

FEB 26 2003
STATE GOVERNMENT

HOUSE FILE 312
BY MASCHER

(COMPANION TO SF 22
BY KIBBIE)

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

A BILL FOR

1 An Act providing for special late voter registration to enable an
2 eligible elector to vote at the polling place on election day
3 and providing a durational residency requirement for voting.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF-312

1 Section 1. Section 48A.5, Code 2003, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. If a person is registering under the
4 provisions of section 48A.9A, the person shall be a resident
5 of the county in which the election is held for ten days
6 immediately preceding the election, subject to the provisions
7 of subsection 3 and section 48A.27, subsection 2, paragraph
8 "a", subparagraph (3).

9 Sec. 2. Section 48A.9, subsection 1, Code 2003, is amended
10 to read as follows:

11 1. Registration closes at five p.m. eleven days before
12 each election except primary and general elections. For
13 primary and general elections, registration closes at five
14 p.m. ten days before the election. An eligible elector may
15 register during the time registration is closed in the
16 elector's precinct but the registration shall not become
17 effective until registration opens again in the elector's
18 precinct unless the elector obtains an affidavit of special
19 late registration as provided in section 48A.9A.

20 Sec. 3. NEW SECTION. 48A.9A SPECIAL LATE REGISTRATION.

21 1. Notwithstanding the voter registration deadlines in
22 section 48A.9, an eligible elector may register to vote on any
23 day after registration has closed in the elector's precinct,
24 including on election day.

25 2. The commissioner shall record the information required
26 of an eligible elector on the election register for the county
27 precinct of the eligible elector or shall provide a separate
28 listing of the information required of an eligible elector to
29 the county precinct of the eligible elector who registers in
30 person at the commissioner's office or at any alternative
31 location designated by the commissioner for special late
32 registration on any day after registration has closed in the
33 elector's precinct, including on election day.

34 3. If the commissioner is unable to make available to a
35 county precinct the information required of an eligible

1 elector who registers through special late registration
2 procedures, on the election register of a county precinct or
3 through the provision of a separate listing of the eligible
4 electors who register through special late registration
5 procedures, an eligible elector may obtain from the
6 commissioner of registration a form of affidavit prescribed by
7 the state commissioner of elections to serve as evidence of
8 special late registration. If the affidavit is completed by
9 the elector and notarized by the commissioner of registration,
10 the elector is deemed registered under special late
11 registration procedures and may present the affidavit at the
12 elector's polling place on election day as proof that the
13 elector is registered to vote. The election officials of the
14 elector's precinct shall accept the elector's affidavit of
15 special late registration and shall proceed as if the
16 elector's name were listed in the election register.

17 The election officials shall preserve all affidavits
18 submitted pursuant to this section and forward them to the
19 commissioner of registration at the time the election register
20 is returned. A registration under this section is subject to
21 verification as provided in section 48A.26.

22 4. The commissioner may designate alternative locations,
23 in addition to the commissioner's office, to provide access to
24 special late registration procedures. If the precinct polling
25 place is designated as an alternative location, the
26 commissioner or an employee of the commissioner shall process
27 special late registrations at a table separate from the
28 precinct election officials, in order to reduce congestion at
29 the polling place and to avoid discouraging voters from
30 casting a ballot.

31 Sec. 4. Section 48A.11, subsection 1, paragraph c, Code
32 2003, is amended to read as follows:

33 c. The address at which the registrant resides and claims
34 as the registrant's residence for voting purposes. The
35 commissioner may require proof of residency if the registrant

1 is registering pursuant to section 48A.9A. The state
2 commissioner of elections shall designate which documents are
3 acceptable to show proof of residency.

4 Sec. 5. Section 48A.26, subsections 1 and 4, Code 2003,
5 are amended to read as follows:

6 1. Within seven working days of receipt of a voter
7 registration form or change of information in a voter
8 registration record the commissioner shall send an
9 acknowledgment to the registrant at the mailing address shown
10 on the registration form. However, in the case of special
11 late registrations, the commissioner shall send the
12 acknowledgment within ten days of receipt of the special late
13 registration. The acknowledgment shall be sent by
14 nonforwardable mail.

15 4. If the acknowledgment is returned as undeliverable by
16 the United States postal service, the commissioner shall
17 follow the procedure described in section 48A.29, subsection
18 1. However, if the acknowledgment mailed for a special late
19 registration is returned as undeliverable by the postal
20 service, the commissioner shall cancel the registration and
21 shall immediately notify the state commissioner of
22 registration and the county attorney.

23 Sec. 6. Section 48A.26, Code 2003, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 1A. Within ten working days after
26 receiving a special late registration pursuant to section
27 48A.9A, the commissioner shall send an acknowledgment to the
28 registrant at the mailing address shown on the registration
29 form. The acknowledgment shall be sent by nonforwardable
30 mail.

31 Sec. 7. Section 48A.30, subsection 1, Code 2003, is
32 amended by adding the following new paragraph:

33 NEW PARAGRAPH. g. The acknowledgment of a voter who
34 registered to vote under the special late registration
35 provisions is returned pursuant to section 48A.29, subsection

1 1 or 2.

2 Sec. 8. Section 49.77, Code 2003, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 6. A person whose name does not appear on
5 the election register of the precinct who registers under
6 section 48A.9A shall be allowed to cast a ballot and the
7 precinct election official is not under a duty to require that
8 the ballot be cast under section 49.81.

9 Sec. 9. IMPLEMENTATION OF ACT. Section 25B.2, subsection
10 3, shall not apply to this Act.

11 EXPLANATION

12 This bill provides for a special late voter registration
13 procedure which would enable an eligible elector to vote at
14 the polling place on election day. The person is required to
15 have been a resident of the county in which the election is
16 held for 10 days immediately preceding the election. The
17 person is also required to show proof of residency when
18 registering. The state commissioner of elections, i.e., the
19 secretary of state, shall designate which documents are
20 acceptable to show proof of residency.

21 The bill provides for the issuance of special late
22 registration affidavits to serve as proof of voting
23 eligibility if the county commissioner of registration is
24 unable to make the information required of an eligible elector
25 available on the election register of a county precinct.

26 The bill requires the county commissioner to mail
27 acknowledgment to the late registrant within 10 days of
28 registering. If the acknowledgment is returned as
29 undeliverable by the postal service, the commissioner is
30 directed to cancel the registration and immediately notify the
31 state commissioner of registration and the county attorney.

32 The bill may include a state mandate as defined in Code
33 section 25B.3. The bill makes inapplicable Code section
34 25B.2, subsection 3, which would relieve a political
35 subdivision from complying with a state mandate if funding for

1 the cost of the state mandate is not provided or specified.
2 Therefore, political subdivisions are required to comply with
3 any state mandate included in the bill.

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