

FILED FEB 26 '01

SENATE FILE 283
BY BOLKCOM

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

A BILL FOR

1 An Act reducing the number of envelopes used in absentee voting
2 from two to one.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Sf 283
STATE GOVERNMENT

1 Section 1. Section 53.8, subsection 1, Code 2001, is
2 amended to read as follows:

3 1. Upon receipt of an application for an absentee ballot
4 and immediately after the absentee ballots are printed, the
5 commissioner shall mail an absentee ballot to the applicant
6 within twenty-four hours, except as otherwise provided in
7 subsection 3. The absentee ballot shall be enclosed in an
8 unsealed ballot envelope bearing a serial number and
9 affidavit. ~~The absentee ballot and unsealed envelope shall be~~
10 ~~enclosed in or with a carrier envelope which bears the same~~
11 ~~serial number as the unsealed envelope.~~ The absentee ballot,
12 and unsealed ballot envelope, ~~and carrier envelope~~ shall be
13 enclosed in a ~~third~~ second envelope to be sent to the
14 registered voter.

15 Sec. 2. Section 53.12, Code 2001, is amended to read as
16 follows:

17 53.12 DUTY OF COMMISSIONER.

18 The commissioner shall enclose the absentee ballot in an
19 unsealed a ballot envelope, to be furnished by the
20 commissioner, which envelope shall bear upon its face the
21 words "county commissioner of elections", the address of the
22 commissioner's office, and the same serial number appearing on
23 the unsealed ballot envelope shall be affixed to the
24 application.

25 Sec. 3. Section 53.13, Code 2001, is amended to read as
26 follows:

27 53.13 VOTER'S AFFIDAVIT ON ENVELOPE.

28 On the unsealed ballot envelope shall be printed an
29 affidavit form prescribed by the state commissioner of
30 elections.

31 Sec. 4. Section 53.17, Code 2001, is amended to read as
32 follows:

33 53.17 MAILING OR DELIVERING BALLOT.

34 The sealed ballot envelope containing the absentee ballot
35 shall be ~~enclosed in a carrier envelope which shall be~~

1 ~~securely-sealed:--The-sealed-carrier-envelope-shall-be~~

2 returned to the commissioner by one of the following methods:

3 1. The sealed carrier ballot envelope may be delivered by
4 the registered voter or the voter's designee to the
5 commissioner's office no later than the time the polls are
6 closed on election day.

7 2. The sealed carrier ballot envelope may be mailed to the
8 commissioner. The carrier ballot envelope shall indicate that
9 greater postage than ordinary first class mail may be
10 required. The commissioner shall pay any insufficient postage
11 due on a carrier ballot envelope bearing ordinary first class
12 postage and accept the ballot.

13 In order for the ballot to be counted, the carrier ballot
14 envelope must be received in the commissioner's office before
15 the polls close on election day or be clearly postmarked by an
16 officially authorized postal service not later than the day
17 before the election and received by the commissioner not later
18 than noon on the Monday following the election.

19 If the law authorizing the election specifies that the
20 supervisors canvass the votes earlier than the Monday
21 following the election, absentee ballots returned through the
22 mail must be received not later than the time established for
23 the canvass by the board of supervisors for that election.
24 The commissioner shall contact the post office serving the
25 commissioner's office at the latest practicable hour before
26 the canvass by the board of supervisors for that election, and
27 shall arrange for absentee ballots received in that post
28 office but not yet delivered to the commissioner's office to
29 be brought to the commissioner's office before the canvass for
30 that election by the board of supervisors.

31 Sec. 5. Section 53.18, Code 2001, is amended to read as
32 follows:

33 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

34 Upon receipt of the absentee ballot, the commissioner shall
35 at once record the number appearing on the application and

1 ~~return-carrier~~ ballot envelope and time of receipt of such
2 ballot and attach the elector's application to the unopened
3 envelope. Absentee ballots shall be stored in a secure place
4 until they are delivered to the absentee and special voters.

5 Sec. 6. Section 53.19, unnumbered paragraph 1, Code 2001,
6 is amended to read as follows:

7 The commissioner shall maintain a list of the absentee
8 ballots provided to registered voters, the serial number
9 appearing on the ~~unsealed~~ ballot envelope, the date the
10 application for the absentee ballot was received, and the date
11 the absentee ballot was sent to the registered voter
12 requesting the absentee ballot.

13 Sec. 7. Section 53.21, Code 2001, is amended to read as
14 follows:

15 53.21 REPLACEMENT OF LOST OR SPOILED ABSENTEE BALLOTS.

16 A voter who has requested an absentee ballot may obtain a
17 replacement ballot if the voter declares that the original
18 ballot was lost or did not arrive. The commissioner upon
19 receipt of a written or oral request for a replacement ballot
20 shall provide a duplicate ballot. The same serial number that
21 was assigned to the records of the original absentee ballot
22 request shall be used on the ~~envelopes~~ envelope and records of
23 the replacement ballot.

24 The commissioner shall include with the replacement ballot
25 two copies of a statement in substantially the following form:

26 The absentee ballot which I requested on(date) has
27 been lost or was never received. If I find this absentee bal-
28 lot I will return it, unvoted, to the commissioner.

29
30 (Signature of voter)
31
32 (Date)

33 The voter shall enclose one copy of the above statement in
34 the ~~return-carrier-envelope-with-the~~ ballot envelope and re-
35 tain a copy for the voter's records.

1 A voter who spoils an absentee ballot may return it to the
2 commissioner. The outside of the return ballot envelope shall
3 be marked "SPOILED BALLOT". The commissioner shall replace
4 the ballot in the manner provided in this section for lost
5 ballots.

6 An absentee ballot returned to the commissioner without a
7 designation that the ballot was spoiled shall not be replaced.

8 Sec. 8. Section 53.22, subsection 5, unnumbered paragraph
9 2, Code 2001, is amended to read as follows:

10 Absentee ballots voted under this subsection shall be
11 delivered to the commissioner no later than the time the polls
12 are closed on election day. If the ballot is returned by mail
13 the carrier ballot envelope must be received by the time the
14 polls close, or clearly postmarked by an officially authorized
15 postal service not later than the day before the election and
16 received by the commissioner no later than the time
17 established for the canvass by the board of supervisors for
18 that election.

19 Sec. 9. Section 53.23, subsection 3, Code 2001, is amended
20 to read as follows:

21 3. The commissioner shall set the convening time for the
22 board, allowing a reasonable amount of time to complete
23 counting all absentee ballots by ten p.m. on election day.
24 The commissioner may direct the board to meet on the day
25 before the election solely for the purpose of reviewing the
26 absentee voters' affidavits appearing on the sealed ballot
27 envelopes; ~~--if,~~ if in the commissioner's judgment this
28 procedure is necessary due to the number of absentee ballots
29 received; ~~the members of the board may open the sealed ballot~~
30 ~~envelopes and remove the secrecy envelope containing the~~
31 ~~ballot; but under.~~ Under no circumstances shall a secrecy
32 ballot envelope be opened before the board convenes on
33 election day. If the affidavits on the ballot envelopes are
34 opened reviewed before election day, two observers, one
35 appointed by each of the two political parties referred to in

1 section 49.13, subsection 2, shall witness the proceedings.
2 ~~If the board finds any ballot not enclosed in a secrecy~~
3 ~~envelope, the two special precinct election officials, one~~
4 ~~from each of the two political parties referred to in section~~
5 ~~49.13, subsection 2, shall place the ballot in a secrecy~~
6 ~~envelope. No one shall examine the ballot. Each of the~~
7 ~~special precinct election officials shall sign the secrecy~~
8 ~~envelope.~~

9 Sec. 10. Section 53.23, subsection 5, Code 2001, is
10 amended to read as follows:

11 5. The special precinct election board shall preserve the
12 secrecy of all absentee and special ballots. After the
13 affidavits on the envelopes have been reviewed and the
14 qualifications of the persons casting the ballots have been
15 determined, those that have been accepted for counting shall
16 be opened. The ballots shall be removed from the affidavit
17 ballot envelopes without being unfolded or examined, and then
18 shall be thoroughly intermingled, after which they shall be
19 unfolded and tabulated. If secrecy folders or envelopes are
20 used with special paper ballots, the ballots shall be removed
21 from the secrecy folders after the ballots have been
22 intermingled.

23 Sec. 11. Section 468.511, subsection 1, Code 2001, is
24 amended to read as follows:

25 1. When a petition asking for the right to vote in
26 proportion to assessment of benefits at all elections for any
27 purpose thereafter to be held within said district, signed by
28 a majority of the landowners owning land within said district
29 assessed for benefits, is filed with the board of trustees,
30 then, in all elections of trustees thereafter held within said
31 district, any person whose land is assessed for benefits
32 without regard to age, sex, or condition shall be entitled to
33 one vote for each ten dollars or fraction thereof of the
34 original assessment under the current classification against
35 the land actually owned by the person in said district at the

1 time of the election, but in order to have such ballot counted
2 for more than one vote the voter shall write the voter's name
3 upon the ballot. The vote of any landowner of the district
4 may be cast by absent voters ballot as provided in chapter 53
5 except that the form of the applications for ballots, the
6 voters' affidavits on the envelopes, and the endorsement of
7 the carrier outer envelope for preserving the ballot shall be
8 substantially in the form provided in subsections 2, 3 and 4,
9 below. Application blanks, envelopes and ballots shall be
10 provided by and submitted to the office of the county auditor
11 in which the election is held. The cost of such blanks,
12 envelopes, ballots and postage shall be paid by the district.
13 For the purpose of this subchapter all landowners of the
14 district shall be considered qualified voters, regardless of
15 their place of residence.

16 Sec. 12. Section 468.511, subsection 4, Code 2001, is
17 amended to read as follows:

18 4. For the purposes of this subchapter, upon receipt of
19 the ballot, the auditor shall at once enclose the same,
20 unopened, together with the application made by the voter in a
21 ~~large-carrier~~ an outer envelope, securely seal the same, and
22 endorse thereon over the auditor's official signature, the
23 following:

- 24 a. Name of the district in which the voter is a landowner.
- 25 b. Date of the election for which the ballot is cast.
- 26 c. Location of the polling place at which the ballot would
27 be legally and properly cast if voted in person.
- 28 d. Names of the judges of the election of that polling
29 place, and the statement that this envelope contains an absent
30 voters ballot and must be opened only at the polls on election
31 day while said polls are open.

32 EXPLANATION

33 This bill reduces the number of envelopes used in absentee
34 voting from two to one. The single envelope will bear the
35 voter affidavit and will contain the absentee ballot. In

1 addition, all references in the Code to the secrecy envelope
2 and the carrier envelope have been eliminated and replaced
3 with a reference to the ballot envelope. In the Code section
4 determining votes by assessment for levee and drainage
5 districts, the term "carrier envelope" has been changed to
6 "outer envelope" to reduce confusion.

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35