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HF 614 substituted

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SENATE FILE **370**  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1119)

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 by  
2 implementing requirements of federal law, modifying closing  
3 hours of the polls and voter identification requirements,  
4 transferring duties relating to conduct of elections and voter  
5 registration from the office of secretary of state to the Iowa  
6 ethics and campaign disclosure board, and making changes  
7 relating to absentee voting procedures, including request and  
8 delivery of absentee ballot applications, delivery of absentee  
9 ballots to the voter, and delivery of completed absentee  
10 ballots to the county commissioner of elections, and including  
11 effective date provisions.

SF 370

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

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1 DIVISION I  
2 PROVISIONS RELATING TO THE FEDERAL HELP AMERICA VOTE ACT  
3 AND MISCELLANEOUS VOTING PROVISIONS

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

6 NEW UNNUMBERED PARAGRAPH. The state commissioner shall  
7 adopt rules pursuant to chapter 17A, for the implementation of  
8 uniform and nondiscriminatory administrative complaint  
9 procedures for resolution of grievances relating to violations  
10 of Title III of Pub. L. No. 107-252.

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

14 2. a. On or before January 1, 2004, or on or before  
15 January 1, 2006, if a waiver is granted pursuant to section  
16 303(d) of Pub. L. No. 107-252, the state registrar of voters  
17 shall implement in a uniform and nondiscriminatory manner, a  
18 single, uniform, official, centralized, interactive  
19 computerized statewide voter registration file defined,  
20 maintained, and administered at the state level that contains  
21 the name and registration information of every legally  
22 registered voter in the state and assigns a unique identifier  
23 to each legally registered voter in the state. The state  
24 voter registration system shall be coordinated with other  
25 agency databases within the state, including, but not limited  
26 to, the department of transportation driver's license records,  
27 judicial records of convicted felons and persons declared  
28 incompetent to vote, and department of public health records  
29 of deceased persons.

30 b. On or after the deadline established in paragraph "a",  
31 a county shall not establish or maintain a voter registration  
32 system separate from the state voter registration system.  
33 Each county shall provide to the state registrar the names,  
34 voter registration information, and voting history of each  
35 registered voter in the county in the form required by the

1 state registrar.

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

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

20 Sec. 3. Section 48A.11, subsection 1, paragraph b, Code  
21 2003, is amended to read as follows:

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

24 Sec. 4. Section 48A.11, subsection 1, paragraph e, Code  
25 2003, is amended by striking the paragraph and inserting in  
26 lieu thereof, the following:

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

33 Sec. 5. Section 48A.11, subsection 1, paragraph f, Code  
34 2003, is amended to read as follows:

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

1 Sec. 6. Section 48A.11, subsection 1, paragraph i, Code  
2 2003, is amended to read as follows:

3 i. Political party registration, if any.

4 Sec. 7. Section 48A.11, subsection 2, Code 2003, is  
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. c. The following questions and statement  
7 regarding eligibility:

8 (1) Are you a citizen of the United States of America?

9 (2) Will you be eighteen years of age on or before  
10 election day?

11 (3) If you checked "no" in response to either of these  
12 questions, do not complete this form.

13 Sec. 8. Section 48A.11, subsection 5, Code 2003, is  
14 amended to read as follows:

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

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

19 NEW SUBSECTION. 7. A voter registration application  
20 lacking the registrant's name, sex, date of birth, or  
21 residence address or description shall not be processed. If  
22 the registrant answered "no" or did not answer either "yes" or  
23 "no" to the question in subsection 2, paragraph "c",  
24 subparagraph (1), the application shall not be processed. A  
25 registrant whose registration is not processed pursuant to  
26 this subsection shall be notified pursuant to section 48A.26,  
27 subsection 3. A registrant who does not have either an Iowa  
28 driver's license number or a social security number and who  
29 notifies the registrar of such shall be assigned a unique  
30 identifying number that shall serve to identify the registrant  
31 for voter registration purposes.

32 Sec. 10. NEW SECTION. 48A.25A VERIFICATION OF VOTER  
33 REGISTRATION INFORMATION.

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

1 number or the last four numerals of the social security number  
2 provided by the registrant with the records of the state  
3 department of transportation. If the information cannot be  
4 verified, the application shall be rejected and the registrant  
5 shall be notified of the reason for the rejection. If the  
6 information can be verified, a record shall be made of the  
7 source used for verification and the application shall be  
8 accepted.

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

11 Sec. 11. Section 48A.26, subsection 3, Code 2003, is  
12 amended to read as follows:

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

25 Sec. 12. Section 48A.28, subsection 2, unnumbered  
26 paragraph 2, Code 2003, is amended to read as follows:

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

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

7 Sec. 13. Section 48A.36, subsection 2, Code 2003, is  
8 amended to read as follows:

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

15 Sec. 14. Section 48A.38, subsection 1, paragraph f, Code  
16 2003, is amended to read as follows:

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

21 Sec. 15. Section 49.44, unnumbered paragraph 2, Code 2003,  
22 is amended by striking the unnumbered paragraph.

23 Sec. 16. Section 49.68, Code 2003, is amended to read as  
24 follows:

25 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.

26 The state commissioner with the approval of the attorney  
27 general shall prepare, and from time to time revise, written  
28 instructions to the voters relative to voting, and shall  
29 furnish each commissioner with copies of the instructions.  
30 Such One set of instructions, which shall be known as  
31 instructions for marking ballots, shall cover the manner of  
32 marking ballots. Another set of instructions, which shall be  
33 known as the Iowa voter bill of rights, shall cover the  
34 following matters:

35 1. The manner of obtaining ballots.

1 ~~2--The-manner-of-marking-ballots-~~

2 3- 2. That unmarked or improperly marked ballots will not  
3 be counted.

4 4- 3. The method of gaining assistance in marking ballots.

5 5- 4. That any erasures or identification marks, or  
6 otherwise spoiling or defacing a ballot, will render it  
7 invalid.

8 6- 5. Not to vote a spoiled or defaced ballot.

9 7- 6. How to obtain a new ballot in place of a spoiled or  
10 defaced one.

11 7. How to cast a provisional ballot.

12 8. Instructions for first-time voters who registered by  
13 mail pursuant to section 48A.8.

14 9. The appropriate official to contact if the voter  
15 believes the voter's rights have been violated.

16 10. Polling place hours and the date of the election.

17 11. Information about federal and state laws prohibiting  
18 fraud and misrepresentation.

19 8- 12. Any other matters ~~thought~~ determined necessary.

20 Sec. 17. Section 49.70, Code 2003, is amended to read as  
21 follows:

22 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

23 The commissioner shall cause copies of ~~the-foregoing~~ each  
24 set of instructions to be printed in large, clear type, under  
25 the ~~heading~~ headings of Iowa voter bill of rights and  
26 "Instructions instructions for Voters" marking ballots, and  
27 shall furnish the precinct election officials with a  
28 sufficient number of ~~such~~ each set of instructions as will  
29 enable them to comply with section 49.71.

30 Sec. 18. Section 49.71, Code 2003, is amended to read as  
31 follows:

32 49.71 POSTING INSTRUCTION CARDS AND SAMPLE BALLOTS.

33 The precinct election officials, before the opening of the  
34 polls, shall ~~cause-said-cards~~ securely post each set of  
35 instructions ~~to-be-securely-posted~~ as follows:

1 1. One copy of instructions for marking ballots in each  
2 voting booth.

3 2. Not less than four copies of each set, with an equal  
4 number of sample ballots, in and about the polling place.

5 Sec. 19. Section 49.73, subsection 2, Code 2003, is  
6 amended to read as follows:

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

24 Sec. 20. Section 49.77, subsection 3, Code 2003, is  
25 amended by striking the subsection and inserting in lieu  
26 thereof the following:

27 3. A precinct election official shall require that each  
28 voter provide a current and valid identification card  
29 containing a photograph of the voter, or one of the following  
30 documents that show the name and current address of the voter:

- 31 a. Utility bill.
- 32 b. Bank statement.
- 33 c. Government check.
- 34 d. Other government document.

35 Sec. 21. Section 49.77, subsection 4, Code 2003, is



1 amended to read as follows:

2 4. a. A person who presents identification required in  
3 subsection 3, and whose name does not appear on the election  
4 register of the precinct in which that person claims the right  
5 to vote shall not be permitted to vote, unless the person  
6 affirms that the person is currently registered in the county  
7 ~~and-presents-proof-of-identity~~, or the commissioner informs  
8 the precinct election officials that an error has occurred and  
9 that the person is a registered voter of that precinct. If  
10 the commissioner finds no record of the person's registration  
11 but the person insists that the person is a registered voter  
12 of that precinct, the precinct election officials shall allow  
13 the person to cast a ballot in the manner prescribed by  
14 section 49.81.

15 b. A person who does not present identification required  
16 in subsection 3 but whose name appears on the election  
17 register of the precinct in which that person claims the right  
18 to vote, or if the commissioner informs the precinct election  
19 officials that an error has occurred and the person is a  
20 registered voter of that precinct, shall be allowed to cast a  
21 ballot in the manner prescribed by section 49.81.

22 c. A person who has been sent an absentee ballot by mail  
23 but for any reason has not received it shall be permitted to  
24 cast a ballot in person pursuant to section 53.19 and in the  
25 manner prescribed by this section and section 49.81.

26 Sec. 22. Section 49.81, Code 2003, is amended to read as  
27 follows:

28 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST PROVISIONAL  
29 BALLOT.

30 1. A prospective voter ~~who-is-prohibited-under~~ described  
31 in section 49.77, subsection 4, or a prospective voter who is  
32 challenged under section 49.80 from-voting-except-under-this  
33 section shall be permitted-to notified by the appropriate  
34 precinct election official that the voter may cast a paper  
35 provisional ballot under this section. If a booth meeting the

1 requirement of section 49.25 is not available at that polling  
2 place, the precinct election officials shall make alternative  
3 arrangements to insure the challenged voter the opportunity to  
4 vote in secret. The marked ballot, folded as required by  
5 section 49.84, shall be delivered to a precinct election  
6 official who shall immediately seal it in an envelope of the  
7 type prescribed by subsection 4. The sealed envelope shall be  
8 deposited in ~~a special~~ an envelope marked "~~ballots-for-special~~  
9 precinct" "provisional ballots" and shall be considered as  
10 having been cast in the special precinct established by  
11 section 53.20 for purposes of the postelection canvass.

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

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

- 17 I. ....
- 18 II. ....
- 19 III. ....

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

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

1 commissioner when the election supplies are returned.

2 4. The individual envelopes used for each paper  
3 provisional ballot cast pursuant to subsection 1 shall have  
4 printed on them the format of the face of the registration  
5 form under section 48A.8 and the following:

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

12 .....  
13 (signature of voter) (date)

14 The following information is to be provided by the precinct  
15 election official:

16 Reason for challenge:  
17 .....  
18 .....

19 .....  
20 (signature of precinct  
21 election official)

22 Sec. 23. Section 50.20, Code 2003, is amended to read as  
23 follows:

24 50.20 NOTICE OF NUMBER OF SPECIAL PROVISIONAL BALLOTS.

25 The commissioner shall compile a list of the number of  
26 special provisional ballots cast under section 49.81 in each  
27 precinct. The list shall be made available to the public as  
28 soon as possible, but in no case later than nine o'clock a.m.  
29 on the second day following the election. Any elector may  
30 examine the list during normal office hours, and may also  
31 examine the affidavit envelopes bearing the ballots of  
32 challenged electors until the reconvening of the special  
33 precinct board as required by this chapter. Only those  
34 persons so permitted by section 53.23, subsection 4, shall  
35 have access to the affidavits while that board is in session.

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

5 Sec. 24. Section 50.21, unnumbered paragraph 2, Code 2003,  
6 is amended to read as follows:

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

20 Sec. 25. Section 52.1, subsection 2, paragraph h, Code  
21 2003, is amended to read as follows:

22 h. "Voting machine" means ~~a-mechanical-or~~ an electronic  
23 device, meeting the requirements of section 52.7, designated  
24 for use in casting, registering, recording, and counting votes  
25 at an election.

26 Sec. 26. Section 52.2, Code 2003, is amended to read as  
27 follows:

28 52.2 PURCHASE.

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

1 precinct.

2 The state commissioner may provide voting machines or  
3 electronic voting systems to a county to replace lever voting  
4 machines in use in the county in order to comply with Pub. L.  
5 No. 107-252, the Help America Vote Act of 2002.

6 Sec. 27. Section 52.9, unnumbered paragraph 4, Code 2003,  
7 is amended by striking the unnumbered paragraph.

8 Sec. 28. Section 52.10, Code 2003, is amended to read as  
9 follows:

10 52.10 BALLOTS -- FORM.

11 All ballots shall be ~~printed in black ink on clear, white~~  
12 ~~material, of such size as will fit the ballot frame, and~~  
13 presented in as plain, clear type as the space will reasonably  
14 permit. ~~The party name for each political party represented~~  
15 ~~on the machine shall be prefixed to the list of candidates of~~  
16 ~~such party. The order of the list of candidates of the~~  
17 ~~several parties or organizations shall be arranged as provided~~  
18 ~~in sections 49.30 to 49.42A, except that the lists may be~~  
19 ~~arranged in horizontal rows or vertical columns to meet the~~  
20 ~~physical requirements of the voting machine used.~~ The  
21 offices, candidates, judges, and public measures to be voted  
22 upon, using the voting machine, shall be arranged as required  
23 by chapters 43 and 49.

24 Sec. 29. Section 52.12, Code 2003, is amended to read as  
25 follows:

26 52.12 EXCEPTION -- STRAIGHT PARTY VOTING.

27 Voting machines shall have a single ~~lever or switch~~ voting  
28 target which casts a vote for each candidate of a political  
29 party or nonparty political organization which has nominated  
30 candidates for more than one partisan office on the ballot.  
31 Straight party voting shall be provided for all general  
32 elections.

33 Sec. 30. Section 52.16, Code 2003, is amended to read as  
34 follows:

35 52.16 DUTIES OF ELECTION OFFICERS ---~~INDEPENDENT-BALLOTS.~~

1 The election board of each precinct in which votes are to  
2 be cast by machine shall meet at the precinct polling place,  
3 at least one hour before the time set for the opening of the  
4 polls at each election, and shall proceed to arrange the  
5 furniture, stationery, and voting machine for the conduct of  
6 the election. The board shall cause at least ~~two instruction~~  
7 cards four sets of instructions to be posted conspicuously  
8 within the polling place. ~~if not previously done, they shall~~  
9 ~~arrange, in their proper place on the voting machine, the~~  
10 ~~ballots containing the names of the offices to be filled at~~  
11 ~~the election, and the names of the candidates nominated,--if~~  
12 ~~not previously done, the machine shall be so arranged as to~~  
13 ~~show that no vote has been cast, and shall not be thereafter~~  
14 ~~operated, except by electors in voting.~~

15 Before the polls are open for election, the board shall  
16 carefully examine every machine and see that no vote has been  
17 cast, ~~and the machines are subject to inspection of the~~  
18 ~~election officers. if the voting machine is equipped to~~  
19 ~~produce a printed record showing the status of the counters,~~  
20 ~~this record shall be produced by the precinct election~~  
21 ~~officials immediately~~ Immediately before the polls are open,  
22 the precinct election officials shall print a report from each  
23 machine showing that the counter is set at zero. The  
24 ~~inspection sheets~~ reports from each machine used in the  
25 election shall be available for examination throughout  
26 election day.

27 ~~Ballots voted for any person whose name does not appear on~~  
28 ~~the machine as a nominated candidate for office, are referred~~  
29 ~~to in this section as independent ballots.--When two or more~~  
30 ~~persons are to be elected to the same office, and the machine~~  
31 ~~requires that all independent ballots voted for that office be~~  
32 ~~deposited in a single receptacle or device, an elector may~~  
33 ~~vote in or by the receptacle or device for one or more persons~~  
34 ~~whose names do not appear upon the machine with or without the~~  
35 ~~names of one or more persons whose names do so appear.--With~~

~~1 that exception, and except for presidential electors, no  
2 independent ballot shall be voted for any person for any  
3 office whose name appears on the machine as a nominated  
4 candidate for that office, any independent ballot so voted  
5 shall not be counted. An independent ballot must be cast in  
6 its appropriate place on the machine, or it shall be void and  
7 not counted.~~

8 Sec. 31. Section 52.17, Code 2003, is amended to read as  
9 follows:

10 52.17 VOTING MACHINE IN PLAIN VIEW.

11 The exterior of the voting machine and every part of the  
12 polling place shall be in plain view of the election officers.  
13 The voting machine shall be placed at least ~~three feet from~~  
14 ~~every wall and partition of the polling place, and at least~~  
15 four feet from the precinct election officials' table.

16 Sec. 32. Section 52.20, Code 2003, is amended to read as  
17 follows:

18 52.20 INJURY TO MACHINE.

19 No A voter, or other person, shall not deface or injure the  
20 voting machine or the ballot thereon. It shall be the duty of  
21 the precinct election officials to enforce the provisions of  
22 this section. During the entire period of an election, at  
23 least one of ~~their number~~ the officials, designated by them  
24 the officials from time to time, shall ~~be stationed beside the~~  
25 ~~entrance to the booth and shall see that it is properly closed~~  
26 ~~after a voter has entered it to vote. The official shall~~  
27 ~~also~~, at such intervals as the official may deem proper or  
28 necessary, examine the face of the machine to ascertain  
29 whether it has been defaced or injured, to detect the  
30 wrongdoer, and to repair any injury. If the official finds  
31 that a person has left the voting booth without casting the  
32 ballot, the official shall cast the ballot.

33 Sec. 33. Section 52.21, Code 2003, is amended by striking  
34 the section and inserting in lieu thereof the following:

35 52.21 CANVASS OF VOTE -- TALLY.

1 As soon as the polls of the election are closed, the  
2 precinct election officials shall immediately lock the voting  
3 machine against voting and, in the presence of all persons who  
4 may be lawfully within the polling place, proceed to canvass  
5 the vote. The officials shall print the results from each  
6 machine, tally any write-in votes, and complete any canvass  
7 documents prescribed for the voting machine by the state  
8 commissioner. Write-in votes cast for a person whose name  
9 appears on the ballot as a candidate for that office shall not  
10 be counted.

11 Sec. 34. Section 52.23, unnumbered paragraph 2, Code 2003,  
12 is amended to read as follows:

13 The ~~inspection-sheets~~ zero count report from each machine  
14 used in the election and one copy of the printed results from  
15 each machine shall be signed by all precinct election  
16 officials and, with any paper or papers upon which write-in  
17 votes were recorded by voters, shall be securely sealed in an  
18 envelope marked with the name and date of the election, the  
19 precinct, and the serial numbers of the machines from which  
20 the enclosed results were removed. This envelope shall be  
21 preserved, unopened, for twenty-two months following elections  
22 for federal offices and for six months following elections for  
23 all other offices unless a recount is requested pursuant to  
24 section 50.48 or an election contest is pending. The envelope  
25 shall be destroyed in the same manner as ballots pursuant to  
26 section 50.13. ~~Additional copies~~ At least one additional copy  
27 of the results, ~~if any,~~ shall be signed by the officials and  
28 delivered to the commissioner with the other supplies from the  
29 election pursuant to section 50.17.

30 Sec. 35. Section 52.25, unnumbered paragraph 2, Code 2003,  
31 is amended to read as follows:

32 The entire convention question, amendment or public measure  
33 shall be printed and displayed prominently in at least four  
34 places within the voting precinct, and inside each voting  
35 booth, ~~or on the left-hand side inside the curtain of each~~



1 ~~voting-machine~~, the printing to be in conformity with the  
2 provisions of chapter 49. The public measure shall be  
3 summarized by the commissioner and in the largest type  
4 possible printed on the special paper ballots or ~~inserts-used~~  
5 in the voting machines, except that:

6 Sec. 36. Section 53.16, Code 2003, is amended to read as  
7 follows:

8 53.16 SUBSCRIBING TO AFFIDAVIT -- REQUIRED IDENTIFICATION.

9 After marking the ballot, the voter shall make and  
10 subscribe to the affidavit on the reverse side of the  
11 envelope, and fold the ballot or ballots, separately, so as to  
12 conceal the markings on them, and deposit them, and a  
13 photocopy of the identification required in section 49.77,  
14 subsection 3, in the envelope, and securely seal the envelope.

15 Sec. 37. Section 53.31, Code 2003, is amended by adding  
16 the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. If a voter votes an absentee  
18 ballot by mail, or pursuant to section 53.10, 53.11, or 53.22,  
19 and does not include a photocopy of the identification  
20 required in section 49.77, subsection 3, the ballot returned  
21 by the voter shall be considered a provisional ballot pursuant  
22 to this section and section 49.81.

23 Sec. 38. NEW SECTION. 53.37A STATE COMMISSIONER DUTIES.

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

32 Sec. 39. Section 53.40, unnumbered paragraph 1, Code 2003,  
33 is amended to read as follows:

34 A request in writing for a ballot may be made by any member  
35 of the armed forces of the United States who is or will be a

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

16 Sec. 40. Section 53.53, Code 2003, is amended by adding  
17 the following new unnumbered paragraphs:

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

35 NEW UNNUMBERED PARAGRAPH. The county commissioner shall

1 notify a voter when the voter's federal write-in ballot was  
2 not counted and shall give the voter the reason the ballot was  
3 not counted.

4 Sec. 41. Sections 49.35, 52.11, 52.14, and 52.22, Code  
5 2003, are repealed.

6 Sec. 42. EFFECTIVE DATES.

7 1. The sections of this Act enacting new Code section  
8 48A.25A and amending Code sections 48A.26, 48A.36, 49.68,  
9 49.70, 49.71, and that portion of section 52.16 relating to  
10 voter instructions only, take effect January 1, 2004, or  
11 January 1, 2006, if a waiver is granted pursuant to section  
12 303(d) of Pub. L. No. 107-252.

13 2. The sections of this Act amending sections 52.1, 52.9,  
14 52.10, 52.12, 52.16, 52.17, 52.20, 52.21, and 52.25, and the  
15 sections of this Act repealing sections 52.11, 52.14, and  
16 52.22, take effect January 1, 2004, or January 1, 2006, if a  
17 waiver is granted pursuant to section 102(a) of Pub. L. No.  
18 107-252.

19 3. The remainder of this Act, being deemed of immediate  
20 importance, takes effect upon enactment.

21

DIVISION II

22

TRANSFER OF ELECTION AND VOTER REGISTRATION DUTIES

23

24 Sec. 43. Section 34A.6, subsection 3, Code 2003, is  
25 amended to read as follows:

26 3. The ~~secretary-of~~ state commissioner of elections, in  
27 consultation with the administrator, shall adopt rules for the  
28 conduct of joint E911 service referendums as required by and  
29 consistent with subsections 1 and 2.

30

31 Sec. 44. Section 42.4, subsection 8, paragraph b,  
32 subparagraph (1), subparagraph subdivision (b), unnumbered  
33 paragraph 2, Code 2003, is amended to read as follows:

34

35 The ~~secretary-of~~ state commissioner of elections shall  
prescribe a form to be completed by all senators to declare  
their residences as of February 1, 2002. The form shall be

filed with the ~~secretary-of~~ state commissioner of elections no

1 later than five p.m. on February 1, 2002.

2 Sec. 45. Section 42.4, subsection 8, paragraph b,  
3 subparagraph (2), Code 2003, is amended to read as follows:

4 (2) Each even-numbered senatorial district to which  
5 subparagraph (1) of this paragraph is not applicable shall  
6 elect a senator in 2002 for a two-year term commencing in  
7 January 2003. However, if more than one incumbent state  
8 senator is residing in an even-numbered senatorial district on  
9 February 1, 2002, and, on or before February 15, 2002, all but  
10 one of the incumbent senators resigns from office effective no  
11 later than January 1, 2003, the remaining incumbent senator  
12 shall represent the district in the senate for the Eightieth  
13 General Assembly. A copy of the resignation must be filed in  
14 the office of the ~~secretary-of~~ state commissioner of elections  
15 no later than five p.m. on February 15, 2002.

16 Sec. 46. Section 43.18, unnumbered paragraph 1, Code 2003,  
17 is amended to read as follows:

18 Each candidate shall complete and file a signed, notarized  
19 affidavit of candidacy. The affidavit shall be in the form  
20 prescribed by the ~~secretary-of~~ state commissioner and shall  
21 include the following information:

22 Sec. 47. Section 43.63, Code 2003, is amended to read as  
23 follows:

24 43.63 CANVASS BY STATE BOARD.

25 Upon receipt of the abstracts of votes from the counties,  
26 the ~~secretary-of~~ state commissioner shall immediately open the  
27 envelopes and canvass the results for all offices. The  
28 ~~secretary-of~~ state commissioner shall invite to attend the  
29 canvass one representative from each political party which, at  
30 the last preceding general election, cast for its candidate  
31 for president of the United States or for governor, as the  
32 case may be, at least two percent of the total vote cast for  
33 all candidates for that office at that election, as determined  
34 by the ~~secretary-of~~ state commissioner. The ~~secretary-of~~  
35 state commissioner shall notify the chairperson of each

1 political party of the time of the canvass. However, the  
2 presence of a representative from a political party is not  
3 necessary for the canvass to proceed.

4 Not later than the twenty-seventh day after the primary  
5 election, the ~~secretary-of~~ state commissioner shall present to  
6 the state board of canvassers abstracts showing the number of  
7 ballots cast by each political party for each office and a  
8 summary of the results for each office, showing the votes cast  
9 in each county. The state board of canvassers shall review  
10 the results compiled by the ~~secretary-of~~ state commissioner  
11 and, if the results are accurately tabulated, the state board  
12 shall approve the canvass.

13 Sec. 48. Section 43.67, unnumbered paragraphs 1 and 2,  
14 Code 2003, are amended to read as follows:

15 Each candidate nominated pursuant to section 43.52 or 43.65  
16 is entitled to have the candidate's name printed on the  
17 official ballot to be voted at the general election without  
18 other certificate unless the candidate was nominated by write-  
19 in votes. Immediately after the completion of the canvass  
20 held under section 43.49, the county auditor shall notify each  
21 person who was nominated by write-in votes for a county or  
22 township office that the person is required to file an  
23 affidavit of candidacy if the person wishes to be a candidate  
24 for that office at the general election. Immediately after  
25 the completion of the canvass held under section 43.63, the  
26 ~~secretary-of~~ state commissioner shall notify each person who  
27 was nominated by write-in votes for a state or federal office  
28 that the person is required to file an affidavit of candidacy  
29 if the person wishes to be a candidate for that office at the  
30 general election. If the affidavit is not filed by five p.m.  
31 on the seventh day after the completion of the canvass, that  
32 person's name shall not be placed upon the official general  
33 election ballot. The affidavit shall be signed by the  
34 candidate, notarized, and filed with the county auditor or the  
35 ~~secretary-of~~ state commissioner, whichever is applicable.

1 The affidavit shall be in the form prescribed by the  
2 ~~secretary-of~~ state commissioner. The affidavit shall include  
3 the following information:

4 Sec. 49. Section 44.3, subsection 2, unnumbered paragraph  
5 1, Code 2003, is amended to read as follows:

6 Each candidate nominated by the convention or caucus shall  
7 complete and file a signed, notarized affidavit of candidacy.  
8 The affidavit shall be in the form prescribed by the ~~secretary~~  
9 ~~of state~~ commissioner. The affidavit shall include the  
10 following information:

11 Sec. 50. Section 45.3, unnumbered paragraph 1, Code 2003,  
12 is amended to read as follows:

13 Each candidate shall complete and file a signed, notarized  
14 affidavit of candidacy. The affidavit shall be filed at the  
15 same time as the nomination petition. The affidavit shall be  
16 in the form prescribed by the ~~secretary-of~~ state commissioner  
17 and shall include the following information:

18 Sec. 51. Section 47.1, unnumbered paragraphs 1 and 3, Code  
19 2003, are amended to read as follows:

20 The ~~secretary-of-state~~ executive director of the Iowa  
21 elections, ethics, and campaign disclosure board established  
22 in section 68B.32 is designated as the state commissioner of  
23 elections and shall supervise the activities of the county  
24 commissioners of elections. There is established within the  
25 office of the ~~secretary-of-state~~ Iowa elections, ethics, and  
26 campaign disclosure board a division of elections which shall  
27 be under the direction of the state commissioner of elections.  
28 The state commissioner of elections may appoint a person to be  
29 in charge of the division of elections who shall perform the  
30 duties assigned by the state commissioner of elections. The  
31 state commissioner of elections shall prescribe uniform  
32 election practices and procedures, shall prescribe the  
33 necessary forms required for the conduct of elections, shall  
34 assign a number to each proposed constitutional amendment and  
35 statewide public measure for identification purposes, and

1 shall adopt rules, pursuant to chapter 17A, to carry out this  
2 section.

3 The ~~secretary-of-state~~ executive director of the Iowa  
4 elections, ethics, and campaign disclosure board is designated  
5 the chief state election official and is responsible for  
6 coordination of state responsibilities under the federal  
7 National Voter Registration Act of 1993.

8 Sec. 52. Section 48A.19, subsection 3, Code 2003, is  
9 amended to read as follows:

10 3. The voter registration agency shall provide voter  
11 registration services with each application for services or  
12 assistance and with each recertification, renewal, or change  
13 of address form completed relating to the agency's services.  
14 The ~~secretary-of~~ state registrar of voters shall adopt  
15 administrative rules in cooperation with voter registration  
16 agencies to carry out the requirements of this section.

17 Sec. 53. Section 48A.22, Code 2003, is amended to read as  
18 follows:

19 48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.

20 The ~~secretary-of~~ state registrar of voters shall encourage  
21 volunteer organizations to undertake voter registration drives  
22 by providing registration forms.

23 Sec. 54. Section 49.67, unnumbered paragraph 2, Code 2003,  
24 is amended to read as follows:

25 If necessary, the commissioner or the commissioner's  
26 designee may make photocopies of official ballots to replace  
27 or replenish ballot supplies. The commissioner shall keep a  
28 record of the number of photocopied ballots made for each  
29 precinct, the name of the person who made the photocopies, and  
30 the date, time, and location at which the photocopies were  
31 made. These records shall be made on forms and following  
32 procedures prescribed by the ~~secretary-of~~ state commissioner  
33 by administrative rule.

34 Sec. 55. Section 49.104, subsection 7, Code 2003, is  
35 amended to read as follows:

1 7. Any person authorized by the commissioner, in  
2 consultation with the ~~secretary-of~~ state commissioner, for the  
3 purposes of conducting and attending educational voting  
4 programs for youth.

5 Sec. 56. Section 49A.8, Code 2003, is amended to read as  
6 follows:

7 49A.8 CANVASS -- DECLARATION OF RESULT -- RECORD.

8 The judges of election, county boards of canvassers, and  
9 other election officials shall canvass the vote on any  
10 constitutional amendment or public measure, and make return  
11 thereof, in the same manner as required by law for the canvass  
12 and return of the vote for public officers. The board of  
13 state canvassers shall canvass such returns, declare the  
14 result, and enter the same of record, immediately following  
15 and in connection with the proofs of publication of such  
16 amendment or measure, in the book kept for that purpose by the  
17 ~~secretary-of~~ state commissioner of elections.

18 Upon completion of the canvass, the ~~secretary-of~~ state  
19 commissioner of elections shall certify to the Iowa Code  
20 editor the results of the election.

21 Sec. 57. Section 50.36, Code 2003, is amended to read as  
22 follows:

23 50.36 ENVELOPES CONTAINING OTHER ABSTRACTS -- CANVASS.

24 The ~~secretary-of~~ state commissioner, upon receipt of the  
25 envelopes containing the abstracts of votes, shall open and  
26 canvass the abstracts for all offices except governor and  
27 lieutenant governor.

28 The ~~secretary-of~~ state commissioner shall invite to attend  
29 the canvass one representative from each political party  
30 which, at the last preceding general election, cast for its  
31 candidate for president of the United States or for governor,  
32 as the case may be, at least two percent of the total vote  
33 cast for all candidates for that office at that election, as  
34 determined by the ~~secretary-of~~ state commissioner. The  
35 ~~secretary-of~~ state commissioner shall notify the chairperson



1 of each political party of the time of the canvass. However,  
2 the presence of a representative from a political party is not  
3 necessary for the canvass to proceed.

4 Sec. 58. Section 50.37, Code 2003, is amended to read as  
5 follows:

6 50.37 STATE CANVASSING BOARD.

7 The executive council shall constitute a board of  
8 canvassers of all abstracts of votes required to be filed with  
9 the state commissioner, except for the offices of governor and  
10 lieutenant governor. Any clerical error found by the  
11 ~~secretary-of~~ state commissioner or state board of canvassers  
12 shall be corrected by the county commissioner in a letter  
13 addressed to the state board of canvassers.

14 Sec. 59. Section 50.38, Code 2003, is amended to read as  
15 follows:

16 50.38 TIME OF STATE CANVASS.

17 Not later than twenty-seven days after the day of the  
18 election, the ~~secretary-of~~ state commissioner shall present to  
19 the board of state canvassers abstracts of votes cast at the  
20 election showing the number of ballots cast for each office  
21 and a summary of the results for each office, showing the  
22 votes cast in each county. The state board of canvassers  
23 shall review the results compiled by the ~~secretary-of~~ state  
24 commissioner and, if the results are accurately tabulated, the  
25 state board shall approve the canvass.

26 Sec. 60. Section 54.5, unnumbered paragraph 5, Code 2003,  
27 is amended to read as follows:

28 If a candidate for the office of president or vice  
29 president of the United States withdraws, dies, or is  
30 otherwise removed from the ballot before the general election,  
31 another candidate may be substituted. The substitution shall  
32 be made by the state central committee of the political party  
33 or by the governing committee of the national party. If there  
34 are differences, the substitution made by the state central  
35 committee shall prevail. A nonparty political organization

1 which has filed the names of party officers and central  
2 committee members with the ~~secretary-of~~ state commissioner of  
3 elections before the close of the filing period for the  
4 general election pursuant to section 44.17 may also make  
5 substitutions. A substitution must be filed no later than  
6 seventy-four days before the election.

7 Sec. 61. Section 56.5, subsection 4, Code 2003, is amended  
8 to read as follows:

9 4. A list, by office and district, of all candidates who  
10 have filed an affidavit of candidacy in the office of the  
11 ~~secretary-of~~ state commissioner shall be prepared by the  
12 ~~secretary-of~~ state commissioner and delivered to the board not  
13 more than ten days after the last day for filing nomination  
14 papers.

15 Sec. 62. Section 59.1, unnumbered paragraphs 2 and 3, Code  
16 2003, are amended to read as follows:

17 A copy of the statement of notice of contest shall be filed  
18 with the ~~secretary-of~~ state commissioner of elections within  
19 five days of service of the notice upon the incumbent. The  
20 ~~secretary-of~~ state commissioner of elections shall notify the  
21 presiding officer of the house in which the contest will be  
22 tried.

23 A special election for a seat in either house of the  
24 general assembly may be contested. The contestant shall serve  
25 notice on the incumbent in the manner described in this  
26 section not later than twenty days after the state canvass of  
27 votes for the election. A copy of the notice shall also be  
28 filed with the presiding officer of the house in which the  
29 contest is to be tried, if the general assembly is in session.  
30 If the general assembly is not in session, a copy of the  
31 notice shall be filed with the ~~secretary-of~~ state commissioner  
32 of elections. The ~~secretary-of~~ state commissioner of  
33 elections shall notify the presiding officer of the house in  
34 which the contest will be tried.

35 Sec. 63. Section 59.4, Code 2003, is amended to read as

1 follows:

2 59.4 RETURN OF DEPOSITIONS.

3 A copy of the statement, and of the notice for taking  
4 depositions, with the service endorsed, and verified by  
5 affidavit if not served by an officer, shall be returned to  
6 the officer taking the depositions, and then, with the  
7 depositions, shall be sealed up and transmitted to the  
8 ~~secretary-of~~ state commissioner of elections, with an  
9 endorsement thereon showing the nature of the papers, the  
10 names of the contesting parties, and the branch of the general  
11 assembly before whom the contest is to be tried.

12 Sec. 64. Section 59.7, Code 2003, is amended to read as  
13 follows:

14 59.7 NOTICE OF RESULT.

15 The presiding officer of the house in which the contest was  
16 tried shall certify to the ~~secretary-of~~ state commissioner of  
17 elections the results of the contest.

18 Sec. 65. Section 60.2, Code 2003, is amended to read as  
19 follows:

20 60.2 CLERK.

21 The ~~secretary-of~~ state commissioner of elections shall be  
22 the clerk of the court, or, in the ~~secretary-of-state's~~ state  
23 commissioner's absence or inability to act, the clerk of the  
24 supreme court.

25 Sec. 66. Section 60.3, Code 2003, is amended to read as  
26 follows:

27 60.3 OATH.

28 Each member of the court, before entering upon the  
29 discharge of the member's duties, shall take an oath before  
30 the ~~secretary-of~~ state commissioner of elections, or some  
31 officer qualified to administer oaths, that the member will  
32 support the Constitution of the United States and that of the  
33 state of Iowa, and that, without fear, favor, affection, or  
34 hope of reward, the member will, to the best of the member's  
35 knowledge and ability, administer justice according to law and

1 the facts in the case.

2 Sec. 67. Section 60.4, Code 2003, is amended to read as  
3 follows:

4 60.4 STATEMENT.

5 The contestant shall file the statement provided for in  
6 chapter 62 in the office of the ~~secretary-of~~ state  
7 commissioner of elections within two days from the day on  
8 which the returns are canvassed by the state board of  
9 canvassers and, within the same time, serve a copy of the  
10 same, with a notice of the contest, on the incumbent in the  
11 manner provided by the rules of civil procedure for service of  
12 an original notice.

13 Sec. 68. Section 60.6, Code 2003, is amended to read as  
14 follows:

15 60.6 JUDGMENT.

16 The judgment of the court shall determine which of the  
17 parties to the action is entitled to hold the office and shall  
18 be authenticated by the presiding judge and clerk of the court  
19 and filed with the ~~secretary-of~~ state commissioner of  
20 elections; and the judgment so rendered shall constitute a  
21 final determination of the title to the office, and a  
22 certificate of appointment shall be issued to the successful  
23 party.

24 Sec. 69. Section 61.2, Code 2003, is amended to read as  
25 follows:

26 61.2 CLERK.

27 The ~~secretary-of~~ state commissioner of elections shall be  
28 the clerk of this court; but if the person holding that office  
29 is a party to the contest, the clerk of the supreme court, or,  
30 in case of that person's absence or inability, the auditor of  
31 state shall be clerk.

32 Sec. 70. Section 61.11, Code 2003, is amended to read as  
33 follows:

34 61.11 SUBPOENAS -- DEPOSITIONS.

35 The ~~secretary-of~~ state commissioner of elections, the

1 several clerks of the supreme and district courts, under their  
2 respective seals of office, and either of the judges of the  
3 supreme or district courts, under their hands, may issue  
4 subpoenas for witnesses to attend this court; and disobedience  
5 to such process may be treated as a contempt. Depositions may  
6 also be taken as in the case of contested county elections.

7 Sec. 71. Section 68B.2, subsection 3, Code 2003, is  
8 amended to read as follows:

9 3. "Board" means the Iowa elections, ethics, and campaign  
10 disclosure board.

11 Sec. 72. Section 68B.32A, Code 2003, is amended by adding  
12 the following new subsection:

13 NEW SUBSECTION. 15. Perform all duties as required and  
14 directed by the state commissioner of elections as defined in  
15 section 47.7.

16 Sec. 73. Section 331.510, subsection 2, Code 2003, is  
17 amended to read as follows:

18 2. A report to the ~~secretary-of~~ state commissioner of  
19 elections of the name, office, and term of office of each  
20 appointed or elected county officer within ten days of the  
21 officer's election or appointment and qualification.

22 Sec. 74. AMENDMENTS CHANGING TERMINOLOGY -- DIRECTIVE TO  
23 CODE EDITOR. The Iowa Code editor is directed to strike the  
24 words "ethics and campaign disclosure board" and insert the  
25 words "elections, ethics, and campaign disclosure board"  
26 wherever the words "ethics and campaign disclosure board"  
27 appear in the Iowa Code, in any bills awaiting codification,  
28 and in any bills enacted by the Eightieth General Assembly,  
29 2003 Regular Session, unless a contrary intent is clearly  
30 evident.

31 DIVISION III

32 ABSENTEE VOTING

33 Sec. 75. Section 53.2, unnumbered paragraph 1, Code 2003,  
34 is amended to read as follows:

35 Any registered voter, under the circumstances specified in

1 section 53.1, may ~~on-any-day, except-election-day,~~ and not  
2 more than ~~seventy~~ forty-five days prior to the date of the  
3 election, apply in person for an absentee ballot at the  
4 commissioner's office or at any location designated by the  
5 commissioner, or make written application to the commissioner  
6 for an absentee ballot. Absentee ballot applications may only  
7 be distributed by the commissioner's office. Absentee ballot  
8 applications shall be distributed by the commissioner not more  
9 than forty-five days and not less than seven days before the  
10 election.

11 PARAGRAPH DIVIDED. The state commissioner shall prescribe  
12 a form for absentee ballot applications. ~~However, if a~~  
13 ~~registered voter submits an application that includes all of~~  
14 ~~the information required in this section, the prescribed form~~  
15 ~~is not required.~~ The application shall include a statement  
16 that if the absentee ballot is not voted in person at the  
17 commissioner's office or at a satellite absentee voting  
18 station, the absentee ballot will be mailed to the voter not  
19 less than seven days before the election. Absentee ballot  
20 applications may include instructions to send the application  
21 directly to the county commissioner of elections. However, no  
22 absentee ballot application shall be preaddressed or printed  
23 with instructions to send the applications to anyone other  
24 than the appropriate commissioner. An individual requesting  
25 more than one absentee ballot application may only request a  
26 number of applications equal to the number of registered  
27 voters in the individual's household.

28 Sec. 76. Section 53.8, subsection 1, Code 2003, is amended  
29 to read as follows:

30 1. Upon receipt of an application for an absentee ballot  
31 and immediately after the absentee ballots are printed and not  
32 less than seven days before the election, the commissioner  
33 shall mail an absentee ballot to the applicant ~~within twenty-~~  
34 ~~four hours,~~ except as otherwise provided in subsection 3. The  
35 absentee ballot shall be enclosed in an unsealed envelope

1 bearing a serial number and affidavit. The absentee ballot  
2 and unsealed envelope shall be enclosed in or with a carrier  
3 envelope marked postage paid which bears the same serial  
4 number as the unsealed envelope. The absentee ballot,  
5 unsealed envelope, and carrier envelope shall be enclosed in a  
6 third envelope to be sent to the registered voter. If the  
7 ballot cannot be folded so that all of the votes cast on the  
8 ballot will be hidden, the commissioner shall also enclose a  
9 secrecy envelope with the absentee ballot.

10 Sec. 77. Section 53.8, subsection 2, Code 2003, is amended  
11 to read as follows:

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

22 Sec. 78. Section 53.17, subsection 1, Code 2003, is  
23 amended to read as follows:

24 1. The sealed carrier envelope may be delivered by the  
25 registered voter, or the voter's designee if the absentee  
26 ballot is voted by a voter described in section 53.22, to the  
27 commissioner's office no later than the time the polls are  
28 closed on election day.

29 Sec. 79. Section 53.17, subsection 2, Code 2003, is  
30 amended to read as follows:

31 2. The sealed carrier envelope may be mailed to the  
32 commissioner. ~~The carrier envelope shall indicate that~~  
33 ~~greater postage than ordinary first class mail may be~~  
34 ~~required.--The commissioner shall pay any insufficient postage~~  
35 ~~due on a carrier envelope bearing ordinary first class postage~~

1 ~~and-accept-the-ballot-~~

2

EXPLANATION

3 This bill makes changes to the law relating to elections  
4 and voter registration. Division I of the bill contains Iowa  
5 Code changes which, unless otherwise noted, are necessary to  
6 comply with requirements of Public Law No. 107-252, the  
7 federal Help America Vote Act of 2002. Division II of the  
8 bill transfers duties relating to the conduct of elections and  
9 voter registration from the office of secretary of state to  
10 the Iowa ethics and campaign disclosure board. Division III  
11 makes changes to the law relating to absentee voting.

12 DIVISION I -- Code section 47.1 is amended to require the  
13 state commissioner of elections (secretary of state) to adopt,  
14 by rule, administrative complaint procedures for resolution of  
15 grievances relating to violations of those provisions of the  
16 Help America Vote Act relating to uniform and  
17 nondiscriminatory election technology and administration  
18 requirements.

19 Code section 47.7 is amended to require the state registrar  
20 of voters (secretary of state), on or before January 1, 2004,  
21 or on or before January 1, 2006, if a federal waiver is  
22 granted, to implement a centralized, computerized statewide  
23 voter registration system. The statewide system must be  
24 interactive with other agency computer databases in the state.  
25 Code section 48A.36 is amended to conform to this requirement.

26 Code section 48A.11, relating to information required when  
27 registering to vote, is amended to require that the first name  
28 and any family forename or surname be included when providing  
29 the registrant's name. That section is also amended to  
30 require that the registrant provide the registrant's Iowa  
31 driver's license number or, if not available, the last four  
32 numerals of the registrant's social security number. If the  
33 registrant does not have either an Iowa driver's license or  
34 social security number, the registrar is to assign the  
35 registrant an identification number for voter registration



1 purposes. Code section 48A.11 is amended to specify that the  
2 requirement for the registrant's date of birth includes the  
3 month, date, and year of birth. The section is amended to  
4 require that the voter registration form ask the registrant if  
5 the registrant is a citizen of the United States and if the  
6 registrant will be 18 years old on or before election day.  
7 The form shall contain a statement that if the registrant  
8 answered "no" to either of those questions, the registrant is  
9 not to complete the registration form. Code section 48A.11 is  
10 also amended to add a new subsection providing that if certain  
11 required information is not provided on the registration form,  
12 the form shall not be processed and the registrar shall mail  
13 an acknowledgment to the registrant notifying the registrant  
14 that the registration could not be processed.

15 The amendments to Code section 48A.11, relating to  
16 political party affiliation on the voter registration form,  
17 and striking the requirement that the state voter registration  
18 commission prescribe voter registration forms by rule, are not  
19 required by the Help America Vote Act.

20 New Code section 48A.25A requires the state registrar of  
21 voters to verify the registrant's driver's license number or  
22 the last four digits of the registrant's social security  
23 number. If either number provided cannot be verified, the  
24 state registrar shall reject the registration application and  
25 the registrant shall be notified. If the information can be  
26 verified, the registrar is to make a record of the source used  
27 for verification.

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.

33 Code section 48A.28 is amended to change the time period  
34 from four consecutive calendar years to two or more  
35 consecutive general elections under which a commissioner

1 participating in the national change of address program is to  
2 notify a registered voter if the voter has not voted after  
3 registering or if the voter has not responded to a prior  
4 notice mailed by the commissioner.

5 Code section 48A.38 is amended to require that a voter's  
6 driver's license number be removed from a voter registration  
7 list prepared at the request of any person. Current law  
8 requires that the voter's social security number be removed.

9 Code section 49.68 is amended to require the state  
10 commissioner to prepare two separate sets of instructions to  
11 voters, rather than the current one. A second set is required  
12 which is to contain instructions on the manner of marking  
13 ballots only. The other set, which is to be known as the Iowa  
14 voter bill of rights, is to contain instructions required by  
15 current Code plus instructions on casting a provisional  
16 ballot, instructions for first-time voters who registered by  
17 mail, the appropriate official to contact if the voter  
18 believes the voter's rights relating to voting have been  
19 violated, polling place hours and the date of the election,  
20 and information on federal and state laws which prohibit fraud  
21 and misrepresentation related to voting. Code sections 49.70,  
22 49.71, and 52.16 are amended to conform to the new requirement  
23 that two separate sets of instructions be prepared.

24 Code section 49.73 is amended to change the time for  
25 closing precinct polling places from 9 p.m. to 8 p.m. for all  
26 elections. This change is not a requirement of the Help  
27 America Vote Act.

28 Code section 49.77 is amended to require that all voters  
29 show identification at the polls before being allowed to cast  
30 a ballot. If a voter is confirmed to be a registered voter of  
31 the precinct, but does not have the required identification,  
32 the voter is allowed to cast a provisional ballot. The  
33 identification required must be a current and valid photo  
34 identification card or must be one of the following documents  
35 showing the voter's name and current address:

- 1 1. Utility bill.
- 2 2. Bank statement.
- 3 3. Government check.
- 4 4. Other government document.

5 The Help America Vote Act requires that persons who register  
6 to vote by mail must show proof of identification when voting  
7 for the first time after registering.

8 Code sections 49.81, 50.20, and 50.21 are amended to change  
9 the term "special ballot" to "provisional ballot" which is the  
10 term used in the Help America Vote Act for a ballot cast by a  
11 challenged voter. Code section 49.81 is also amended to  
12 provide that when a challenged voter's ballot is not counted  
13 the commissioner, when notifying the voter, shall notify the  
14 voter by mail and shall inform the voter why the ballot was  
15 not counted.

16 Code section 52.1 is amended to remove lever voting  
17 machines as an acceptable voting machine in Iowa. Code  
18 sections 49.44, 52.9, 52.10, 52.12, 52.16, 52.17, 52.20,  
19 52.21, and 52.25 are amended to conform to this change. Code  
20 sections 49.35, 52.11, 52.14, and 52.22 are repealed to  
21 conform to this change. The amendments to these Code sections  
22 take effect January 1, 2004, unless a waiver is granted by the  
23 federal government pursuant to the Help America Vote Act.

24 Code section 52.2 is amended to provide that the state  
25 commissioner may provide voting equipment to a county that is  
26 required to replace its lever voting machines with a different  
27 type of voting machine or voting system.

28 Code section 52.16 is amended to require the election  
29 officials to print a report showing that the voter machine  
30 counter is set at zero immediately before the polls open to  
31 voters.

32 Code section 52.20 is amended to provide that if a voter  
33 leaves the voting booth without having cast the ballot the  
34 voter voted, the precinct election official shall cast the  
35 ballot.

1 Code section 52.21 is amended to provide that write-in  
2 votes cast for a person whose name appears on the ballot as a  
3 candidate for that office shall not be counted.

4 Code section 52.23 is amended to require that at least one  
5 additional copy of the printed canvass results from each  
6 voting machine shall be signed by the precinct election  
7 officials and delivered to the county commissioner.

8 Currently, more than one additional copy is required to be  
9 delivered to the commissioner.

10 Code section 53.16 is amended to include the requirement  
11 that a photocopy of identification required when voting in  
12 person must be included with a voted absentee ballot. Code  
13 section 53.31 is amended to provide that if required  
14 identification is not included with the absentee ballot, the  
15 ballot will be considered a provisional ballot.

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

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

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

1 election, the state commissioner, rather than the county  
2 commissioner, is to verify that the ballot is eligible to be  
3 counted and shall notify the appropriate county commissioner  
4 and transmit the ballot. If the ballot is not to be counted,  
5 the county commissioner is required to notify the voter and  
6 give the reason why the ballot was not counted.

7 The sections of the division enacting new Code section  
8 48A.25 and amending Code sections 48A.26, 48A.36, 49.68,  
9 49.70, and 49.71, and that portion of section 52.16 relating  
10 to voter instructions only, take effect January 1, 2004, or  
11 January 1, 2006, if a waiver is granted pursuant to the  
12 federal law. The remainder of the division takes effect upon  
13 enactment.

14 DIVISION II -- Division II of the bill transfers duties  
15 relating to conduct of elections and voter registration from  
16 the office of secretary of state to the Iowa ethics and  
17 campaign disclosure board. The ethics and campaign disclosure  
18 board is renamed the elections, ethics, and campaign  
19 disclosure board. Other related changes are provided to  
20 transfer election-related duties from the secretary of state  
21 to the state commissioner of elections.

22 DIVISION III -- Division III of the bill makes changes  
23 relating to absentee voting procedures, including request and  
24 delivery of absentee ballot applications, delivery of absentee  
25 ballots to the voter, and delivery of completed absentee  
26 ballots to the county commissioner of elections.

27 The bill provides that an absentee ballot application may  
28 be requested no more than 45 days and no less than seven days  
29 before the election, rather than the current 70 days before  
30 the election. The bill also provides that absentee ballot  
31 applications may only be distributed by the county  
32 commissioner's office. The bill strikes the provision that  
33 allowed a voter to submit an application other than the  
34 absentee ballot application prepared by the state commissioner  
35 of elections if the voter's application contained certain

1 required information. The bill provides that an individual  
2 requesting more than one absentee ballot application may only  
3 request a number of applications equal to the number of  
4 registered voters in the individual's household. The bill  
5 also provides that the commissioner shall mail an absentee  
6 ballot to a voter no less than seven days before the election.

7 The bill provides that a sealed carrier envelope containing  
8 an absentee ballot may only be delivered to the county  
9 commissioner's office by the registered voter who completed  
10 the ballot or by the voter's designee if the voter is a  
11 confined person described in Code section 53.22.

12 The bill provides that the carrier envelope delivered to  
13 the voter along with the absentee ballot and secrecy envelope  
14 shall be marked postage paid.

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SENATE FILE 370

S-3143

1 Amend Senate File 370 as follows:

2 1. Page 8, line 31, by inserting after the word  
3 "or" the following: "described in section 53.16,  
4 subsection 3, or".

5 2. Page 16, by striking lines 8 through 22, and  
6 inserting the following:

7 "53.16 SUBSCRIBING TO AFFIDAVIT -- IDENTIFICATION  
8 REQUIRED OF CERTAIN VOTERS.

9 1. After marking the ballot, the voter shall make  
10 and subscribe to the affidavit on the reverse side of  
11 the envelope, and fold the ballot or ballots,  
12 separately, so as to conceal the markings on them, and  
13 deposit them in the envelope, and securely seal the  
14 envelope.

15 2. An eligible elector who registers by mail and  
16 who has not previously voted in an election for  
17 federal office in the county of registration and who  
18 is voting an absentee ballot by mail, at the  
19 commissioner's office, or at a satellite voting  
20 station, shall be required to provide a form of  
21 identification described in section 49.77, subsection  
22 3, unless the registrant provided on the registration  
23 form the registrant's Iowa driver's license number or  
24 the last four numerals of the registrant's social  
25 security number and the driver's license or partial  
26 social security number matches an existing state or  
27 federal identification record with the same social  
28 security number or Iowa driver's license number and  
29 name, including first name and any family forename or  
30 surname, and date of birth, including month, date, and  
31 year.

32 3. A voter who is required to present |  
33 identification when casting an absentee ballot in  
34 person shall be permitted to vote a provisional ballot  
35 pursuant to section 49.81 if the voter does not  
36 provide the required identification. If a voter who  
37 is required to present identification when casting an  
38 absentee ballot votes an absentee ballot by mail, the  
39 ballot returned by the voter shall be considered a  
40 provisional ballot pursuant to sections 49.81 and  
41 53.31."

42 3. Page 18, line 7, by inserting after the word  
43 "this" the following: "division of this".

44 4. Page 18, line 13, by inserting after the word  
45 "this" the following: "division of this".

46 5. Page 18, line 15, by inserting after the word  
47 "this" the following: "division of this".

48 6. Page 18, line 19, by inserting after the word  
49 "this" the following: "division of this".

50 7. By striking page 28, line 33 through page 31,

S-3143

1 line 1, and inserting the following:

2 "Sec. \_\_\_\_\_. Section 39A.2, subsection 1, paragraph  
3 b, Code 2003, is amended by adding the following new  
4 subparagraph:

5 NEW SUBPARAGRAPH. (6) Returns an absentee ballot  
6 application or voted absentee ballot to the  
7 commissioner's office and the person is not an  
8 immediate family member of the applicant or voter as  
9 that term is defined in section 53.1A or is not the  
10 designee of a voter described in section 53.22,  
11 subsection 5.

12 Sec. \_\_\_\_\_. NEW SECTION. 53.1A DEFINITIONS.

13 For purposes of this chapter, "immediate family  
14 member" of an absentee ballot applicant or absentee  
15 ballot voter means the spouse, adult child, parent,  
16 grandparent, or adult sibling of the applicant or  
17 voter.

18 Sec. \_\_\_\_\_. Section 53.2, unnumbered paragraph 1,  
19 Code 2003, is amended to read as follows:

20 Any registered voter, under the circumstances  
21 specified in section 53.1, may ~~on any day, except~~  
22 ~~election day, and not more than seventy~~ sixty days  
23 prior to the date of the election, apply in person for  
24 an absentee ballot at the commissioner's office or at  
25 any location designated by the commissioner, or make  
26 written application to the commissioner for an  
27 absentee ballot. Absentee ballot applications may  
28 only be distributed by the commissioner's office. The  
29 commissioner may make absentee ballot applications  
30 available on the commissioner's office internet  
31 website. Absentee ballot applications shall be  
32 distributed by the commissioner not more than sixty  
33 days and not less than seven days before the election.

34 PARAGRAPH DIVIDED. The state commissioner shall  
35 prescribe a form for absentee ballot applications.  
36 ~~However, if a registered voter submits an application~~  
37 ~~that includes all of the information required in this~~  
38 ~~section, the prescribed form is not required.~~  
39 Absentee ballot applications may include instructions  
40 to send the application directly to the county  
41 commissioner of elections. However, no absentee  
42 ballot application shall be preaddressed or printed  
43 with instructions to send the applications to anyone  
44 other than the appropriate commissioner. A completed  
45 application for an absentee ballot may be returned  
46 only by the applicant, or a member of the applicant's  
47 immediate family, or the applicant's designee if the  
48 applicant is a voter described in section 53.22,  
49 subsection 5.

50 Sec. \_\_\_\_\_. Section 53.2, Code 2003, is amended by



1 adding the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. If an absentee ballot  
3 application is received by the commissioner more than  
4 sixty days before the election, the commissioner shall  
5 notify the applicant that the applicant must reapply  
6 for an absentee ballot no sooner than sixty days  
7 before the election.

8 Sec. \_\_\_\_\_. Section 53.8, subsection 1, Code 2003,  
9 is amended to read as follows:

10 1. Upon receipt of an application for an absentee  
11 ballot and immediately after the absentee ballots are  
12 printed and not less than seven days before the  
13 election, the commissioner shall mail an absentee  
14 ballot to the applicant ~~within twenty-four hours,~~  
15 except as otherwise provided in subsection 3.  
16 However, the commissioner may mail an absentee ballot  
17 to an applicant less than seven days before the  
18 election if the applicant is a voter described in  
19 section 53.22, subsection 5. The absentee ballot  
20 shall be enclosed in an unsealed envelope bearing a  
21 serial number and affidavit. The absentee ballot and  
22 unsealed envelope shall be enclosed in or with a  
23 carrier envelope marked postage paid which bears the  
24 same serial number as the unsealed envelope. The  
25 absentee ballot, unsealed envelope, and carrier  
26 envelope shall be enclosed in a third envelope to be  
27 sent to the registered voter. If the ballot cannot be  
28 folded so that all of the votes cast on the ballot  
29 will be hidden, the commissioner shall also enclose a  
30 secrecy envelope with the absentee ballot.

31 Sec. \_\_\_\_\_. Section 53.8, subsection 2, Code 2003,  
32 is amended to read as follows:

33 2. If an application is received so late that it  
34 is unlikely that the absentee ballot can be returned  
35 in time to be counted on election day, the  
36 commissioner shall enclose with the absentee ballot a  
37 statement to that effect. The statement shall also  
38 point out that it is possible for the applicant, a  
39 member of the applicant's immediate family, or the  
40 applicant's designee if the absentee ballot is voted  
41 by a voter described in section 53.22, subsection 5,  
42 to personally deliver the completed absentee ballot to  
43 the office of the commissioner at any time before the  
44 closing of the polls on election day.

45 Sec. \_\_\_\_\_. Section 53.17, subsection 1, Code 2003,  
46 is amended to read as follows:

47 1. The sealed carrier envelope may be delivered by  
48 the registered voter, or a member of the voter's  
49 immediate family, or the voter's designee if the  
50 absentee ballot is voted by a voter described in

**S-3143**

Page 4

1 section 53.22, subsection 5, to the commissioner's  
2 office no later than the time the polls are closed on  
3 election day.

4 Sec. \_\_\_\_ . Section 53.17, subsection 2, Code 2003,  
5 is amended to read as follows:

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

12 8. By renumbering as necessary.

**By** MARK ZIEMAN

**S-3143** FILED APRIL 7, 2003

*Adopted 4/22/03*

Zieman State Government  
Stevens  
Courtney

SSB 1119  
Succeeded By  
SF/HF 370

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 by  
2 implementing requirements of federal law, modifying closing  
3 hours of the polls and voter identification requirements,  
4 transferring duties relating to conduct of elections and voter  
5 registration from the office of secretary of state to the Iowa  
6 ethics and campaign disclosure board, and making changes  
7 relating to absentee voting procedures, including request and  
8 delivery of absentee ballot applications, delivery of absentee  
9 ballots to the voter, and delivery of completed absentee  
10 ballots to the county commissioner of elections, and including  
11 effective date provisions.

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

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DIVISION I

PROVISIONS RELATING TO THE FEDERAL HELP AMERICA VOTE ACT  
AND MISCELLANEOUS VOTING PROVISIONS

Section 1. Section 47.1, Code 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.

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

2. a. On or before January 1, 2004, or on or before January 1, 2006, if a waiver is granted pursuant to section 303(d) of Pub. L. No. 107-252, 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 the deadline established in paragraph "a", 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

1 state registrar.

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

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

20 Sec. 3. Section 48A.11, subsection 1, paragraph b, Code  
21 2003, is amended to read as follows:

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

24 Sec. 4. Section 48A.11, subsection 1, paragraph e, Code  
25 2003, is amended by striking the paragraph and inserting in  
26 lieu thereof, the following:

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

33 Sec. 5. Section 48A.11, subsection 1, paragraph f, Code  
34 2003, is amended to read as follows:

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

1     Sec. 6. Section 48A.11, subsection 2, is amended by adding  
2 the following new paragraph:

3     NEW PARAGRAPH. c. The following questions and statement  
4 regarding eligibility:

5         (1) Are you a citizen of the United States of America?

6         (2) Will you be eighteen years of age on or before  
7 election day?

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

10    Sec. 7. Section 48A.11, Code 2003, is amended by adding  
11 the following new subsection:

12    NEW SUBSECTION. 7. A voter registration application  
13 lacking the registrant's name, sex, date of birth, or  
14 residence address or description shall not be processed. If  
15 the registrant answered "no" or did not answer either "yes" or  
16 "no" to the question in subsection 2, paragraph "c",  
17 subparagraph (1), the application shall not be processed. A  
18 registrant whose registration is not processed pursuant to  
19 this subsection shall be notified pursuant to section 48A.26,  
20 subsection 3. A registrant who does not have either an Iowa  
21 driver's license number or a social security number and who  
22 notifies the registrar of such shall be assigned a unique  
23 identifying number that shall serve to identify the registrant  
24 for voter registration purposes.

25    Sec. 8. NEW SECTION. 48A.25A VERIFICATION OF VOTER  
26 REGISTRATION INFORMATION.

27    Upon receipt of an application for voter registration, the  
28 state registrar of voters shall compare the driver's license  
29 number or the last four numerals of the social security number  
30 provided by the registrant with the records of the state  
31 department of transportation. If the information cannot be  
32 verified, the application shall be rejected and the registrant  
33 shall be notified of the reason for the rejection. If the  
34 information can be verified, a record shall be made of the  
35 source used for verification and the application shall be

1 accepted.

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

4 Sec. 9. Section 48A.26, subsection 3, Code 2003, is  
5 amended to read as follows:

6 3. If the registration form is missing required  
7 information pursuant to section 48A.11, subsection 7, the  
8 acknowledgment shall advise the applicant what additional  
9 information is required. The commissioner shall enclose a new  
10 registration by mail form for the applicant to use. If the  
11 registration form has no address, the commissioner shall make  
12 a reasonable effort to determine where the acknowledgment  
13 should be sent. If the incomplete application is received  
14 during the twelve days before the close of registration for an  
15 election, the commissioner shall provide the registrant with  
16 an opportunity to complete the form before the close of  
17 registration.

18 Sec. 10. Section 48A.28, subsection 2, unnumbered  
19 paragraph 2, Code 2003, is amended to read as follows:

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

35 Sec. 11. Section 48A.36, subsection 2, Code 2003, is

1 amended to read as follows:

2 2. Upon receipt of electronic registration data under  
3 subsection 1, the state registrar of voters ~~may~~ shall cause  
4 the updating of registration records ~~for registrants in~~  
5 ~~counties which have arranged for data processing services~~  
6 ~~under section 47.7, subsection 2.~~ The registrar shall notify  
7 the appropriate commissioner of the actions taken.

8 Sec. 12. Section 48A.38, subsection 1, paragraph f, Code  
9 2003, is amended to read as follows:

10 f. The county commissioner of registration and the state  
11 registrar of voters shall remove a voter's social security  
12 number and driver's license number from a voter registration  
13 list prepared pursuant to this section.

14 Sec. 13. Section 49.44, unnumbered paragraph 2, Code 2003,  
15 is amended by striking the unnumbered paragraph.

16 Sec. 14. Section 49.68, Code 2003, is amended to read as  
17 follows:

18 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.

19 The state commissioner with the approval of the attorney  
20 general shall prepare, and from time to time revise, written  
21 instructions to the voters relative to voting, and shall  
22 furnish each commissioner with copies of the instructions.  
23 Such One set of instructions, which shall be known as  
24 instructions for marking ballots, shall cover the manner of  
25 marking ballots. Another set of instructions, which shall be  
26 known as the Iowa voter bill of rights, shall cover the  
27 following matters:

28 1. The manner of obtaining ballots.

29 ~~2. The manner of marking ballots.~~

30 ~~3.~~ 2. That unmarked or improperly marked ballots will not  
31 be counted.

32 ~~4.~~ 3. The method of gaining assistance in marking ballots.

33 ~~5.~~ 4. That any erasures or identification marks, or  
34 otherwise spoiling or defacing a ballot, will render it  
35 invalid.



1 ~~6~~ 5. Not to vote a spoiled or defaced ballot.

2 ~~7~~ 6. How to obtain a new ballot in place of a spoiled or  
3 defaced one.

4 7. How to cast a provisional ballot.

5 8. Instructions for first-time voters who registered by  
6 mail pursuant to section 48A.8.

7 9. The appropriate official to contact if the voter  
8 believes the voter's rights have been violated.

9 10. Polling place hours and the date of the election.

10 11. Information about federal and state laws prohibiting  
11 fraud and misrepresentation.

12 ~~8~~ 12. Any other matters thought determined necessary.

13 Sec. 15. Section 49.70, Code 2003, is amended to read as  
14 follows:

15 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

16 The commissioner shall cause copies of ~~the-foregoing~~ each  
17 set of instructions to be printed in large, clear type, under  
18 the heading ~~headings~~ of Iowa voter bill of rights and  
19 ~~"instructions~~ instructions for Voters" marking ballots, and  
20 shall furnish the precinct election officials with a  
21 sufficient number of ~~such~~ each set of instructions as will  
22 enable them to comply with section 49.71.

23 Sec. 16. Section 49.71, Code 2003, is amended to read as  
24 follows:

25 49.71 POSTING INSTRUCTION CARDS AND SAMPLE BALLOTS.

26 The precinct election officials, before the opening of the  
27 polls, shall ~~cause-said-cards~~ securely post each set of  
28 instructions ~~to-be-securely-posted~~ as follows:

29 1. One copy of instructions for marking ballots in each  
30 voting booth.

31 2. Not less than four copies of each set, with an equal  
32 number of sample ballots, in and about the polling place.

33 Sec. 17. Section 49.73, subsection 2, Code 2003, is  
34 amended to read as follows:

35 2. The commissioner shall not shorten voting hours for any

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

17 Sec. 18. Section 49.77, subsection 3, Code 2003, is  
18 amended by striking the subsection and inserting in lieu  
19 thereof the following:

20 3. A precinct election official shall require that each  
21 voter provide a current and valid identification card  
22 containing a photograph of the voter, or one of the following  
23 documents that show the name and current address of the voter:

- 24 a. Utility bill.
- 25 b. Bank statement.
- 26 c. Government check.
- 27 d. Other government document.

28 Sec. 19. Section 49.77, subsection 4, Code 2003, is  
29 amended to read as follows:

30 4. a. A person who presents identification required in  
31 subsection 3, and whose name does not appear on the election  
32 register of the precinct in which that person claims the right  
33 to vote shall not be permitted to vote, unless the person  
34 affirms that the person is currently registered in the county  
35 ~~and-presents-proof-of-identity~~, or the commissioner informs

1 the precinct election officials that an error has occurred and  
2 that the person is a registered voter of that precinct. If  
3 the commissioner finds no record of the person's registration  
4 but the person insists that the person is a registered voter  
5 of that precinct, the precinct election officials shall allow  
6 the person to cast a ballot in the manner prescribed by  
7 section 49.81.

8 b. A person who does not present identification required  
9 in subsection 3 but whose name appears on the election  
10 register of the precinct in which that person claims the right  
11 to vote, or if the commissioner informs the precinct election  
12 officials that an error has occurred and the person is a  
13 registered voter of that precinct, shall be allowed to cast a  
14 ballot in the manner prescribed by section 49.81.

15 c. A person who has been sent an absentee ballot by mail  
16 but for any reason has not received it shall be permitted to  
17 cast a ballot in person pursuant to section 53.19 and in the  
18 manner prescribed by this section and section 49.81.

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

21 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST PROVISIONAL  
22 BALLOT.

23 1. A prospective voter ~~who-is-prohibited-under~~ described  
24 in section 49.77, subsection 4, or a prospective voter who is  
25 challenged under section 49.80 from-voting-except-under-this  
26 section shall be permitted to cast a paper provisional ballot  
27 under this section. If a booth meeting the requirement of  
28 section 49.25 is not available at that polling place, the  
29 precinct election officials shall make alternative  
30 arrangements to insure the challenged voter the opportunity to  
31 vote in secret. The marked ballot, folded as required by  
32 section 49.84, shall be delivered to a precinct election  
33 official who shall immediately seal it in an envelope of the  
34 type prescribed by subsection 4. The sealed envelope shall be  
35 deposited in ~~a-special~~ an envelope marked "~~ballots-for-special~~

1 precinct" "provisional ballots" and shall be considered as  
2 having been cast in the special precinct established by  
3 section 53.20 for purposes of the postelection canvass.

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

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

- 9 I. ....
- 10 II. ....
- 11 III. ....

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

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

29 4. The individual envelopes used for each paper  
30 provisional ballot cast pursuant to subsection 1 shall have  
31 printed on them the format of the face of the registration  
32 form under section 48A.8 and the following:

33 I believe I am a registered voter of this precinct county  
34 and I am eligible to vote in this election. I registered to  
35 vote in ..... county on or about ..... at ..... My name

1 at that time was ..... I have not moved to a different  
2 county since that time. I am a United States citizen, at  
3 least eighteen years of age.

4 .....  
5 (signature of voter) (date)

6 The following information is to be provided by the precinct  
7 election official:

8 Reason for challenge:

9 .....  
10 .....

11 .....  
12 (signature of precinct  
13 election official)

14 Sec. 21. Section 50.20, Code 2003, is amended to read as  
15 follows:

16 50.20 NOTICE OF NUMBER OF ~~SPECIAL~~ PROVISIONAL BALLOTS.

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

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

34 If no ~~special~~ provisional ballots were cast in the county  
35 pursuant to section 49.81 at any election, the special

1 precinct election board need not be so reconvened. If the  
2 number of ~~special~~ provisional ballots so cast at any election  
3 is not sufficient to require reconvening of the entire  
4 election board of the special precinct, the commissioner may  
5 reconvene only the number of members required. If the number  
6 of ~~special~~ provisional ballots cast at any election exceeds  
7 the number of absentee ballots cast, the size of the special  
8 precinct election board may be increased at the commissioner's  
9 discretion. The commissioner shall observe the requirements  
10 of sections 49.12 and 49.13 in making adjustments to the size  
11 of the special precinct election board.

12 Sec. 23. Section 52.1, subsection 2, paragraph h, Code  
13 2003, is amended to read as follows:

14 h. "Voting machine" means ~~a-mechanical-or~~ an electronic  
15 device, meeting the requirements of section 52.7, designated  
16 for use in casting, registering, recording, and counting votes  
17 at an election.

18 Sec. 24. Section 52.2, Code 2003, is amended to read as  
19 follows:

20 52.2 PURCHASE.

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

29 The state commissioner may provide voting machines or  
30 electronic voting systems to a county to replace lever voting  
31 machines in use in the county in order to comply with Pub. L.  
32 No. 107-252, the Help America Vote Act of 2002.

33 Sec. 25. Section 52.9, unnumbered paragraph 4, Code 2003,  
34 is amended by striking the paragraph.

35 Sec. 26. Section 52.10, Code 2003, is amended to read as

1 follows:

2 52.10 BALLOTS -- FORM.

3 All ballots shall be ~~printed in black ink on clear, white~~  
4 ~~material, of such size as will fit the ballot frame, and~~  
5 presented in as plain, clear type as the space will reasonably  
6 permit. ~~The party name for each political party represented~~  
7 ~~on the machine shall be prefixed to the list of candidates of~~  
8 ~~such party. The order of the list of candidates of the~~  
9 ~~several parties or organizations shall be arranged as provided~~  
10 ~~in sections 49.30 to 49.42A, except that the lists may be~~  
11 ~~arranged in horizontal rows or vertical columns to meet the~~  
12 ~~physical requirements of the voting machine used. The~~  
13 offices, candidates, judges, and public measures to be voted  
14 upon, using the voting machine, shall be arranged as required  
15 by chapters 43 and 49.

16 Sec. 27. Section 52.12, Code 2003, is amended to read as  
17 follows:

18 52.12 EXCEPTION -- STRAIGHT PARTY VOTING.

19 Voting machines shall have a single ~~lever or switch~~ voting  
20 target which casts a vote for each candidate of a political  
21 party or nonparty political organization which has nominated  
22 candidates for more than one partisan office on the ballot.  
23 Straight party voting shall be provided for all general  
24 elections.

25 Sec. 28. Section 52.16, Code 2003, is amended to read as  
26 follows:

27 52.16 DUTIES OF ELECTION OFFICERS ---~~INDEPENDENT-BALLOTS.~~

28 The election board of each precinct in which votes are to  
29 be cast by machine shall meet at the precinct polling place,  
30 at least one hour before the time set for the opening of the  
31 polls at each election, and shall proceed to arrange the  
32 furniture, stationery, and voting machine for the conduct of  
33 the election. The board shall cause at least ~~two instruction~~  
34 cards four sets of instructions to be posted conspicuously  
35 within the polling place. ~~if not previously done, they shall~~

1 arrange, in their proper place on the voting machine, the  
2 ballots containing the names of the offices to be filled at  
3 the election, and the names of the candidates nominated. If  
4 not previously done, the machine shall be so arranged as to  
5 show that no vote has been cast, and shall not be thereafter  
6 operated, except by electors in voting.

7 Before the polls are open for election, the board shall  
8 carefully examine every machine and see that no vote has been  
9 cast, and the machines are subject to inspection of the  
10 election officers. If the voting machine is equipped to  
11 produce a printed record showing the status of the counters,  
12 this record shall be produced by the precinct election  
13 officials immediately Immediately before the polls are open,  
14 the precinct election officials shall print a report from each  
15 machine showing that the counter is set at zero. The  
16 inspection sheets reports from each machine used in the  
17 election shall be available for examination throughout  
18 election day.

19 Ballots voted for any person whose name does not appear on  
20 the machine as a nominated candidate for office, are referred  
21 to in this section as independent ballots. When two or more  
22 persons are to be elected to the same office, and the machine  
23 requires that all independent ballots voted for that office be  
24 deposited in a single receptacle or device, an elector may  
25 vote in or by the receptacle or device for one or more persons  
26 whose names do not appear upon the machine with or without the  
27 names of one or more persons whose names do so appear. With  
28 that exception, and except for presidential electors, no  
29 independent ballot shall be voted for any person for any  
30 office whose name appears on the machine as a nominated  
31 candidate for that office, any independent ballot so voted  
32 shall not be counted. An independent ballot must be cast in  
33 its appropriate place on the machine, or it shall be void and  
34 not counted.

35 Sec. 29. Section 52.17, Code 2003, is amended to read as



1 follows:

2 52.17 VOTING MACHINE IN PLAIN VIEW.

3 The exterior of the voting machine and every part of the  
4 polling place shall be in plain view of the election officers.  
5 The voting machine shall be placed at least ~~three-feet-from~~  
6 ~~every-wall-and-partition-of-the-polling-place, and-at-least~~  
7 four feet from the precinct election officials' table.

8 Sec. 30. Section 52.20, Code 2003, is amended to read as  
9 follows:

10 52.20 INJURY TO MACHINE.

11 No A voter, or other person, shall not deface or injure the  
12 voting machine or the ballot thereon. It shall be the duty of  
13 the precinct election officials to enforce the provisions of  
14 this section. During the entire period of an election, at  
15 least one of ~~their-number~~ the officials, designated by them  
16 the officials from time to time, shall ~~be-stationed-beside-the~~  
17 ~~entrance-to-the-booth-and-shall-see-that-it-is-properly-closed~~  
18 ~~after-a-voter-has-entered-it-to-vote,--The-official-shall~~  
19 also, at such intervals as the official may deem proper or  
20 necessary, examine the face of the machine to ascertain  
21 whether it has been defaced or injured, to detect the  
22 wrongdoer, and to repair any injury. If the official finds  
23 that a person has left the voting booth without casting the  
24 ballot, the official shall cast the ballot.

25 Sec. 31. Section 52.21, Code 2003, is amended by striking  
26 the section and inserting in lieu thereof the following:

27 52.21 CANVASS OF VOTE -- TALLY.

28 As soon as the polls of the election are closed, the  
29 precinct election officials shall immediately lock the voting  
30 machine against voting and, in the presence of all persons who  
31 may be lawfully within the polling place, proceed to canvass  
32 the vote. The officials shall print the results from each  
33 machine, tally any write-in votes, and complete any canvass  
34 documents prescribed for the voting machine by the state  
35 commissioner. Write-in votes cast for a person whose name

1 appears on the ballot as a candidate for that office shall not  
2 be counted.

3 Sec. 32. Section 52.23, unnumbered paragraph 2, Code 2003,  
4 is amended to read as follows:

5 The ~~inspection-sheets~~ zero count report from each machine  
6 used in the election and one copy of the printed results from  
7 each machine shall be signed by all precinct election  
8 officials and, with any paper or papers upon which write-in  
9 votes were recorded by voters, shall be securely sealed in an  
10 envelope marked with the name and date of the election, the  
11 precinct, and the serial numbers of the machines from which  
12 the enclosed results were removed. This envelope shall be  
13 preserved, unopened, for twenty-two months following elections  
14 for federal offices and for six months following elections for  
15 all other offices unless a recount is requested pursuant to  
16 section 50.48 or an election contest is pending. The envelope  
17 shall be destroyed in the same manner as ballots pursuant to  
18 section 50.13. ~~Additional-copies~~ At least one additional copy  
19 of the results, ~~if-any,~~ shall be signed by the officials and  
20 delivered to the commissioner with the other supplies from the  
21 election pursuant to section 50.17.

22 Sec. 33. Section 52.25, unnumbered paragraph 2, Code 2003,  
23 is amended to read as follows:

24 The entire convention question, amendment or public measure  
25 shall be printed and displayed prominently in at least four  
26 places within the voting precinct, and inside each voting  
27 booth, ~~or-on-the-left-hand-side-inside-the-curtain-of-each~~  
28 ~~voting-machine,~~ the printing to be in conformity with the  
29 provisions of chapter 49. The public measure shall be  
30 summarized by the commissioner and in the largest type  
31 possible printed on the special paper ballots or ~~inserts-used~~  
32 in the voting machines, except that:

33 Sec. 34. Section 53.16, Code 2003, is amended to read as  
34 follows:

35 53.16 SUBSCRIBING TO AFFIDAVIT -- REQUIRED IDENTIFICATION.

1 After marking the ballot, the voter shall make and  
2 subscribe to the affidavit on the reverse side of the  
3 envelope, and fold the ballot or ballots, separately, so as to  
4 conceal the markings on them, and deposit them, and a  
5 photocopy of the identification required in section 49.77,  
6 subsection 3, in the envelope, and securely seal the envelope.

7 Sec. 35. Section 53.31, Code 2003, is amended by adding  
8 the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. If a voter votes an absentee  
10 ballot by mail, or pursuant to section 53.10, 53.11, or 53.22,  
11 and does not include a photocopy of the identification  
12 required in section 49.77, subsection 3, the ballot returned  
13 by the voter shall be considered a provisional ballot pursuant  
14 to this section and section 49.81.

15 Sec. 36. NEW SECTION. 53.37A STATE COMMISSIONER DUTIES.

16 The state commissioner of elections shall provide  
17 information regarding voter registration procedures and  
18 absentee ballot procedures to be used by members of the armed  
19 forces of the United States. The state commissioner shall  
20 accept valid voter registration applications and absentee  
21 ballot applications and shall forward the applications to the  
22 appropriate county commissioner of elections in a timely  
23 manner.

24 Sec. 37. Section 53.40, unnumbered paragraph 1, Code 2003,  
25 is amended to read as follows:

26 A request in writing for a ballot may be made by any member  
27 of the armed forces of the United States who is or will be a  
28 qualified voter on the day of the election at which the ballot  
29 is to be cast, at any time before the election. Any member of  
30 the armed forces of the United States may request ballots for  
31 all elections to be held ~~within-a-calendar-year~~ through the  
32 next two general elections. The request may be made by using  
33 the federal postcard application form and indicating that the  
34 applicant wishes to receive ballots for all elections as  
35 permitted by state law. The county commissioner shall send

1 the applicant a ballot for each election held ~~during-the~~  
2 ~~calendar-year-in-which~~ after the application is received and  
3 through the next two general elections. The commissioner  
4 shall forward a copy of the absentee ballot request to other  
5 commissioners who are responsible under section 47.2,  
6 subsection 2, for conducting elections in which the applicant  
7 is eligible to vote.

8 Sec. 38. Section 53.53, Code 2003, is amended by adding  
9 the following new unnumbered paragraphs:

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

27 NEW UNNUMBERED PARAGRAPH. The county commissioner shall  
28 notify a voter when the voter's federal write-in ballot was  
29 not counted and shall give the voter the reason the ballot was  
30 not counted.

31 Sec. 39. Sections 49.35, 52.11, 52.14, and 52.22, Code  
32 2003, are repealed.

33 Sec. 40. EFFECTIVE DATES.

34 1. The sections of this Act enacting new Code section  
35 48A.25A and amending Code sections 48A.26, 48A.36, 49.68,

1 49.70, 49.71, and that portion of section 52.16 relating to  
2 voter instructions only, take effect January 1, 2004, or  
3 January 1, 2006, if a waiver is granted pursuant to section  
4 303(d) of Pub. L. No. 107-252.

5 2. The remainder of this Act, being deemed of immediate  
6 importance, takes effect upon enactment.

7 DIVISION II

8 TRANSFER OF ELECTION AND VOTER REGISTRATION DUTIES

9 Sec. 41. Section 34A.6, subsection 3, Code 2003, is  
10 amended to read as follows:

11 3. The ~~secretary-of~~ state commissioner of elections, in  
12 consultation with the administrator, shall adopt rules for the  
13 conduct of joint E911 service referendums as required by and  
14 consistent with subsections 1 and 2.

15 Sec. 42. Section 42.4, subsection 8, paragraph b,  
16 subparagraph (1), subparagraph subdivision (b), unnumbered  
17 paragraph 2, Code 2003, is amended to read as follows:

18 The ~~secretary-of~~ state commissioner of elections shall  
19 prescribe a form to be completed by all senators to declare  
20 their residences as of February 1, 2002. The form shall be  
21 filed with the ~~secretary-of~~ state commissioner of elections no  
22 later than five p.m. on February 1, 2002.

23 Sec. 43. Section 42.4, subsection 8, paragraph b,  
24 subparagraph (2), Code 2003, is amended to read as follows:

25 (2) Each even-numbered senatorial district to which  
26 subparagraph (1) of this paragraph is not applicable shall  
27 elect a senator in 2002 for a two-year term commencing in  
28 January 2003. However, if more than one incumbent state  
29 senator is residing in an even-numbered senatorial district on  
30 February 1, 2002, and, on or before February 15, 2002, all but  
31 one of the incumbent senators resigns from office effective no  
32 later than January 1, 2003, the remaining incumbent senator  
33 shall represent the district in the senate for the Eightieth  
34 General Assembly. A copy of the resignation must be filed in  
35 the office of the ~~secretary-of~~ state commissioner of elections

1 no later than five p.m. on February 15, 2002.

2 Sec. 44. Section 43.18, unnumbered paragraph 1, Code 2003,  
3 is amended to read as follows:

4 Each candidate shall complete and file a signed, notarized  
5 affidavit of candidacy. The affidavit shall be in the form  
6 prescribed by the ~~secretary-of~~ state commissioner and shall  
7 include the following information:

8 Sec. 45. Section 43.63, Code 2003, is amended to read as  
9 follows:

10 43.63 CANVASS BY STATE BOARD.

11 Upon receipt of the abstracts of votes from the counties,  
12 the ~~secretary-of~~ state commissioner shall immediately open the  
13 envelopes and canvass the results for all offices. The  
14 ~~secretary-of~~ state commissioner shall invite to attend the  
15 canvass one representative from each political party which, at  
16 the last preceding general election, cast for its candidate  
17 for president of the United States or for governor, as the  
18 case may be, at least two percent of the total vote cast for  
19 all candidates for that office at that election, as determined  
20 by the ~~secretary-of~~ state commissioner. The ~~secretary-of~~  
21 state commissioner shall notify the chairperson of each  
22 political party of the time of the canvass. However, the  
23 presence of a representative from a political party is not  
24 necessary for the canvass to proceed.

25 Not later than the twenty-seventh day after the primary  
26 election, the ~~secretary-of~~ state commissioner shall present to  
27 the state board of canvassers abstracts showing the number of  
28 ballots cast by each political party for each office and a  
29 summary of the results for each office, showing the votes cast  
30 in each county. The state board of canvassers shall review  
31 the results compiled by the ~~secretary-of~~ state commissioner  
32 and, if the results are accurately tabulated, the state board  
33 shall approve the canvass.

34 Sec. 46. Section 43.67, unnumbered paragraphs 1 and 2,  
35 Code 2003, are amended to read as follows:

1 Each candidate nominated pursuant to section 43.52 or 43.65  
2 is entitled to have the candidate's name printed on the  
3 official ballot to be voted at the general election without  
4 other certificate unless the candidate was nominated by write-  
5 in votes. Immediately after the completion of the canvass  
6 held under section 43.49, the county auditor shall notify each  
7 person who was nominated by write-in votes for a county or  
8 township office that the person is required to file an  
9 affidavit of candidacy if the person wishes to be a candidate  
10 for that office at the general election. Immediately after  
11 the completion of the canvass held under section 43.63, the  
12 ~~secretary-of~~ state commissioner shall notify each person who  
13 was nominated by write-in votes for a state or federal office  
14 that the person is required to file an affidavit of candidacy  
15 if the person wishes to be a candidate for that office at the  
16 general election. If the affidavit is not filed by five p.m.  
17 on the seventh day after the completion of the canvass, that  
18 person's name shall not be placed upon the official general  
19 election ballot. The affidavit shall be signed by the  
20 candidate, notarized, and filed with the county auditor or the  
21 ~~secretary-of~~ state commissioner, whichever is applicable.

22 The affidavit shall be in the form prescribed by the  
23 ~~secretary-of~~ state commissioner. The affidavit shall include  
24 the following information:

25 Sec. 47. Section 44.3, subsection 2, unnumbered paragraph  
26 1, Code 2003, is amended to read as follows:

27 Each candidate nominated by the convention or caucus shall  
28 complete and file a signed, notarized affidavit of candidacy.  
29 The affidavit shall be in the form prescribed by the ~~secretary~~  
30 ~~of~~ state commissioner. The affidavit shall include the  
31 following information:

32 Sec. 48. Section 45.3, unnumbered paragraph 1, Code 2003,  
33 is amended to read as follows:

34 Each candidate shall complete and file a signed, notarized  
35 affidavit of candidacy. The affidavit shall be filed at the

1 same time as the nomination petition. The affidavit shall be  
2 in the form prescribed by the ~~secretary-of~~ state commissioner  
3 and shall include the following information:

4 Sec. 49. Section 47.1, unnumbered paragraphs 1 and 3, Code  
5 2003, are amended to read as follows:

6 The ~~secretary-of-state~~ executive director of the Iowa  
7 elections, ethics, and campaign disclosure board established  
8 in section 68B.32 is designated as the state commissioner of  
9 elections and shall supervise the activities of the county  
10 commissioners of elections. There is established within the  
11 office of the ~~secretary-of-state~~ Iowa elections, ethics, and  
12 campaign disclosure board a division of elections which shall  
13 be under the direction of the state commissioner of elections.  
14 The state commissioner of elections may appoint a person to be  
15 in charge of the division of elections who shall perform the  
16 duties assigned by the state commissioner of elections. The  
17 state commissioner of elections shall prescribe uniform  
18 election practices and procedures, shall prescribe the  
19 necessary forms required for the conduct of elections, shall  
20 assign a number to each proposed constitutional amendment and  
21 statewide public measure for identification purposes, and  
22 shall adopt rules, pursuant to chapter 17A, to carry out this  
23 section.

24 The ~~secretary-of-state~~ executive director of the Iowa  
25 elections, ethics, and campaign disclosure board is designated  
26 the chief state election official and is responsible for  
27 coordination of state responsibilities under the federal  
28 National Voter Registration Act of 1993.

29 Sec. 50. Section 48A.19, subsection 3, Code 2003, is  
30 amended to read as follows:

31 3. The voter registration agency shall provide voter  
32 registration services with each application for services or  
33 assistance and with each recertification, renewal, or change  
34 of address form completed relating to the agency's services.  
35 The ~~secretary-of~~ state registrar of voters shall adopt



1 administrative rules in cooperation with voter registration  
2 agencies to carry out the requirements of this section.

3 Sec. 51. Section 48A.22, Code 2003, is amended to read as  
4 follows:

5 48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.

6 The ~~secretary-of~~ state registrar of voters shall encourage  
7 volunteer organizations to undertake voter registration drives  
8 by providing registration forms.

9 Sec. 52. Section 49.67, unnumbered paragraph 2, Code 2003,  
10 is amended to read as follows:

11 If necessary, the commissioner or the commissioner's  
12 designee may make photocopies of official ballots to replace  
13 or replenish ballot supplies. The commissioner shall keep a  
14 record of the number of photocopied ballots made for each  
15 precinct, the name of the person who made the photocopies, and  
16 the date, time, and location at which the photocopies were  
17 made. These records shall be made on forms and following  
18 procedures prescribed by the ~~secretary-of~~ state commissioner  
19 by administrative rule.

20 Sec. 53. Section 49.104, subsection 7, Code 2003, is  
21 amended to read as follows:

22 7. Any person authorized by the commissioner, in  
23 consultation with the ~~secretary-of~~ state commissioner, for the  
24 purposes of conducting and attending educational voting  
25 programs for youth.

26 Sec. 54. Section 49A.8, Code 2003, is amended to read as  
27 follows:

28 49A.8 CANVASS -- DECLARATION OF RESULT -- RECORD.

29 The judges of election, county boards of canvassers, and  
30 other election officials shall canvass the vote on any  
31 constitutional amendment or public measure, and make return  
32 thereof, in the same manner as required by law for the canvass  
33 and return of the vote for public officers. The board of  
34 state canvassers shall canvass such returns, declare the  
35 result, and enter the same of record, immediately following

1 and in connection with the proofs of publication of such  
2 amendment or measure, in the book kept for that purpose by the  
3 ~~secretary-of~~ state commissioner of elections.

4 Upon completion of the canvass, the ~~secretary-of~~ state  
5 commissioner of elections shall certify to the Iowa Code  
6 editor the results of the election.

7 Sec. 55. Section 50.36, Code 2003, is amended to read as  
8 follows:

9 50.36 ENVELOPES CONTAINING OTHER ABSTRACTS -- CANVASS.

10 The ~~secretary-of~~ state commissioner, upon receipt of the  
11 envelopes containing the abstracts of votes, shall open and  
12 canvass the abstracts for all offices except governor and  
13 lieutenant governor.

14 The ~~secretary-of~~ state commissioner shall invite to attend  
15 the canvass one representative from each political party  
16 which, at the last preceding general election, cast for its  
17 candidate for president of the United States or for governor,  
18 as the case may be, at least two percent of the total vote  
19 cast for all candidates for that office at that election, as  
20 determined by the ~~secretary-of~~ state commissioner. The  
21 ~~secretary-of~~ state commissioner shall notify the chairperson  
22 of each political party of the time of the canvass. However,  
23 the presence of a representative from a political party is not  
24 necessary for the canvass to proceed.

25 Sec. 56. Section 50.37, Code 2003, is amended to read as  
26 follows:

27 50.37 STATE CANVASSING BOARD.

28 The executive council shall constitute a board of  
29 canvassers of all abstracts of votes required to be filed with  
30 the state commissioner, except for the offices of governor and  
31 lieutenant governor. Any clerical error found by the  
32 ~~secretary-of~~ state commissioner or state board of canvassers  
33 shall be corrected by the county commissioner in a letter  
34 addressed to the state board of canvassers.

35 Sec. 57. Section 50.38, Code 2003, is amended to read as

1 follows:

2 50.38 TIME OF STATE CANVASS.

3 Not later than twenty-seven days after the day of the  
4 election, the ~~secretary-of~~ state commissioner shall present to  
5 the board of state canvassers abstracts of votes cast at the  
6 election showing the number of ballots cast for each office  
7 and a summary of the results for each office, showing the  
8 votes cast in each county. The state board of canvassers  
9 shall review the results compiled by the ~~secretary-of~~ state  
10 commissioner and, if the results are accurately tabulated, the  
11 state board shall approve the canvass.

12 Sec. 58. Section 54.5, unnumbered paragraph 5, Code 2003,  
13 is amended to read as follows:

14 If a candidate for the office of president or vice  
15 president of the United States withdraws, dies, or is  
16 otherwise removed from the ballot before the general election,  
17 another candidate may be substituted. The substitution shall  
18 be made by the state central committee of the political party  
19 or by the governing committee of the national party. If there  
20 are differences, the substitution made by the state central  
21 committee shall prevail. A nonparty political organization  
22 which has filed the names of party officers and central  
23 committee members with the ~~secretary-of~~ state commissioner of  
24 elections before the close of the filing period for the  
25 general election pursuant to section 44.17 may also make  
26 substitutions. A substitution must be filed no later than  
27 seventy-four days before the election.

28 Sec. 59. Section 56.5, subsection 4, Code 2003, is amended  
29 to read as follows:

30 4. A list, by office and district, of all candidates who  
31 have filed an affidavit of candidacy in the office of the  
32 ~~secretary-of~~ state commissioner shall be prepared by the  
33 ~~secretary-of~~ state commissioner and delivered to the board not  
34 more than ten days after the last day for filing nomination  
35 papers.

1     Sec. 60. Section 59.1, unnumbered paragraphs 2 and 3, Code  
2 2003, are amended to read as follows:

3     A copy of the statement of notice of contest shall be filed  
4 with the ~~secretary-of~~ state commissioner of elections within  
5 five days of service of the notice upon the incumbent. The  
6 ~~secretary-of~~ state commissioner of elections shall notify the  
7 presiding officer of the house in which the contest will be  
8 tried.

9     A special election for a seat in either house of the  
10 general assembly may be contested. The contestant shall serve  
11 notice on the incumbent in the manner described in this  
12 section not later than twenty days after the state canvass of  
13 votes for the election. A copy of the notice shall also be  
14 filed with the presiding officer of the house in which the  
15 contest is to be tried, if the general assembly is in session.  
16 If the general assembly is not in session, a copy of the  
17 notice shall be filed with the ~~secretary-of~~ state commissioner  
18 of elections. The ~~secretary-of~~ state commissioner of  
19 elections shall notify the presiding officer of the house in  
20 which the contest will be tried.

21     Sec. 61. Section 59.4, Code 2003, is amended to read as  
22 follows:

23     59.4 RETURN OF DEPOSITIONS.

24     A copy of the statement, and of the notice for taking  
25 depositions, with the service endorsed, and verified by  
26 affidavit if not served by an officer, shall be returned to  
27 the officer taking the depositions, and then, with the  
28 depositions, shall be sealed up and transmitted to the  
29 ~~secretary-of~~ state commissioner of elections, with an  
30 endorsement thereon showing the nature of the papers, the  
31 names of the contesting parties, and the branch of the general  
32 assembly before whom the contest is to be tried.

33     Sec. 62. Section 59.7, Code 2003, is amended to read as  
34 follows:

35     59.7 NOTICE OF RESULT.

1 The presiding officer of the house in which the contest was  
2 tried shall certify to the ~~secretary-of~~ state commissioner of  
3 elections the results of the contest.

4 Sec. 63. Section 60.2, Code 2003, is amended to read as  
5 follows:

6 60.2 CLERK.

7 The ~~secretary-of~~ state commissioner of elections shall be  
8 the clerk of the court, or, in the ~~secretary-of-state's~~ state  
9 commissioner's absence or inability to act, the clerk of the  
10 supreme court.

11 Sec. 64. Section 60.3, Code 2003, is amended to read as  
12 follows:

13 60.3 OATH.

14 Each member of the court, before entering upon the  
15 discharge of the member's duties, shall take an oath before  
16 the ~~secretary-of~~ state commissioner of elections, or some  
17 officer qualified to administer oaths, that the member will  
18 support the Constitution of the United States and that of the  
19 state of Iowa, and that, without fear, favor, affection, or  
20 hope of reward, the member will, to the best of the member's  
21 knowledge and ability, administer justice according to law and  
22 the facts in the case.

23 Sec. 65. Section 60.4, Code 2003, is amended to read as  
24 follows:

25 60.4 STATEMENT.

26 The contestant shall file the statement provided for in  
27 chapter 62 in the office of the ~~secretary-of~~ state  
28 commissioner of elections within two days from the day on  
29 which the returns are canvassed by the state board of  
30 canvassers and, within the same time, serve a copy of the  
31 same, with a notice of the contest, on the incumbent in the  
32 manner provided by the rules of civil procedure for service of  
33 an original notice.

34 Sec. 66. Section 60.6, Code 2003, is amended to read as  
35 follows:

1       60.6 JUDGMENT.

2       The judgment of the court shall determine which of the  
3 parties to the action is entitled to hold the office and shall  
4 be authenticated by the presiding judge and clerk of the court  
5 and filed with the ~~secretary-of~~ state commissioner of  
6 elections; and the judgment so rendered shall constitute a  
7 final determination of the title to the office, and a  
8 certificate of appointment shall be issued to the successful  
9 party.

10      Sec. 67. Section 61.2, Code 2003, is amended to read as  
11 follows:

12      61.2 CLERK.

13      The ~~secretary-of~~ state commissioner of elections shall be  
14 the clerk of this court; but if the person holding that office  
15 is a party to the contest, the clerk of the supreme court, or,  
16 in case of that person's absence or inability, the auditor of  
17 state shall be clerk.

18      Sec. 68. Section 61.11, Code 2003, is amended to read as  
19 follows:

20      61.11 SUBPOENAS -- DEPOSITIONS.

21      The ~~secretary-of~~ state commissioner of elections, the  
22 several clerks of the supreme and district courts, under their  
23 respective seals of office, and either of the judges of the  
24 supreme or district courts, under their hands, may issue  
25 subpoenas for witnesses to attend this court; and disobedience  
26 to such process may be treated as a contempt. Depositions may  
27 also be taken as in the case of contested county elections.

28      Sec. 69. Section 68B.2, subsection 3, Code 2003, is  
29 amended to read as follows:

30      3. "Board" means the Iowa elections, ethics, and campaign  
31 disclosure board.

32      Sec. 70. Section 68B.32A, Code 2003, is amended by adding  
33 the following new subsection:

34      NEW SUBSECTION. 15. Perform all duties as required and  
35 directed by the state commissioner of elections as defined in

1 section 47.7.

2 Sec. 71. Section 331.510, subsection 2, Code 2003, is  
3 amended to read as follows:

4 2. A report to the ~~secretary-of state~~ commissioner of  
5 elections of the name, office, and term of office of each  
6 appointed or elected county officer within ten days of the  
7 officer's election or appointment and qualification.

8 Sec. 72. AMENDMENTS CHANGING TERMINOLOGY -- DIRECTIVE TO  
9 CODE EDITOR. The Iowa Code editor is directed to strike the  
10 words "ethics and campaign disclosure board" and insert the  
11 words "elections, ethics, and campaign disclosure board"  
12 wherever the words "ethics and campaign disclosure board"  
13 appear in the Iowa Code, in any bills awaiting codification,  
14 and in any bills enacted by the Eightieth General Assembly,  
15 2003 Regular Session, unless a contrary intent is clearly  
16 evident.

17 DIVISION III

18 ABSENTEE VOTING

19 Sec. 73. Section 53.2, unnumbered paragraph 1, Code 2003,  
20 is amended to read as follows:

21 Any registered voter, under the circumstances specified in  
22 section 53.1, may ~~on-any-day, except-election-day,~~ and not  
23 more than seventy forty-five days prior to the date of the  
24 election, apply in person for an absentee ballot at the  
25 commissioner's office or at any location designated by the  
26 commissioner, or make written application to the commissioner  
27 for an absentee ballot. Absentee ballot applications may only  
28 be distributed by the commissioner's office. Absentee ballot  
29 applications shall be distributed by the commissioner not more  
30 than forty-five days and not less than eleven days before the  
31 election.

32 PARAGRAPH DIVIDED. The state commissioner shall prescribe  
33 a form for absentee ballot applications. ~~However,~~ ~~if-a~~  
34 ~~registered-voter-submits-an-application-that-includes-all-of~~  
35 ~~the-information-required-in-this-section,~~ ~~the-prescribed-form~~

1 ~~is not required.~~ The application shall include a statement  
2 that if the absentee ballot is not voted in person at the  
3 commissioner's office or at a satellite absentee voting  
4 station, the absentee ballot will be mailed to the voter not  
5 more than eleven days before the election. Absentee ballot  
6 applications may include instructions to send the application  
7 directly to the county commissioner of elections. However, no  
8 absentee ballot application shall be preaddressed or printed  
9 with instructions to send the applications to anyone other  
10 than the appropriate commissioner. An individual requesting  
11 more than one absentee ballot application may only request a  
12 number of applications equal to the number of registered  
13 voters in the individual's household.

14 Sec. 74. Section 53.8, subsection 1, Code 2003, is amended  
15 to read as follows:

16 1. Upon receipt of an application for an absentee ballot  
17 and ~~immediately after the absentee ballots are printed~~ no more  
18 than eleven days before the election, the commissioner shall  
19 mail an absentee ballot to the applicant ~~within twenty-four~~  
20 ~~hours,~~ except as otherwise provided in subsection 3. The  
21 absentee ballot shall be enclosed in an unsealed envelope  
22 bearing a serial number and affidavit. The absentee ballot  
23 and unsealed envelope shall be enclosed in or with a carrier  
24 envelope marked postage paid which bears the same serial  
25 number as the unsealed envelope. The absentee ballot,  
26 unsealed envelope, and carrier envelope shall be enclosed in a  
27 third envelope to be sent to the registered voter. If the  
28 ballot cannot be folded so that all of the votes cast on the  
29 ballot will be hidden, the commissioner shall also enclose a  
30 secrecy envelope with the absentee ballot.

31 Sec. 75. Section 53.8, subsection 2, Code 2003, is amended  
32 to read as follows:

33 2. If an application is received so late that it is  
34 unlikely that the absentee ballot can be returned in time to  
35 be counted on election day, the commissioner shall enclose



1 with the absentee ballot a statement to that effect. The  
 2 statement shall also point out that it is possible for the  
 3 applicant, or the applicant's designee if the absentee ballot  
 4 is voted by a voter described in section 53.22, subsection 5,  
 5 to personally deliver the completed absentee ballot to the  
 6 office of the commissioner at any time before the closing of  
 7 the polls on election day.

8 Sec. 76. Section 53.17, subsection 1, Code 2003, is  
 9 amended to read as follows:

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

15 Sec. 77. Section 53.17, subsection 2, Code 2003, is  
 16 amended to read as follows:

17 2. The sealed carrier envelope may be mailed to the  
 18 commissioner. ~~The carrier envelope shall indicate that~~  
 19 ~~greater postage than ordinary first class mail may be~~  
 20 ~~required. -- The commissioner shall pay any insufficient postage~~  
 21 ~~due on a carrier envelope bearing ordinary first class postage~~  
 22 ~~and accept the ballot.~~

23

#### EXPLANATION

24 This bill makes changes to the law relating to elections  
 25 and voter registration. Division I of the bill contains Iowa  
 26 Code changes which, unless otherwise noted, are necessary to  
 27 comply with requirements of Public Law No. 107-252, the  
 28 federal Help America Vote Act of 2002. Division II of the  
 29 bill transfers duties relating to the conduct of elections and  
 30 voter registration from the office of secretary of state to  
 31 the Iowa ethics and campaign disclosure board. Division III  
 32 makes changes to the law relating to absentee voting.

33 DIVISION I -- Code section 47.1 is amended to require the  
 34 state commissioner of elections (secretary of state) to adopt,  
 35 by rule, administrative complaint procedures for resolution of

1 grievances relating to violations of those provisions of the  
2 Help America Vote Act relating to uniform and  
3 nondiscriminatory election technology and administration  
4 requirements.

5 Code section 47.7 is amended to require the state registrar  
6 of voters (secretary of state), on or before January 1, 2004,  
7 or on or before January 1, 2006, if a federal waiver is  
8 granted, to implement a centralized, computerized statewide  
9 voter registration system. The statewide system must be  
10 interactive with other agency computer databases in the state.  
11 Code section 48A.36 is amended to conform to this requirement.

12 Code section 48A.11, relating to information required when  
13 registering to vote, is amended to require that the first name  
14 and any family forename or surname be included when providing  
15 the registrant's name. That section is also amended to  
16 require that the registrant provide the registrant's Iowa  
17 driver's license number or, if not available, the last four  
18 numerals of the registrant's social security number. If the  
19 registrant does not have either an Iowa driver's license or  
20 social security number, the registrar is to assign the  
21 registrant an identification number for voter registration  
22 purposes. Code section 48A.11 is amended to specify that the  
23 requirement for the registrant's date of birth includes the  
24 month, date, and year of birth. The section is amended to  
25 require that the voter registration form ask the registrant if  
26 the registrant is a citizen of the United States and if the  
27 registrant will be 18 years old on or before election day.  
28 The form shall contain a statement that if the registrant  
29 answered "no" to either of those questions, the registrant is  
30 not to complete the registration form. Finally, Code section  
31 48A.11 is amended to add a new subsection providing that if  
32 certain required information is not provided on the  
33 registration form, the form shall not be processed and the  
34 registrar shall mail an acknowledgment to the registrant  
35 notifying the registrant that the registration could not be

1 processed.

2 New Code section 48A.25A requires the state registrar of  
3 voters to verify the registrant's driver's license number or  
4 the last four digits of the registrant's social security  
5 number. If either number provided cannot be verified, the  
6 state registrar shall reject the registration application and  
7 the registrant shall be notified. If the information can be  
8 verified, the registrar is to make a record of the source used  
9 for verification.

10 Code section 48A.26, is amended to provide that if a voter  
11 registration form lacking required information is received  
12 during the 12 days before the close of registration, the  
13 commissioner shall provide the registrant with an opportunity  
14 to complete the form before the close of registration.

15 Code section 48A.28 is amended to change the time period  
16 from four consecutive calendar years to two or more  
17 consecutive general elections under which a commissioner  
18 participating in the national change of address program is to  
19 notify a registered voter if the voter has not voted after  
20 registering or if the voter has not responded to a prior  
21 notice mailed by the commissioner.

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

26 Code section 49.68 is amended to require the state  
27 commissioner to prepare two separate sets of instructions to  
28 voters, rather than the current one. A second set is required  
29 which is to contain instructions on the manner of marking  
30 ballots only. The other set, which is to be known as the Iowa  
31 voter bill of rights, is to contain instructions required by  
32 current Code plus instructions on casting a provisional  
33 ballot, instructions for first-time voters who registered by  
34 mail, the appropriate official to contact if the voter  
35 believes the voter's rights relating to voting have been

1 violated, polling place hours and the date of the election,  
2 and information on federal and state laws which prohibit fraud  
3 and misrepresentation related to voting. Code sections 49.70,  
4 49.71, and 52.16 are amended to conform to the new requirement  
5 that two separate sets of instructions be prepared.

6 Code section 49.73 is amended to change the time for  
7 closing precinct polling places from 9 p.m. to 8 p.m. for all  
8 elections. This change is not a requirement of the Help  
9 America Vote Act.

10 Code section 49.77 is amended to require that all voters  
11 show identification at the polls before being allowed to cast  
12 a ballot. If a voter is confirmed to be a registered voter of  
13 the precinct, but does not have the required identification,  
14 the voter is allowed to cast a provisional ballot. The  
15 identification required must be a current and valid photo  
16 identification card or must be one of the following documents  
17 showing the voter's name and current address:

- 18 1. Utility bill.
- 19 2. Bank statement.
- 20 3. Government check.
- 21 4. Other government document.

22 The Help America Vote Act requires that persons who register  
23 to vote by mail must show proof of identification when voting  
24 for the first time after registering.

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.

33 Code section 52.1 is amended to remove lever voting  
34 machines as an acceptable voting machine in Iowa. Code  
35 sections 49.44, 52.9, 52.10, 52.12, 52.16, 52.17, 52.20,

1 52.21, and 52.25 are amended to conform to this change. Code  
2 sections 49.35, 52.11, 52.14, and 52.22 are repealed to  
3 conform to this change.

4 Code section 52.2 is amended to provide that the state  
5 commissioner may provide voting equipment to a county that is  
6 required to replace its lever voting machines with a different  
7 type of voting machine or voting system.

8 Code section 52.16 is amended to require the election  
9 officials to print a report showing that the voter machine  
10 counter is set at zero immediately before the polls open to  
11 voters.

12 Code section 52.20 is amended to provide that if a voter  
13 leaves the voting booth without having cast the ballot the  
14 voter voted, the precinct election official shall cast the  
15 ballot.

16 Code section 52.21 is amended to provide that write-in  
17 votes cast for a person whose name appears on the ballot as a  
18 candidate for that office shall not be counted.

19 Code section 52.23 is amended to require that at least one  
20 additional copy of the printed canvass results from each  
21 voting machine shall be signed by the precinct election  
22 officials and delivered to the county commissioner.  
23 Currently, more than one additional copy is required to be  
24 delivered to the commissioner.

25 Code section 53.16 is amended to include the requirement  
26 that a photocopy of identification required when voting in  
27 person must be included with a voted absentee ballot. Code  
28 section 53.31 is amended to provide that if required  
29 identification is not included with the absentee ballot, the  
30 ballot will be considered a provisional ballot.

31 New Code section 53.37A requires the state commissioner of  
32 elections to provide information to members of the armed  
33 forces of the United States on voter registration and absentee  
34 ballot procedures. The section also requires the state  
35 commissioner to accept voter registration applications and

1 absentee ballot applications from members of the armed forces  
2 and to forward the applications to the appropriate county  
3 commissioner of elections.

4 Code section 53.40 is amended to extend the time period  
5 during which a commissioner is to mail absentee ballots to a  
6 member of the armed forces after receiving the member's  
7 initial application for an absentee ballot. The time period  
8 is extended from one calendar year after receipt of the  
9 application to the next two general elections after receipt of  
10 the application.

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

22 The sections of the division enacting new Code section  
23 48A.25 and amending Code sections 48A.26, 48A.36, 49.68,  
24 49.70, and 49.71, and that portion of section 52.16 relating  
25 to voter instructions only, take effect January 1, 2004, or  
26 January 1, 2006, if a waiver is granted pursuant to the  
27 federal law. The remainder of the division takes effect upon  
28 enactment.

29 DIVISION II -- Division II of the bill transfers duties  
30 relating to conduct of elections and voter registration from  
31 the office of secretary of state to the Iowa ethics and  
32 campaign disclosure board. The ethics and campaign disclosure  
33 board is renamed the elections, ethics, and campaign  
34 disclosure board. Other related changes are provided to  
35 transfer election-related duties from the secretary of state

1 to the state commissioner of elections.

2 DIVISION III -- Division III of the bill makes changes  
3 relating to absentee voting procedures, including request and  
4 delivery of absentee ballot applications, delivery of absentee  
5 ballots to the voter, and delivery of completed absentee  
6 ballots to the county commissioner of elections.

7 The bill provides that an absentee ballot application may  
8 be requested no more than 45 days and no less than 11 days  
9 before the election, rather than the current 70 days before  
10 the election. The bill also provides that absentee ballot  
11 applications may only be distributed by the county  
12 commissioner's office. The bill strikes the provision that  
13 allowed a voter to submit an application other than the  
14 absentee ballot application prepared by the state commissioner  
15 of elections if the voter's application contained certain  
16 required information. The bill provides that an individual  
17 requesting more than one absentee ballot application may only  
18 request a number of applications equal to the number of  
19 registered voters in the individual's household. The bill  
20 also provides that the commissioner shall mail an absentee  
21 ballot to a voter no more than 11 days before the election.

22 The bill provides that a sealed carrier envelope containing  
23 an absentee ballot may only be delivered to the county  
24 commissioner's office by the registered voter who completed  
25 the ballot or by the voter's designee if the voter is a  
26 confined person described in Code section 53.22.

27 The bill provides that the carrier envelope delivered to  
28 the voter along with the absentee ballot and secrecy envelope  
29 shall be marked postage paid.

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