

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

A BILL FOR

1 An Act relating to elections and voter registration by
2 implementing requirements of federal law, adjusting language
3 to reflect current practice, making changes related to
4 absentee voting, and including effective date provisions.

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

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HF 2374

1 Section 1. Section 39A.4, subsection 1, paragraph c, Code
2 2003, is amended by adding the following new subparagraphs:

3 NEW SUBPARAGRAPH. (11) Returning a voted absentee ballot
4 to the commissioner's office and the person returning the
5 ballot is not the voter, a special precinct election official
6 designated pursuant to section 53.22, subsection 1, or the
7 designee of a voter described in section 53.22, subsection 5.

8 NEW SUBPARAGRAPH. (12) Making a false or untrue statement
9 reporting that a voted absentee ballot was returned to the
10 commissioner's office by a person other than the voter, a
11 special precinct election official designated pursuant to
12 section 53.22, subsection 1, or the designee of a voter
13 described in section 53.22, subsection 5.

14 Sec. 2. Section 47.1, Code Supplement 2003, is amended by
15 adding the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. The state commissioner shall
17 adopt rules pursuant to chapter 17A, for the implementation of
18 uniform and nondiscriminatory administrative complaint
19 procedures for resolution of grievances relating to violations
20 of Title III of Pub. L. No. 107-252. In complaint proceedings
21 in which all of the respondents are local election officials,
22 the presiding officer shall be the state commissioner of
23 elections. In complaint proceedings in which one of the
24 respondents is the state commissioner of elections, the
25 presiding officer shall be a panel consisting of all members
26 of the state voter registration commission appointed pursuant
27 to section 47.8, except the state commissioner of elections or
28 the state commissioner's designee.

29 Sec. 3. Section 47.7, subsections 2, 3, and 4, Code
30 Supplement 2003, are amended by striking the subsections and
31 inserting in lieu thereof the following:

32 2. a. On or before January 1, 2006, the state registrar
33 of voters shall implement in a uniform and nondiscriminatory
34 manner, a single, uniform, official, centralized, interactive
35 computerized statewide voter registration file defined,

1 maintained, and administered at the state level that contains
2 the name and registration information of every legally
3 registered voter in the state and assigns a unique identifier
4 to each legally registered voter in the state. The state
5 voter registration system shall be coordinated with other
6 agency databases within the state, including, but not limited
7 to, the department of transportation driver's license records,
8 judicial records of convicted felons and persons declared
9 incompetent to vote, and department of public health records
10 of deceased persons.

11 b. On or after January 1, 2006, a county shall not
12 establish or maintain a voter registration system separate
13 from the state voter registration system. Each county shall
14 provide to the state registrar the names, voter registration
15 information, and voting history of each registered voter in
16 the county in the form required by the state registrar.

17 c. A state or local election official may obtain immediate
18 electronic access to the information contained in the
19 computerized voter registration file. All voter registration
20 information obtained by a local election official shall be
21 electronically entered into the computerized voter
22 registration file on an expedited basis at the time the
23 information is provided to the local election official. The
24 state registrar shall provide such support as may be required
25 to enable local election officials to electronically enter the
26 information into the computerized voter registration file on
27 an expedited basis. The list generated from the computerized
28 file shall serve as the official voter registration list for
29 the conduct of all elections for federal office in the state.

30 d. The state registrar shall prescribe by rule the
31 procedures for access to the state voter registration file,
32 security requirements, and access protocols for adding,
33 changing, or deleting information from the state voter
34 registration file.

35 Sec. 4. Section 47.8, Code Supplement 2003, is amended by

1 adding the following new subsection:

2 NEW SUBSECTION. 5. In complaint proceedings held pursuant
3 to section 47.1 in which one of the respondents is the state
4 commissioner of elections, the presiding officer shall be a
5 panel consisting of all members of the state voter
6 registration commission, except the state commissioner of
7 elections or the state commissioner's designee.

8 Sec. 5. Section 48A.8, Code 2003, is amended to read as
9 follows:

10 48A.8 REGISTRATION BY MAIL.

11 1. An eligible elector may register to vote by completing
12 a mail registration form. The form may be mailed or delivered
13 by the registrant or the registrant's designee to the
14 commissioner in the county where the person resides. A
15 separate registration form shall be signed by each individual
16 registrant.

17 2. An eligible elector who registers by mail and who has
18 not previously voted in an election for federal office in the
19 county of registration shall be required to provide
20 identification documents when voting for the first time in the
21 county, unless the registrant provided on the registration
22 form the registrant's Iowa driver's license number, or the
23 registrant's Iowa nonoperator's identification card number, or
24 the last four numerals of the registrant's social security
25 number and the driver's license, nonoperator's identification,
26 or partial social security number matches an existing state or
27 federal identification record with the same number, name, and
28 date of birth. If the registrant under this subsection votes
29 in person at the polls, or by absentee ballot at the
30 commissioner's office or at a satellite voting station, the
31 registrant shall provide a current and valid photo
32 identification card, or shall present to the appropriate
33 election official one of the following current documents that
34 shows the name and address of the registrant:

35 a. Utility bill.

- 1 b. Bank statement.
- 2 c. Paycheck.
- 3 d. Government check.
- 4 e. Other government document.

5 3. If the registrant under subsection 2 votes an absentee
6 ballot by mail, the registrant shall provide a photocopy of
7 one of the documents listed in subsection 2 when returning the
8 absentee ballot.

9 4. A registrant under subsection 2 who is required to
10 present identification when casting a ballot in person shall
11 be permitted to vote a provisional ballot if the voter does
12 not provide the required identification documents. If a voter
13 who is required to present identification when casting a
14 ballot votes an absentee ballot by mail, the ballot returned
15 by the voter shall be considered a provisional ballot pursuant
16 to sections 49.81 and 53.31.

17 Sec. 6. Section 48A.11, subsection 1, paragraph b, Code
18 2003, is amended to read as follows:

19 b. The registrant's name, including first name and any
20 family forename or surname.

21 Sec. 7. Section 48A.11, subsection 1, paragraph e, Code
22 2003, is amended by striking the paragraph and inserting in
23 lieu thereof the following:

24 e. Iowa driver's license number if the registrant has a
25 current and valid Iowa driver's license, Iowa nonoperator's
26 identification card if the registrant has a current and valid
27 Iowa nonoperator's identification card, or the last four
28 numerals of the registrant's social security number. If the
29 registrant does not have an Iowa driver's license number, an
30 nonoperator's identification card number, or a social security
31 number, the form shall provide space for a number to be
32 assigned as provided in subsection 7.

33 Sec. 8. Section 48A.11, subsection 1, paragraph f, Code
34 2003, is amended to read as follows:

35 f. Date of birth, including month, date, and year.

1 Sec. 9. Section 48A.11, Code 2003, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. The following questions and statement
4 regarding eligibility shall be included on forms that may be
5 used for registration by mail:

6 a. Are you a citizen of the United States of America?

7 b. Will you be eighteen years of age on or before election
8 day?

9 c. If you checked "no" in response to either of these
10 questions, do not complete this form.

11 Sec. 10. Section 48A.11, subsection 5, Code 2003, is
12 amended to read as follows:

13 5. All forms for voter registration shall be prescribed by
14 ~~rule-adopted~~ by the state voter registration commission.

15 Sec. 11. Section 48A.11, Code 2003, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 7. A voter registration application
18 lacking the registrant's name, sex, date of birth, or
19 residence address or description shall not be processed. A
20 voter registration application lacking the registrant's
21 driver's license number, Iowa nonoperator's identification
22 card number, or the last four digits of the registrant's
23 social security number shall not be processed. A registrant
24 whose registration is not processed pursuant to this
25 subsection shall be notified pursuant to section 48A.26,
26 subsection 3. A registrant who does not have an Iowa driver's
27 license number, an Iowa nonoperator's identification number,
28 or a social security number and who notifies the registrar of
29 such shall be assigned a unique identifying number that shall
30 serve to identify the registrant for voter registration
31 purposes.

32 Sec. 12. NEW SECTION. 48A.25A VERIFICATION OF VOTER
33 REGISTRATION INFORMATION.

34 Upon receipt of an application for voter registration by
35 mail, the state registrar of voters shall compare the driver's

1 license number, the Iowa nonoperator's identification card
2 number, or the last four numerals of the social security
3 number provided by the registrant with the records of the
4 state department of transportation. To be verified, the voter
5 registration record shall contain the same name, date of
6 birth, and driver's license or whole or partial social
7 security number as the records of the department of
8 transportation. If the information cannot be verified, the
9 application shall be rejected and the registrant shall be
10 notified of the reason for the rejection. If the information
11 can be verified, a record shall be made of the verification
12 and the application shall be accepted.

13 The voter registration commission shall adopt rules in
14 accordance with chapter 17A to provide procedures for
15 processing registration applications if the department of
16 transportation does not, before the close of registration for
17 an election for which the voter registration would be
18 effective, if verified, provide a report that the information
19 on the application has matched or not matched the records of
20 the department.

21 This section does not apply to persons entitled to register
22 to vote and to vote pursuant to section 48A.5, subsection 4.

23 Sec. 13. Section 48A.26, subsection 3, Code 2003, is
24 amended to read as follows:

25 3. If the registration form is missing required
26 information pursuant to section 48A.11, subsection 7, the
27 acknowledgment shall advise the applicant what additional
28 information is required. The commissioner shall enclose a new
29 registration by mail form for the applicant to use. If the
30 registration form has no address, the commissioner shall make
31 a reasonable effort to determine where the acknowledgment
32 should be sent. If the incomplete application is received
33 during the twelve days before the close of registration for an
34 election, the commissioner shall provide the registrant with
35 an opportunity to complete the form before the close of

1 registration.

2 Sec. 14. Section 48A.26, Code 2003, is amended by adding
3 the following new subsections:

4 NEW SUBSECTION. 3A. If the registrant applied by mail to
5 register to vote and did not answer either "yes" or "no" to
6 the question in section 48A.11, subsection 2A, paragraph "a",
7 the application shall be processed, but the registration shall
8 be designated as valid only for elections that do not include
9 candidates for federal offices on the ballot. The
10 acknowledgment shall advise the applicant that the status of
11 the registration is local and the reason for the registration
12 being assigned local status. The commissioner shall enclose a
13 new registration by mail form for the applicant to use. If
14 the original application is received during the twelve days
15 before the close of registration for an election that includes
16 candidates for federal offices on the ballot, the commissioner
17 shall provide the registrant with an opportunity to complete
18 the form before the close of registration.

19 NEW SUBSECTION. 3B. If the registrant applied by mail to
20 register to vote and answered "no" to the question in section
21 48A.11, subsection 2A, paragraph "a", the application shall
22 not be processed. The acknowledgement shall advise the
23 applicant that the registration has been rejected because the
24 applicant indicated on the registration form that the
25 applicant is not a citizen of the United States.

26 Sec. 15. Section 48A.28, subsection 2, unnumbered
27 paragraph 2, Code 2003, is amended to read as follows:

28 A commissioner participating in the national change of
29 address program, in the first quarter of each calendar year,
30 shall send a notice and preaddressed, postage paid return card
31 by forwardable mail to each registered voter whose name was
32 not reported by the national change of address program and who
33 has not voted, in two or more consecutive general elections
34 and has not registered again, or who has not reported a change
35 to an existing registration, or who has not responded to a

1 notice from the commissioner or registrar during the preceding
2 four-calendar-years period between and following the previous
3 two general elections. The form and language of the notice
4 and return card shall be specified by the state voter
5 registration commission by rule. A registered voter shall not
6 be sent a notice and return card under this subsection more
7 frequently than once in a four-year period.

8 Sec. 16. Section 48A.36, subsection 2, Code 2003, is
9 amended to read as follows:

10 2. Upon receipt of electronic registration data under
11 subsection 1, the state registrar of voters ~~may~~ shall cause
12 the updating of registration records ~~for registrants in~~
13 ~~counties which have arranged for data processing services~~
14 ~~under section 47.77, subsection 2.~~ The registrar shall notify
15 the appropriate commissioner of the actions taken.

16 Sec. 17. Section 48A.37, subsection 2, Code 2003, is
17 amended to read as follows:

18 2. Electronic records shall include a status code
19 designating whether the records are active, or inactive,
20 local, or pending. Inactive records are records of registered
21 voters to whom notices have been sent pursuant to section
22 48A.28, subsection 3, and who have not returned the card or
23 otherwise responded to the notice, and those records have been
24 designated inactive pursuant to section 48A.29. Local records
25 are records of applicants who did not answer either "yes" or
26 "no" to the question in section 48A.11, subsection 2A,
27 paragraph "a". Pending records are records of applicants
28 whose applications have not been verified pursuant to section
29 48A.25A. All other records are active records. An inactive
30 record shall be made active when the registered voter votes at
31 an election, registers again, or reports a change of name,
32 address, telephone number, or political party affiliation. A
33 pending record shall be made active upon verification. A
34 local record shall be valid for any election for which no
35 candidates for federal office appear on the ballot, but the

1 registrant may not vote in a federal election unless the
2 registrant submits a new voter registration application before
3 election day indicating that the applicant is a citizen of the
4 United States.

5 Sec. 18. Section 48A.38, subsection 1, paragraph f, Code
6 2003, is amended to read as follows:

7 f. The county commissioner of registration and the state
8 registrar of voters shall remove a voter's social security
9 number, driver's license number, or Iowa nonoperator's
10 identification card number from a voter registration list
11 prepared pursuant to this section.

12 Sec. 19. Section 49.81, Code 2003, is amended to read as
13 follows:

14 49.81. PROCEDURE FOR CHALLENGED VOTER TO CAST PROVISIONAL
15 BALLOT.

16 1. A prospective voter who is prohibited under section
17 48A.8, subsection 4, section 49.77, subsection 4, or section
18 49.80 from voting except under this section shall be permitted
19 to notified by the appropriate precinct election official that
20 the voter may cast a paper provisional ballot. If a booth
21 meeting the requirement of section 49.25 is not available at
22 that polling place, the precinct election officials shall make
23 alternative arrangements to insure the challenged voter the
24 opportunity to vote in secret. The marked ballot, folded as
25 required by section 49.84, shall be delivered to a precinct
26 election official who shall immediately seal it in an envelope
27 of the type prescribed by subsection 4. The sealed envelope
28 shall be deposited in ~~a special~~ an envelope marked "~~ballots~~
29 ~~for-special-precinct~~" "provisional ballots" and shall be
30 considered as having been cast in the special precinct
31 established by section 53.20 for purposes of the postelection
32 canvass.

33 2. Each person who casts a ~~special~~ provisional ballot
34 under this section shall receive a printed statement in
35 substantially the following form:

1 Your qualifications as a registered voter have been
2 challenged for the following reasons:

- 3 I.
- 4 II.
- 5 III.

6 You must show identification before your ballot can be
7 counted. Please bring or mail a copy of a current and valid
8 photo identification card to the county commissioners office
9 or bring or mail a copy of one of the following current
10 documents that show your name and address:

- 11 a. Utility bill.
- 12 b. Bank statement.
- 13 c. Paycheck.
- 14 d. Government check.
- 15 e. Other government document.

16 PARAGRAPH DIVIDED. Your right to vote will be reviewed by
17 the special precinct counting board on You have the
18 right and are encouraged to make a written statement and
19 submit additional written evidence to this board supporting
20 your qualifications as a registered voter. This written
21 statement and evidence may be given to an election official of
22 this precinct on election day or mailed or delivered to the
23 county commissioner of elections, but must be received before
24 a.m./p.m. on at If your ballot is not
25 counted you will receive, by mail, notification of this fact
26 and the reason that the ballot was not counted.

27 3. Any elector may present written statements or
28 documents, supporting or opposing the counting of any **special**
29 provisional ballot, to the precinct election officials on
30 election day, until the hour for closing the polls. Any
31 statements or documents so presented shall be delivered to the
32 commissioner when the election supplies are returned.

33 4. The individual envelopes used for each **paper**
34 provisional ballot cast pursuant to subsection 1 shall have
35 printed on them ~~the-format-of-the-face-of-the-registration~~

1 ~~form-under-section-48A-8-and~~ the following:

2 I believe I am a registered voter of this precinct county
3 and I am eligible to vote in this election. I registered to
4 vote in county on or about at My name at
5 that time was I have not moved to a different county
6 since that time. I am a United States citizen, at least
7 eighteen years of age.

8
9 (signature of voter) (date)

10 The following information is to be provided by the precinct
11 election official:

12 Reason for challenge:
13
14

15 Did not present required identification form.
16
17 (signature of precinct
18 election official)

19 The precinct election official shall attach a completed
20 voter registration form from each provisional voter unless the
21 person's registration status is listed in the election
22 register as pending.

23 Sec. 20. Section 49.98, Code 2003, is amended to read as
24 follows:

25 49.98 COUNTING BALLOTS.

26 The ballots shall be counted according to the voters' marks
27 on them as provided in sections 49.92 to 49.97, and not
28 otherwise. If, for any reason, it is impossible to determine
29 from a ballot, as marked, the choice of the voter for any
30 office, the vote for that office shall not be counted. When
31 there is a conflict between a straight party or organization
32 vote for one political party or nonparty political
33 organization and the vote cast by marking the voting target
34 next to the name of a candidate for another political party or
35 nonparty political organization on the ballot, the mark next

1 to the name of the candidate shall be held to control, and the
2 straight party or organization vote in that case shall not
3 apply as to that office. ~~Any ballot shall be rejected if it~~
4 ~~is marked in any other manner than authorized in sections~~
5 ~~49.92 to 49.97.~~ A ballot shall be rejected if the voter used
6 a mark to identify the voter's ballot. For each voting
7 system, the state commissioner shall, by rule adopted pursuant
8 to chapter 17A, develop uniform definitions of what
9 constitutes a vote.

10 Sec. 21. Section 50.20, Code 2003, is amended to read as
11 follows:

12 50.20 NOTICE OF NUMBER OF SPECIAL PROVISIONAL BALLOTS.

13 The commissioner shall compile a list of the number of
14 ~~special~~ provisional ballots cast under section 49.81 in each
15 precinct. The list shall be made available to the public as
16 soon as possible, but in no case later than nine o'clock a.m.
17 on the second day following the election. Any elector may
18 examine the list during normal office hours, and may also
19 examine the affidavit envelopes bearing the ballots of
20 challenged electors until the reconvening of the special
21 precinct board as required by this chapter. Only those
22 persons so permitted by section 53.23, subsection 4, shall
23 have access to the affidavits while that board is in session.
24 Any elector may present written statements or documents,
25 supporting or opposing the counting of any special ballot, at
26 the commissioner's office until the reconvening of the special
27 precinct board.

28 Sec. 22. Section 50.21, unnumbered paragraph 2, Code 2003,
29 is amended to read as follows:

30 If no ~~special~~ provisional ballots were cast in the county
31 pursuant to section 49.81 at any election, the special
32 precinct election board need not be so reconvened. If the
33 number of ~~special~~ provisional ballots ~~so~~ cast at any election
34 is not sufficient to require reconvening of the entire
35 election board of the special precinct, the commissioner may

1 reconvene only the number of members required. If the number
2 of ~~special~~ provisional ballots cast at any election exceeds
3 the number of absentee ballots cast, the size of the special
4 precinct election board may be increased at the commissioner's
5 discretion. The commissioner shall observe the requirements
6 of sections 49.12 and 49.13 in making adjustments to the size
7 of the special precinct election board.

8 Sec. 23. Section 52.2, Code 2003, is amended to read as
9 follows:

10 52.2 PURCHASE.

11 The board of supervisors of any a county may, by a majority
12 vote, authorize, purchase, and order the use of ~~either~~ voting
13 machines or an electronic voting system in any one or more
14 voting precincts within ~~said~~ the county until otherwise
15 ordered by ~~said~~ the board of supervisors. Voting machines and
16 an electronic voting system may be used concurrently ~~at~~
17 ~~different-precincts-within-any-county,-but-not~~ at the same
18 precinct.

19 Sec. 24. Section 53.2, unnumbered paragraph 1, Code 2003,
20 is amended to read as follows:

21 Any registered voter, under the circumstances specified in
22 section 53.1, may on any day, except election day, and not
23 more than seventy days prior to the date of the election,
24 apply in person for an absentee ballot at the commissioner's
25 office or at any location designated by the commissioner, or
26 make written application to the commissioner for an absentee
27 ballot. The state commissioner shall prescribe a form for
28 absentee ballot applications. ~~However,-if-a-registered-voter~~
29 ~~submits-an-application-that-includes-all-of-the-information~~
30 ~~required-in-this-section,-the-prescribed-form-is-not-required-~~
31 Absentee ballot applications may include instructions to send
32 the application directly to the county commissioner of
33 elections. However, no absentee ballot application shall be
34 preaddressed or printed with instructions to send the
35 applications to anyone other than the appropriate

1 commissioner.

2 Sec. 25. Section 53.2, Code 2003, is amended by adding the
3 following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. An application for an absentee
5 ballot that is returned to the commissioner by a person acting
6 as an actual or implied agent for a political party,
7 candidate, or committee, all as defined by chapter 68A, shall
8 be returned to the commissioner within seventy-two hours of
9 the time the completed application was received from the
10 applicant.

11 Sec. 26. NEW SECTION. 53.3 RECEIPT REQUIRED FOR CERTAIN
12 ABSENTEE BALLOT APPLICATIONS.

13 When an application for an absentee ballot is solicited by,
14 and returned to the commissioner by, a person acting as an
15 actual or implied agent for a political party, candidate, or
16 committee, as defined by chapter 68A, the person shall issue
17 to the applicant a receipt for the completed application.

18 The receipt shall contain the following information:

19 1. The name of the applicant.

20 2. The date and time the completed application was
21 received from the applicant.

22 3. The name and date of the election for which the
23 application is being completed.

24 4. The name of the political party, candidate, or
25 committee for whom the person is soliciting and returning the
26 application for the absentee ballot.

27 5. The name of the person acting as an actual or implied
28 agent for the political party, candidate, or committee.

29 6. A statement that the application will be delivered to
30 the appropriate commissioner within seventy-two hours of the
31 date and time the completed application was received from the
32 applicant.

33 7. A statement that an absentee ballot will be mailed to
34 the applicant within twenty-four hours after the ballot for
35 the election is available.

1 The commissioner shall make receipt forms required by this
2 section available for photocopying at the expense of the
3 political party, candidate, or committee.

4 Sec. 27. Section 53.8, subsection 2, Code 2003, is amended
5 to read as follows:

6 2. If an application is received so late that it is
7 unlikely that the absentee ballot can be returned in time to
8 be counted on election day, the commissioner shall enclose
9 with the absentee ballot a statement to that effect. The
10 statement shall also point out that it is possible for the
11 applicant, or the applicant's designee if the absentee ballot
12 is voted by a voter described in section 53.22, subsection 5,
13 to personally deliver the completed absentee ballot to the
14 office of the commissioner at any time before the closing of
15 the polls on election day.

16 Sec. 28. Section 53.17, subsection 1, Code 2003, is
17 amended to read as follows:

18 1. The sealed carrier envelope may be delivered by the
19 registered voter, by the special precinct election officials
20 designated pursuant to section 53.22, subsection 1, or by the
21 voter's designee if the absentee ballot is voted by a voter
22 described in section 53.22, subsection 5, to the
23 commissioner's office no later than the time the polls are
24 closed on election day.

25 Sec. 29. NEW SECTION. 53.37A STATE COMMISSIONER DUTIES.

26 The state commissioner of elections shall provide
27 information regarding voter registration procedures and
28 absentee ballot procedures to be used by members of the armed
29 forces of the United States. The state commissioner shall
30 accept valid voter registration applications and absentee
31 ballot applications and shall forward the applications to the
32 appropriate county commissioner of elections in a timely
33 manner.

34 Sec. 30. Section 53.40, unnumbered paragraph 1, Code 2003,
35 is amended to read as follows:

1 A request in writing for a ballot may be made by any member
2 of the armed forces of the United States who is or will be a
3 qualified voter on the day of the election at which the ballot
4 is to be cast, at any time before the election. Any member of
5 the armed forces of the United States may request ballots for
6 all elections to be held within-a-calendar-year through the
7 next two general elections. The request may be made by using
8 the federal postcard application form and indicating that the
9 applicant wishes to receive ballots for all elections as
10 permitted by state law. The county commissioner shall send
11 the applicant a ballot for each election held during-the
12 calendar-year-in-which after the application is received and
13 through the next two general elections. The commissioner
14 shall forward a copy of the absentee ballot request to other
15 commissioners who are responsible under section 47.2,
16 subsection 2, for conducting elections in which the applicant
17 is eligible to vote.

18 Sec. 31. Section 53.53, Code 2003, is amended by adding
19 the following new unnumbered paragraphs:

20 NEW UNNUMBERED PARAGRAPH. A federal write-in ballot
21 received by the state commissioner of elections shall be
22 forwarded immediately to the appropriate county commissioner.
23 However, if the state commissioner receives a federal write-in
24 ballot after election day and before noon on the Monday
25 following an election, the state commissioner shall at once
26 verify that the voter has complied with the requirements of
27 this section and that the voter's federal write-in ballot is
28 eligible to be counted. If the ballot is eligible to be
29 counted, the state commissioner shall notify the appropriate
30 county commissioner and make arrangements for the ballot to be
31 transmitted to the county for counting. If the ballot is not
32 eligible to be counted, the state commissioner shall mail the
33 ballot to the appropriate commissioner along with notification
34 that the ballot is ineligible to be counted. The county
35 commissioner shall keep the ballot with the other records of

1 the election.

2 NEW UNNUMBERED PARAGRAPH. The county commissioner shall
3 notify a voter when the voter's federal write-in ballot was
4 not counted and shall give the voter the reason the ballot was
5 not counted.

6 Sec. 32. IMMEDIATE EFFECTIVE DATE. This Act, being deemed
7 of immediate importance, takes effect upon enactment.

8 EXPLANATION

9 This bill makes changes to the law relating to elections,
10 absentee voting, and voter registration. The bill contains
11 Code language changes which, unless otherwise noted, are
12 necessary to comply with requirements of Public Law No. 107-
13 252, the Help America Vote Act of 2002.

14 Code section 39A.4 is amended to provide that an
15 unauthorized person who returns a voted absentee ballot
16 commits election misconduct in the third degree. The section
17 is further amended to provide that a person who makes a false
18 or untrue statement reporting that a voted absentee ballot was
19 returned by an unauthorized person commits election misconduct
20 in the third degree. Election misconduct in the third degree
21 is a serious misdemeanor. The amendments to Code section
22 39A.4 are not required by the Help America Vote Act.

23 Code section 47.1 is amended to require the state
24 commissioner of elections (secretary of state) to adopt, by
25 rule, administrative complaint procedures for resolution of
26 grievances relating to violations of those provisions of the
27 Help America Vote Act relating to uniform and
28 nondiscriminatory election technology and administration
29 requirements.

30 Code section 47.1 is also amended to designate the
31 presiding officer in complaint proceedings. A conforming
32 amendment is made to Code section 47.8.

33 Code section 47.7 is amended to require the state registrar
34 of voters (secretary of state), on or before January 1, 2006,
35 to implement a centralized, computerized statewide voter

1 registration system. The statewide system must be interactive
2 with other agency computer databases in the state. Code
3 section 48A.36 is amended to conform to this requirement.

4 Code section 48A.8 is amended to provide that an eligible
5 elector who registers by mail and who has not previously voted
6 in an election for federal office in the county of
7 registration shall be required to present identification when
8 voting for the first time unless the voter provided the
9 voter's Iowa driver's license number, or the voter's Iowa
10 nonoperator's identification card number, or the last four
11 numerals of the voter's social security number on the
12 registration form and those numbers were subsequently
13 verified. If the voter votes an absentee ballot by mail, the
14 voter is required to include a photocopy of one of the
15 optional forms of identification with the ballot. If the
16 required identification is not provided, the voter will be
17 allowed to vote a provisional ballot or, if voting an absentee
18 ballot by mail, the absentee ballot shall be considered a
19 provisional ballot.

20 Code section 48A.11, relating to information required when
21 registering to vote, is amended to require that the first name
22 and any family forename or surname be included when providing
23 the registrant's name. That section is also amended to
24 require that the registrant provide the registrant's Iowa
25 driver's license number or Iowa nonoperator's identification
26 card number or, if not available, the last four numerals of
27 the registrant's social security number. If the registrant
28 does not have an Iowa driver's license, Iowa nonoperator's
29 identification card, or social security number, the registrar
30 is to assign the registrant an identification number for voter
31 registration purposes. Code section 48A.11 is amended to
32 specify that the requirement for the registrant's date of
33 birth includes the month, date, and year of birth.

34 Code section 48A.11 is amended to require that the mail
35 voter registration form ask the registrant if the registrant

1 is a citizen of the United States and if the registrant will
2 be 18 years old on or before election day. The form shall
3 contain a statement that if the registrant answered "no" to
4 either of those questions, the registrant is not to complete
5 the registration form. The Code section is amended to add a
6 new subsection providing that if certain required information
7 is not provided on the registration form, the form shall not
8 be processed and the registrar shall mail an acknowledgment to
9 the registrant notifying the registrant that the registration
10 could not be processed.

11 The amendment to Code section 48A.11, striking the
12 requirement that the state voter registration commission
13 prescribe voter registration forms by rule, is not required by
14 the Help America Vote Act.

15 New Code section 48A.25A requires the state registrar of
16 voters to verify the registrant's driver's license number,
17 nonoperator's identification card number, or the last four
18 digits of the registrant's social security number. If the
19 number provided cannot be verified, the state registrar shall
20 reject the registration application and the registrant shall
21 be notified. If the information can be verified, the
22 registrar is to make a record of the verification. The
23 section is also amended to require the voter registration
24 commission to adopt rules to provide procedures for processing
25 registration applications in certain circumstances. The bill
26 provides that new Code section 48A.25A does not apply to
27 registrants living outside the United States.

28 Code section 48A.26, is amended to provide that if a voter
29 registration form lacking required information is received
30 during the 12 days before the close of registration, the
31 commissioner shall provide the registrant with an opportunity
32 to complete the form before the close of registration. The
33 Code section is also amended to provide that registrants whose
34 registration status is local shall be notified of such status,
35 and provided an opportunity to submit another registration

1 before the close of registration for elections with federal
2 offices on the ballot. Finally, Code section 48A.26 is
3 amended to provide that if a registrant applied by mail to
4 register to vote and answered "no" to the question relating to
5 United States citizenship, the application shall not be
6 processed and the acknowledgement shall inform the applicant
7 why the application was not processed.

8 Code section 48A.28 is amended to change the time period
9 from four consecutive calendar years to two or more
10 consecutive general elections under which a commissioner
11 participating in the national change of address program is to
12 notify a registered voter if the voter has not voted after
13 registering or if the voter has not responded to a prior
14 notice mailed by the commissioner.

15 Code section 48A.37 is amended to add voter registration
16 status codes of "local" and "pending" to describe those
17 registrations by mail that did not answer the question of
18 United States citizenship or who provide incomplete
19 information on the voter registration form, respectively.

20 Code section 48A.38 is amended to require that a voter's
21 driver's license number or Iowa nonoperator's identification
22 card number be removed from a voter registration list prepared
23 at the request of any person. Current law requires that the
24 voter's social security number be removed.

25 Code sections 49.81, 50.20, and 50.21 are amended to change
26 the term "special ballot" to "provisional ballot" which is the
27 term used in the Help America Vote Act for a ballot cast by a
28 challenged voter. Code section 49.81 is also amended to
29 provide that when a challenged voter's ballot is not counted
30 the commissioner, when notifying the voter, shall notify the
31 voter by mail and shall inform the voter why the ballot was
32 not counted. The section is also amended to provide
33 notification to the voter pertaining to identification
34 requirements.

35 Code section 49.98, relating to counting ballots, is

1 amended to require the state commissioner of elections to
2 adopt rules providing uniform definitions of what constitutes
3 a vote.

4 Code section 52.2, relating to the purchase of voting
5 machines or electronic voting systems, is amended to allow
6 voting machines and electronic voting systems to be used
7 concurrently at the same precinct.

8 Code section 53.2 is amended to strike the provision that
9 allows a voter to submit an absentee ballot application other
10 than the application prepared by the state commissioner of
11 elections. Code section 53.2 is also amended to provide that
12 a completed application for an absentee ballot returned by a
13 person acting on behalf of a political party, a candidate, or
14 a political committee or a candidate's committee shall be
15 returned to the commissioner's office within 72 hours of the
16 time the completed application was received from the
17 applicant. These amendments to Code section 53.2 are not
18 required by the Help America Vote Act.

19 New Code section 53.3 is enacted to provide that when an
20 application for an absentee ballot is solicited by, and
21 returned to the commissioner's office by, a person acting on
22 behalf of a political party, a candidate, or a political
23 committee or a candidate's committee, the person soliciting
24 and returning the application must give the applicant a
25 receipt for the completed application. The bill further
26 provides that the county commissioner of elections is to make
27 receipt forms available for photocopying at the expense of the
28 political party, candidate, or committee. New Code section
29 53.3 is not required by the Help America Vote Act.

30 Code section 53.17 is amended to provide that a voted
31 absentee ballot may be returned to the commissioner's office
32 only by the voter, or by the special precinct election
33 officials designated to deliver and return absentee ballots on
34 behalf of a person confined in a health facility, or by a
35 person designated by the voter if the voter was confined in a

1 health facility outside of the voter's county of residence
2 within three days of the election.

3 New Code section 53.37A requires the state commissioner of
4 elections to provide information to members of the armed
5 forces of the United States on voter registration and absentee
6 ballot procedures. The section also requires the state
7 commissioner to accept voter registration applications and
8 absentee ballot applications from members of the armed forces
9 and to forward the applications to the appropriate county
10 commissioner of elections.

11 Code section 53.40 is amended to extend the time period
12 during which a commissioner is to mail absentee ballots to a
13 member of the armed forces after receiving the member's
14 initial application for an absentee ballot. The time period
15 is extended from one calendar year after receipt of the
16 application to the next two general elections after receipt of
17 the application.

18 Code section 53.53 is amended to provide that when the
19 state commissioner receives a federal write-in ballot, the
20 commissioner is to immediately forward it to the appropriate
21 county commissioner of elections. If the ballot is received
22 after election day but before noon on the Monday following the
23 election, the state commissioner, rather than the county
24 commissioner, is to verify that the ballot is eligible to be
25 counted and shall notify the appropriate county commissioner
26 and transmit the ballot. If the ballot is not to be counted,
27 the county commissioner is required to notify the voter and
28 give the reason why the ballot was not counted.

29 The bill takes effect upon enactment.

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