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SENATE FILE 2269  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3161)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

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

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

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SF 2269  
STATE GOVERNMENT

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 by mail or in person, to the commissioner's office and the  
5 person returning the ballot is not the voter, a special  
6 precinct election official designated pursuant to section  
7 53.22, subsection 1, or the designee of a voter described in  
8 section 53.22, subsection 5.

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

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

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

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

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

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

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

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

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

1 Sec. 4. Section 47.8, Code Supplement 2003, is amended by  
2 adding the following new subsection:

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

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

11 48A.8 REGISTRATION BY MAIL.

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

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

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

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

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

18    Sec. 6. Section 48A.11, subsection 1, paragraph b, Code  
19 2003, is amended to read as follows:

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

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

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

34    Sec. 8. Section 48A.11, subsection 1, paragraph f, Code  
35 2003, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

35 Upon receipt of an application for voter registration by

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

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

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

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

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

1 an opportunity to complete the form before the close of  
2 registration.

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

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

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

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

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

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

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

11 2. Upon receipt of electronic registration data under  
12 subsection 1, the state registrar of voters ~~may~~ shall cause  
13 the updating of registration records ~~for registrants in~~  
14 ~~counties which have arranged for data processing services~~  
15 ~~under section 47.7, subsection 2.~~ The registrar shall notify  
16 the appropriate commissioner of the actions taken.

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

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

1 candidates for federal office appear on the ballot, but the  
2 registrant may not vote in a federal election unless the  
3 registrant submits a new voter registration application before  
4 election day indicating that the applicant is a citizen of the  
5 United States.

6 Sec. 18. Section 48A.38, subsection 1, paragraph f, Code  
7 2003, is amended to read as follows:

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

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

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

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

34 2. Each person who casts a ~~special~~ provisional ballot  
35 under this section shall receive a printed statement in

1 substantially the following form:

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

4 I. ....

5 II. ....

6 III. ....

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

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

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

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

34 4. The individual envelopes used for each **paper**  
35 provisional ballot cast pursuant to subsection 1 shall have

1 printed on them ~~the-format-of-the-face-of-the-registration~~  
2 ~~form-under-section-48A-8-and~~ the following:

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

9 .....  
10 (signature of voter) (date)

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

13 Reason for challenge:  
14 .....  
15 .....

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

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

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

26 49.98 COUNTING BALLOTS.

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

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

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

13 50.20 NOTICE OF NUMBER OF SPECIAL PROVISIONAL BALLOTS.

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

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

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

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

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

11 52.2 PURCHASE.

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

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

22 Any registered voter, under the circumstances specified in  
23 section 53.1, may on any day, except election day, and not  
24 more than seventy days prior to the date of the election,  
25 apply in person for an absentee ballot at the commissioner's  
26 office or at any location designated by the commissioner, or  
27 make written application to the commissioner for an absentee  
28 ballot. A written application for an absentee ballot  
29 delivered to the commissioner and received by the commissioner  
30 more than seventy days prior to the date of the election shall  
31 be retained by the commissioner and processed in the same  
32 manner as a written application received not more than seventy  
33 days before the date of the election.

34 PARAGRAPH DIVIDED. The state commissioner shall prescribe  
35 a form for absentee ballot applications. ~~However,-if-a~~

1 ~~registered-voter-submits-an-application-that-includes-all-of~~  
2 ~~the-information-required-in-this-section, the-prescribed-form~~  
3 ~~is-not-required.~~ Absentee ballot applications may include  
4 instructions to send the application directly to the county  
5 commissioner of elections. However, no absentee ballot  
6 application shall be preaddressed or printed with instructions  
7 to send the applications to anyone other than the appropriate  
8 commissioner.

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

11 NEW UNNUMBERED PARAGRAPH. An application for an absentee  
12 ballot that is returned to the commissioner by a person acting  
13 as an actual or implied agent for a political party,  
14 candidate, or committee, all as defined by chapter 68A, shall  
15 be returned to the commissioner within seventy-two hours of  
16 the time the completed application was received from the  
17 applicant.

18 Sec. 26. NEW SECTION. 53.3 RECEIPT REQUIRED FOR CERTAIN  
19 ABSENTEE BALLOT APPLICATIONS.

20 When an application for an absentee ballot is solicited by,  
21 and returned to the commissioner by, a person acting as an  
22 actual or implied agent for a political party, candidate, or  
23 committee, as defined by chapter 68A, the person shall issue  
24 to the applicant a receipt for the completed application.

25 The receipt shall contain the following information:

26 1. The name of the applicant.

27 2. The date and time the completed application was  
28 received from the applicant.

29 3. The name and date of the election for which the  
30 application is being completed.

31 4. The name of the political party, candidate, or  
32 committee for whom the person is soliciting and returning the  
33 application for the absentee ballot.

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

1 6. A statement that the application will be delivered to  
2 the appropriate commissioner within seventy-two hours of the  
3 date and time the completed application was received from the  
4 applicant.

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

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

11 Sec. 27. Section 53.8, subsection 1, Code 2003, is amended  
12 to read as follows:

13 1. Upon receipt of an application for an absentee ballot  
14 and immediately after the absentee ballots are printed, the  
15 commissioner shall mail an absentee ballot to the applicant  
16 within twenty-four hours, except as otherwise provided in  
17 subsection 3. The absentee ballot shall be enclosed in an  
18 unsealed envelope bearing a serial number and affidavit. The  
19 absentee ballot and unsealed envelope shall be enclosed in or  
20 with a carrier envelope marked postage paid which bears the  
21 same serial number as the unsealed envelope. The absentee  
22 ballot, unsealed envelope, and carrier envelope shall be  
23 enclosed in a third envelope to be sent to the registered  
24 voter. If the ballot cannot be folded so that all of the  
25 votes cast on the ballot will be hidden, the commissioner  
26 shall also enclose a secrecy envelope with the absentee  
27 ballot.

28 Sec. 28. Section 53.8, subsection 2, Code 2003, is amended  
29 to read as follows:

30 2. If an application is received so late that it is  
31 unlikely that the absentee ballot can be returned in time to  
32 be counted on election day, the commissioner shall enclose  
33 with the absentee ballot a statement to that effect. The  
34 statement shall also point out that it is possible for the  
35 applicant, or the applicant's designee if the absentee ballot

1 is voted by a voter described in section 53.22, subsection 5,  
2 to personally deliver the completed absentee ballot to the  
3 office of the commissioner at any time before the closing of  
4 the polls on election day.

5 Sec. 29. Section 53.17, subsection 1, Code 2003, is  
6 amended to read as follows:

7 1. The sealed carrier envelope may be delivered by the  
8 registered voter, by the special precinct election officials  
9 designated pursuant to section 53.22, subsection 1, or by the  
10 voter's designee if the absentee ballot is voted by a voter  
11 described in section 53.22, subsection 5, to the  
12 commissioner's office no later than the time the polls are  
13 closed on election day.

14 Sec. 30. Section 53.17, subsection 2, Code 2003, is  
15 amended to read as follows:

16 2. The sealed carrier envelope may be mailed to the  
17 commissioner by the registered voter, or by the voter's  
18 designee if the ballot is voted by a voter described in  
19 section 53.22, subsection 5. ~~The carrier envelope shall~~  
20 ~~indicate that greater postage than ordinary first class mail~~  
21 ~~may be required. The commissioner shall pay any insufficient~~  
22 ~~postage due on a carrier envelope bearing ordinary first class~~  
23 ~~postage and accept the ballot.~~

24 Sec. 31. NEW SECTION. 53.37A STATE COMMISSIONER DUTIES.

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

33 Sec. 32. Section 53.40, unnumbered paragraph 1, Code 2003,  
34 is amended to read as follows:

35 A request in writing for a ballot may be made by any member

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

17 Sec. 33. Section 53.53, Code 2003, is amended by adding  
18 the following new unnumbered paragraphs:

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

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

5 Sec. 34. IMMEDIATE EFFECTIVE DATE. This Act, being deemed  
6 of immediate importance, takes effect upon enactment.

7 EXPLANATION

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

13 Code section 39A.4 is amended to provide that an  
14 unauthorized person who returns, by mail or in person, a voted  
15 absentee ballot commits election misconduct in the third  
16 degree. The section is further amended to provide that a  
17 person who makes a false or untrue statement reporting that a  
18 voted absentee ballot was returned, by mail or in person, by  
19 an unauthorized person commits election misconduct in the  
20 third degree. Election misconduct in the third degree is a  
21 serious misdemeanor. The amendments to Code section 39A.4 are  
22 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 further amended to provide  
12 that absentee ballot applications delivered to, and received  
13 by, the commissioner of elections more than 70 days before the  
14 election shall be retained by the commissioner and processed  
15 in the same manner as applications received not more than 70  
16 days before the election. Code section 53.2 is also amended  
17 to provide that a completed application for an absentee ballot  
18 returned by a person acting on behalf of a political party, a  
19 candidate, or a political committee or a candidate's committee  
20 shall be returned to the commissioner's office within 72 hours  
21 of the time the completed application was received from the  
22 applicant. These amendments to Code section 53.2 are not  
23 required by the Help America Vote Act.

24 New Code section 53.3 is enacted to provide that when an  
25 application for an absentee ballot is solicited by, and  
26 returned to the commissioner's office by, a person acting on  
27 behalf of a political party, a candidate, or a political  
28 committee or a candidate's committee, the person soliciting  
29 and returning the application must give the applicant a  
30 receipt for the completed application. The bill further  
31 provides that the county commissioner of elections is to make  
32 receipt forms available for photocopying at the expense of the  
33 political party, candidate, or committee. New Code section  
34 53.3 is not required by the Help America Vote Act.

35 Code section 53.8 is amended to provide that each carrier

1 envelope mailed along with an absentee ballot shall be marked  
2 "postage paid" by the commissioner of elections. Code section  
3 53.17 is amended to conform to this change. These amendments  
4 to Code sections 53.8 and 53.17 are not required by the Help  
5 America Vote Act.

6 Code section 53.17 is amended to provide that a voted  
7 absentee ballot may be returned to the commissioner's office  
8 only by the voter, or by the special precinct election  
9 officials designated to deliver and return absentee ballots on  
10 behalf of a person confined in a health facility, or by a  
11 person designated by the voter if the voter was confined in a  
12 health facility outside of the voter's county of residence  
13 within three days of the election.

14 New Code section 53.37A requires the state commissioner of  
15 elections to provide information to members of the armed  
16 forces of the United States on voter registration and absentee  
17 ballot procedures. The section also requires the state  
18 commissioner to accept voter registration applications and  
19 absentee ballot applications from members of the armed forces  
20 and to forward the applications to the appropriate county  
21 commissioner of elections.

22 Code section 53.40 is amended to extend the time period  
23 during which a commissioner is to mail absentee ballots to a  
24 member of the armed forces after receiving the member's  
25 initial application for an absentee ballot. The time period  
26 is extended from one calendar year after receipt of the  
27 application to the next two general elections after receipt of  
28 the application.

29 Code section 53.53 is amended to provide that when the  
30 state commissioner receives a federal write-in ballot, the  
31 commissioner is to immediately forward it to the appropriate  
32 county commissioner of elections. If the ballot is received  
33 after election day but before noon on the Monday following the  
34 election, the state commissioner, rather than the county  
35 commissioner, is to verify that the ballot is eligible to be

1 counted and shall notify the appropriate county commissioner  
2 and transmit the ballot. If the ballot is not to be counted,  
3 the county commissioner is required to notify the voter and  
4 give the reason why the ballot was not counted.

5 The bill takes effect upon enactment.

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**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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SF 2269 - Election Law Changes/HAVA (LSB 5928 SV)

Analyst: Douglas Wulf (Phone: (515) 281-3250) (douglas.wulf@legis.state.ia.us)

Fiscal Note Version – New

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**Description**

Senate File 2269 implements the required elements of the federal Help America Vote Act.

**Assumptions**

1. The federal government has authorized funding to the states for purposes of implementing federal requirements. These funds can be used to replace existing lever voting machines with another form of voting machine and to make the nearly 2,000 precincts in Iowa conform to the federal Americans with Disabilities Act and the Help America Vote Act.
2. A new centralized, statewide voter registration system is required that connects all 99 counties. The estimated cost of the new system ranges from \$3.0 million to \$5.0 million.
3. Federal law requires certain changes be made by January 2004 or January 2006, if a federal waiver is obtained.
4. If no State money is provided to match the federal funds, counties would still be required under federal law to replace the lever voting machines and have at least one handicapped accessible voting machine for each precinct. The associated costs would be funded by the counties or State or a combination of local and State funding.
5. Handicapped accessible voting machines with audio capabilities would cost between \$4,000 and \$5,000 plus software costs.
6. The costs of other types of voting machines such as an optical scan or a video touch screen are estimated at \$5,500 and \$2,200 to \$2,800, respectively.
7. Counties may experience some additional costs related to the provisional ballot requirements in the Bill.
8. Counties would also have to mail absentee ballots with postage paid return envelopes. In the last election, 23.0% of the total vote was done by absentee ballot.

**Fiscal Impact**

The fiscal impact of SF 2269 is as follows:

**Expenditures**

The cost of hardware and software necessary to implement a new voter registration system is estimated to be between \$3.0 and \$5.0 million.

The cost to place one handicapped accessible machine for each of the 2,000 Iowa precincts would be \$10.0 million. The estimate to replace the balance of the voting machines is estimated to cost approximately \$14.0 million. (If existing software can be modified by the manufacturers, the cost of replacing existing machines may be reduced.)

**Revenues**

The Secretary of State received the first \$5.0 million from the federal government for FY 2003 with no match required. The Office received a transfer of funds of \$423,000 from the Department of Administrative Services to provide the match for the FY 2004 federal authorization of \$8.4 million. The Office has requested an additional \$777,000 from the General Fund to match \$15.6 million in federal funds that have been authorized. There is currently no appropriation to matching these funds.

**Source**

Office of the Secretary of State

Dennis C Prouty

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March 23, 2004

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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**SENATE FILE 2269****S-5132**

1 Amend Senate File 2269 as follows:

2 1. Page 3, by inserting after line 8, the  
3 following:

4 "Sec. \_\_\_\_ . Section 48A.6, subsection 1, Code 2003,  
5 is amended to read as follows:

6 1. A person who has been convicted of a felony as  
7 defined in section 701.7, or convicted of an offense  
8 classified as a felony under federal law. ~~If~~ When the  
9 person's rights are later restored by the governor, or  
10 by the president of the United States, pursuant to  
11 section 914.8, the person may register to vote."

12 2. Page 18, by inserting after line 4, the  
13 following:

14 "Sec. \_\_\_\_ . Section 602.8102, Code Supplement 2003,  
15 is amended by adding the following new subsection:

16 NEW SUBSECTION. 16. Notify a person that the  
17 person has made full restitution, including the  
18 community service requirement, and that if the person  
19 has been discharged from probation, parole, or work  
20 release or has been released from confinement because  
21 the term of confinement is completed, the person may  
22 apply to register to vote.

23 Sec. \_\_\_\_ . Section 910.9, Code Supplement 2003, is  
24 amended by adding the following new unnumbered  
25 paragraph:

26 NEW UNNUMBERED PARAGRAPH. The clerk of the  
27 sentencing court shall notify the offender that full  
28 restitution, including the community service  
29 requirement, has been made, and that if the offender  
30 has been discharged from probation, parole, or work  
31 release or has been released from confinement because  
32 the term of confinement is completed, the offender may  
33 apply to register to vote.

34 Sec. \_\_\_\_ . Section 914.2, Code 2003, is amended to  
35 read as follows:

36 914.2 RIGHT OF APPLICATION.

37 Except as otherwise provided in section 902.2 or  
38 914.8, a person convicted of a criminal offense has  
39 the right to make application to the board of parole  
40 for recommendation or to the governor for a reprieve,  
41 pardon, commutation of sentence, remission of fines or  
42 forfeitures, or restoration of rights of citizenship  
43 at any time following the conviction.

44 Sec. \_\_\_\_ . Section 914.6, subsection 3, Code 2003,  
45 is amended to read as follows:

46 3. In the case of a remission of fines and  
47 forfeitures, restoration of rights of citizenship  
48 other than the right to register to vote and to vote,  
49 or a pardon, commutation of sentence, or reprieve, if  
50 the person is not in custody, one copy of the

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1 executive instrument shall be delivered to the person  
2 and one copy to the clerk of the district court where  
3 the judgment is of record. ~~A list of the restorations~~  
4 ~~of rights of citizenship issued by the governor shall~~  
5 ~~be delivered to the state registrar of voters at least~~  
6 ~~once each month.~~

7 Sec. \_\_\_\_ . NEW SECTION. 914.8 RESTORATION OF  
8 RIGHT TO REGISTER AND TO VOTE.

9 1. A person convicted of a felony criminal offense  
10 who has been discharged from probation under section  
11 907.9, discharged from parole or work release under  
12 section 906.15, or who is released from confinement  
13 under section 902.6 because the person has completed  
14 the person's term of confinement, and who has made  
15 full restitution, including fulfilling the community  
16 service requirement, shall have the right to register  
17 to vote and to vote restored in the manner provided in  
18 this section.

19 2. Upon discharge from confinement or supervision,  
20 the department of corrections or judicial district  
21 department of correctional services, whichever is  
22 applicable, shall provide written notice to the  
23 inmate, parolee, or probationer of the person's  
24 discharge which shall include a voter registration  
25 form and a statement that the person's right to  
26 register to vote and to vote will be restored upon  
27 making full restitution, including fulfilling the  
28 community service requirement, and that the clerk of  
29 court will notify the person when full restitution has  
30 been made. The notice shall also inform the person  
31 that when first registering to vote after discharge,  
32 the person must present to the commissioner of  
33 registration the discharge notice and the notice that  
34 full restitution has been made.

35 3. A person convicted of a class "A" felony whose  
36 sentence has been commuted by the governor shall not  
37 be allowed to register to vote."

38 3. Title page, line 2, by inserting after the  
39 word "law," the following: "restoration of the right  
40 to vote for certain persons,".

41 4. By renumbering as necessary.

By HERMAN C. QUIRMBACH

**S-5132** FILED MARCH 23, 2004

WITHDRAWN

**SENATE FILE 2269****S-5137**

1 Amend Senate File 2269 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 47.1, Code Supplement 2003, is  
5 amended by adding the following new unnumbered  
6 paragraph:

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

22 Sec. 2. Section 47.7, subsections 2, 3, and 4,  
23 Code Supplement 2003, are amended by striking the  
24 subsections and inserting in lieu thereof the  
25 following:

26 2. a. On or before January 1, 2006, the state  
27 registrar of voters shall implement in a uniform and  
28 nondiscriminatory manner, a single, uniform, official,  
29 centralized, interactive computerized statewide voter  
30 registration file defined, maintained, and  
31 administered at the state level that contains the name  
32 and registration information of every legally  
33 registered voter in the state and assigns a unique  
34 identifier to each legally registered voter in the  
35 state. The state voter registration system shall be  
36 coordinated with other agency databases within the  
37 state, including, but not limited to, the department  
38 of transportation driver's license records, judicial  
39 records of convicted felons and persons declared  
40 incompetent to vote, and department of public health  
41 records of deceased persons.

42 b. On or after January 1, 2006, a county shall not  
43 establish or maintain a voter registration system  
44 separate from the state voter registration system.  
45 Each county shall provide to the state registrar the  
46 names, voter registration information, and voting  
47 history of each registered voter in the county in the  
48 form required by the state registrar.

49 c. A state or local election official may obtain  
50 immediate electronic access to the information

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1 contained in the computerized voter registration file.  
2 All voter registration information obtained by a local  
3 election official shall be electronically entered into  
4 the computerized voter registration file on an  
5 expedited basis at the time the information is  
6 provided to the local election official. The state  
7 registrar shall provide such support as may be  
8 required to enable local election officials to  
9 electronically enter the information into the  
10 computerized voter registration file on an expedited  
11 basis. The list generated from the computerized file  
12 shall serve as the official voter registration list  
13 for the conduct of all elections for federal office in  
14 the state.

15 d. The state registrar shall prescribe by rule the  
16 procedures for access to the state voter registration  
17 file, security requirements, and access protocols for  
18 adding, changing, or deleting information from the  
19 state voter registration file.

20 Sec. 3. Section 47.8, Code Supplement 2003, is  
21 amended by adding the following new subsection:

22 NEW SUBSECTION. 5. In complaint proceedings held  
23 pursuant to section 47.1 in which one of the  
24 respondents is the state commissioner of elections,  
25 the presiding officer shall be a panel consisting of  
26 all members of the state voter registration  
27 commission, except the state commissioner of elections  
28 or the state commissioner's designee.

29 Sec. 4. Section 48A.8, Code 2003, is amended to  
30 read as follows:

31 48A.8 REGISTRATION BY MAIL.

32 1. An eligible elector may register to vote by  
33 completing a mail registration form. The form may be  
34 mailed or delivered by the registrant or the  
35 registrant's designee to the commissioner in the  
36 county where the person resides. A separate  
37 registration form shall be signed by each individual  
38 registrant.

39 2. An eligible elector who registers by mail and  
40 who has not previously voted in an election for  
41 federal office in the county of registration shall be  
42 required to provide identification documents when  
43 voting for the first time in the county, unless the  
44 registrant provided on the registration form the  
45 registrant's Iowa driver's license number, or the  
46 registrant's Iowa nonoperator's identification card  
47 number, or the last four numerals of the registrant's  
48 social security number and the driver's license,  
49 nonoperator's identification, or partial social  
50 security number matches an existing state or federal

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1 identification record with the same number, name, and  
2 date of birth. If the registrant under this  
3 subsection votes in person at the polls, or by  
4 absentee ballot at the commissioner's office or at a  
5 satellite voting station, the registrant shall provide  
6 a current and valid photo identification card, or  
7 shall present to the appropriate election official one  
8 of the following current documents that shows the name  
9 and address of the registrant:

10 a. Utility bill.

11 b. Bank statement.

12 c. Paycheck.

13 d. Government check.

14 e. Other government document.

15 3. If the registrant under subsection 2 votes an  
16 absentee ballot by mail, the registrant shall provide  
17 a photocopy of one of the documents listed in  
18 subsection 2 when returning the absentee ballot.

19 4. A registrant under subsection 2 who is required  
20 to present identification when casting a ballot in  
21 person shall be permitted to vote a provisional ballot  
22 if the voter does not provide the required  
23 identification documents. If a voter who is required  
24 to present identification when casting a ballot votes  
25 an absentee ballot by mail, the ballot returned by the  
26 voter shall be considered a provisional ballot  
27 pursuant to sections 49.81 and 53.31.

28 Sec. 5. Section 48A.11, subsection 1, paragraph b,  
29 Code 2003, is amended to read as follows:

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

32 Sec. 6. Section 48A.11, subsection 1, paragraph e,  
33 Code 2003, is amended by striking the paragraph and  
34 inserting in lieu thereof the following:

35 e. Iowa driver's license number if the registrant  
36 has a current and valid Iowa driver's license, Iowa  
37 nonoperator's identification card if the registrant  
38 has a current and valid Iowa nonoperator's  
39 identification card, or the last four numerals of the  
40 registrant's social security number. If the  
41 registrant does not have an Iowa driver's license  
42 number, a nonoperator's identification card number, or  
43 a social security number, the form shall provide space  
44 for a number to be assigned as provided in subsection  
45 7.

46 Sec. 7. Section 48A.11, subsection 1, paragraph f,  
47 Code 2003, is amended to read as follows:

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

49 Sec. 8. Section 48A.11, Code 2003, is amended by  
50 adding the following new subsection:

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

4 a. Are you a citizen of the United States of  
5 America?

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

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

10 Sec. 9. Section 48A.11, subsection 5, Code 2003,  
11 is amended to read as follows:

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

15 Sec. 10. Section 48A.11, Code 2003, is amended by  
16 adding the following new subsection:

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

33 Sec. 11. NEW SECTION. 48A.25A VERIFICATION OF  
34 VOTER REGISTRATION INFORMATION.

35 Upon receipt of an application for voter  
36 registration by mail, the state registrar of voters  
37 shall compare the driver's license number, the Iowa  
38 nonoperator's identification card number, or the last  
39 four numerals of the social security number provided  
40 by the registrant with the records of the state  
41 department of transportation. To be verified, the  
42 voter registration record shall contain the same name,  
43 date of birth, and driver's license or whole or  
44 partial social security number as the records of the  
45 department of transportation. If the information  
46 cannot be verified, the application shall be rejected  
47 and the registrant shall be notified of the reason for  
48 the rejection. If the information can be verified, a  
49 record shall be made of the verification and the  
50 application shall be accepted.

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1 The voter registration commission shall adopt rules  
2 in accordance with chapter 17A to provide procedures  
3 for processing registration applications if the  
4 department of transportation does not, before the  
5 close of registration for an election for which the  
6 voter registration would be effective, if verified,  
7 provide a report that the information on the  
8 application has matched or not matched the records of  
9 the department.

10 This section does not apply to persons entitled to  
11 register to vote and to vote pursuant to section  
12 48A.5, subsection 4.

13 Sec. 12. Section 48A.26, subsection 3, Code 2003,  
14 is amended to read as follows:

15 3. If the registration form is missing required  
16 information pursuant to section 48A.11, subsection 7,  
17 the acknowledgment shall advise the applicant what  
18 additional information is required. The commissioner  
19 shall enclose a new registration by mail form for the  
20 applicant to use. If the registration form has no  
21 address, the commissioner shall make a reasonable  
22 effort to determine where the acknowledgment should be  
23 sent. If the incomplete application is received  
24 during the twelve days before the close of  
25 registration for an election, the commissioner shall  
26 provide the registrant with an opportunity to complete  
27 the form before the close of registration.

28 Sec. 13. Section 48A.26, Code 2003, is amended by  
29 adding the following new subsections:

30 NEW SUBSECTION. 3A. If the registrant applied by  
31 mail to register to vote and did not answer either  
32 "yes" or "no" to the question in section 48A.11,  
33 subsection 2A, paragraph "a", the application shall be  
34 processed, but the registration shall be designated as  
35 valid only for elections that do not include  
36 candidates for federal offices on the ballot. The  
37 acknowledgment shall advise the applicant that the  
38 status of the registration is local and the reason for  
39 the registration being assigned local status. The  
40 commissioner shall enclose a new registration by mail  
41 form for the applicant to use. If the original  
42 application is received during the twelve days before  
43 the close of registration for an election that  
44 includes candidates for federal offices on the ballot,  
45 the commissioner shall provide the registrant with an  
46 opportunity to complete the form before the close of  
47 registration.

48 NEW SUBSECTION. 3B. If the registrant applied by  
49 mail to register to vote and answered "no" to the  
50 question in section 48A.11, subsection 2A, paragraph

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1 "a", the application shall not be processed. The  
2 acknowledgement shall advise the applicant that the  
3 registration has been rejected because the applicant  
4 indicated on the registration form that the applicant  
5 is not a citizen of the United States.

6 Sec. 14. Section 48A.28, subsection 2, unnumbered  
7 paragraph 2, Code 2003, is amended to read as follows:

8 A commissioner participating in the national change  
9 of address program, in the first quarter of each  
10 calendar year, shall send a notice and preaddressed,  
11 postage paid return card by forwardable mail to each  
12 registered voter whose name was not reported by the  
13 national change of address program and who has not  
14 voted, in two or more consecutive general elections  
15 and has not registered again, or who has not reported  
16 a change to an existing registration, or who has not  
17 responded to a notice from the commissioner or  
18 registrar during the preceding four calendar years  
19 period between and following the previous two general  
20 elections. The form and language of the notice and  
21 return card shall be specified by the state voter  
22 registration commission by rule. A registered voter  
23 shall not be sent a notice and return card under this  
24 subsection more frequently than once in a four-year  
25 period.

26 Sec. 15. Section 48A.36, subsection 2, Code 2003,  
27 is amended to read as follows:

28 2. Upon receipt of electronic registration data  
29 under subsection 1, the state registrar of voters ~~may~~  
30 shall cause the updating of registration records for  
31 registrants in counties which have arranged for data  
32 processing services under section 47.7, subsection 2.  
33 The registrar shall notify the appropriate  
34 commissioner of the actions taken.

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

37 2. Electronic records shall include a status code  
38 designating whether the records are active, ~~or~~  
39 inactive, local or pending. Inactive records are  
40 records of registered voters to whom notices have been  
41 sent pursuant to section 48A.28, subsection 3, and who  
42 have not returned the card or otherwise responded to  
43 the notice, and those records have been designated  
44 inactive pursuant to section 48A.29. Local records  
45 are records of applicants who did not answer either  
46 "yes" or "no" to the question in section 48A.11,  
47 subsection 2A, paragraph "a". Pending records are  
48 records of applicants whose applications have not been  
49 verified pursuant to section 48A.25A. All other  
50 records are active records. An inactive record shall

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1 be made active when the registered voter votes at an  
 2 election, registers again, or reports a change of  
 3 name, address, telephone number, or political party  
 4 affiliation. A pending record shall be made active  
 5 upon verification. A local record shall be valid for  
 6 any election for which no candidates for federal  
 7 office appear on the ballot, but the registrant may  
 8 not vote in a federal election unless the registrant  
 9 submits a new voter registration application before  
 10 election day indicating that the applicant is a  
 11 citizen of the United States.

12 Sec. 17. Section 48A.38, subsection 1, paragraph  
 13 f, Code 2003, is amended to read as follows:

14 f. The county commissioner of registration and the  
 15 state registrar of voters shall remove a voter's  
 16 social security number, driver's license number, or  
 17 Iowa nonoperator's identification card number from a  
 18 voter registration list prepared pursuant to this  
 19 section.

20 Sec. 18. Section 49.81, Code 2003, is amended to  
 21 read as follows:

22 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST  
 23 PROVISIONAL BALLOT.

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

44 2. Each person who casts a special provisional  
 45 ballot under this section shall receive a printed  
 46 statement in substantially the following form:

47 Your qualifications as a registered voter have been  
 48 challenged for the following reasons:

- 49 I. ....
- 50 II. ....

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1 III. ....

2 ... You must show identification before your ballot

3 can be counted. Please bring or mail a copy of a

4 current and valid photo identification card to the

5 county commissioners office or bring or mail a copy of

6 one of the following current documents that show your

7 name and address:

8 a. Utility bill.

9 b. Bank statement.

10 c. Paycheck.

11 d. Government check.

12 e. Other government document.

13 PARAGRAPH DIVIDED. Your right to vote will be

14 reviewed by the special precinct counting board on

15 ..... You have the right and are encouraged to make

16 a written statement and submit additional written

17 evidence to this board supporting your qualifications

18 as a registered voter. This written statement and

19 evidence may be given to an election official of this

20 precinct on election day or mailed or delivered to the

21 county commissioner of elections, but must be received

22 before .... a.m./p.m. on ..... at ..... If your

23 ballot is not counted you will receive, by mail,

24 notification of this fact and the reason that the

25 ballot was not counted.

26 3. Any elector may present written statements or

27 documents, supporting or opposing the counting of any

28 ~~special~~ provisional ballot, to the precinct election

29 officials on election day, until the hour for closing

30 the polls. Any statements or documents so presented

31 shall be delivered to the commissioner when the

32 election supplies are returned.

33 4. The individual envelopes used for each ~~paper~~

34 provisional ballot cast pursuant to subsection 1 shall

35 have printed on them ~~the format of the face of the~~

36 ~~registration form under section 48A.8 and the~~

37 following:

38 I believe I am a registered voter of this ~~precinct~~

39 county and I am eligible to vote in this election. I

40 registered to vote in ..... county on or about .....

41 at ..... My name at that time was ..... I have not

42 moved to a different county since that time. I am a

43 United States citizen, at least eighteen years of age.

44 .....

45 (signature of voter) (date)

46 The following information is to be provided by the

47 precinct election official:

48 Reason for challenge:

49 .....

50 .....

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1 ... Did not present required identification form.  
 2 .....  
 3 (signature of precinct  
 4 election official)

5 The precinct election official shall attach a  
 6 completed voter registration form from each  
 7 provisional voter unless the person's registration  
 8 status is listed in the election register as pending.

9 Sec. 19. Section 49.98, Code 2003, is amended to  
 10 read as follows:

11 49.98 COUNTING BALLOTS.

12 The ballots shall be counted according to the  
 13 voters' marks on them as provided in sections 49.92 to  
 14 49.97, and not otherwise. If, for any reason, it is  
 15 impossible to determine from a ballot, as marked, the  
 16 choice of the voter for any office, the vote for that  
 17 office shall not be counted. When there is a conflict  
 18 between a straight party or organization vote for one  
 19 political party or nonparty political organization and  
 20 the vote cast by marking the voting target next to the  
 21 name of a candidate for another political party or  
 22 nonparty political organization on the ballot, the  
 23 mark next to the name of the candidate shall be held  
 24 to control, and the straight party or organization  
 25 vote in that case shall not apply as to that office.  
 26 ~~Any ballot shall be rejected if it is marked in any~~  
 27 ~~other manner than authorized in sections 49.92 to~~  
 28 ~~49.97.~~ A ballot shall be rejected if the voter used a  
 29 mark to identify the voter's ballot. For each voting  
 30 system, the state commissioner shall, by rule adopted  
 31 pursuant to chapter 17A, develop uniform definitions  
 32 of what constitutes a vote.

33 Sec. 20. Section 50.20, Code 2003, is amended to  
 34 read as follows:

35 50.20 NOTICE OF NUMBER OF ~~SPECIAL~~ PROVISIONAL  
 36 BALLOTS.

37 The commissioner shall compile a list of the number  
 38 of special provisional ballots cast under section  
 39 49.81 in each precinct. The list shall be made  
 40 available to the public as soon as possible, but in no  
 41 case later than nine o'clock a.m. on the second day  
 42 following the election. Any elector may examine the  
 43 list during normal office hours, and may also examine  
 44 the affidavit envelopes bearing the ballots of  
 45 challenged electors until the reconvening of the  
 46 special precinct board as required by this chapter.  
 47 Only those persons so permitted by section 53.23,  
 48 subsection 4, shall have access to the affidavits  
 49 while that board is in session. Any elector may  
 50 present written statements or documents, supporting or

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1 opposing the counting of any special ballot, at the  
2 commissioner's office until the reconvening of the  
3 special precinct board.

4 Sec. 21. Section 50.21, unnumbered paragraph 2,  
5 Code 2003, is amended to read as follows:

6 If no ~~special~~ provisional ballots were cast in the  
7 county pursuant to section 49.81 at any election, the  
8 special precinct election board need not be so  
9 reconvened. If the number of ~~special~~ provisional  
10 ballots ~~se~~ cast at any election is not sufficient to  
11 require reconvening of the entire election board of  
12 the special precinct, the commissioner may reconvene  
13 only the number of members required. If the number of  
14 ~~special~~ provisional ballots cast at any election  
15 exceeds the number of absentee ballots cast, the size  
16 of the special precinct election board may be  
17 increased at the commissioner's discretion. The  
18 commissioner shall observe the requirements of  
19 sections 49.12 and 49.13 in making adjustments to the  
20 size of the special precinct election board.

21 Sec. 22. Section 52.2, Code 2003, is amended to  
22 read as follows:

23 52.2 PURCHASE.

24 The board of supervisors of ~~any~~ a county may, by a  
25 majority vote, authorize, purchase, and order the use  
26 of ~~either~~ voting machines or an electronic voting  
27 system in any one or more voting precincts within ~~said~~  
28 the county until otherwise ordered by ~~said~~ the board  
29 of supervisors. Voting machines and an electronic  
30 voting system may be used concurrently ~~at different~~  
31 ~~precincts within any county, but not~~ at the same  
32 precinct.

33 Sec. 23. NEW SECTION. 53.37A STATE COMMISSIONER  
34 DUTIES.

35 The state commissioner of elections shall provide  
36 information regarding voter registration procedures  
37 and absentee ballot procedures to be used by members  
38 of the armed forces of the United States. The state  
39 commissioner shall accept valid voter registration  
40 applications and absentee ballot applications and  
41 shall forward the applications to the appropriate  
42 county commissioner of elections in a timely manner.

43 Sec. 24. Section 53.40, unnumbered paragraph 1,  
44 Code 2003, is amended to read as follows:

45 A request in writing for a ballot may be made by  
46 any member of the armed forces of the United States  
47 who is or will be a qualified voter on the day of the  
48 election at which the ballot is to be cast, at any  
49 time before the election. Any member of the armed  
50 forces of the United States may request ballots for

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1 all elections to be held ~~within a calendar year~~  
2 through the next two general elections. The request  
3 may be made by using the federal postcard application  
4 form and indicating that the applicant wishes to  
5 receive ballots for all elections as permitted by  
6 state law. The county commissioner shall send the  
7 applicant a ballot for each election held ~~during the~~  
8 ~~calendar year in which~~ after the application is  
9 received and through the next two general elections.  
10 The commissioner shall forward a copy of the absentee  
11 ballot request to other commissioners who are  
12 responsible under section 47.2, subsection 2, for  
13 conducting elections in which the applicant is  
14 eligible to vote.

15 Sec. 25. Section 53.53, Code 2003, is amended by  
16 adding the following new unnumbered paragraphs:  
17 NEW UNNUMBERED PARAGRAPH. A federal write-in  
18 ballot received by the state commissioner of elections  
19 shall be forwarded immediately to the appropriate  
20 county commissioner. However, if the state  
21 commissioner receives a federal write-in ballot after  
22 election day and before noon on the Monday following  
23 an election, the state commissioner shall at once  
24 verify that the voter has complied with the  
25 requirements of this section and that the voter's  
26 federal write-in ballot is eligible to be counted. If  
27 the ballot is eligible to be counted, the state  
28 commissioner shall notify the appropriate county  
29 commissioner and make arrangements for the ballot to  
30 be transmitted to the county for counting. If the  
31 ballot is not eligible to be counted, the state  
32 commissioner shall mail the ballot to the appropriate  
33 commissioner along with notification that the ballot  
34 is ineligible to be counted. The county commissioner  
35 shall keep the ballot with the other records of the  
36 election.

37 NEW UNNUMBERED PARAGRAPH. The county commissioner  
38 shall notify a voter when the voter's federal write-in  
39 ballot was not counted and shall give the voter the  
40 reason the ballot was not counted.

41 Sec. 26. IMMEDIATE EFFECTIVE DATE. This Act,  
42 being deemed of immediate importance, takes effect  
43 upon enactment."

44 2. Title page, by striking lines 3 and 4, and  
45 inserting the following: "to reflect current  
46 practice, and providing an".

By JOHN P. KIBBIE  
DENNIS H. BLACK  
MIKE CONNOLLY

THOMAS G. COURTNEY  
DICK L. DEARDEN  
AMANDA RAGAN

**S-5137** FILED MARCH 23, 2004

LOST

## SENATE FILE 2269

## H-8358

1 Amend Senate File 2269, as passed by the Senate, as  
2 follows:

3 1. Page 13, by inserting after line 8, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 52.1, subsection 2, paragraph  
6 h, Code 2003, is amended to read as follows:

7 h. "Voting machine" means a mechanical or  
8 electronic device, meeting the requirements of section  
9 52.7, designated for use in casting, registering,  
10 recording, and counting votes at an election. "Voting  
11 machine" includes, but is not limited to, direct  
12 recording electronic devices."

13 2. Page 13, by inserting after line 19, the  
14 following:

15 "Sec. \_\_\_\_\_. Section 52.5, unnumbered paragraph 2,  
16 Code 2003, is amended to read as follows:

17 The state commissioner shall formulate, with the  
18 advice and assistance of the examiners, and adopt  
19 rules governing the testing and examination of any  
20 voting machine or electronic voting system by the  
21 board of examiners. The rules shall prescribe the  
22 method to be used in determining whether the machine  
23 or system is suitable for use within the state and  
24 performance standards for voting equipment in use  
25 within the state. The rules shall provide that all  
26 electronic voting systems and voting machines approved  
27 for use by the examiners after April 9, 2003, shall  
28 meet voting systems performance and test standards, as  
29 adopted by the federal election commission on April  
30 30, 2002, and as deemed adopted by Pub. L. No. 107-  
31 252, section 222. The rules shall include standards  
32 for determining when recertification is necessary  
33 following modifications to the equipment or to the  
34 programs used in tabulating votes, and a procedure for  
35 rescinding certification if a system or machine is  
36 found not to comply with performance standards adopted  
37 by the state commissioner.

38 Sec. \_\_\_\_\_. Section 52.7, unnumbered paragraphs 2  
39 and 4, Code 2003, are amended to read as follows:

40 It must also be so constructed as to prevent voting  
41 for more than one person for the same office, except  
42 where the voter is lawfully entitled to vote for more  
43 than one person for that office; and it must afford  
44 the voter an opportunity to vote for any or all  
45 persons for that office as the voter is by law  
46 entitled to vote for and no more, at the same time  
47 preventing the voter from voting for the same person  
48 twice. The voting machine must be so constructed as  
49 to provide the voter with an opportunity to change a  
50 vote before the ballot is recorded and counted.

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1 Such machine shall be so constructed as to  
2 accurately account for every vote cast upon it. The  
3 machine shall be so constructed as to remove  
4 information from the ballot identifying the voter  
5 before the ballot is recorded and counted. If the  
6 machine is a direct electronic recording device, the  
7 machine shall be so constructed as to store each  
8 ballot cast separate from the ballot tabulation  
9 function, which ballot may be reproduced on paper in  
10 the case of a recount, manual audit, or machine  
11 malfunction."

12 3. Title page, line 3, by inserting after the  
13 word "practice," the following: "making changes  
14 related to voting machines,".

15 4. By renumbering as necessary.

**By FALLON of Polk**

**H-8358 FILED MARCH 31, 2004**

## SENATE FILE 2269

H-8366

1 Amend Senate File 2269, as passed by the Senate, as  
2 follows:

3 1. Page 16, by striking lines 5 through 23 and  
4 inserting the following:

5 "Sec. \_\_\_\_ Section 53.17, Code 2003, is amended to  
6 read as follows:

7 53.17 MAILING OR DELIVERING BALLOT.

8 1. The sealed envelope containing the absentee  
9 ballot shall be enclosed in a carrier envelope which  
10 shall be securely sealed. The sealed carrier envelope  
11 shall be returned to the commissioner by one of the  
12 following methods:

13 ~~1.~~ a. The sealed carrier envelope may be delivered  
14 by the registered voter, by the special precinct  
15 election officials designated pursuant to section  
16 53.22, subsection 1, or by the voter's designee if the  
17 absentee ballot is voted by a voter described in  
18 section 53.22, subsection 5, to the commissioner's  
19 office no later than the time the polls are closed on  
20 election day, except as otherwise provided in  
21 subsection 4.

22 ~~2.~~ b. The sealed carrier envelope may be mailed to  
23 the commissioner by the registered voter, by an  
24 immediate family member of the voter, or by the  
25 voter's designee if the ballot is voted by a voter  
26 described in section 53.22, subsection 5. ~~The carrier~~  
27 ~~envelope shall indicate that greater postage than~~  
28 ~~ordinary first class mail may be required. The~~  
29 ~~commissioner shall pay any insufficient postage due on~~  
30 ~~a carrier envelope bearing ordinary first class~~  
31 ~~postage and accept the ballot.~~

32 c. The sealed carrier envelope may be delivered to  
33 the commissioner by an absentee ballot courier, but  
34 only as provided in subsection 4.

35 2. In order for the ballot to be counted, the  
36 carrier envelope must be received in the  
37 commissioner's office before the polls close on  
38 election day or be clearly postmarked by an officially  
39 authorized postal service not later than the day  
40 before the election and received by the commissioner  
41 not later than noon on the Monday following the  
42 election.

43 3. If the law authorizing the election specifies  
44 that the supervisors canvass the votes earlier than  
45 the Monday following the election, absentee ballots  
46 returned through the mail must be received not later  
47 than the time established for the canvass by the board  
48 of supervisors for that election. The commissioner  
49 shall contact the post office serving the  
50 commissioner's office at the latest practicable hour

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1 before the canvass by the board of supervisors for  
2 that election, and shall arrange for absentee ballots  
3 received in that post office but not yet delivered to  
4 the commissioner's office to be brought to the  
5 commissioner's office before the canvass for that  
6 election by the board of supervisors.

7 4. a. A person who represents a political party,  
8 candidate, or committee, as defined by chapter 68A,  
9 shall register with the commissioner as an absentee  
10 ballot courier in order to deliver completed absentee  
11 ballots to the commissioner. A candidate whose name  
12 is on the ballot or an elected official shall not be  
13 allowed to register as an absentee ballot courier.

14 b. The registration shall include the courier's  
15 name and address and the best means for contacting the  
16 person or the political party, candidate, or committee  
17 the person represents. An absentee ballot courier  
18 must register with the commissioner prior to each  
19 election for which the person will be delivering  
20 completed absentee ballots to the commissioner. For  
21 each election, the commissioner shall maintain a list  
22 of all persons who have registered as absentee ballot  
23 couriers.

24 c. A person wishing to register as an absentee  
25 ballot courier must complete a training course in the  
26 laws, procedures, and penalties related to handling  
27 completed absentee ballots. The training course shall  
28 be conducted by the commissioner; the commissioner's  
29 designee; or, in the case of partisan elections, by  
30 the respective county central committees. The  
31 curriculum for the training course shall be  
32 established by the state commissioner by rule adopted  
33 pursuant to chapter 17A.

34 d. When an absentee ballot courier retrieves a  
35 completed absentee ballot from a voter, the courier  
36 shall fill out a receipt to be retained by the voter.  
37 The receipt shall state the name of the courier and  
38 that the completed absentee ballot will be delivered  
39 to the commissioner's office within seventy-two hours  
40 or by five p.m. on election day, whichever is sooner.

41 e. An absentee ballot courier shall submit a cover  
42 sheet listing the names of persons whose ballots are  
43 being delivered each time the courier delivers ballots  
44 to the commissioner's office.

45 f. A violation of any part of this subsection is  
46 election misconduct in the first degree, pursuant to  
47 section 39A.2, subsection 1, paragraph "b",  
48 subparagraph (1).

49 5. For purposes of this section, "immediate family  
50 member" means the spouse, adult child or stepchild,

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- 1 adult grandchild, parent or stepparent, grandparent,
- 2 or adult sibling of the voter."
- 3 2. By renumbering as necessary.

**By** JACOBS of Polk

**H-8366** FILED APRIL 1, 2004

## SENATE FILE 2269

## H-8383

1 Amend Senate File 2269, as passed by the Senate, as  
2 follows:

3 1. Page 13, by inserting after line 8, the  
4 following:

5 "Sec. \_\_\_\_ . Section 52.1, subsection 2, paragraph  
6 h, Code 2003, is amended to read as follows:

7 h. "Voting machine" means a mechanical or  
8 electronic device, meeting the requirements of section  
9 52.7, designated for use in casting, registering,  
10 recording, and counting votes at an election. "Voting  
11 machine" includes, but is not limited to, direct  
12 recording electronic devices."

13 2. Page 13, by inserting after line 19, the  
14 following:

15 "Sec. \_\_\_\_ . Section 52.5, unnumbered paragraph 2,  
16 Code 2003, is amended to read as follows:

17 The state commissioner shall formulate, with the  
18 advice and assistance of the examiners, and adopt  
19 rules governing the testing and examination of any  
20 voting machine or electronic voting system by the  
21 board of examiners. The rules shall prescribe the  
22 method to be used in determining whether the machine  
23 or system is suitable for use within the state and  
24 performance standards for voting equipment in use  
25 within the state. The rules shall provide that all  
26 electronic voting systems and voting machines approved  
27 for use by the examiners after April 9, 2003, shall  
28 meet voting systems performance and test standards, as  
29 adopted by the federal election commission on April  
30 30, 2002, and as deemed adopted by Pub. L. No. 107-  
31 252, section 222. The rules shall include standards  
32 for determining when recertification is necessary  
33 following modifications to the equipment or to the  
34 programs used in tabulating votes, and a procedure for  
35 rescinding certification if a system or machine is  
36 found not to comply with performance standards adopted  
37 by the state commissioner.

38 Sec. \_\_\_\_ . Section 52.7, unnumbered paragraphs 2  
39 and 4, Code 2003, are amended to read as follows:

40 It must also be so constructed as to prevent voting  
41 for more than one person for the same office, except  
42 where the voter is lawfully entitled to vote for more  
43 than one person for that office; and it must afford  
44 the voter an opportunity to vote for any or all  
45 persons for that office as the voter is by law  
46 entitled to vote for and no more, at the same time  
47 preventing the voter from voting for the same person  
48 twice. The voting machine must be so constructed as  
49 to provide the voter with an opportunity to change a  
50 vote before the ballot is recorded and counted.

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1 Such machine shall be so constructed as to  
2 accurately account for every vote cast upon it. The  
3 machine shall be so constructed as to remove  
4 information from the ballot identifying the voter  
5 before the ballot is recorded and counted. If the  
6 machine is a direct recording electronic device, the  
7 machine shall be so constructed as to store each  
8 ballot cast separate from the ballot tabulation  
9 function, which ballot may be reproduced on paper in  
10 the case of a recount, manual audit, or machine  
11 malfunction."

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

14 "Sec. \_\_\_\_ . Section 52.7, Code 2003, is amended by  
15 adding the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. If the machine is a  
17 direct recording electronic device, it shall be so  
18 constructed as to produce a permanent paper record,  
19 which shall be made available for inspection and  
20 verification by the voter at the time the ballot is  
21 cast and which shall be preserved in the same manner  
22 as paper ballots are preserved pursuant to section  
23 50.12."

24 4. Title page, line 3, by inserting after the  
25 word "practice," the following: "making changes  
26 related to voting machines,".

27 5. By renumbering as necessary.

**By** FALLON of Polk

## SENATE FILE 2269

## H-8398

1 Amend Senate File 2269, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 1 through 14.

4 2. Page 14, line 3, by inserting after the word  
5 "~~required.~~" the following: "The form prescribed by  
6 the commissioner shall be prepared in triplicate with  
7 instructions printed on the form directing the  
8 applicant to deliver the original to the county  
9 commissioner and to retain the duplicate. If the  
10 application was supplied to the applicant by someone  
11 other than the county commissioner or the  
12 commissioner's designee, the triplicate shall be  
13 retained by the individual or organization who  
14 supplied the ballot application to the applicant."

15 3. By striking page 14, line 18 through page 15,  
16 line 10.

17 4. By striking page 15, line 28, through page 16,  
18 line 23, and inserting the following:

19 "Sec. \_\_\_\_ . NEW SECTION. 53.17A RECEIPT REQUIRED  
20 FOR RETURN OF VOTED ABSENTEE BALLOTS.

21 When a voted absentee ballot is returned to the  
22 commissioner by a person acting as an actual or  
23 implied agent for a political party, candidate, or  
24 committee, as defined by chapter 68A, the person shall  
25 issue to the voter a receipt for the voted absentee  
26 ballot.

27 The receipt shall contain the following  
28 information:

29 1. The name of the voter.

30 2. The date and time the voted absentee ballot was  
31 received from the voter.

32 3. The name and date of the election for which the  
33 absentee ballot is being voted.

34 4. The name of the political party, candidate, or  
35 committee for whom the person is returning the voted  
36 absentee ballot.

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

40 6. A statement that the voted absentee ballot will  
41 be delivered to the appropriate commissioner before  
42 the polls close on election day.

43 The state commissioner shall prescribe a form for  
44 receipts required by this section. The form  
45 prescribed by the commissioner shall be prepared in  
46 triplicate with instructions printed on the form  
47 directing the voter to include the original with the  
48 voted absentee ballot delivered to the county  
49 commissioner and to retain the duplicate. If the  
50 voted ballot is delivered to the commissioner by

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- 1 someone other than the voter, the triplicate shall be
- 2 retained by the individual or organization who
- 3 delivered the voted ballot to the commissioner."
- 4 5. Title page, line 4, by striking the words
- 5 "providing penalties,".
- 6 6. By renumbering as necessary.

**By** JOCHUM of Dubuque**H-8398** FILED APRIL 6, 2004

LOST

## SENATE FILE 2269

## H-8399

1 Amend Senate File 2269, as passed by the Senate, as  
2 follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. Section 47.1, Code Supplement 2003, is  
6 amended by adding the following new unnumbered  
7 paragraph:

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

23 Sec. 2. Section 47.7, subsections 2, 3, and 4,  
24 Code Supplement 2003, are amended by striking the  
25 subsections and inserting in lieu thereof the  
26 following:

27 2. a. On or before January 1, 2006, the state  
28 registrar of voters shall implement in a uniform and  
29 nondiscriminatory manner, a single, uniform, official,  
30 centralized, interactive computerized statewide voter  
31 registration file defined, maintained, and  
32 administered at the state level that contains the name  
33 and registration information of every legally  
34 registered voter in the state and assigns a unique  
35 identifier to each legally registered voter in the  
36 state. The state voter registration system shall be  
37 coordinated with other agency databases within the  
38 state, including, but not limited to, the department  
39 of transportation driver's license records, judicial  
40 records of convicted felons and persons declared  
41 incompetent to vote, and department of public health  
42 records of deceased persons.

43 b. On or after January 1, 2006, a county shall not  
44 establish or maintain a voter registration system  
45 separate from the state voter registration system.  
46 Each county shall provide to the state registrar the  
47 names, voter registration information, and voting  
48 history of each registered voter in the county in the  
49 form required by the state registrar.

50 c. A state or local election official may obtain

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1 immediate electronic access to the information  
2 contained in the computerized voter registration file.  
3 All voter registration information obtained by a local  
4 election official shall be electronically entered into  
5 the computerized voter registration file on an  
6 expedited basis at the time the information is  
7 provided to the local election official. The state  
8 registrar shall provide such support as may be  
9 required to enable local election officials to  
10 electronically enter the information into the  
11 computerized voter registration file on an expedited  
12 basis. The list generated from the computerized file  
13 shall serve as the official voter registration list  
14 for the conduct of all elections for federal office in  
15 the state.

16 d. The state registrar shall prescribe by rule the  
17 procedures for access to the state voter registration  
18 file, security requirements, and access protocols for  
19 adding, changing, or deleting information from the  
20 state voter registration file.

21 Sec. 3. Section 47.8, Code Supplement 2003, is  
22 amended by adding the following new subsection:

23 NEW SUBSECTION. 5. In complaint proceedings held  
24 pursuant to section 47.1 in which one of the  
25 respondents is the state commissioner of elections,  
26 the presiding officer shall be a panel consisting of  
27 all members of the state voter registration  
28 commission, except the state commissioner of elections  
29 or the state commissioner's designee.

30 Sec. 4. Section 48A.8, Code 2003, is amended to  
31 read as follows:

32 48A.8 REGISTRATION BY MAIL.

33 1. An eligible elector may register to vote by  
34 completing a mail registration form. The form may be  
35 mailed or delivered by the registrant or the  
36 registrant's designee to the commissioner in the  
37 county where the person resides. A separate  
38 registration form shall be signed by each individual  
39 registrant.

40 2. An eligible elector who registers by mail and  
41 who has not previously voted in an election for  
42 federal office in the county of registration shall be  
43 required to provide identification documents when  
44 voting for the first time in the county, unless the  
45 registrant provided on the registration form the  
46 registrant's Iowa driver's license number, or the  
47 registrant's Iowa nonoperator's identification card  
48 number, or the last four numerals of the registrant's  
49 social security number and the driver's license,  
50 nonoperator's identification, or partial social

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1 security number matches an existing state or federal  
2 identification record with the same number, name, and  
3 date of birth. If the registrant under this  
4 subsection votes in person at the polls, or by  
5 absentee ballot at the commissioner's office or at a  
6 satellite voting station, the registrant shall provide  
7 a current and valid photo identification card, or  
8 shall present to the appropriate election official one  
9 of the following current documents that shows the name  
10 and address of the registrant:

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

16 3. If the registrant under subsection 2 votes an  
17 absentee ballot by mail, the registrant shall provide  
18 a photocopy of one of the documents listed in  
19 subsection 2 when returning the absentee ballot.

20 4. A registrant under subsection 2 who is required  
21 to present identification when casting a ballot in  
22 person shall be permitted to vote a provisional ballot  
23 if the voter does not provide the required  
24 identification documents. If a voter who is required  
25 to present identification when casting a ballot votes  
26 an absentee ballot by mail, the ballot returned by the  
27 voter shall be considered a provisional ballot  
28 pursuant to sections 49.81 and 53.31.

29 Sec. 5. Section 48A.11, subsection 1, paragraph b,  
30 Code 2003, is amended to read as follows:

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

33 Sec. 6. Section 48A.11, subsection 1, paragraph e,  
34 Code 2003, is amended by striking the paragraph and  
35 inserting in lieu thereof the following:

36 e. Iowa driver's license number if the registrant  
37 has a current and valid Iowa driver's license, Iowa  
38 nonoperator's identification card if the registrant  
39 has a current and valid Iowa nonoperator's  
40 identification card, or the last four numerals of the  
41 registrant's social security number. If the  
42 registrant does not have an Iowa driver's license  
43 number, a nonoperator's identification card number,  
44 or a social security number, the form shall provide  
45 space for a number to be assigned as provided in  
46 subsection 7.

47 Sec. 7. Section 48A.11, subsection 1, paragraph f,  
48 Code 2003, is amended to read as follows:

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

50 Sec. 8. Section 48A.11, Code 2003, is amended by

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1 adding the following new subsection:

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

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

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

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

11 Sec. 9. Section 48A.11, subsection 5, Code 2003,  
12 is amended to read as follows:

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

16 Sec. 10. Section 48A.11, Code 2003, is amended by  
17 adding the following new subsection:

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

34 Sec. 11. NEW SECTION. 48A.25A VERIFICATION OF  
35 VOTER REGISTRATION INFORMATION.

36 Upon receipt of an application for voter  
37 registration by mail, the state registrar of voters  
38 shall compare the driver's license number, the Iowa  
39 nonoperator's identification card number, or the last  
40 four numerals of the social security number provided  
41 by the registrant with the records of the state  
42 department of transportation. To be verified, the  
43 voter registration record shall contain the same name,  
44 date of birth, and driver's license or whole or  
45 partial social security number as the records of the  
46 department of transportation. If the information  
47 cannot be verified, the application shall be rejected  
48 and the registrant shall be notified of the reason for  
49 the rejection. If the information can be verified, a  
50 record shall be made of the verification and the

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1 application shall be accepted.

2 The voter registration commission shall adopt rules  
3 in accordance with chapter 17A to provide procedures  
4 for processing registration applications if the  
5 department of transportation does not, before the  
6 close of registration for an election for which the  
7 voter registration would be effective, if verified,  
8 provide a report that the information on the  
9 application has matched or not matched the records of  
10 the department.

11 This section does not apply to persons entitled to  
12 register to vote and to vote pursuant to section  
13 48A.5, subsection 4.

14 Sec. 12. Section 48A.26, subsection 3, Code 2003,  
15 is amended to read as follows:

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

29 Sec. 13. Section 48A.26, Code 2003, is amended by  
30 adding the following new subsections:

31 NEW SUBSECTION. 3A. If the registrant applied by  
32 mail to register to vote and did not answer either  
33 "yes" or "no" to the question in section 48A.11,  
34 subsection 2A, paragraph "a", the application shall be  
35 processed, but the registration shall be designated as  
36 valid only for elections that do not include  
37 candidates for federal offices on the ballot. The  
38 acknowledgment shall advise the applicant that the  
39 status of the registration is local and the reason for  
40 the registration being assigned local status. The  
41 commissioner shall enclose a new registration by mail  
42 form for the applicant to use. If the original  
43 application is received during the twelve days before  
44 the close of registration for an election that  
45 includes candidates for federal offices on the ballot,  
46 the commissioner shall provide the registrant with an  
47 opportunity to complete the form before the close of  
48 registration.

49 NEW SUBSECTION. 3B. If the registrant applied by  
50 mail to register to vote and answered "no" to the

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1 question in section 48A.11, subsection 2A, paragraph  
2 "a", the application shall not be processed. The  
3 acknowledgement shall advise the applicant that the  
4 registration has been rejected because the applicant  
5 indicated on the registration form that the applicant  
6 is not a citizen of the United States.

7 Sec. 14. Section 48A.28, subsection 2, unnumbered  
8 paragraph 2, Code 2003, is amended to read as follows:

9 A commissioner participating in the national change  
10 of address program, in the first quarter of each  
11 calendar year, shall send a notice and preaddressed,  
12 postage paid return card by forwardable mail to each  
13 registered voter whose name was not reported by the  
14 national change of address program and who has not  
15 voted, in two or more consecutive general elections  
16 and has not registered again, or who has not reported  
17 a change to an existing registration, or who has not  
18 responded to a notice from the commissioner or  
19 registrar during the preceding four calendar years  
20 period between and following the previous two general  
21 elections. The form and language of the notice and  
22 return card shall be specified by the state voter  
23 registration commission by rule. A registered voter  
24 shall not be sent a notice and return card under this  
25 subsection more frequently than once in a four-year  
26 period.

27 Sec. 15. Section 48A.36, subsection 2, Code 2003,  
28 is amended to read as follows:

29 2. Upon receipt of electronic registration data  
30 under subsection 1, the state registrar of voters ~~may~~  
31 shall cause the updating of registration records ~~for~~  
32 ~~registrants in counties which have arranged for data~~  
33 ~~processing services under section 47.7, subsection 2.~~  
34 The registrar shall notify the appropriate  
35 commissioner of the actions taken.

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

38 2. Electronic records shall include a status code  
39 designating whether the records are active, ~~or~~  
40 inactive, local or pending. Inactive records are  
41 records of registered voters to whom notices have been  
42 sent pursuant to section 48A.28, subsection 3, and who  
43 have not returned the card or otherwise responded to  
44 the notice, and those records have been designated  
45 inactive pursuant to section 48A.29. Local records  
46 are records of applicants who did not answer either  
47 "yes" or "no" to the question in section 48A.11,  
48 subsection 2A, paragraph "a". Pending records are  
49 records of applicants whose applications have not been  
50 verified pursuant to section 48A.25A. All other

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1 records are active records. An inactive record shall  
 2 be made active when the registered voter votes at an  
 3 election, registers again, or reports a change of  
 4 name, address, telephone number, or political party  
 5 affiliation. A pending record shall be made active  
 6 upon verification. A local record shall be valid for  
 7 any election for which no candidates for federal  
 8 office appear on the ballot, but the registrant may  
 9 not vote in a federal election unless the registrant  
 10 submits a new voter registration application before  
 11 election day indicating that the applicant is a  
 12 citizen of the United States.

13 Sec. 17. Section 48A.38, subsection 1, paragraph  
 14 f, Code 2003, is amended to read as follows:

15 f. The county commissioner of registration and the  
 16 state registrar of voters shall remove a voter's  
 17 social security number, driver's license number, or  
 18 Iowa nonoperator's identification card number from a  
 19 voter registration list prepared pursuant to this  
 20 section.

21 Sec. 18. Section 49.81, Code 2003, is amended to  
 22 read as follows:

23 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST  
 24 PROVISIONAL BALLOT.

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

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

48 Your qualifications as a registered voter have been  
 49 challenged for the following reasons:

50 I. ....

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- 1 II. ....
- 2 III. ....
- 3 ... You must show identification before your ballot
- 4 can be counted. Please bring or mail a copy of a
- 5 current and valid photo identification card to the
- 6 county commissioners office or bring or mail a copy of
- 7 one of the following current documents that show your
- 8 name and address:
- 9 a. Utility bill.
- 10 b. Bank statement.
- 11 c. Paycheck.
- 12 d. Government check.
- 13 e. Other government document.

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

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

34 4. The individual envelopes used for each ~~paper~~  
 35 provisional ballot cast pursuant to subsection 1 shall  
 36 have printed on them ~~the format of the face of the~~  
 37 ~~registration form under section 48A.8 and the~~  
 38 following:

39 I believe I am a registered voter of this ~~precinct~~  
 40 county and I am eligible to vote in this election. I  
 41 registered to vote in ..... county on or about .....  
 42 at ..... My name at that time was ..... I have not  
 43 moved to a different county since that time. I am a  
 44 United States citizen, at least eighteen years of age.  
 45 .....  
 46 (signature of voter) (date)

47 The following information is to be provided by the  
 48 precinct election official:  
 49 Reason for challenge:

50 .....

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1 .....  
 2 ... Did not present required identification form.  
 3 .....  
 4 (signature of precinct  
 5 election official)

6 The precinct election official shall attach a  
 7 completed voter registration form from each  
 8 provisional voter unless the person's registration  
 9 status is listed in the election register as pending.

10 Sec. 19. Section 49.98, Code 2003, is amended to  
 11 read as follows:

12 49.98 COUNTING BALLOTS.

13 The ballots shall be counted according to the  
 14 voters' marks on them as provided in sections 49.92 to  
 15 49.97, and not otherwise. If, for any reason, it is  
 16 impossible to determine from a ballot, as marked, the  
 17 choice of the voter for any office, the vote for that  
 18 office shall not be counted. When there is a conflict  
 19 between a straight party or organization vote for one  
 20 political party or nonparty political organization and  
 21 the vote cast by marking the voting target next to the  
 22 name of a candidate for another political party or  
 23 nonparty political organization on the ballot, the  
 24 mark next to the name of the candidate shall be held  
 25 to control, and the straight party or organization  
 26 vote in that case shall not apply as to that office.  
 27 ~~Any ballot shall be rejected if it is marked in any~~  
 28 ~~other manner than authorized in sections 49.92 to~~  
 29 ~~49.97.~~ A ballot shall be rejected if the voter used a  
 30 mark to identify the voter's ballot. For each voting  
 31 system, the state commissioner shall, by rule adopted  
 32 pursuant to chapter 17A, develop uniform definitions  
 33 of what constitutes a vote.

34 Sec. 20. Section 50.20, Code 2003, is amended to  
 35 read as follows:

36 50.20 NOTICE OF NUMBER OF SPECIAL PROVISIONAL  
 37 BALLOTS.

38 The commissioner shall compile a list of the number  
 39 of ~~special~~ provisional ballots cast under section  
 40 49.81 in each precinct. The list shall be made  
 41 available to the public as soon as possible, but in no  
 42 case later than nine o'clock a.m. on the second day  
 43 following the election. Any elector may examine the  
 44 list during normal office hours, and may also examine  
 45 the affidavit envelopes bearing the ballots of  
 46 challenged electors until the reconvening of the  
 47 special precinct board as required by this chapter.  
 48 Only those persons so permitted by section 53.23,  
 49 subsection 4, shall have access to the affidavits  
 50 while that board is in session. Any elector may

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1 present written statements or documents, supporting or  
2 opposing the counting of any special ballot, at the  
3 commissioner's office until the reconvening of the  
4 special precinct board.

5 Sec. 21. Section 50.21, unnumbered paragraph 2,  
6 Code 2003, is amended to read as follows:

7 If no ~~special~~ provisional ballots were cast in the  
8 county pursuant to section 49.81 at any election, the  
9 special precinct election board need not be so  
10 reconvened. If the number of ~~special~~ provisional  
11 ballots ~~are~~ cast at any election is not sufficient to  
12 require reconvening of the entire election board of  
13 the special precinct, the commissioner may reconvene  
14 only the number of members required. If the number of  
15 ~~special~~ provisional ballots cast at any election  
16 exceeds the number of absentee ballots cast, the size  
17 of the special precinct election board may be  
18 increased at the commissioner's discretion. The  
19 commissioner shall observe the requirements of  
20 sections 49.12 and 49.13 in making adjustments to the  
21 size of the special precinct election board.

22 Sec. 22. Section 52.2, Code 2003, is amended to  
23 read as follows:

24 52.2 PURCHASE.

25 The board of supervisors of any a county may, by a  
26 majority vote, authorize, purchase, and order the use  
27 of ~~either~~ voting machines or an electronic voting  
28 system in any one or more voting precincts within ~~said~~  
29 the county until otherwise ordered by ~~said~~ the board  
30 of supervisors. Voting machines and an electronic  
31 voting system may be used concurrently ~~at different~~  
32 ~~precincts within any county, but not~~ at the same  
33 precinct.

34 Sec. 23. NEW SECTION. 53.37A STATE COMMISSIONER  
35 DUTIES.

36 The state commissioner of elections shall provide  
37 information regarding voter registration procedures  
38 and absentee ballot procedures to be used by members  
39 of the armed forces of the United States. The state  
40 commissioner shall accept valid voter registration  
41 applications and absentee ballot applications and  
42 shall forward the applications to the appropriate  
43 county commissioner of elections in a timely manner.

44 Sec. 24. Section 53.40, unnumbered paragraph 1,  
45 Code 2003, is amended to read as follows:

46 A request in writing for a ballot may be made by  
47 any member of the armed forces of the United States  
48 who is or will be a qualified voter on the day of the  
49 election at which the ballot is to be cast, at any  
50 time before the election. Any member of the armed

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

16 Sec. 25. Section 53.53, Code 2003, is amended by  
17 adding the following new unnumbered paragraphs:

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

38 NEW UNNUMBERED PARAGRAPH. The county commissioner  
39 shall notify a voter when the voter's federal write-in  
40 ballot was not counted and shall give the voter the  
41 reason the ballot was not counted.

42 Sec. 26. IMMEDIATE EFFECTIVE DATE. This Act,  
43 being deemed of immediate importance, takes effect  
44 upon enactment."

45 2. Title page, by striking lines 3 and 4, and  
46 inserting the following: "to reflect current  
47 practice, and providing an".

By JOCHUM of Dubuque

**H-8399** FILED APRIL 6, 2004

LOST

**SENATE FILE 2269****H-8410**

1 Amend the amendment, H-8366, to Senate File 2269,  
2 as passed by the Senate, as follows:

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

5 "    . Page 16, line 4, by inserting after the  
6 word "day." the following: "The statement shall also  
7 point out that it is possible for an absentee ballot  
8 courier to personally deliver the completed absentee  
9 ballot to the office of the commissioner by 5 p.m. on  
10 election day.""

By JACOBS of Polk

**H-8410** FILED APRIL 6, 2004

WITHDRAWN

**SENATE FILE 2269****H-8424**

1 Amend the amendment, H-8366, to Senate File 2269,  
2 as passed by the Senate, as follows:

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

5 "    . Page 1, line 5, by inserting after the word  
6 "voter," the following: "a person designated by the  
7 voter to return the ballot on election day only,".

8     . Page 1, line 12, by inserting after the word  
9 "voter," the following: "a person designated by the  
10 voter to return the ballot on election day only,".

11     . Page 16, line 4, by inserting after the word  
12 "day." the following: "The statement shall also point  
13 out that if the ballot is delivered to the  
14 commissioner's office on election day, the applicant  
15 may designate any person to deliver the completed  
16 ballot to the commissioner's office.""

17 2. Page 1, by inserting after line 34, the  
18 following:

19 "d. The sealed carrier envelope may be delivered  
20 to the commissioner's office on election day by any  
21 person designated by the voter."

By T. TAYLOR of Linn

**H-8424** FILED APRIL 6, 2004

LOST

## SENATE FILE 2269

## H-8425

1 Amend the amendment, H-8366, to Senate File 2269,  
2 as passed by the Senate, as follows:

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

5 "\_\_\_\_. Page 1, line 5, by inserting after the word  
6 "voter," the following: "an absentee ballot  
7 courier,".

8 \_\_\_\_\_. Page 1, line 12, by inserting after the word  
9 "voter," the following: "an absentee ballot  
10 courier,".

11 \_\_\_\_\_. Page 16, line 4, by inserting after the word  
12 "day." the following: "The statement shall also point  
13 out that it is possible for an absentee ballot courier  
14 to personally deliver the completed absentee ballot to  
15 the office of the commissioner by five p.m. on  
16 election day."

17 2. Page 2, line 7, by striking the word  
18 "represents" and inserting the following: "acts as an  
19 actual or implied agent of".

20 3. Page 2, line 17, by striking the words "the  
21 person represents" and inserting the following: "for  
22 which the person is acting as an actual or implied  
23 agent".

24 4. Page 2, by striking lines 37 through 40, and  
25 inserting the following: "The state commissioner  
26 shall prescribe a form for receipts required by this  
27 subsection. The receipt shall include all of the  
28 following:

29 (1) The name of the courier.

30 (2) The date and time the voted absentee ballot  
31 was received from the voter.

32 (3) The name and date of the election for which  
33 the absentee ballot is being voted.

34 (4) The name of the political party, candidate, or  
35 committee for which the courier is acting as an actual  
36 or implied agent.

37 (5) A statement that the completed absentee ballot  
38 will be delivered to the commissioner's office within  
39 seventy-two hours or by five p.m. on election day,  
40 whichever is sooner."

By JACOBS of Polk

H-8425 FILED APRIL 6, 2004  
ADOPTED

## SENATE FILE 2269

## H-8426

1 Amend Senate File 2269, as passed by the Senate, as  
2 follows:

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

5 "Sec. \_\_\_\_\_. Section 39.21, Code 2003, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 4. Township trustees and township  
8 clerks as provided in section 39.22, subsection 2."

9 2. Page 1, by inserting before line 15 the  
10 following:

11 "Sec. \_\_\_\_\_. Section 43.14, subsection 1, unnumbered  
12 paragraph 1, Code 2003, is amended to read as follows:

13 Nomination papers shall include a petition and an  
14 affidavit of candidacy. All nomination petitions  
15 shall be eight and one-half by eleven inches in size  
16 and in substantially the form prescribed by the state  
17 commissioner of elections. The petition may contain  
18 signatures on the front and back of a sheet of paper.  
19 Each side shall be considered a separate page of the  
20 petition for purposes of this section. They Petitions  
21 shall include or provide spaces for the following  
22 information:

23 Sec. \_\_\_\_\_. Section 45.5, subsection 1, unnumbered  
24 paragraph 1, Code Supplement 2003, is amended to read  
25 as follows:

26 Nomination papers shall include a petition and an  
27 affidavit of candidacy. All nomination petitions  
28 shall be eight and one-half by eleven inches in size  
29 and shall be in substantially the form prescribed by  
30 the state commissioner of elections. The petition may  
31 contain signatures on the front and back of a sheet of  
32 paper. Each side shall be considered a separate page  
33 of the petition for purposes of this section. They  
34 Petitions shall provide spaces for the following  
35 information:

36 Sec. \_\_\_\_\_. Section 46.21, unnumbered paragraph 1,  
37 Code 2003, is amended to read as follows:

38 At least sixty-nine days before each judicial  
39 election, the state commissioner of elections shall  
40 certify to the county commissioner of elections of  
41 each county a list of the judges of the supreme court,  
42 court of appeals, and district court including  
43 district associate judges, full-time associate  
44 juvenile judges, and full-time associate probate  
45 judges, and clerks of the district court to be voted  
46 on in each county at that election. The county  
47 commissioner of elections shall place the names upon  
48 the ballot in the order in which they appear in the  
49 certificate, ~~unless only one county is voting thereon.~~  
50 The state commissioner of elections shall rotate the

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1 names in the certificate by county, ~~or the county~~  
2 ~~commissioner of elections shall rotate them upon the~~  
3 ~~ballot by precinct if only one county is voting~~  
4 ~~thereon.~~ The names of all judges and clerks to be  
5 voted on shall be placed upon one ballot, which shall  
6 be in substantially the following form:"

7 3. Page 9, by inserting after line 12 the  
8 following:

9 "Sec. \_\_\_\_ . Section 49.14, subsection 1, Code 2003,  
10 is amended to read as follows:

11 1. The commissioner may appoint substitute  
12 precinct election officials as alternates for election  
13 board members. ~~A majority of the original election~~  
14 ~~board members shall be present at the precinct polling~~  
15 ~~place at all times; However, at partisan elections~~  
16 ~~such the majority of election board members at the~~  
17 ~~precinct polling place shall include at least one~~  
18 ~~precinct election official from each political party.~~  
19 ~~If the chairperson leaves the polling place, the~~  
20 ~~chairperson shall designate another member of the~~  
21 ~~board to serve as chairperson until the chairperson~~  
22 ~~returns.~~ The responsibilities and duties of a  
23 precinct election official, other than the  
24 chairperson, present at the time the polling place was  
25 opened on the day of an election may be assumed at any  
26 later time that day by a substitute appointed as an  
27 alternate. The substitute shall serve either for the  
28 balance of that election day or for any shorter period  
29 of time the commissioner may designate.

30 Sec. \_\_\_\_ . Section 49.26, subsection 2, Code 2003,  
31 is amended to read as follows:

32 2. When voting machines are available for an  
33 election precinct, the commissioner shall determine in  
34 advance of each election conducted for a city of three  
35 thousand five hundred or less population or any school  
36 district in which voting occurs in that precinct  
37 whether voting there shall be by machine or paper  
38 ballot. ~~If the commissioner concludes, on the basis~~  
39 ~~of voter turnout for recent similar elections and~~  
40 ~~factors considered likely to affect voter turnout for~~  
41 ~~the forthcoming election, that voting will probably be~~  
42 ~~so light as to make preparation and use of paper~~  
43 ~~ballots less expensive than preparation and use of a~~  
44 ~~voting machine, paper ballots shall be used.~~

45 Sec. \_\_\_\_ . Section 49.30, subsection 1, Code 2003,  
46 is amended to read as follows:

47 1. Where special paper ballots are used, if it is  
48 not possible to include all offices and public  
49 measures on a single ballot, separate ballots may be  
50 provided for ~~township offices,~~ nonpartisan offices,

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1 judges, or public measures.

2 Sec. \_\_\_\_\_. Section 49.30, subsection 2, paragraph  
3 a, Code 2003, is amended to read as follows:

4 a. If it is impossible to place the names of all  
5 candidates on the machine ballot, the commissioner may  
6 provide a separate paper ballot for the candidates for  
7 judge of the district court, ~~the township offices,~~ and  
8 the nonpartisan offices listed in section 39.21. One  
9 of the paper ballots shall be furnished to each  
10 registered voter.

11 Sec. \_\_\_\_\_. Section 49.37, subsection 3, Code 2003,  
12 is amended to read as follows:

13 3. The commissioner shall arrange the partisan  
14 county offices on the ballot with the board of  
15 supervisors first, followed by the other county  
16 offices ~~and township offices~~ in the same sequence in  
17 which they appear in ~~sections~~ section 39.17 and 39.22.  
18 Nonpartisan offices shall be listed after partisan  
19 offices.

20 Sec. \_\_\_\_\_. Section 49.73, subsection 1, paragraph  
21 e, Code 2003, is amended to read as follows:

22 e. The unincorporated area of any county voting on  
23 a hotel and motel tax pursuant to section 422A.1 or a  
24 local option sales and services tax pursuant to  
25 section 422B.1."

26 4. Page 12, by inserting after line 10 the  
27 following:

28 "Sec. \_\_\_\_\_. Section 50.9, Code 2003, is amended to  
29 read as follows:

30 50.9 RETURN OF BALLOTS NOT VOTED.

31 Ballots not voted, or spoiled by voters while  
32 attempting to vote, shall be returned by the precinct  
33 election officials to the commissioner, and a receipt  
34 taken for the ballots. The ballots shall be preserved  
35 for twenty-two months following elections for federal  
36 offices ~~and for six months following elections for all~~  
37 ~~other offices.~~ For all other elections, ballots not  
38 voted, or spoiled by voters while attempting to vote,  
39 may be destroyed the day after the last day to contest  
40 the election, or the day after final determination of  
41 any pending contest."

42 5. Page 13, by inserting after line 8 the  
43 following:

44 "Sec. \_\_\_\_\_. Section 50.25, subsection 7, Code 2003,  
45 is amended by striking the subsection and inserting in  
46 lieu thereof the following:

47 7. County offices."

48 6. Page 13, by inserting after line 19 the  
49 following:

50 "Sec. \_\_\_\_\_. Section 52.7, Code 2003, is amended to

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1 read as follows:

2 52.7 CONSTRUCTION OF MACHINE APPROVED.

3 1. A voting machine approved by the state board of  
4 examiners for voting machines and electronic voting  
5 systems must be so constructed as to provide  
6 facilities for voting for the candidates of at least  
7 seven different parties or organizations, must permit  
8 a voter to vote for any person for any office although  
9 not nominated as a candidate by any party or  
10 organization, and must permit voting in absolute  
11 secrecy.

12 2. It must also be so constructed as to prevent  
13 voting for more than one person for the same office,  
14 except where the voter is lawfully entitled to vote  
15 for more than one person for that office; and it must  
16 afford the voter an opportunity to vote for any or all  
17 persons for that office as the voter is by law  
18 entitled to vote for and no more, at the same time  
19 preventing the voter from voting for the same person  
20 twice.

21 3. It may also be provided with one ballot in each  
22 party column or row containing only the words  
23 "presidential electors", preceded by the party name,  
24 and a vote for such ballot shall operate as a vote for  
25 all the candidates of such party for presidential  
26 electors.

27 4. Such machine shall be so constructed as to  
28 accurately account for every vote cast upon it.

29 5. A voting machine may be used at satellite  
30 voting stations or at the commissioner's office for  
31 voting of absentee ballots if the following apply:

32 a. The voting machine is a direct recording  
33 electronic voting system.

34 b. The voting machine is equipped with the ability  
35 to retrieve a ballot after the ballot has been voted.

36 c. The voting machine is so constructed to remove  
37 identifying information from the ballot before the  
38 ballot is tabulated.

39 Sec. \_\_\_\_ . Section 52.36, Code 2003, is amended to  
40 read as follows:

41 52.36 COMMISSIONER IN CHARGE OF COUNTING CENTER --  
42 APPOINTMENT OF RESOLUTION BOARD.

43 All proceedings at the counting center shall be  
44 under the direction of the commissioner and open to  
45 the public. The proceedings ~~shall~~ may be under the  
46 observation of at least one member of each of the  
47 political parties referred to in section 49.13, if  
48 members are designated by the county chairperson or,  
49 if the chairperson fails to make a designation, by the  
50 commissioner. No person except those employed and

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1 authorized by the commissioner for the purpose shall  
2 touch any ballot or ballot container.

3 The commissioner shall appoint from the lists  
4 provided by the county political party chairpersons a  
5 resolution board to tabulate write-in votes and to  
6 decide questions regarding damaged, defective, or  
7 other ballots which cannot be tabulated by machine.  
8 The commissioner shall appoint as many people to the  
9 resolution board as the commissioner believes are  
10 necessary. The resolution board shall be divided into  
11 two-person teams. Each team shall consist of people  
12 who are not members of the same political party. If a  
13 team is unable to decide how to count one or more  
14 ballots, a third person shall be available to consult  
15 with the team and to resolve disputes. Ballots which  
16 were objected to shall be endorsed and separated as  
17 required by section 50.4."

18 7. Page 13, line 28, by inserting after the word  
19 "ballot." the following: "However, for those  
20 elections in which the commissioner directs the polls  
21 be opened at noon pursuant to section 49.73, a voter  
22 may apply in person for an absentee ballot at the  
23 commissioner's office from eight a.m. until eleven  
24 a.m. on election day."

25 8. Page 18, by inserting after line 4 the  
26 following:

27 "Sec. \_\_\_\_ . Section 376.11, unnumbered paragraphs  
28 1, 3, 4, and 5, Code 2003, are amended to read as  
29 follows:

30 Write-in votes are permitted to be cast in all  
31 elections for city offices. A person who receives a  
32 sufficient number of write-in votes to be elected to a  
33 city office shall be declared the winner of the  
34 election. If a person who was elected by write-in  
35 votes chooses not to serve in that office the person  
36 shall submit a resignation in writing to the city  
37 clerk not later than five ~~o'clock~~ p.m. on the tenth  
38 day following the canvass of the election. If a  
39 person who was elected by write-in votes resigns at a  
40 later time, the office shall be considered vacant at  
41 the end of the term and the council shall fill the  
42 vacancy pursuant to the provisions of section 372.13,  
43 subsection 2.

44 In city primary elections any person who receives  
45 write-in votes shall execute an affidavit in  
46 substantially the form required by section 45.3, and  
47 file it with the county commissioner of elections or  
48 the city clerk not later than five ~~o'clock~~ p.m. on the  
49 fourth day after following the canvass of the primary  
50 election. If any person who received write-in votes

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1 fails to file the affidavit at the time required, the  
2 county commissioner shall disregard the write-in votes  
3 cast for that person. A notation shall be made on the  
4 abstract of votes showing which persons who received  
5 write-in votes filed affidavits. The total number of  
6 votes cast for each office on the ballot shall be  
7 amended by subtracting the write-in votes of those  
8 candidates who failed to file the affidavit. It is  
9 not necessary for a candidate whose name was printed  
10 upon the ballot to file an affidavit. Of the  
11 remaining candidates, those who receive the highest  
12 number of votes to the extent of twice the number of  
13 unfilled positions shall be placed on the ballot for  
14 the regular city election as candidates for that  
15 office.

16 In cities in which the city council has chosen a  
17 runoff election in lieu of a primary, if a person who  
18 was elected by write-in votes chooses not to accept  
19 the office by filing a resignation notice with the  
20 city clerk or commissioner of elections not later than  
21 five ~~o'clock~~ p.m. on the fourth day following the  
22 canvass, all remaining persons who received write-in  
23 votes and who wish to be considered candidates for the  
24 runoff election shall execute an affidavit in  
25 substantially the form required by section 45.3 and  
26 file it with the county commissioner or the city clerk  
27 not later than five ~~o'clock~~ p.m. of the fourth day  
28 following the canvass. If a person receiving write-in  
29 votes fails to file the affidavit at the time  
30 required, the county commissioner of elections shall  
31 disregard the write-in votes cast for that person.  
32 The abstract of votes shall be amended to show that  
33 the person who was declared elected declined the  
34 office and a notation shall be made next to the names  
35 of those persons who did not file the affidavit. A  
36 runoff election shall be held with the remaining  
37 candidates who have the highest number of votes to the  
38 extent of twice the number of unfilled positions.

39 In a city in which the council has chosen a runoff  
40 election, if no person was declared elected for an  
41 office all persons who received write-in votes shall  
42 execute an affidavit in substantially the form  
43 required by section 45.3 and file it with the county  
44 commissioner of elections or the city clerk not later  
45 than five ~~o'clock~~ p.m. on the fourth day following the  
46 canvass of votes. If any person who received write-in  
47 votes fails to file the affidavit the county  
48 commissioner of elections shall disregard the write-in  
49 votes cast for that person. The abstract of votes  
50 shall be amended to note which of the write-in

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1 candidates failed to file the affidavit. A runoff  
 2 election shall be held with the remaining candidates  
 3 who have the highest number of votes to the extent of  
 4 twice the number of unfilled positions."  
 5 9. By renumbering as necessary.

**By MASCHER of Johnson**

**H-8426** FILED APRIL 6, 2004

LOST

**SENATE FILE 2269**

**H-8428**

1 Amend Senate File 2269, as passed by the Senate, as  
2 follows:

3 1. Page 16, by inserting after line 4, the  
4 following:

5 "Sec. \_\_\_\_ . Section 53.9, Code Supplement 2003, is  
6 amended to read as follows:

7 53.9 PROHIBITED PERSONS.

8 No person required to file reports under chapter  
 9 68A, and no person acting as an actual or implied  
 10 agent for a person required to file reports under  
 11 chapter 68A, shall receive absentee ballots on behalf  
 12 of voters. This prohibition does not apply to section  
 13 53.17, except that a person named on the ballot as a  
 14 candidate for an election is prohibited from  
 15 delivering or mailing to the commissioner a completed  
 16 absentee ballot, other than the candidate's own  
 17 completed absentee ballot, for that election."

18 2. By renumbering as necessary.

**By GASKILL of Wapello**

**H-8428** FILED APRIL 6, 2004

LOST

**SENATE FILE 2269****H-8429**

1 Amend Senate File 2269, as passed by the Senate, as  
2 follows:

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

5 "Sec. \_\_\_\_\_. Section 39A.3, subsection 1, Code 2003,  
6 is amended by adding the following new paragraph:

7 NEW PARAGRAPH. c. INTERFERENCE WITH VOTING.

8 (1) Interrupts, hinders, or opposes a voter while  
9 in or approaching the polling place for the purpose of  
10 voting.

11 (2) An election official who, on election day,  
12 fails to perform duties prescribed by chapters 43 and  
13 49 and such failure prevents a person lawfully  
14 entitled to vote from voting.

15 If the county attorney receives four or more  
16 complaints alleging a violation of this paragraph "c"  
17 and such complaints allege a violation at the same  
18 polling place, the county attorney shall investigate  
19 the complaints.

20 Sec. \_\_\_\_\_. Section 39A.4, subsection 1, paragraph  
21 a, subparagraph (2), is amended by striking the  
22 subparagraph."

23 2. By renumbering as necessary.

**By** FORD of Polk

**H-8429** FILED APRIL 6, 2004

LOST

**SENATE FILE 2269****H-8430**

1 Amend the amendment, H-8366, to Senate File 2269,  
2 as passed by the Senate, as follows:

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

5 "\_\_\_\_. Page 1, by inserting before line 1, the  
6 following:

7 "Section 1. Section 39A.2, subsection 1, paragraph  
8 b, subparagraph (1), Code 2003, is amended to read as  
9 follows:

10 (1) Destroys, delivers, or handles an application  
11 for a ballot or an absentee ballot with the intent of  
12 interfering with the voter's right to vote, except as  
13 otherwise provided in section 53.17, subsection 4.

14 Sec. 2. Section 39A.3, subsection 1, paragraph a,  
15 Code 2003, is amended by adding the following new  
16 subparagraph:

17 NEW SUBPARAGRAPH. (4) Violates any part of  
18 section 53.17, subsection 4."

19 2. Page 2, by striking lines 46 through 48, and  
20 inserting the following: "election misconduct in the  
21 second degree, pursuant to section 39A.3, subsection  
22 1, paragraph "a", subparagraph (4)."

23 3. By renumbering as necessary.

**By** FORD of Polk

**H-8430** FILED APRIL 6, 2004

LOST

## SENATE FILE 2269

## H-8438

1 Amend the amendment, H-8366, to Senate File 2269,  
2 as passed by the Senate, as follows:

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

5 "\_\_\_\_. Page 1, line 5, by inserting after the word  
6 "voter," the following: "an absentee ballot  
7 courier, "."

8 \_\_\_\_\_. Page 1, line 12, by inserting after the word  
9 "voter," the following: "an absentee ballot  
10 courier, "."

11 2. Page 1, by inserting before line 3 the  
12 following:

13 "\_\_\_\_. Page 16, line 4, by inserting after the  
14 word "day." the following: "The statement shall also  
15 point out that it is possible for an absentee ballot  
16 courier to personally deliver the completed absentee  
17 ballot to the office of the commissioner before the  
18 closing of the polls on election day."

19 3. Page 2, line 7, by striking the word  
20 "represents" and inserting the following: "acts as an  
21 actual or implied agent of".

22 4. Page 2, line 17, by striking the words "the  
23 person represents" and inserting the following: "for  
24 which the person is acting as an actual or implied  
25 agent".

26 5. Page 2, line 20, by striking the word  
27 "commissioner." and inserting the following:  
28 "commissioner or within seventy-two hours of  
29 completing the training required in paragraph "c".  
30 However, after completing training, a person is  
31 immediately eligible to act as a courier."

32 6. Page 2, by striking line 30, and inserting the  
33 following: "the respective state or county central  
34 committees, or those committees' designees. The".

35 7. Page 2, by striking lines 37 through 40, and  
36 inserting the following: "The state commissioner  
37 shall prescribe a form for receipts required by this  
38 subsection. The receipt shall include all of the  
39 following:

40 (1) The name of the courier.

41 (2) The date and time the voted absentee ballot  
42 was received from the voter.

43 (3) The name and date of the election for which  
44 the absentee ballot is being voted.

45 (4) The name of the political party, candidate, or  
46 committee for which the courier is acting as an actual  
47 or implied agent.

48 (5) A statement that the completed absentee ballot  
49 will be delivered to the commissioner's office within  
50 seventy-two hours or at any time before the closing of

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1 the polls on election day, whichever is sooner."  
2 8. Page 2, line 44, by inserting after the word  
3 "office." the following: "The sheet shall also list  
4 the names of any courier who actually retrieved a  
5 completed absentee ballot from a voter if it is  
6 someone other than the courier delivering the ballot  
7 to the commissioner's office."

By PETERSEN of Polk

GASKILL of Wapello

MASCHER of Johnson

JOCHUM of Dubuque

**H-8438** FILED APRIL 6, 2004

LOST

**HOUSE AMENDMENT TO  
SENATE FILE 2269**

**S-5292**

1 Amend Senate File 2269, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 5, by inserting after the word  
4 "voter," the following: "an absentee ballot  
5 courier,".

6 2. Page 1, line 12, by inserting after the word  
7 "voter," the following: "an absentee ballot  
8 courier,".

9 3. Page 13, by inserting after line 8, the  
10 following:

11 "Sec. \_\_\_\_\_. Section 52.1, subsection 2, paragraph  
12 h, Code 2003, is amended to read as follows:

13 h. "Voting machine" means a mechanical or  
14 electronic device, meeting the requirements of section  
15 52.7, designated for use in casting, registering,  
16 recording, and counting votes at an election. "Voting  
17 machine" includes, but is not limited to, direct  
18 recording electronic devices."

19 4. Page 13, by inserting after line 19, the  
20 following:

21 "Sec. \_\_\_\_\_. Section 52.5, unnumbered paragraph 2,  
22 Code 2003, is amended to read as follows:

23 The state commissioner shall formulate, with the  
24 advice and assistance of the examiners, and adopt  
25 rules governing the testing and examination of any  
26 voting machine or electronic voting system by the  
27 board of examiners. The rules shall prescribe the  
28 method to be used in determining whether the machine  
29 or system is suitable for use within the state and  
30 performance standards for voting equipment in use  
31 within the state. The rules shall provide that all  
32 electronic voting systems and voting machines approved  
33 for use by the examiners after April 9, 2003, shall  
34 meet voting systems performance and test standards, as  
35 adopted by the federal election commission on April  
36 30, 2002, and as deemed adopted by Pub. L. No. 107-  
37 252, section 222. The rules shall include standards  
38 for determining when recertification is necessary  
39 following modifications to the equipment or to the  
40 programs used in tabulating votes, and a procedure for  
41 rescinding certification if a system or machine is  
42 found not to comply with performance standards adopted  
43 by the state commissioner.

44 Sec. \_\_\_\_\_. Section 52.7, unnumbered paragraphs 2  
45 and 4, Code 2003, are amended to read as follows:

46 It must also be so constructed as to prevent voting  
47 for more than one person for the same office, except  
48 where the voter is lawfully entitled to vote for more  
49 than one person for that office; and it must afford  
50 the voter an opportunity to vote for any or all

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1 persons for that office as the voter is by law  
2 entitled to vote for and no more, at the same time  
3 preventing the voter from voting for the same person  
4 twice. The voting machine must be so constructed as  
5 to provide the voter with an opportunity to change a  
6 vote before the ballot is recorded and counted.

7 Such machine shall be so constructed as to  
8 accurately account for every vote cast upon it. The  
9 machine shall be so constructed as to remove  
10 information from the ballot identifying the voter  
11 before the ballot is recorded and counted. If the  
12 machine is a direct electronic recording device, the  
13 machine shall be so constructed as to store each  
14 ballot cast separate from the ballot tabulation  
15 function, which ballot may be reproduced on paper in  
16 the case of a recount, manual audit, or machine  
17 malfunction."

18 5. Page 16, line 4, by inserting after the word  
19 "day." the following: "The statement shall also point  
20 out that it is possible for an absentee ballot courier  
21 to personally deliver the completed absentee ballot to  
22 the office of the commissioner by five p.m. on  
23 election day."

24 6. Page 16, by striking lines 5 through 23 and  
25 inserting the following:

26 "Sec. \_\_\_\_ . Section 53.17, Code 2003, is amended to  
27 read as follows:

28 53.17 MAILING OR DELIVERING BALLOT.

29 1. The sealed envelope containing the absentee  
30 ballot shall be enclosed in a carrier envelope which  
31 shall be securely sealed. The sealed carrier envelope  
32 shall be returned to the commissioner by one of the  
33 following methods:

34 ~~1.~~ a. The sealed carrier envelope may be delivered  
35 by the registered voter, by the special precinct  
36 election officials designated pursuant to section  
37 53.22, subsection 1, or by the voter's designee if the  
38 absentee ballot is voted by a voter described in  
39 section 53.22, subsection 5, to the commissioner's  
40 office no later than the time the polls are closed on  
41 election day, except as otherwise provided in  
42 subsection 4.

43 ~~2.~~ b. The sealed carrier envelope may be mailed to  
44 the commissioner by the registered voter, by an  
45 immediate family member of the voter, or by the  
46 voter's designee if the ballot is voted by a voter  
47 described in section 53.22, subsection 5. ~~The carrier~~  
48 envelope shall indicate that greater postage than  
49 ordinary first class mail may be required. ~~The~~  
50 commissioner shall pay any insufficient postage due on

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1 ~~a carrier envelope bearing ordinary first class~~  
2 ~~postage and accept the ballot.~~

3 c. The sealed carrier envelope may be delivered to  
4 the commissioner by an absentee ballot courier, but  
5 only as provided in subsection 4.

6 2. In order for the ballot to be counted, the  
7 carrier envelope must be received in the  
8 commissioner's office before the polls close on  
9 election day or be clearly postmarked by an officially  
10 authorized postal service not later than the day  
11 before the election and received by the commissioner  
12 not later than noon on the Monday following the  
13 election.

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

28 4. a. A person who acts as an actual or implied  
29 agent of a political party, candidate, or committee,  
30 as defined by chapter 68A, shall register with the  
31 commissioner as an absentee ballot courier in order to  
32 deliver completed absentee ballots to the  
33 commissioner. A candidate whose name is on the ballot  
34 or an elected official shall not be allowed to  
35 register as an absentee ballot courier.

36 b. The registration shall include the courier's  
37 name and address and the best means for contacting the  
38 person or the political party, candidate, or committee  
39 for which the person is acting as an actual or implied  
40 agent. An absentee ballot courier must register with  
41 the commissioner prior to each election for which the  
42 person will be delivering completed absentee ballots  
43 to the commissioner. For each election, the  
44 commissioner shall maintain a list of all persons who  
45 have registered as absentee ballot couriers.

46 c. A person wishing to register as an absentee  
47 ballot courier must complete a training course in the  
48 laws, procedures, and penalties related to handling  
49 completed absentee ballots. The training course shall  
50 be conducted by the commissioner; the commissioner's

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1 designee; or, in the case of partisan elections, by  
2 the respective county central committees. The  
3 curriculum for the training course shall be  
4 established by the state commissioner by rule adopted  
5 pursuant to chapter 17A.

6 d. When an absentee ballot courier retrieves a  
7 completed absentee ballot from a voter, the courier  
8 shall fill out a receipt to be retained by the voter.  
9 The state commissioner shall prescribe a form for  
10 receipts required by this subsection. The receipt  
11 shall include all of the following:

12 (1) The name of the courier.

13 (2) The date and time the voted absentee ballot  
14 was received from the voter.

15 (3) The name and date of the election for which  
16 the absentee ballot is being voted.

17 (4) The name of the political party, candidate, or  
18 committee for which the courier is acting as an actual  
19 or implied agent.

20 (5) A statement that the completed absentee ballot  
21 will be delivered to the commissioner's office within  
22 seventy-two hours or by five p.m. on election day,  
23 whichever is sooner.

24 e. An absentee ballot courier shall submit a cover  
25 sheet listing the names of persons whose ballots are  
26 being delivered each time the courier delivers ballots  
27 to the commissioner's office.

28 f. A violation of any part of this subsection is  
29 election misconduct in the first degree, pursuant to  
30 section 39A.2, subsection 1, paragraph "b",  
31 subparagraph (1).

32 5. For purposes of this section, "immediate family  
33 member" means the spouse, adult child or stepchild,  
34 adult grandchild, parent or stepparent, grandparent,  
35 or adult sibling of the voter."

36 7. Title page, line 3, by inserting after the  
37 word "practice," the following: "making changes  
38 related to voting machines,".

39 8. By renumbering, relettering, or redesignating  
40 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

**S-5292** FILED APRIL 7, 2004

## SENATE FILE 2269

## S-5342

1 Amend the House amendment, S-5292, to Senate File  
2 2269, as passed by the Senate, as follows:

3 1. Page 2, by striking lines 22 and 23, and  
4 inserting the following: "the office of the  
5 commissioner within seventy-two hours of retrieving  
6 the completed ballot or before the closing of the  
7 polls on election day, whichever is earlier."

8 2. Page 2, by inserting after line 17, the  
9 following:

10 "\_\_\_\_. Page 13, line 26, by striking the words  
11 "commissioner, or" and inserting the following:  
12 "commissioner, or. A registered voter may".

13 \_\_\_\_\_. Page 13, line 28, by inserting after the  
14 word "ballot." the following: "A written application  
15 for an absentee ballot must be received by the  
16 commissioner no later than five p.m. on the Friday  
17 before the election."

18 \_\_\_\_\_. Page 14, line 17, by inserting after the  
19 word "applicant" the following: "or no later than  
20 five p.m. on the Friday before the election, whichever  
21 is earlier".

22 \_\_\_\_\_. Page 15, line 4, by inserting after the word  
23 "applicant" the following: "or no later than five  
24 p.m. on the Friday before the election, whichever is  
25 earlier".

26 3. Page 3, line 43, by inserting after the word  
27 "commissioner." the following: "However, if a person  
28 has completed training as an absentee ballot courier  
29 and the person is unable to register because the  
30 commissioner's office is closed, the person may  
31 retrieve completed absentee ballots if the political  
32 party, candidate, or committee for which the person  
33 acts as an actual or implied agent immediately  
34 notifies the commissioner by facsimile transmission or  
35 electronic mail that the person has successfully  
36 completed the required training and will register with  
37 the commissioner within seventy-two hours of  
38 completing training."

39 4. Page 4, by striking line 2, and inserting the  
40 following: "the respective state or county central  
41 committees, or a member of the paid staff of such  
42 committees, by the county party, the state party, or a  
43 candidate affiliated with such parties. The".

44 5. Page 4, line 22, by striking the words "by  
45 five p.m." and inserting the following: "before the  
46 closing of the polls".

47 6. Page 4, by inserting after line 35, the  
48 following:

49 "\_\_\_\_. Page 18, line 6, by inserting after the  
50 word "enactment" the following: "and applies to

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1 elections held on or after September 15, 2004".

2 7. Page 4, by inserting after line 38 the  
3 following:

4 "\_\_\_\_. Title page, lines 4 and 5, by striking the  
5 words "an effective date" and inserting the following:  
6 "effective and applicability dates".

7 8. By renumbering as necessary.

By JOHN P. KIBBIE

**S-5342** FILED APRIL 13, 2004

**SENATE FILE 2269****S-5355**

1 Amend the House amendment, S-5292, to Senate File  
2 2269, as passed by the Senate, as follows:

3 1. Page 1, by inserting before line 9, the  
4 following:

5 "\_\_\_\_. Page 1, by inserting after line 14 the  
6 following:

7 "Sec. \_\_\_\_ Section 46.21, unnumbered paragraph 1,  
8 Code 2003, is amended to read as follows:

9 At least sixty-nine days before each judicial  
10 election, the state commissioner of elections shall  
11 certify to the county commissioner of elections of  
12 each county a list of the judges of the supreme court,  
13 court of appeals, and district court including  
14 district associate judges, full-time associate  
15 juvenile judges, and full-time associate probate  
16 judges, and clerks of the district court to be voted  
17 on in each county at that election. The county  
18 commissioner of elections shall place the names upon  
19 the ballot in the order in which they appear in the  
20 certificate, ~~unless only one county is voting thereon.~~  
21 ~~The state commissioner of elections shall rotate the~~  
22 ~~names in the certificate by county, or the county~~  
23 ~~commissioner of elections shall rotate them upon the~~  
24 ~~ballot by precinct if only one county is voting~~  
25 ~~thereon.~~ The names of all judges and clerks to be  
26 voted on shall be placed upon one ballot, which shall  
27 be in substantially the following form:""

By DICK L. DEARDEN

MATT McCOY

**S-5355** FILED APRIL 13, 2004

SENATE FILE 2269

S-5367

1 Amend the House amendment, S-5292, to Senate File  
2 2269, as passed by the Senate, as follows:

3 1. Page 2, by inserting after line 17, the  
4 following:

5 "\_\_\_\_\_. Page 13, line 26, by striking the words  
6 "commissioner, or" and inserting the following:  
7 "commissioner, ~~or~~. A registered voter may".

8 \_\_\_\_\_ . Page 13, line 28, by inserting after the  
9 word "ballot." the following: "A written application  
10 for an absentee ballot must be received by the  
11 commissioner no later than five p.m. on the Friday  
12 before the election."

13 \_\_\_\_\_ . Page 14, line 17, by inserting after the  
14 word "applicant" the following: "or no later than  
15 five p.m. on the Friday before the election, whichever  
16 is earlier".

17 \_\_\_\_\_ . Page 15, line 4, by inserting after the word  
18 "applicant" the following: "or no later than five  
19 p.m. on the Friday before the election, whichever is  
20 earlier".

21 2. Page 2, by striking lines 22 and 23, and  
22 inserting the following: "the office of the  
23 commissioner within seventy-two hours of retrieving  
24 the completed ballot or before the closing of the  
25 polls on election day, whichever is earlier."

26 3. Page 3, line 30, by striking the word  
27 "register" and inserting the following: "be  
28 registered".

29 4. Page 3, lines 34 and 35, by striking the words  
30 "allowed to register" and inserting the following:  
31 "registered".

32 5. Page 3, line 36, by striking the word "The"  
33 and inserting the following: "Absentee ballot  
34 couriers shall be registered with the commissioner by  
35 the person providing the training required in  
36 paragraph "c". The".

37 6. Page 3, line 40, by striking the word  
38 "register" and inserting the following: "be  
39 registered".

40 7. Page 3, line 43, by inserting after the word  
41 "commissioner." the following: "However, if a person  
42 has completed training as an absentee ballot courier  
43 and the trainer is unable to register the person  
44 because the commissioner's office is closed, the  
45 person may retrieve completed absentee ballots if the  
46 trainer registers the courier with the commissioner by  
47 facsimile transmission within twenty-four hours of  
48 completion of training or by personally delivering the  
49 registration information to the commissioner's office  
50 by the close of the next business day following

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1 completion of training or by mailing the registration  
2 information to the commissioner, in which case the  
3 mailing must be postmarked no later than the next  
4 business day following completion of training."

5 8. Page 3, line 45, by inserting after the word  
6 "have" the following: "been".

7 9. Page 3, line 46, by striking the word  
8 "register" and inserting the following: "be  
9 registered".

10 10. Page 4, by striking line 2, and inserting the  
11 following: "the respective state or county central  
12 committees, or a member of the paid staff of such  
13 committees, or by the county party or the state party,  
14 or a member of the paid staff of such parties. The".

15 11. Page 4, line 22, by striking the words "by  
16 five p.m." and inserting the following: "before the  
17 closing of the polls".

18 12. Page 4, line 23, by striking the word  
19 "sooner" and inserting the following: "earlier".

20 13. Page 4, by inserting after line 23, the  
21 following:

22 " (6) A statement informing the voter that the  
23 voter may verify that the person retrieving the  
24 completed ballot is a registered absentee ballot  
25 courier by contacting the county auditor's office."

26 14. Page 4, line 27, by inserting after the word  
27 "office." the following: "A completed ballot and  
28 cover sheet shall only be delivered to the  
29 commissioner's office by the absentee ballot courier  
30 who retrieved the ballot or by one other absentee  
31 ballot courier designated by the political party,  
32 candidate, or committee for which the absentee ballot  
33 couriers are acting as actual or implied agents. The  
34 cover sheet shall include space for the name and  
35 signature of the absentee ballot courier who retrieved  
36 the ballot and the name and signature of any second  
37 absentee ballot courier designated to deliver the  
38 ballot and cover sheet to the commissioner's office."

39 15. Page 4, by inserting after line 35, the  
40 following:

41 "\_\_\_\_. Page 18, line 6, by inserting after the  
42 word "enactment" the following: "and applies to  
43 elections held on or after September 15, 2004"."

44 16. Page 4, by inserting after line 38 the  
45 following:

46 "\_\_\_\_. Title page, lines 4 and 5, by striking the  
47 words "an effective date" and inserting the following:  
48 "effective and applicability dates".

49 17. By renumbering as necessary.

**By** MARK ZIEMAN

**S-5367** FILED APRIL 14, 2004

ADOPTED

**SENATE AMENDMENT TO HOUSE AMENDMENT TO  
SENATE FILE 2269**

**H-8552**

1 Amend the House amendment, S-5292, to Senate File  
2 2269, as passed by the Senate, as follows:  
3 1. Page 1, by inserting before line 9, the  
4 following:  
5 "\_\_\_\_. Page 1, by inserting after line 14 the  
6 following:  
7 "Sec. \_\_\_\_ Section 46.21, unnumbered paragraph 1,  
8 Code 2003, is amended to read as follows:  
9 At least sixty-nine days before each judicial  
10 election, the state commissioner of elections shall  
11 certify to the county commissioner of elections of  
12 each county a list of the judges of the supreme court,  
13 court of appeals, and district court including  
14 district associate judges, full-time associate  
15 juvenile judges, and full-time associate probate  
16 judges, and clerks of the district court to be voted  
17 on in each county at that election. The county  
18 commissioner of elections shall place the names upon  
19 the ballot in the order in which they appear in the  
20 certificate, ~~unless only one county is voting thereon.~~  
21 The state commissioner of elections shall rotate the  
22 names in the certificate by county, ~~or the county~~  
23 ~~commissioner of elections shall rotate them upon the~~  
24 ~~ballot by precinct if only one county is voting~~  
25 ~~thereon.~~ The names of all judges and clerks to be  
26 voted on shall be placed upon one ballot, which shall  
27 be in substantially the following form:"  
28 2. Page 2, by inserting after line 17, the  
29 following:  
30 "\_\_\_\_. Page 13, line 26, by striking the words  
31 "commissioner, or" and inserting the following:  
32 "commissioner, ~~or~~. A registered voter may".  
33 \_\_\_\_\_. Page 13, line 28, by inserting after the  
34 word "ballot." the following: "A written application  
35 for an absentee ballot must be received by the  
36 commissioner no later than five p.m. on the Friday  
37 before the election."  
38 \_\_\_\_\_. Page 14, line 17, by inserting after the  
39 word "applicant" the following: "or no later than  
40 five p.m. on the Friday before the election, whichever  
41 is earlier".  
42 \_\_\_\_\_. Page 15, line 4, by inserting after the word  
43 "applicant" the following: "or no later than five  
44 p.m. on the Friday before the election, whichever is  
45 earlier".  
46 3. Page 2, by striking lines 22 and 23, and  
47 inserting the following: "the office of the  
48 commissioner within seventy-two hours of retrieving  
49 the completed ballot or before the closing of the  
50 polls on election day, whichever is earlier."

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- 1 4. Page 3, line 30, by striking the word  
2 "register" and inserting the following: "be  
3 registered".
- 4 5. Page 3, lines 34 and 35, by striking the words  
5 "allowed to register" and inserting the following:  
6 "registered".
- 7 6. Page 3, line 36, by striking the word "The"  
8 and inserting the following: "Absentee ballot  
9 couriers shall be registered with the commissioner by  
10 the person providing the training required in  
11 paragraph "c". The".
- 12 7. Page 3, line 40, by striking the word  
13 "register" and inserting the following: "be  
14 registered".
- 15 8. Page 3, line 43, by inserting after the word  
16 "commissioner." the following: "However, if a person  
17 has completed training as an absentee ballot courier  
18 and the trainer is unable to register the person  
19 because the commissioner's office is closed, the  
20 person may retrieve completed absentee ballots if the  
21 trainer registers the courier with the commissioner by  
22 facsimile transmission within twenty-four hours of  
23 completion of training or by personally delivering the  
24 registration information to the commissioner's office  
25 by the close of the next business day following  
26 completion of training or by mailing the registration  
27 information to the commissioner, in which case the  
28 mailing must be postmarked no later than the next  
29 business day following completion of training."
- 30 9. Page 3, line 45, by inserting after the word  
31 "have" the following: "been".
- 32 10. Page 3, line 46, by striking the word  
33 "register" and inserting the following: "be  
34 registered".
- 35 11. Page 4, by striking line 2, and inserting the  
36 following: "the respective state or county central  
37 committees, or a member of the paid staff of such  
38 committees, or by the county party or the state party,  
39 or a member of the paid staff of such parties. The".
- 40 12. Page 4, line 22, by striking the words "by  
41 five p.m." and inserting the following: "before the  
42 closing of the polls".
- 43 13. Page 4, line 23, by striking the word  
44 "sooner" and inserting the following: "earlier".
- 45 14. Page 4, by inserting after line 23, the  
46 following:  
47 "(6) A statement informing the voter that the  
48 voter may verify that the person retrieving the  
49 completed ballot is a registered absentee ballot  
50 courier by contacting the county auditor's office."

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1 15. Page 4, line 27, by inserting after the word  
2 "office." the following: "A completed ballot and  
3 cover sheet shall only be delivered to the  
4 commissioner's office by the absentee ballot courier  
5 who retrieved the ballot or by one other absentee  
6 ballot courier designated by the political party,  
7 candidate, or committee for which the absentee ballot  
8 couriers are acting as actual or implied agents. The  
9 cover sheet shall include space for the name and  
10 signature of the absentee ballot courier who retrieved  
11 the ballot and the name and signature of any second  
12 absentee ballot courier designated to deliver the  
13 ballot and cover sheet to the commissioner's office."

14 16. Page 4, by inserting after line 35, the  
15 following:

16 "\_\_\_". Page 18, line 6, by inserting after the  
17 word "enactment" the following: "and applies to  
18 elections held on or after September 15, 2004"."

19 17. Page 4, by inserting after line 38 the  
20 following:

21 "\_\_\_". Title page, lines 4 and 5, by striking the  
22 words "an effective date" and inserting the following:  
23 "effective and applicability dates".

24 18. By renumbering, relettering, or redesignating  
25 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

**H-8552** FILED APRIL 14, 2004

CONCURRED

Zieman  
Tinsman  
Connolly

Enacted,  
SF/HF 2269 SSB# 3161  
State Government

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON ZIEMAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

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

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

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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 by mail or in person, to the commissioner's office and the  
5 person returning the ballot is not the voter, a special  
6 precinct election official designated pursuant to section  
7 53.22, subsection 1, or the designee of a voter described in  
8 section 53.22, subsection 5.

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

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

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

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

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

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

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

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

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

1     Sec. 4. Section 47.8, Code Supplement 2003, is amended by  
2 adding the following new subsection:

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

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

11     48A.8 REGISTRATION BY MAIL.

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

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

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

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

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

18    Sec. 6. Section 48A.11, subsection 1, paragraph b, Code  
 19 2003, is amended to read as follows:

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

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

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

34    Sec. 8. Section 48A.11, subsection 1, paragraph f, Code  
 35 2003, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

35 Upon receipt of an application for voter registration by

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

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

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

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

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

1 an opportunity to complete the form before the close of  
2 registration.

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

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

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

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

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

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

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

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

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

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

1 candidates for federal office appear on the ballot, but the  
2 registrant may not vote in a federal election unless the  
3 registrant submits a new voter registration application before  
4 election day indicating that the applicant is a citizen of the  
5 United States.

6 Sec. 18. Section 48A.38, subsection 1, paragraph f, Code  
7 2003, is amended to read as follows:

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

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

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

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

34 2. Each person who casts a ~~special~~ provisional ballot  
35 under this section shall receive a printed statement in

1 substantially the following form:

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

- 4 I. ....
- 5 II. ....
- 6 III. ....

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

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

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

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

34 4. The individual envelopes used for each paper  
35 provisional ballot cast pursuant to subsection 1 shall have

1 printed on them ~~the-format-of-the-face-of-the-registration~~  
2 ~~form-under-section-48A-8-and~~ the following:

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

9 .....  
10 (signature of voter) (date)

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

13 Reason for challenge:

14 .....

15 .....

16 Did not present required identification form.

17 .....  
18 (signature of precinct  
19 election official)

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

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

26 49.98 COUNTING BALLOTS.

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

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

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

13 50.20 NOTICE OF NUMBER OF SPECIAL PROVISIONAL BALLOTS.

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

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

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

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

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

11 52.2 PURCHASE.

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

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

22 Any registered voter, under the circumstances specified in  
23 section 53.1, may on any day, except election day, and not  
24 more than seventy days prior to the date of the election,  
25 apply in person for an absentee ballot at the commissioner's  
26 office or at any location designated by the commissioner, or  
27 make written application to the commissioner for an absentee  
28 ballot. A written application for an absentee ballot  
29 delivered to the commissioner and received by the commissioner  
30 more than seventy days prior to the date of the election shall  
31 be retained by the commissioner and processed in the same  
32 manner as a written application received not more than seventy  
33 days before the date of the election.

34 PARAGRAPH DIVIDED. The state commissioner shall prescribe  
35 a form for absentee ballot applications. ~~However,-if-a~~

1 ~~registered-voter-submits-an-application-that-includes-all-of~~  
 2 ~~the-information-required-in-this-section,-the-prescribed-form~~  
 3 ~~is-not-required.~~ Absentee ballot applications may include  
 4 instructions to send the application directly to the county  
 5 commissioner of elections. However, no absentee ballot  
 6 application shall be preaddressed or printed with instructions  
 7 to send the applications to anyone other than the appropriate  
 8 commissioner.

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

11 NEW UNNUMBERED PARAGRAPH. An application for an absentee  
 12 ballot that is returned to the commissioner by a person acting  
 13 as an actual or implied agent for a political party,  
 14 candidate, or committee, all as defined by chapter 68A, shall  
 15 be returned to the commissioner within seventy-two hours of  
 16 the time the completed application was received from the  
 17 applicant.

18 Sec. 26. NEW SECTION. 53.3 RECEIPT REQUIRED FOR CERTAIN  
 19 ABSENTEE BALLOT APPLICATIONS.

20 When an application for an absentee ballot is solicited by,  
 21 and returned to the commissioner by, a person acting as an  
 22 actual or implied agent for a political party, candidate, or  
 23 committee, as defined by chapter 68A, the person shall issue  
 24 to the applicant a receipt for the completed application.

25 The receipt shall contain the following information:

- 26 1. The name of the applicant.
- 27 2. The date and time the completed application was  
 28 received from the applicant.
- 29 3. The name and date of the election for which the  
 30 application is being completed.
- 31 4. The name of the political party, candidate, or  
 32 committee for whom the person is soliciting and returning the  
 33 application for the absentee ballot.
- 34 5. The name of the person acting as an actual or implied  
 35 agent for the political party, candidate, or committee.

1 6. A statement that the application will be delivered to  
2 the appropriate commissioner within seventy-two hours of the  
3 date and time the completed application was received from the  
4 applicant.

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

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

11 Sec. 27. Section 53.8, subsection 1, Code 2003, is amended  
12 to read as follows:

13 1. Upon receipt of an application for an absentee ballot  
14 and immediately after the absentee ballots are printed, the  
15 commissioner shall mail an absentee ballot to the applicant  
16 within twenty-four hours, except as otherwise provided in  
17 subsection 3. The absentee ballot shall be enclosed in an  
18 unsealed envelope bearing a serial number and affidavit. The  
19 absentee ballot and unsealed envelope shall be enclosed in or  
20 with a carrier envelope marked postage paid which bears the  
21 same serial number as the unsealed envelope. The absentee  
22 ballot, unsealed envelope, and carrier envelope shall be  
23 enclosed in a third envelope to be sent to the registered  
24 voter. If the ballot cannot be folded so that all of the  
25 votes cast on the ballot will be hidden, the commissioner  
26 shall also enclose a secrecy envelope with the absentee  
27 ballot.

28 Sec. 28. Section 53.8, subsection 2, Code 2003, is amended  
29 to read as follows:

30 2. If an application is received so late that it is  
31 unlikely that the absentee ballot can be returned in time to  
32 be counted on election day, the commissioner shall enclose  
33 with the absentee ballot a statement to that effect. The  
34 statement shall also point out that it is possible for the  
35 applicant, or the applicant's designee if the absentee ballot

1 is voted by a voter described in section 53.22, subsection 5,  
2 to personally deliver the completed absentee ballot to the  
3 office of the commissioner at any time before the closing of  
4 the polls on election day.

5 Sec. 29. Section 53.17, subsection 1, Code 2003, is  
6 amended to read as follows:

7 1. The sealed carrier envelope may be delivered by the  
8 registered voter, by the special precinct election officials  
9 designated pursuant to section 53.22, subsection 1, or by the  
10 voter's designee if the absentee ballot is voted by a voter  
11 described in section 53.22, subsection 5, to the  
12 commissioner's office no later than the time the polls are  
13 closed on election day.

14 Sec. 30. Section 53.17, subsection 2, Code 2003, is  
15 amended to read as follows:

16 2. The sealed carrier envelope may be mailed to the  
17 commissioner by the registered voter, or by the voter's  
18 designee if the ballot is voted by a voter described in  
19 section 53.22, subsection 5. ~~The carrier envelope shall~~  
20 ~~indicate that greater postage than ordinary first class mail~~  
21 ~~may be required. The commissioner shall pay any insufficient~~  
22 ~~postage due on a carrier envelope bearing ordinary first class~~  
23 ~~postage and accept the ballot.~~

24 Sec. 31. NEW SECTION. 53.37A STATE COMMISSIONER DUTIES.

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

33 Sec. 32. Section 53.40, unnumbered paragraph 1, Code 2003,  
34 is amended to read as follows:

35 A request in writing for a ballot may be made by any member

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

17 Sec. 33. Section 53.53, Code 2003, is amended by adding  
18 the following new unnumbered paragraphs:

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

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

5 **Sec. 34. IMMEDIATE EFFECTIVE DATE.** This Act, being deemed  
6 of immediate importance, takes effect upon enactment.

7 EXPLANATION

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

13 Code section 39A.4 is amended to provide that an  
14 unauthorized person who returns, by mail or in person, a voted  
15 absentee ballot commits election misconduct in the third  
16 degree. The section is further amended to provide that a  
17 person who makes a false or untrue statement reporting that a  
18 voted absentee ballot was returned, by mail or in person, by  
19 an unauthorized person commits election misconduct in the  
20 third degree. Election misconduct in the third degree is a  
21 serious misdemeanor. The amendments to Code section 39A.4 are  
22 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 further amended to provide  
12 that absentee ballot applications delivered to, and received  
13 by, the commissioner of elections more than 70 days before the  
14 election shall be retained by the commissioner and processed  
15 in the same manner as applications received not more than 70  
16 days before the election. Code section 53.2 is also amended  
17 to provide that a completed application for an absentee ballot  
18 returned by a person acting on behalf of a political party, a  
19 candidate, or a political committee or a candidate's committee  
20 shall be returned to the commissioner's office within 72 hours  
21 of the time the completed application was received from the  
22 applicant. These amendments to Code section 53.2 are not  
23 required by the Help America Vote Act.

24 New Code section 53.3 is enacted to provide that when an  
25 application for an absentee ballot is solicited by, and  
26 returned to the commissioner's office by, a person acting on  
27 behalf of a political party, a candidate, or a political  
28 committee or a candidate's committee, the person soliciting  
29 and returning the application must give the applicant a  
30 receipt for the completed application. The bill further  
31 provides that the county commissioner of elections is to make  
32 receipt forms available for photocopying at the expense of the  
33 political party, candidate, or committee. New Code section  
34 53.3 is not required by the Help America Vote Act.

35 Code section 53.8 is amended to provide that each carrier

1 envelope mailed along with an absentee ballot shall be marked  
2 "postage paid" by the commissioner of elections. Code section  
3 53.17 is amended to conform to this change. These amendments  
4 to Code sections 53.8 and 53.17 are not required by the Help  
5 America Vote Act.

6 Code section 53.17 is amended to provide that a voted  
7 absentee ballot may be returned to the commissioner's office  
8 only by the voter, or by the special precinct election  
9 officials designated to deliver and return absentee ballots on  
10 behalf of a person confined in a health facility, or by a  
11 person designated by the voter if the voter was confined in a  
12 health facility outside of the voter's county of residence  
13 within three days of the election.

14 New Code section 53.37A requires the state commissioner of  
15 elections to provide information to members of the armed  
16 forces of the United States on voter registration and absentee  
17 ballot procedures. The section also requires the state  
18 commissioner to accept voter registration applications and  
19 absentee ballot applications from members of the armed forces  
20 and to forward the applications to the appropriate county  
21 commissioner of elections.

22 Code section 53.40 is amended to extend the time period  
23 during which a commissioner is to mail absentee ballots to a  
24 member of the armed forces after receiving the member's  
25 initial application for an absentee ballot. The time period  
26 is extended from one calendar year after receipt of the  
27 application to the next two general elections after receipt of  
28 the application.

29 Code section 53.53 is amended to provide that when the  
30 state commissioner receives a federal write-in ballot, the  
31 commissioner is to immediately forward it to the appropriate  
32 county commissioner of elections. If the ballot is received  
33 after election day but before noon on the Monday following the  
34 election, the state commissioner, rather than the county  
35 commissioner, is to verify that the ballot is eligible to be

1 counted and shall notify the appropriate county commissioner  
2 and transmit the ballot. If the ballot is not to be counted,  
3 the county commissioner is required to notify the voter and  
4 give the reason why the ballot was not counted.

5 The bill takes effect upon enactment.

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SENATE FILE 2269

AN ACT

RELATING TO ELECTIONS AND VOTER REGISTRATION, INCLUDING IMPLEMENTING REQUIREMENTS OF FEDERAL LAW, ADJUSTING LANGUAGE TO REFLECT CURRENT PRACTICE, MAKING CHANGES RELATED TO VOTING MACHINES, MAKING CHANGES RELATED TO ABSENTEE VOTING, PROVIDING PENALTIES, AND PROVIDING EFFECTIVE AND APPLICABILITY DATES.

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

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

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

NEW SUBPARAGRAPH. (12) Making a false or untrue statement reporting that a voted absentee ballot was returned to the commissioner's office, by mail or in person, by a person other

than the voter, an absentee ballot courier, a special precinct election official designated pursuant to section 53.22, subsection 1, or the designee of a voter described in section 53.22, subsection 5.

Sec. 2. Section 46.21, unnumbered paragraph 1, Code 2003, is amended to read as follows:

At least sixty-nine days before each judicial election, the state commissioner of elections shall certify to the county commissioner of elections of each county a list of the judges of the supreme court, court of appeals, and district court including district associate judges, full-time associate juvenile judges, and full-time associate probate judges, and clerks of the district court to be voted on in each county at that election. The county commissioner of elections shall place the names upon the ballot in the order in which they appear in the certificate, ~~unless only one county is voting thereon.~~ The state commissioner of elections shall rotate the names in the certificate by county, ~~or the county commissioner of elections shall rotate them upon the ballot by precinct if only one county is voting thereon.~~ The names of all judges and clerks to be voted on shall be placed upon one ballot, which shall be in substantially the following form:

Sec. 3. Section 47.1, Code Supplement 2003, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The state commissioner shall adopt rules pursuant to chapter 17A, for the implementation of uniform and nondiscriminatory administrative complaint procedures for resolution of grievances relating to violations of Title III of Pub. L. No. 107-252. In complaint proceedings in which all of the respondents are local election officials, the presiding officer shall be the state commissioner of elections. In complaint proceedings in which one of the respondents is the state commissioner of elections, the presiding officer shall be a panel consisting of all members of the state voter registration commission appointed pursuant

to section 47.8, except the state commissioner of elections or the state commissioner's designee.

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

2. a. On or before January 1, 2006, the state registrar of voters shall implement in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration file defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state. The state voter registration system shall be coordinated with other agency databases within the state, including, but not limited to, the department of transportation driver's license records, judicial records of convicted felons and persons declared incompetent to vote, and department of public health records of deceased persons.

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

c. A state or local election official may obtain immediate electronic access to the information contained in the computerized voter registration file. All voter registration information obtained by a local election official shall be electronically entered into the computerized voter registration file on an expedited basis at the time the information is provided to the local election official. The state registrar shall provide such support as may be required to enable local election officials to electronically enter the information into the computerized voter registration file on

an expedited basis. The list generated from the computerized file shall serve as the official voter registration list for the conduct of all elections for federal office in the state.

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

Sec. 5. Section 47.8, Code Supplement 2003, is amended by adding the following new subsection:

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

Sec. 6. Section 48A.8, Code 2003, is amended to read as follows:

48A.8 REGISTRATION BY MAIL.

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

2. An eligible elector who registers by mail and who has not previously voted in an election for federal office in the county of registration shall be required to provide identification documents when voting for the first time in the county, unless the registrant provided on the registration form the registrant's Iowa driver's license number, or the registrant's Iowa nonoperator's identification card number, or the last four numerals of the registrant's social security number and the driver's license, nonoperator's identification, or partial social security number matches an existing state or

federal identification record with the same number, name, and date of birth. If the registrant under this subsection votes in person at the polls, or by absentee ballot at the commissioner's office or at a satellite voting station, the registrant shall provide a current and valid photo identification card, or shall present to the appropriate election official one of the following current documents that shows the name and address of the registrant:

- a. Utility bill.
- b. Bank statement.
- c. Paycheck.
- d. Government check.
- e. Other government document.

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

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

Sec. 7. Section 48A.11, subsection 1, paragraph b, Code 2003, is amended to read as follows:

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

Sec. 8. Section 48A.11, subsection 1, paragraph e, Code 2003, is amended by striking the paragraph and inserting in lieu thereof the following:

e. Iowa driver's license number if the registrant has a current and valid Iowa driver's license, Iowa nonoperator's identification card if the registrant has a current and valid

Iowa nonoperator's identification card, or the last four numerals of the registrant's social security number. If the registrant does not have an Iowa driver's license number, a nonoperator's identification card number, or a social security number, the form shall provide space for a number to be assigned as provided in subsection 7.

Sec. 9. Section 48A.11, subsection 1, paragraph f, Code 2003, is amended to read as follows:

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

Sec. 10. Section 48A.11, Code 2003, is amended by adding the following new subsection:

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

- a. Are you a citizen of the United States of America?
- b. Will you be eighteen years of age on or before election day?
- c. If you checked "no" in response to either of these questions, do not complete this form.

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

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

Sec. 12. Section 48A.11, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A voter registration application lacking the registrant's name, sex, date of birth, or residence address or description shall not be processed. A voter registration application lacking the registrant's driver's license number, Iowa nonoperator's identification card number, or the last four digits of the registrant's social security number shall not be processed. A registrant whose registration is not processed pursuant to this subsection shall be notified pursuant to section 48A.26, subsection 3. A registrant who does not have an Iowa driver's

license number, an Iowa nonoperator's identification number, or a social security number and who notifies the registrar of such shall be assigned a unique identifying number that shall serve to identify the registrant for voter registration purposes.

Sec. 13. NEW SECTION. 48A.25A VERIFICATION OF VOTER REGISTRATION INFORMATION.

Upon receipt of an application for voter registration by mail, the state registrar of voters shall compare the driver's license number, the Iowa nonoperator's identification card number, or the last four numerals of the social security number provided by the registrant with the records of the state department of transportation. To be verified, the voter registration record shall contain the same name, date of birth, and driver's license or whole or partial social security number as the records of the department of transportation. If the information cannot be verified, the application shall be rejected and the registrant shall be notified of the reason for the rejection. If the information can be verified, a record shall be made of the verification and the application shall be accepted.

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

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

Sec. 14. Section 48A.26, subsection 3, Code 2003, is amended to read as follows:

3. If the registration form is missing required information pursuant to section 48A.11, subsection 7, the

acknowledgment shall advise the applicant what additional information is required. The commissioner shall enclose a new registration by mail form for the applicant to use. If the registration form has no address, the commissioner shall make a reasonable effort to determine where the acknowledgment should be sent. If the incomplete application is received during the twelve days before the close of registration for an election, the commissioner shall provide the registrant with an opportunity to complete the form before the close of registration.

Sec. 15. Section 48A.26, Code 2003, is amended by adding the following new subsections:

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

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

Sec. 16. Section 48A.28, subsection 2, unnumbered paragraph 2, Code 2003, is amended to read as follows:

A commissioner participating in the national change of address program, in the first quarter of each calendar year, shall send a notice and preaddressed, postage paid return card by forwardable mail to each registered voter whose name was not reported by the national change of address program and who has not voted, in two or more consecutive general elections and has not registered again, or who has not reported a change to an existing registration, or who has not responded to a notice from the commissioner or registrar during the preceding four-calendar-years period between and following the previous two general elections. The form and language of the notice and return card shall be specified by the state voter registration commission by rule. A registered voter shall not be sent a notice and return card under this subsection more frequently than once in a four-year period.

Sec. 17. Section 48A.36, subsection 2, Code 2003, is amended to read as follows:

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

Sec. 18. Section 48A.37, subsection 2, Code 2003, is amended to read as follows:

2. Electronic records shall include a status code designating whether the records are active, or inactive, local, or pending. Inactive records are records of registered voters to whom notices have been sent pursuant to section 48A.28, subsection 3, and who have not returned the card or otherwise responded to the notice, and those records have been designated inactive pursuant to section 48A.29. Local records are records of applicants who did not answer either "yes" or

"no" to the question in section 48A.11, subsection 2A, paragraph "a". Pending records are records of applicants whose applications have not been verified pursuant to section 48A.25A. All other records are active records. An inactive record shall be made active when the registered voter votes at an election, registers again, or reports a change of name, address, telephone number, or political party affiliation. A pending record shall be made active upon verification. A local record shall be valid for any election for which no candidates for federal office appear on the ballot, but the registrant may not vote in a federal election unless the registrant submits a new voter registration application before election day indicating that the applicant is a citizen of the United States.

Sec. 19. Section 48A.38, subsection 1, paragraph f, Code 2003, is amended to read as follows:

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

Sec. 20. Section 49.81, Code 2003, is amended to read as follows:

49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST PROVISIONAL BALLOT.

1. A prospective voter who is prohibited under section 48A.8, subsection 4, section 49.77, subsection 4, or section 49.80 from voting except under this section shall be permitted to notified by the appropriate precinct election official that the voter may cast a paper provisional ballot. If a booth meeting the requirement of section 49.25 is not available at that polling place, the precinct election officials shall make alternative arrangements to insure the challenged voter the opportunity to vote in secret. The marked ballot, folded as required by section 49.84, shall be delivered to a precinct

election official who shall immediately seal it in an envelope of the type prescribed by subsection 4. The sealed envelope shall be deposited in a ~~special~~ an envelope marked "~~ballots for special precinct~~" "provisional ballots" and shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.

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

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

- I. ....
- II. ....
- III. ....

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

- a. Utility bill.
- b. Bank statement.
- c. Paycheck.
- d. Government check.
- e. Other government document.

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

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

4. The individual envelopes used for each ~~paper~~ provisional ballot cast pursuant to subsection 1 shall have printed on them ~~the format of the face of the registration form under section 48A-8 and~~ the following:

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

.....  
(signature of voter) (date)

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

Reason for challenge:

.....  
.....

Did not present required identification form.

.....  
(signature of precinct election official)

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

Sec. 21. Section 49.98, Code 2003, is amended to read as follows:

49.98 COUNTING BALLOTS.

The ballots shall be counted according to the voters' marks on them as provided in sections 49.92 to 49.97, and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, the vote for that office shall not be counted. When there is a conflict between a straight party or organization vote for one political party or nonparty political organization and the vote cast by marking the voting target next to the name of a candidate for another political party or nonparty political organization on the ballot, the mark next to the name of the candidate shall be held to control, and the straight party or organization vote in that case shall not apply as to that office. ~~Any ballot shall be rejected if it is marked in any other manner than authorized in sections 49.92 to 49.97.~~ A ballot shall be rejected if the voter used a mark to identify the voter's ballot. For each voting system, the state commissioner shall, by rule adopted pursuant to chapter 17A, develop uniform definitions of what constitutes a vote.

Sec. 22. Section 50.20, Code 2003, is amended to read as follows:

50.20 NOTICE OF NUMBER OF SPECIAL PROVISIONAL BALLOTS.

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

the commissioner's office until the reconvening of the special precinct board.

Sec. 23. Section 50.21, unnumbered paragraph 2, Code 2003, is amended to read as follows:

If no special provisional ballots were cast in the county pursuant to section 49.81 at any election, the special precinct election board need not be so reconvened. If the number of special provisional ballots so cast at any election is not sufficient to require reconvening of the entire election board of the special precinct, the commissioner may reconvene only the number of members required. If the number of special provisional ballots cast at any election exceeds the number of absentee ballots cast, the size of the special precinct election board may be increased at the commissioner's discretion. The commissioner shall observe the requirements of sections 49.12 and 49.13 in making adjustments to the size of the special precinct election board.

Sec. 24. Section 52.1, subsection 2, paragraph h, Code 2003, is amended to read as follows:

h. "Voting machine" means a mechanical or electronic device, meeting the requirements of section 52.7, designated for use in casting, registering, recording, and counting votes at an election. "Voting machine" includes, but is not limited to, direct recording electronic devices.

Sec. 25. Section 52.2, Code 2003, is amended to read as follows:

52.2 PURCHASE.

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

Sec. 26. Section 52.5, unnumbered paragraph 2, Code 2003, is amended to read as follows:

The state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the testing and examination of any voting machine or electronic voting system by the board of examiners. The rules shall prescribe the method to be used in determining whether the machine or system is suitable for use within the state and performance standards for voting equipment in use within the state. The rules shall provide that all electronic voting systems and voting machines approved for use by the examiners after April 9, 2003, shall meet voting systems performance and test standards, as adopted by the federal election commission on April 30, 2002, and as deemed adopted by Pub. L. No. 107-252, section 222. The rules shall include standards for determining when recertification is necessary following modifications to the equipment or to the programs used in tabulating votes, and a procedure for rescinding certification if a system or machine is found not to comply with performance standards adopted by the state commissioner.

Sec. 27. Section 52.7, unnumbered paragraphs 2 and 4, Code 2003, are amended to read as follows:

It must also be so constructed as to prevent voting for more than one person for the same office, except where the voter is lawfully entitled to vote for more than one person for that office; and it must afford the voter an opportunity to vote for any or all persons for that office as the voter is by law entitled to vote for and no more, at the same time preventing the voter from voting for the same person twice. The voting machine must be so constructed as to provide the voter with an opportunity to change a vote before the ballot is recorded and counted.

Such machine shall be so constructed as to accurately account for every vote cast upon it. The machine shall be so constructed as to remove information from the ballot

identifying the voter before the ballot is recorded and counted. If the machine is a direct electronic recording device, the machine shall be so constructed as to store each ballot cast separate from the ballot tabulation function, which ballot may be reproduced on paper in the case of a recount, manual audit, or machine malfunction.

Sec. 28. Section 53.2, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Any registered voter, under the circumstances specified in section 53.1, may on any day, except election day, and not more than seventy days prior to the date of the election, apply in person for an absentee ballot at the commissioner's office or at any location designated by the commissioner, ~~or~~. A registered voter may make written application to the commissioner for an absentee ballot. A written application for an absentee ballot must be received by the commissioner no later than five p.m. on the Friday before the election. A written application for an absentee ballot delivered to the commissioner and received by the commissioner more than seventy days prior to the date of the election shall be retained by the commissioner and processed in the same manner as a written application received not more than seventy days before the date of the election.

PARAGRAPH DIVIDED. The state commissioner shall prescribe a form for absentee ballot applications. ~~However, if a registered voter submits an application that includes all of the information required in this section, the prescribed form is not required.~~ Absentee ballot applications may include instructions to send the application directly to the county commissioner of elections. However, no absentee ballot application shall be preaddressed or printed with instructions to send the applications to anyone other than the appropriate commissioner.

Sec. 29. Section 53.2, Code 2003, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An application for an absentee ballot that is returned to the commissioner by a person acting as an actual or implied agent for a political party, candidate, or committee, all as defined by chapter 68A, shall be returned to the commissioner within seventy-two hours of the time the completed application was received from the applicant or no later than five p.m. on the Friday before the election, whichever is earlier.

Sec. 30. NEW SECTION. 53.3 RECEIPT REQUIRED FOR CERTAIN ABSENTEE BALLOT APPLICATIONS.

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

The receipt shall contain the following information:

1. The name of the applicant.
2. The date and time the completed application was received from the applicant.
3. The name and date of the election for which the application is being completed.
4. The name of the political party, candidate, or committee for whom the person is soliciting and returning the application for the absentee ballot.
5. The name of the person acting as an actual or implied agent for the political party, candidate, or committee.
6. A statement that the application will be delivered to the appropriate commissioner within seventy-two hours of the date and time the completed application was received from the applicant or no later than five p.m. on the Friday before the election, whichever is earlier.
7. A statement that an absentee ballot will be mailed to the applicant within twenty-four hours after the ballot for the election is available.

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

Sec. 31. Section 53.8, subsection 1, Code 2003, is amended to read as follows:

1. Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. The absentee ballot shall be enclosed in an unsealed envelope bearing a serial number and affidavit. The absentee ballot and unsealed envelope shall be enclosed in or with a carrier envelope marked postage paid which bears the same serial number as the unsealed envelope. The absentee ballot, unsealed envelope, and carrier envelope shall be enclosed in a third envelope to be sent to the registered voter. If the ballot cannot be folded so that all of the votes cast on the ballot will be hidden, the commissioner shall also enclose a secrecy envelope with the absentee ballot.

Sec. 32. Section 53.8, subsection 2, Code 2003, is amended to read as follows:

2. If an application is received so late that it is unlikely that the absentee ballot can be returned in time to be counted on election day, the commissioner shall enclose with the absentee ballot a statement to that effect. The statement shall also point out that it is possible for the applicant, or the applicant's designee if the absentee ballot is voted by a voter described in section 53.22, subsection 5, to personally deliver the completed absentee ballot to the office of the commissioner at any time before the closing of the polls on election day. The statement shall also point out that it is possible for an absentee ballot courier to personally deliver the completed absentee ballot to the office of the commissioner within seventy-two hours of retrieving the

completed ballot or before the closing of the polls on election day, whichever is earlier.

Sec. 33. Section 53.17, Code 2003, is amended to read as follows:

53.17 MAILING OR DELIVERING BALLOT.

1. The sealed envelope containing the absentee ballot shall be enclosed in a carrier envelope which shall be securely sealed. The sealed carrier envelope shall be returned to the commissioner by one of the following methods:

1- a. The sealed carrier envelope may be delivered by the registered voter, by the special precinct election officials designated pursuant to section 53.22, subsection 1, or by the voter's designee if the absentee ballot is voted by a voter described in section 53.22, subsection 5, to the commissioner's office no later than the time the polls are closed on election day, except as otherwise provided in subsection 4.

2- b. The sealed carrier envelope may be mailed to the commissioner by the registered voter, by an immediate family member of the voter, or by the voter's designee if the ballot is voted by a voter described in section 53.22, subsection 5. The carrier envelope shall indicate that greater postage than ordinary first-class mail may be required. The commissioner shall pay any insufficient postage due on a carrier envelope bearing ordinary first-class postage and accept the ballot.

c. The sealed carrier envelope may be delivered to the commissioner by an absentee ballot courier, but only as provided in subsection 4.

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

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

4. a. A person who acts as an actual or implied agent of a political party, candidate, or committee, as defined by chapter 68A, shall be registered with the commissioner as an absentee ballot courier in order to deliver completed absentee ballots to the commissioner. A candidate whose name is on the ballot or an elected official shall not be registered as an absentee ballot courier.

b. Absentee ballot couriers shall be registered with the commissioner by the person providing the training required in paragraph "c". The registration shall include the courier's name and address and the best means for contacting the person or the political party, candidate, or committee for which the person is acting as an actual or implied agent. An absentee ballot courier must be registered with the commissioner prior to each election for which the person will be delivering completed absentee ballots to the commissioner. However, if a person has completed training as an absentee ballot courier and the trainer is unable to register the person because the commissioner's office is closed, the person may retrieve completed absentee ballots if the trainer registers the courier with the commissioner by facsimile transmission within twenty-four hours of completion of training or by personally delivering the registration information to the commissioner's

office by the close of the next business day following completion of training or by mailing the registration information to the commissioner, in which case the mailing must be postmarked no later than the next business day following completion of training. For each election, the commissioner shall maintain a list of all persons who have been registered as absentee ballot couriers.

c. A person wishing to be registered as an absentee ballot courier must complete a training course in the laws, procedures, and penalties related to handling completed absentee ballots. The training course shall be conducted by the commissioner; the commissioner's designee; or, in the case of partisan elections, by the respective state or county central committees, or a member of the paid staff of such committees, or by the county party or the state party, or a member of the paid staff of such parties. The curriculum for the training course shall be established by the state commissioner by rule adopted pursuant to chapter 17A.

d. When an absentee ballot courier retrieves a completed absentee ballot from a voter, the courier shall fill out a receipt to be retained by the voter. The state commissioner shall prescribe a form for receipts required by this subsection. The receipt shall include all of the following:

(1) The name of the courier.

(2) The date and time the voted absentee ballot was received from the voter.

(3) The name and date of the election for which the absentee ballot is being voted.

(4) The name of the political party, candidate, or committee for which the courier is acting as an actual or implied agent.

(5) A statement that the completed absentee ballot will be delivered to the commissioner's office within seventy-two hours or before the closing of the polls on election day, whichever is earlier.

(6) A statement informing the voter that the voter may verify that the person retrieving the completed ballot is a registered absentee ballot courier by contacting the county auditor's office.

e. An absentee ballot courier shall submit a cover sheet listing the names of persons whose ballots are being delivered each time the courier delivers ballots to the commissioner's office. A completed ballot and cover sheet shall only be delivered to the commissioner's office by the absentee ballot courier who retrieved the ballot or by one other absentee ballot courier designated by the political party, candidate, or committee for which the absentee ballot couriers are acting as actual or implied agents. The cover sheet shall include space for the name and signature of the absentee ballot courier who retrieved the ballot and the name and signature of any second absentee ballot courier designated to deliver the ballot and cover sheet to the commissioner's office.

f. A violation of any part of this subsection is election misconduct in the first degree, pursuant to section 39A.2, subsection 1, paragraph "b", subparagraph (1).

5. For purposes of this section, "immediate family member" means the spouse, adult child or stepchild, adult grandchild, parent or stepparent, grandparent, or adult sibling of the voter.

Sec. 34. NEW SECTION. 53.37A STATE COMMISSIONER DUTIES.

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

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

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

Sec. 36. Section 53.53, Code 2003, is amended by adding the following new unnumbered paragraphs:

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

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

Sec. 37. IMMEDIATE EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment and applies to elections held on or after September 15, 2004.

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JEFFREY M. LAMBERTI  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2269, Eightieth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2004

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THOMAS J. VILSACK  
Governor