the
28 county commissioner's satisfaction, present the
29 unopened envelope and the registration card to the
30 special precinct election board for a determination.
31 If the election board is unable to resolve the issue
32 to its satisfaction, the ballot shall not be counted.

33 Sec. ____ . NEW SECTION. 49B.16 COUNTING BALLOTS.

34 Mail ballots shall be counted in the manner
35 prescribed by section 53.23 for absentee ballots. The
36 county commissioner shall supervise the procedures for
37 the handling, counting, and canvassing of ballots to
38 ensure the safety and confidentiality of all ballots.

39 Sec. ____ . NEW SECTION. 49B.17 CHALLENGES.

40 Votes cast pursuant to this chapter may be
41 challenged in the manner prescribed by section 53.31
42 for absentee ballots.

43 Sec. ____ . NEW SECTION. 49B.18 CANVASS OF VOTES.

44 The provisions of chapter 50 relating to canvass of
45 votes apply to this chapter only to the extent they do
46 not conflict with this chapter.

47 Sec. ____ . NEW SECTION. 49B.19 OTHER LAWS.

48 All laws which apply to elections apply to mail
49 ballot elections held under this chapter to the extent
50 applicable.

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1 Sec. ____ . NEW SECTION. 49B.20 RULES.

2 The state commissioner of elections shall adopt
3 rules pursuant to chapter 17A to govern the procedures
4 and forms necessary to implement this chapter. The
5 authority of the state commissioner to adopt rules
6 under this chapter shall be liberally construed.

7 Sec. ____ . NEW SECTION. 49B.21 MISCONDUCT --
8 VIOLATIONS -- PENALTIES.

9 1. A person who, by use of violence, threats of
10 violence, or any means of duress, procures or
11 endeavors to procure the vote of a voter for or
12 against any measure or candidate commits an aggravated
13 misdemeanor.

14 2. A person who violates or attempts to violate
15 any provision or requirement of this chapter for which
16 a penalty is not otherwise provided commits a simple
17 misdemeanor.

18 Sec. ____ . Section 39.3, Code 2001, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 8A. "Mail ballot election" means
21 an election conducted pursuant to chapter 49B."

22 2. Title page, line 8, by inserting after the
23 word "areas," the following: "allowing elections in
24 certain cities to be conducted by mail ballots and
25 providing penalties,".

26 3. By renumbering as necessary.

By WARNSTADT of Woodbury

H-1253 FILED MARCH 20, 2001

Not Gleimore
3.27.01
(P.919)

HOUSE FILE 304

H-1287

1 Amend House File 304 as follows:

2 1. Page 15, by inserting after line 35 the
3 following:

4 "Sec. _____. NEW SECTION. 39.27 QUALIFICATIONS FOR
5 PUBLIC OFFICE.

6 Any person elected to an office under the laws of
7 this state shall be an eligible elector. At the time
8 an elected official takes office the official shall be
9 a resident of the state, district, county, township,
10 city, or ward by or for which the person was elected,
11 or in which the duties of the office are to be
12 exercised. An elected official shall continue to be a
13 resident of the state, district, county, township,
14 city, or ward by or for which the person was elected,
15 or in which the duties of the office are to be
16 exercised for the duration of the term of office.
17 This section shall not apply to United States senators
18 or representatives in Congress."

19 2. Title page, line 1, by inserting after the
20 word "elections" the following: "and qualifications
21 of elected officials".

22 3. By renumbering as necessary.

By MASCHER of Johnson

H-1287 FILED MARCH 21, 2001

Not Germane
3-27-01 (P. 906)

HOUSE FILE 304

H-1290

1 Amend House File 304 as follows:

2 1. By striking page 17, line 32, through page 18,
3 line 19, and inserting the following:

4 "Any registered voter, under the circumstances
5 specified in section 53.1, may on any day, except
6 election day, and not more than seventy days prior to
7 the date of the election, apply in person for an
8 absentee ballot at the commissioner's office or at any
9 location designated by the commissioner, or make
10 written application to the commissioner for an
11 absentee ballot. However, for those elections in
12 which the commissioner directs the polls be opened at
13 noon pursuant to section 49.73, a voter may apply in
14 person for an absentee ballot at the commissioner's
15 office from eight a.m. until eleven a.m. on election
16 day. The state commissioner shall prescribe a form
17 for absentee ballot applications. However, if a
18 registered voter submits an application that includes
19 all of the information required in this section, the
20 prescribed form is not required. Absentee ballot
21 applications may include instructions to send the
22 application directly to the county commissioner of
23 elections. However, no absentee ballot application
24 shall be preaddressed or printed with instructions to
25 send the applications to anyone other than the
26 appropriate commissioner."

27 2. By renumbering as necessary.

By WARNSTADT of Woodbury

H-1290 FILED MARCH 21, 2001

Lost

3-27-01

(P. 909)

HOUSE FILE 304

H-1292

1 Amend House File 304 as follows:

2 1. Page 35, by inserting before line 6, the
3 following:

4 "DIVISION
5 CAMPAIGNS

6 Sec. ____ . NEW SECTION. 56.14A FALSE INFORMATION
7 IN POLITICAL MATERIAL.

8 1. A person shall not be a sponsor of any
9 published material on behalf of or in opposition to
10 any candidate or ballot issue that contains any
11 assertion, representation, or statement of fact,
12 including, but not limited to, information concerning
13 a candidate's prior public record, which the sponsor
14 knows to be untrue, deceptive, or misleading.

15 2. For purposes of this section, "published
16 material" means statements or graphic representations
17 made through any public medium which includes, but is
18 not limited to, any of the following:

19 a. Electronic media such as live or prerecorded
20 radio or television broadcasts, broadcasts or
21 transmissions through other publicly available
22 electronic communications, and video or audio tape
23 recordings which are publicly distributed.

24 b. Print media, such as newspapers, pamphlets,
25 folders, display cards, signs, posters, or billboard
26 advertisements.

27 c. Any other methods or mediums designed for
28 publicly advertising or publishing information.

29 3. For purposes of this section, "sponsor" means a
30 person who pays for or approves published material and
31 shall include a candidate or committee which knows and
32 approves of an independent expenditure made by another
33 person under section 56.13."

34 2. Title page, line 8, by inserting after the
35 word "areas," the following: "prohibiting the
36 publication of false or misleading information in
37 political advertisements, and applying a penalty,".

38 3. By renumbering as necessary.

By WARNSTADT of Woodbury

H-1292 FILED MARCH 21, 2001

Not Germane
3-27-01
(P. 920)

HOUSE FILE 304

H-1293

1 Amend House File 304 as follows:
2 1. By striking page 23, line 3 through page 35,
3 line 5, and inserting the following:
4 "Sec. ____ INTERIM STUDY COMMITTEE ON SCHOOL BOARD
5 ELECTIONS. The legislative council is requested to
6 establish a legislative interim study committee for
7 the 2001 interim on the conduct of school district and
8 merged area elections under current Iowa law. If
9 established, the committee should be directed to
10 review all issues concerning school district and
11 merged area elections in this state, including dates
12 of regular and special elections and whether these
13 elections can be held in conjunction with any other
14 regularly scheduled elections, number of board
15 members, length of term of office of board members,
16 qualifications of board members, school and merged
17 area issues that are required to be decided by
18 referendum, and other issues related to school
19 district and merged area elections."
20 2. By renumbering as necessary.

By JACOBS of Polk

H-1293 FILED MARCH 21, 2001

adopted
3-27-01
(P.912)

HOUSE FILE 304

H-1301

1 Amend House File 304 as follows:

2 1. Page 15, by inserting after line 35, the
3 following:

4 "Sec. _____. Section 49.13, Code 2001, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 5. The commissioner may appoint
7 high school students who are not yet qualified to be
8 registered voters to serve as precinct election board
9 members.

10 a. To qualify to serve as a precinct election
11 board member, a high school student shall:

12 (1) Be a United States citizen.

13 (2) Be a junior or senior in good standing
14 enrolled in a public or private secondary school in
15 Iowa.

16 (3) Have a cumulative grade point average
17 equivalent to at least 2.0 on a 4.0 scale.

18 (4) At the time of appointment, have the written
19 approval of the principal of the secondary school the
20 student attends.

21 (5) Have the written approval of the student's
22 parent or legal guardian.

23 (6) Have satisfactorily completed the training
24 course for election officials.

25 (7) Meet all other qualifications for appointment
26 and service as an election board member except the
27 requirement of being a registered voter.

28 b. No more than one student precinct election
29 board member may serve on each precinct election
30 board.

31 c. Student precinct election board members shall
32 not serve as the chairperson of a precinct election
33 board.

34 d. Before serving, the student election precinct
35 board member must certify in writing to the
36 commissioner the political party with which the
37 student is affiliated.

38 e. Student precinct election board members shall
39 not be counted as absent from school on the day they
40 serve as election officials.

41 f. Student precinct election board members shall
42 not be allowed to work more hours than allowed under
43 the applicable labor laws.

44 Sec. _____. Section 49.15, Code 2001, is amended by
45 adding the following new unnumbered paragraph:

46 NEW UNNUMBERED PARAGRAPH. In drawing up precinct
47 election board panels, the commissioner may use
48 student precinct election board members appointed
49 pursuant to section 49.13, subsection 5."

50 2. Title page, line 5, by inserting after the

H-1301

H-1301

Page 2

- 1 word "measures," the following: "youth participation
- 2 in the electoral process,".
- 3 3. By renumbering as necessary.

By JOCHUM of Dubuque

H-1301 FILED MARCH 22, 2001*W/D**3-27-01 (p.907)* HOUSE FILE 304**H-1302**

- 1 Amend House File 304 as follows:
- 2 1. Page 1, by striking line 1.
- 3 2. By striking page 11, line 20 through page 35,
- 4 line 5.
- 5 3. Title page, by striking lines 1 through 9, and
- 6 inserting the following: "An act relating to election
- 7 misconduct and criminal penalties."
- 8 4. By renumbering as necessary.

By JOCHUM of Dubuque

H-1302 FILED MARCH 22, 2001*Last**3-27-01 (p.905)* HOUSE FILE 304**H-1303**

- 1 Amend House File 304 as follows:
- 2 1. Page 16, by inserting before line 1, the
- 3 following:
- 4 "Sec. ____ . Section 49.14, subsection 1, Code 2001,
- 5 is amended to read as follows:
- 6 1. The commissioner may appoint substitute
- 7 precinct election officials as alternates for election
- 8 board members. ~~A majority of the original election~~
- 9 ~~board members shall be present at the precinct polling~~
- 10 ~~place at all times; The commissioner may use~~
- 11 substitute precinct election officials to create
- 12 multiple work shifts for polling places on election
- 13 day. Shifts and work schedules shall be arranged at
- 14 the discretion of the commissioner provided that at
- 15 partisan elections such majority the composition of
- 16 the election board shall include at least one precinct
- 17 election official from each political party. If the
- 18 chairperson leaves the polling place, the chairperson
- 19 shall designate another member of the board to serve
- 20 as chairperson until the chairperson returns. The
- 21 responsibilities and duties of a precinct election
- 22 official present at the time the polling place was
- 23 opened on the day of an election may be assumed at any
- 24 later time that day by a substitute appointed as an
- 25 alternate. The substitute shall serve either for the
- 26 balance of that election day or for any shorter period
- 27 of time the commissioner may designate."
- 28 2. By renumbering as necessary.

By JOCHUM of Dubuque

H-1303 FILED MARCH 22, 2001*Last 3-27-01 (p.907)*

HOUSE FILE 304

H-1310

1 Amend House File 304 as follows:

2 1. Page 20, line 14, by striking the words and
3 figures "paragraphs 1 and 2," and inserting the
4 following: "paragraph 1,".

A 5 2. Page 20, line 15, by striking the word "are"
6 and inserting the following: "is".

B 7 3. By striking page 20, line 29 through page 21,
8 line 5.

By T. TAYLOR of Linn

H-1310 FILED MARCH 22, 2001

A. W/D 3-27-01 (P. 911)

B. Lost 3/27/01 (P. 912)

HOUSE FILE 304

H-1311

1 Amend House File 304 as follows:

2 1. By striking page 12, line 20 through page 15,
3 line 12.

4 2. Page 20, by striking lines 3 through 13.

5 3. Title page, by striking line 3, and inserting
6 the following: "penalties, voter registration".

7 4. By renumbering as necessary.

By O'BRIEN of Boone

H-1311 FILED MARCH 22, 2001

Lost
3/27/01
(P. 906)

HOUSE FILE 304

H-1335

1 Amend House File 304 as follows:
2 1. Page 18, line 10, by inserting after the word
3 "address." the following: "However, more than ten
4 absentee ballots may be mailed to a residence with ten
5 or more residents if the residence has only one
6 mailing address and that mailing address is the same
7 as the residence address and is not a post office
8 box."

By JACOBS of Polk

H-1335 FILED MARCH 26, 2001

Adopted - Placed Out of Order w/ adoption of H 1251
3-27-01 (p. 909) HOUSE FILE 304 *(p. 910)*

H-1337

1 Amend House File 304 as follows:
2 1. Page 17, by inserting after line 27, the
3 following:
4 "DIVISION
5 Sec. ____ INTERIM STUDY COMMITTEE ON INSTANT
6 RUNOFF VOTING. The legislative council is requested
7 to establish a legislative interim study committee for
8 the 2001 interim on instant runoff voting, a system of
9 voting by which a voter is allowed to rank the
10 candidates for an office on the ballot in the order of
11 preference. The interim committee shall study the
12 process by which, if no candidate receives a majority,
13 the second choices will be tallied, and if necessary,
14 the third choices tallied until one candidate receives
15 a majority of the votes cast. The committee shall
16 study the feasibility of such a process being used in
17 this state, what elections it should be used for,
18 whether such a voting system has increased voter
19 turnout in the localities where it is used, and any
20 other issues related to this type of voting."
21 2. By renumbering as necessary.

By FALLON of Polk
CORMACK of Webster

H-1337 FILED MARCH 26, 2001

Lost
3-27-01
(p. 908)

HOUSE FILE 304**H-1353**

1 Amend the amendment, H-1242, to House File 304 as
 2 follows:

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

A 5 "____. Page 13, line 23, by striking the word
 6 "may" and inserting the following: "will"."

7 2. Page 1, line 3, by striking the figure "8."
 8 and inserting the following: "8, and inserting the
 9 following:

B 10 "Sec. _____. Section 49.77, subsection 3, unnumbered
 11 paragraph 1, Code 2001, is amended by striking the
 12 unnumbered paragraph.""

A 13 3. By renumbering as necessary.

By HEATON of Henry

H-1353 FILED MARCH 27, 2001

A. adopted 3/27/01 (p.903)

B w/D 3/27/01 (p.903)

HOUSE FILE 304

H-1357

1 Amend the amendment, H-1242, to House File 304 as
 2 follows:

3 1. Page 1, by striking lines 22 through 25, and
 4 inserting the following:

5 "____. Title page, by striking lines 1 through 8,
 6 and inserting the following: "An Act relating to
 7 voter suppression, and".

8 2. By renumbering as necessary.

By MASCHER of Johnson

H-1357 FILED MARCH 27, 2001

*Lost
 3-27-01
 (p.903)*

HOUSE FILE 304
BY JACOBS

(As Amended and Passed by the House March 27, 2001)

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

A BILL FOR

1 An Act relating to elections and voter qualifications and voter
2 registration and concerning election misconduct and criminal
3 penalties, voter registration deadlines, written summaries of
4 proposed constitutional amendments or of certain other public
5 measures, election polling hours, receiving, handling, and
6 delivering absentee ballots, and the election of directors of
7 local school districts, area education agencies, and merged
8 areas, and including effective date and applicability date
9 provisions.

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

11
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22

House Amendments _____

Deleted Language *

1 DIVISION I

2 ELECTION MISCONDUCT AND PENALTIES

3 Section 1. NEW SECTION. 39A.1 TITLE AND PURPOSE --
4 ELECTION OFFICIALS DEFINED.

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

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

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

32 Sec. 2. NEW SECTION. 39A.2 ELECTION MISCONDUCT IN THE
33 FIRST DEGREE.

34 1. A person commits the crime of election misconduct in
35 the first degree if the person willfully commits any of the

1 following acts:

2 a. REGISTRATION FRAUD. Produces, procures, submits, or
3 accepts a voter registration application that is known by the
4 person to be materially false, fictitious, forged, or
5 fraudulent.

6 b. VOTE FRAUD.

7 (1) Destroys, delivers, or handles an application for a
8 ballot or an absentee ballot with the intent of interfering
9 with the voter's right to vote.

10 (2) Produces, procures, submits, or accepts a ballot or an
11 absentee ballot, or produces, procures, casts, accepts, or
12 tabulates a ballot that is known by the person to be
13 materially false, fictitious, forged, or fraudulent.

14 (3) Votes or attempts to vote more than once at the same
15 election, or votes or attempts to vote at an election knowing
16 oneself not to be qualified.

17 (4) Makes a false or untrue statement in an application
18 for an absentee ballot or makes or signs a false certification
19 or affidavit in connection with an absentee ballot.

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

23 c. DURESS. Intimidates, threatens, or coerces, or
24 attempts to intimidate, threaten, or coerce, a person to do
25 any of the following:

26 (1) To register to vote, to vote, or to attempt to
27 register to vote.

28 (2) To urge or aid a person to register to vote, to vote,
29 or to attempt to register to vote.

30 (3) To exercise a right under chapters 39 through 53.

31 d. BRIBERY.

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

35 (2) Pays, offers to pay, or causes to be paid money or any

1 other thing of value to an election official conditioned on
2 some act done or omitted to be done contrary to the person's
3 official duty in relation to an election.

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

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

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

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

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

16 a. INTERFERENCE WITH VALIDITY OF ELECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (4) Failing to carry out a duty with regard to access
16 under chapter 22 to a public record that relates to an
17 election or voter registration.

18 (5) Furnishing a voter with a ballot other than the proper
19 ballot to be used at an election.

20 (6) Making or consenting to a false entry on the list of
21 voters or poll books.

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

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

29 (9) Destroying or altering a ballot that has been given to
30 a voter.

31 (10) Permitting a person to vote in a manner prohibited by
32 law.

33 (11) Refusing or rejecting the vote of a voter qualified
34 to vote.

35 (12) Wrongfully acting or refusing to act for the purpose

1 of avoiding an election, or of rendering invalid a ballot cast
2 from a precinct or other voting district.

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

7 c. MISCELLANEOUS OFFENSES.

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

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

24 (3) Making a false answer under chapter 43 relative to a
25 person's qualifications and party affiliations.

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

28 (5) Using voter registration information in violation of
29 section 48A.39.

30 (6) As a candidate, making a promise to name or appoint
31 another person to a position or to secure a position for
32 another person in violation of section 49.120.

33 (7) Soliciting the use of influence from a candidate in
34 violation of section 49.121.

35 (8) As a public official or employee, or a person acting

1 under color of a public official or employee, knowingly
2 requiring a public employee to act in connection with an
3 absentee ballot in violation of section 53.7.

4 (9) As a person designated by the county commissioner of
5 elections or by the voter casting an absentee ballot, failing
6 to return an absentee ballot in violation of section 53.35A.

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

11 2. Election misconduct in the third degree is a serious
12 misdemeanor.

13 Sec. 5. NEW SECTION. 39A.5 ELECTION MISCONDUCT IN THE
14 FOURTH DEGREE.

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

18 a. ELECTION DAY ACTS.

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

23 (2) Failing or refusing to comply with an order or command
24 of an election official made pursuant to chapter 49 for which
25 another penalty is not provided.

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

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

34 (5) Removing or destroying the supplies or articles
35 furnished for the purpose of enabling voters to prepare their

1 ballots.

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

5 b. MISCELLANEOUS OFFENSES.

6 (1) As a public employee, acting in connection with an
7 absentee ballot in violation of section 53.7.

8 (2) Neglecting or refusing to return an absentee ballot in
9 violation of section 53.35, or violating any other provision
10 of chapter 53 for which another penalty is not provided.

11 (3) Filing a challenge containing false information under
12 section 48A.14.

13 2. Election misconduct in the fourth degree is a simple
14 misdemeanor.

15 Sec. 6. NEW SECTION. 39A.6 TECHNICAL INFRACTIONS --
16 NOTICE.

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

25 Sec. 7. Section 39.3, unnumbered paragraph 1, Code 2001,
26 is amended to read as follows:

27 The definitions established by this section shall apply
28 wherever the terms so defined appear in this chapter and in
29 chapters 39A, 43, 44, 45, 47, 48A through 53, and 56 unless
30 the context in which any such term is used clearly requires
31 otherwise.

32 Sec. 8. Section 39.3, subsection 8, Code 2001, 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.25, unnumbered paragraph 1, Code 2001,
3 is amended to read as follows:

4 A person may pay, offer to pay, or accept compensation for
5 assisting others in completing voter registration forms only
6 if the compensation is based solely on the time spent
7 providing the assistance. Paying, offering to pay, or
8 receiving compensation based on the number of registration
9 forms completed, or the party affiliations shown on completed
10 registration forms, or on any other performance criteria, is a
11 ~~serious-misdemeanor~~ unlawful.

12 Sec. 10. Section 48A.39, Code 2001, is amended to read as
13 follows:

14 48A.39 USE OF REGISTRATION INFORMATION ---PENALTY.

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

23 Sec. 11. Section 52.40, subsection 4, Code 2001, 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. 12. Section 53.7, subsection 2, Code 2001, is amended
13 to read as follows:

14 2. ~~Any~~ It is unlawful for any public officer or employee,
15 or any person acting under color of a public officer or
16 employee, ~~who~~ to knowingly ~~requires that~~ require a public
17 employee solicit an application or request for an application
18 for an absentee ballot, or knowingly requires that an employee
19 take an affidavit or request for an affidavit in connection
20 with an absentee ballot application, ~~commits a serious~~
21 ~~misdemeanor.~~

22 Sec. 13. Section 53.35, Code 2001, is amended to read as
23 follows:

24 53.35 REFUSAL TO RETURN BALLOT.

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

34 Sec. 14. Section 53.35A, Code 2001, is amended to read as
35 follows:

1 53.35A FAILURE TO RETURN BALLOT -- PENALTY.

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

8 Sec. 15. Section 53.49, Code 2001, is amended to read as
9 follows:

10 53.49 APPLICABLE TO ARMED FORCES AND OTHER CITIZENS.

11 The provisions of this division as to absent voting shall
12 apply only to absent voters in the armed forces of the United
13 States as defined for the purpose of absentee voting in
14 section 53.37. The provisions of sections 53.1 ~~to 53.36~~
15 through 53.35 shall apply to all other qualified voters not
16 members of the armed forces of the United States.

17 Sec. 16. Sections 43.119, 43.120, 48A.41, 49.110, 49.111,
18 49.113, 49.119, 51.16, 51.17, 53.36, 722.4, 722.5, 722.7, and
19 722.8, Code 2001, are repealed.

20 DIVISION II

21 VOTER REGISTRATION

22 Sec. 17. Section 48A.5, subsection 6, Code 2001, is
23 amended to read as follows:

24 6. The deadlines for voter registration shall not apply to
25 a person who has been discharged from military service within
26 thirty sixty days preceding the date of an election. The
27 person shall present to the precinct election official a copy
28 of the person's discharge papers. The person shall complete a
29 voter registration form and give it to the official before
30 being permitted to vote.

31 Sec. 18. Section 48A.6, subsection 1, Code 2001, is
32 amended to read as follows:

33 1. A person who has been convicted of a felony as defined
34 in section 701.7, or convicted of an offense classified as a
35 felony under federal law or under the laws of another state.

1 If the person's rights are later restored by the governor, or
2 by the president of the United States, the person may register
3 to vote.

* 4 Sec. 19. Section 48A.9, subsection 1, Code 2001, is
5 amended to read as follows:

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

14 Sec. 20. Section 48A.9, subsection 3, Code 2001, is
15 amended to read as follows:

16 3. A registration form submitted by mail shall be
17 considered on time if it is postmarked no later than ~~the~~
18 ~~fifteenth-day~~ twenty-six days before the election, even if it
19 is received by the commissioner after the deadline, or if the
20 registration form is received by the commissioner no later
21 than five p.m. on the last day to register to vote for an
22 election, even if it is postmarked after the ~~fifteenth~~ twenty-
23 sixth day before the election.

24 Sec. 21. Section 48A.27, subsection 4, paragraph c,
25 unnumbered paragraph 2, Code 2001, is amended to read as
26 follows:

27 The notice shall be sent by forwardable mail, and shall
28 include a postage paid preaddressed return card on which the
29 registered voter may state the registered voter's current
30 address. The notice shall contain a statement in
31 substantially the following form: "Information received from
32 the United States postal service indicates that you are no
33 longer a resident of, and therefore not eligible to vote in
34 (name of county) County, Iowa. If this information is not
35 correct, and you still live in (name of county) County, please

1 complete and mail the attached postage paid card at least ten
2 twenty days before the ~~primary-or-general~~ next election ~~and-at~~
3 ~~least-eleven-days-before-any-other-election~~ at which you wish
4 to vote. If the information is correct and you have moved,
5 please contact a local official in your new area for
6 assistance in registering there. If you do not mail in the
7 card, you will be required to show identification proving your
8 residence in (name of county) County before being allowed to
9 vote in (name of county) County. If you do not return the
10 card, and you do not vote in an election in (name of county)
11 County, Iowa, on or before (date of second general election
12 following the date of the notice) your name will be removed
13 from the list of voters in that county. To ensure you receive
14 this notice, it is being sent to both your most recent
15 registration address and to your new address as reported by
16 the postal service."

17 Sec. 22. Section 48A.29, subsection 1, unnumbered
18 paragraph 2, Code 2001, is amended to read as follows:

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

1 of county) County. If you do not return the card, and you do
2 not vote in some election in (name of county) County, Iowa, on
3 or before (date of second general election following the date
4 of the notice) your name will be removed from the list of
5 voters in that county."

6 Sec. 23. Section 48A.29, subsection 3, unnumbered
7 paragraph 2, Code 2001, is amended to read as follows:

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

32 Sec. 24. Section 48A.30, subsection 1, paragraph d, Code
33 2001, is amended to read as follows:

34 d. The clerk of the district court, or the United States
35 attorney, or the state registrar sends notice of the

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

12 DIVISION III

13 CONDUCT OF ELECTIONS

14 Sec. 25. Section 13.2, Code 2001, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 15. Assist the state commissioner of
17 elections in preparing written summaries of constitutional
18 amendments or other public measures as required by section
19 49.44.

20 Sec. 26. Section 49.43, unnumbered paragraph 3, Code 2001,
21 is amended to read as follows:

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

27 Sec. 27. Section 49.44, unnumbered paragraph 3, Code 2001,
28 is amended to read as follows:

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

1 in preparing the written summary.

2 Sec. 28. Section 49.73, subsection 2, Code 2001, is
3 amended to read as follows:

4 2. The commissioner shall not shorten voting hours for any
5 election if there is filed in the commissioner's office, at
6 least twenty-five days before the election, a petition signed
7 by at least fifty eligible electors of the school district or
8 city, as the case may be, requesting that the polls be opened
9 not later than seven o'clock a.m. All polling places where
10 the candidates of or any public question submitted by any one
11 political subdivision are being voted upon shall be opened at
12 the same hour, except that this requirement shall not apply to
13 merged areas established under chapter 260C. The hours at
14 which the respective precinct polling places are to open shall
15 not be changed after publication of the notice required by
16 section 49.53. The polling places shall be closed at nine
17 o'clock eight p.m. for ~~state-primary-and-general-elections-and~~
18 ~~other-partisan-elections, and-for-any-other-election-held~~
19 ~~concurrently-there-with, and-at-eight-o'clock-p.m.-for~~ all
20 other elections.

* 21 Sec. 29. Section 49.92, Code 2001, is amended to read as
22 follows:

23 49.92 VOTING MARK.

24 The instructions appearing on the ballot shall describe the
25 appropriate mark to be used by the voter. The mark shall be
26 consistent with the requirements of the voting system in use
27 in the precinct. The voting mark used on paper ballots may be
28 a cross or check which shall be placed in the voting targets
29 opposite the names of candidates. The fact that the voting
30 mark is made by an instrument other than a black lead pencil
31 shall not affect the validity of the ballot unless it appears
32 that the color or nature of the mark is intended to identify
33 or recognize the ballot contrary to the intent of section
34 49.107, subsection 7.

35 Sec. 30. EFFECTIVE DATE AND APPLICABILITY. This section

1 and the sections of this Act amending Code sections 13.2,
2 49.43, and 49.44, being deemed of immediate importance, take
3 effect upon enactment and apply to elections held on or after
4 the effective date of this section of this Act.

5 DIVISION IV

6 ABSENTEE VOTING

* 7 Sec. 31. Section 53.2, unnumbered paragraph 4, Code 2001,
8 is amended to read as follows:

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

* 23 Sec. 32. Section 53.8, subsection 1, Code 2001, is amended
24 to read as follows:

25 1. Upon receipt of an application for an absentee ballot
26 and immediately after the absentee ballots are printed, the
27 commissioner shall mail an absentee ballot to the applicant
28 within twenty-four hours, except as otherwise provided in
29 subsection 3. The absentee ballot shall be enclosed in an
30 unsealed envelope bearing a serial number and affidavit. The
31 absentee ballot and unsealed envelope shall be enclosed in or
32 with a carrier envelope which bears the same serial number as
33 the unsealed envelope. The carrier envelope shall include a
34 space for the signature of the person who delivers the carrier
35 envelope to the commissioner's office, if the envelope is

1 delivered in person. The absentee ballot, unsealed envelope,
2 and carrier envelope shall be enclosed in a third envelope to
3 be sent to the registered voter.

4 Sec. 33. Section 53.9, Code 2001, is amended to read as
5 follows:

6 53.9 PROHIBITED PERSONS.

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

15 Sec. 34. Section 53.11, unnumbered paragraph 2, Code 2001,
16 is amended to read as follows:

17 Satellite absentee voting stations shall be established
18 throughout the cities and county at the direction of the
19 commissioner or upon receipt of a petition signed by not less
20 than one hundred eligible electors requesting that a satellite
21 absentee voting station be established at a location to be
22 described on the petition. Satellite absentee voting stations
23 may only be located in public buildings supported by taxation.

24 A satellite absentee voting station established by petition
25 must be open at least one day for a minimum of ~~six~~ four hours.
26 A satellite absentee voting station established at the
27 direction of the commissioner or by petition may remain open
28 until five p.m. on the day before the election.

29 Sec. 35. Section 53.11, Code 2001, is amended by adding
30 the following new unnumbered paragraph after subsection 4:

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

*1 Sec. 36. Section 53.17, subsection 1, Code 2001, is
2 amended to read as follows:

3 1. The sealed carrier envelope may be delivered by the
4 registered voter or the voter's designee to the commissioner's
5 office no later than the time the polls are closed on election
6 day. The person who delivers a carrier envelope to the
7 commissioner's office shall sign a receipt presented by the
8 commissioner. The commissioner shall attach the signed
9 receipt to the carrier envelope.

10 Sec. 37. Section 53.18, Code 2001, is amended to read as
11 follows:

12 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.
13 Upon receipt of the absentee ballot, the commissioner shall
14 at once record the number appearing on the application and
15 return carrier envelope, and the time of receipt of such
16 ballot, and whether the ballot was returned by personal
17 delivery by the voter or the voter's designee or by mail. The
18 commissioner shall attach the elector's application to the
19 unopened envelope. Absentee ballots shall be stored in a
20 secure place until they are delivered to the absentee and
21 special voters.

22 Sec. 38. Section 53.19, unnumbered paragraph 1, Code 2001,
23 is amended to read as follows:

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

33 Sec. 39. Section 53.31, unnumbered paragraph 1, Code 2001,
34 is amended to read as follows:

35 Any person qualified to vote at the election in progress

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

16 DIVISION V
17 SCHOOL ELECTIONS

18 Sec. 40. INTERIM STUDY COMMITTEE ON SCHOOL BOARD

19 ELECTIONS. The legislative council is requested to establish
20 a legislative interim study committee for the 2001 interim on
21 the conduct of school district and merged area elections under
22 current Iowa law. If established, the committee should be
23 directed to review all issues concerning school district and
24 merged area elections in this state, including dates of
25 regular and special elections and whether these elections can
26 be held in conjunction with any other regularly scheduled
27 elections, number of board members, length of term of office
28 of board members, qualifications of board members, school and
29 merged area issues that are required to be decided by
30 referendum, and other issues related to school district and
31 merged area elections.

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