

MAR 9 2005
Place On Calendar

HOUSE FILE 644
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 58)

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

A BILL FOR

1 An Act relating to elections and voter registration by
2 prohibiting the processing of certain voter registration
3 applications, allowing certain voter registrations to be
4 submitted after the deadline, removing the requirement for
5 separate entrances to buildings where polling places for more
6 than one precinct are located, relating to use of voting
7 machines or paper ballots at certain elections, requiring
8 names of candidates for nonpartisan office to be printed on
9 the ballot in alphabetical order, relating to information
10 printed on a certain portion of the ballot, modifying opening
11 hours of the polls at certain elections, allowing the voter's
12 declaration of eligibility to be printed on the election
13 register, relating to the abstract of votes for county
14 offices, relating to appointment of observers present when
15 ballots are counted, allowing absentee voting at the
16 commissioner's office for part of the day of the election for
17 certain elections, requiring the registered voter's date of
18 birth on the absentee ballot application, clarifying that
19 certain confined persons may vote an absentee ballot in person
20 at the commissioner's office, changing the deadline for
21 challenging an absentee voter's qualifications, relating to

HF 644

1 persons nominated for city office by write-in votes, repealing
2 the provisions declaring it unlawful for an absentee voter to
3 fail to return the voter's absentee ballot, and including an
4 applicability date provision.

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

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1 Section 1. Section 2.27, Code 2005, is amended to read as
2 follows:

3 2.27 CANVASS OF VOTES FOR GOVERNOR.

4 The general assembly shall meet in joint session on the
5 same day the assembly first convenes in January of 1979 and
6 every four years thereafter as soon as both houses have been
7 organized, and canvass the votes cast for governor and
8 lieutenant governor and determine the election. ~~If an~~
9 ~~election is necessary under section 69.13 to fill a vacancy in~~
10 ~~the office of lieutenant governor, the general assembly shall~~
11 ~~similarly meet on the day it convenes in the January following~~
12 ~~that election and canvass the vote cast for the office.~~ When
13 the canvass is completed, the oath of office shall be
14 administered to the persons or person so declared elected.
15 Upon being inaugurated the governor shall deliver to the joint
16 assembly any message the governor may deem expedient.

17 Sec. 2. Section 39A.5, subsection 1, paragraph b,
18 subparagraph (2), Code 2005, is amended to read as follows:

19 (2) ~~Neglecting or refusing to return an absentee ballot in~~
20 ~~violation of section 53.35, or violating~~ Violating any other
21 provision of chapter 53 for which another penalty is not
22 provided.

23 Sec. 3. Section 48A.26, subsections 4 and 5, Code 2005,
24 are amended to read as follows:

25 4. If the registrant applied by mail to register to vote
26 and did not answer either "yes" or "no" to one or both of the
27 question questions in section 48A.11, subsection 3, paragraph
28 "a", the application shall not be processed, ~~but the~~
29 ~~registration shall be designated as valid only for elections~~
30 ~~that do not include candidates for federal offices on the~~
31 ~~ballot.~~ The acknowledgment shall advise the applicant that
32 ~~the status of the registration is local and the reason for the~~
33 ~~registration being assigned local status~~ what additional
34 information is required. The commissioner shall enclose a new
35 registration by mail form for the applicant to use. If the

1 original application is received during the twelve days before
2 the close of registration for an election that includes
3 candidates for federal offices on the ballot, the commissioner
4 acknowledgment shall provide inform the registrant with-an
5 that the registrant has the opportunity to complete the form
6 before-the-close-of-registration up until five p.m. on the day
7 before the election.

8 5. If the registrant applied by mail to register to vote
9 and answered "no" to the either question in section 48A.11,
10 subsection 3~~7-paragraph-"a"~~, the application shall not be
11 processed. The acknowledgment shall advise the applicant that
12 the registration has been rejected because the applicant
13 indicated on the registration form that the applicant is not a
14 citizen of the United States or because the applicant
15 indicated on the registration form that the applicant will not
16 be eighteen years of age or older on election day.

17 Sec. 4. Section 48A.37, subsection 2, Code 2005, is
18 amended to read as follows:

19 2. Electronic records shall include a status code
20 designating whether the records are active, inactive, ~~local~~
21 or pending. Inactive records are records of registered voters
22 to whom notices have been sent pursuant to section 48A.28,
23 subsection 3, and who have not returned the card or otherwise
24 responded to the notice, and those records have been
25 designated inactive pursuant to section 48A.29. ~~Local-records~~
26 ~~are-records-of-applicants-who-did-not-answer-either-"yes"-or~~
27 ~~"no"-to-the-question-in-section-48A-11,7-subsection-3,~~
28 ~~paragraph-"a"~~. Pending records are records of applicants
29 whose applications have not been verified pursuant to section
30 48A.25A. All other records are active records. An inactive
31 record shall be made active when the registered voter votes at
32 an election, registers again, or reports a change of name,
33 address, telephone number, or political party affiliation. A
34 pending record shall be made active upon verification. A
35 ~~local-record-shall-be-valid-for-any-election-for-which-no~~

1 candidates-for-federal-office-appear-on-the-ballot---A
2 registrant-with-only-a-local-record-shall-not-vote-in-a
3 federal-election-unless-the-registrant-submits-a-new-voter
4 registration-application-before-election-day-indicating-that
5 the-applicant-is-a-citizen-of-the-United-States-

6 Sec. 5. Section 49.10, subsection 4, Code 2005, is amended
7 to read as follows:

8 4. No A single room or area of any building or facility
9 ~~shall~~ may be fixed as the polling place for more than one
10 precinct ~~unless-there-are-separate-entrances-each.~~ The
11 location of each polling place shall be clearly marked within
12 the room or area on the days on which elections are held as
13 the entrance-to location of the polling place of a particular
14 precinct, and suitable arrangements ~~are~~ shall be made within
15 the room or area to prevent direct access from the polling
16 place of any precinct to the polling place of any other
17 precinct. When the commissioner has fixed such a polling
18 place for any precinct it shall remain the polling place at
19 all subsequent elections, except elections for which the
20 precinct is merged with another precinct as permitted by
21 section 49.11, until the boundaries of the precinct are
22 changed or the commissioner fixes a new polling place, except
23 that the polling place shall be changed to a point within the
24 boundaries of the precinct at any time not less than sixty
25 days before the next succeeding election that a building or
26 facility suitable for such use becomes available within the
27 precinct.

28 Sec. 6. Section 49.31, subsection 2, unnumbered paragraph
29 2, Code 2005, is amended to read as follows:

30 On the general election ballot the names of candidates for
31 the nonpartisan offices listed in section 39.21 shall be
32 arranged ~~by-drawing-lots-for-position~~ in alphabetical order by
33 surname under the heading of the office to be filled. ~~The~~
34 ~~board-of-supervisors-shall-hold-the-drawing-at-its-first~~
35 ~~meeting-following-the-deadline-for-receipt-of-objections-and~~

1 ~~withdrawals-by-candidates-for-the-general-election-~~

2 Sec. 7. Section 49.57, subsection 5, Code 2005, is amended
3 to read as follows:

4 5. A portion of the ballot, which can be shown to the
5 precinct officials without revealing any of the marks made by
6 the voter, shall include the words "Official ballot", a
7 ~~designation-of-the-ballot-rotation,-if-any~~ the unique
8 identification number or name assigned by the commissioner to
9 the ballot style, the date of the election, and a facsimile of
10 the signature of the commissioner who has caused the ballot to
11 be printed pursuant to section 49.51.

12 Sec. 8. Section 49.73, subsection 1, paragraph e, Code
13 2005, is amended to read as follows:

14 e. ~~The~~ Any election conducted for the unincorporated area
15 of any a county voting-on-a-local-option-sales-and-services
16 tax-pursuant-to-section-423B-1.

17 Sec. 9. Section 49.77, subsections 1 and 2, Code 2005, are
18 amended to read as follows:

19 1. The board members of their respective precincts shall
20 have charge of the ballots and furnish them to the voters.
21 Any person desiring to vote shall sign a voter's declaration
22 provided by the officials, in substantially the following
23 form:

24 VOTER'S DECLARATION OF ELIGIBILITY

25 I do solemnly swear or affirm that I am a resident of the
26 precinct, ward or township, city of, county
27 of, Iowa.

28 I am a registered voter. I have not voted and will not
29 vote in any other precinct in said election.

30 I understand that any false statement in this declaration
31 is a criminal offense punishable as provided by law.

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33 Signature of Voter

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35 Address

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Telephone

Approved:
.....
Board Member

At the discretion of the commissioner, this declaration may be printed on each page of the election register and the voter shall sign the election register next to the voter's printed name. The voter's signature in the election register shall be considered the voter's signed declaration of eligibility affidavit. The state commissioner of elections shall prescribe by rule an alternate method for providing the information in subsection 2 for those counties where the declaration of eligibility is printed in the election register.

2. One of the precinct election officials shall announce the voter's name aloud for the benefit of any persons present pursuant to section 49.104, subsection 2, 3, or 5. Any If the declaration of eligibility is not printed on each page of the election register, any of those persons may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person does not interfere with the functions of the precinct election officials. If the declaration of eligibility is printed on the election register, the precinct election official shall make available for viewing a listing of those voters who have signed declarations of eligibility. Any of those persons present pursuant to section 49.104, subsection 2, 3, or 5, may upon request view the listing of those voters who have signed declarations of eligibility, so long as the person does not interfere with the functions of the precinct election officials.

Sec. 10. Section 50.25, subsection 7, Code 2005, is amended by striking the subsection.

Sec. 11. Section 50.25, Code 2005, is amended by adding

1 the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. The abstract of the votes for
3 each county office is not required to be made on a different
4 sheet.

5 Sec. 12. Section 52.36, unnumbered paragraph 1, Code 2005,
6 is amended to read as follows:

7 All proceedings at the counting center shall be under the
8 direction of the commissioner and open to the public. The
9 proceedings shall be under the observation of at least one
10 member of each of the political parties referred to in section
11 49.13, designated by the county chairperson or, if the county
12 chairperson fails to make a designation, appointed by the
13 commissioner state chairperson. No person except those
14 employed and authorized by the commissioner for the purpose
15 shall touch any ballot or ballot container.

16 Sec. 13. Section 53.2, subsections 1 and 4, Code 2005, are
17 amended to read as follows:

18 1. Any registered voter, under the circumstances specified
19 in section 53.1, may on any day, except election day, and not
20 more than seventy days prior to the date of the election,
21 apply in person for an absentee ballot at the commissioner's
22 office or at any location designated by the commissioner.
23 However, for those elections in which the commissioner directs
24 the polls be opened at noon pursuant to section 49.73, a voter
25 may apply in person for an absentee ballot at the
26 commissioner's office from eight a.m. until eleven a.m. on
27 election day.

28 PARAGRAPH DIVIDED. A registered voter may make written
29 application to the commissioner for an absentee ballot. A
30 written application for an absentee ballot must be received by
31 the commissioner no later than five p.m. on the Friday before
32 the election. A written application for an absentee ballot
33 delivered to the commissioner and received by the commissioner
34 more than seventy days prior to the date of the election shall
35 be retained by the commissioner and processed in the same

1 manner as a written application received not more than seventy
2 days before the date of the election. However, in a general
3 election year, if an application for an absentee ballot for
4 the general election is received on or before primary election
5 day, the commissioner shall return the application to the
6 voter and shall enclose a notice stating that the application
7 may not be submitted until after the primary election.

8 4. Each application shall contain the name and signature
9 of the registered voter, the registered voter's date of birth,
10 the address at which the voter is registered to vote, and the
11 name or date of the election for which the absentee ballot is
12 requested, and such other information as may be necessary to
13 determine the correct absentee ballot for the registered
14 voter. If insufficient information has been provided, the
15 commissioner shall, by the best means available, obtain the
16 additional necessary information.

17 Sec. 14. Section 53.8, subsection 3, unnumbered paragraph
18 3, Code 2005, is amended to read as follows:

19 Nothing in this subsection nor in section 53.22 shall be
20 construed to prohibit a registered voter who is a hospital
21 patient or resident of a health care facility, or who
22 anticipates entering a hospital or health care facility before
23 the date of a forthcoming election, from casting an absentee
24 ballot in the manner prescribed by section 53.10 or 53.11.

25 Sec. 15. Section 53.23, subsection 3, unnumbered paragraph
26 1, Code 2005, is amended to read as follows:

27 The commissioner shall set the convening time for the
28 board, allowing a reasonable amount of time to complete
29 counting all absentee ballots by ten p.m. on election day.
30 The commissioner may direct the board to meet on the day
31 before the election solely for the purpose of reviewing the
32 absentee voters' affidavits appearing on the sealed ballot
33 envelopes. If in the commissioner's judgment this procedure
34 is necessary due to the number of absentee ballots received,
35 the members of the board may open the sealed ballot envelopes

1 and remove the secrecy envelope containing the ballot, but
2 under no circumstances shall a secrecy envelope be opened
3 before the board convenes on election day. If the ballot
4 envelopes are opened before election day, two observers, one
5 appointed by each of the two political parties referred to in
6 section 49.13, subsection 2, shall witness the proceedings.
7 However, up to four additional observers, two appointed by
8 each of such political parties, may witness the proceedings.

9 Sec. 16. Section 53.31, unnumbered paragraph 1, Code 2005,
10 is amended to read as follows:

11 Any person qualified to vote at the election in progress
12 may challenge the qualifications of a person casting an
13 absentee ballot by submitting a written challenge to the
14 commissioner no later than five p.m. on the ~~day~~ Friday before
15 the election. It is the duty of the special precinct
16 officials to challenge the absentee ballot of any person whom
17 the official knows or suspects is not duly qualified.
18 Challenges by members of the special precinct election board
19 or observers present pursuant to section 53.23 may be made at
20 any time before the close of the polls on election day. The
21 challenge shall state the reasons for which the challenge is
22 being submitted and shall be signed by the challenger. When a
23 challenge is received the absentee ballot shall be set aside
24 for consideration by the special precinct election board when
25 it meets as required by section 50.22.

26 Sec. 17. Section 376.11, unnumbered paragraphs 1 and 2,
27 Code 2005, are amended to read as follows:

28 Write-in votes are permitted to be cast in all elections
29 for city offices. A person who receives a sufficient number
30 of write-in votes to be elected to a city office shall be
31 declared the winner of the election. If a person who was
32 elected by write-in votes chooses not to serve in that office
33 the person shall submit a resignation in writing to the city
34 clerk not later than ~~five o'clock~~ five o'clock p.m. on the tenth day
35 following the canvass of the election. If a person who was

1 elected by write-in votes resigns at a later time, the office
2 shall be considered vacant at the end of the term and the
3 council shall fill the vacancy pursuant to the provisions of
4 section 372.13, subsection 2.

5 Except in cities where the council has chosen a runoff
6 election in lieu of a primary, following the resignation of a
7 person who was elected by write-in votes, the city clerk shall
8 notify the person who received the next highest number of
9 votes cast for the office that the person may assume the
10 office. If the person accepts the position, the person shall
11 be considered the duly elected officer unless, within ten days
12 after the clerk has given notice, a petition requesting a
13 special election is filed by eligible electors of the city
14 equal in number to twenty-five percent of the number of
15 persons who voted for the office at the election. If the
16 person declines, the person shall do so in writing to the city
17 clerk within ten days and the office shall be considered
18 vacant at the end of the term. The vacancy shall be filled
19 pursuant to the provisions of section 372.13, subsection 2.
20 If the council chooses to appoint, the appointment may be made
21 before the end of the current term.

22 Sec. 18. Section 53.35, Code 2005, is repealed.

23 Sec. 19. APPLICABILITY DATE. This Act applies to
24 elections held on or after January 1, 2006.

25 EXPLANATION

26 This bill amends Code provisions relating to elections and
27 voter registration.

28 Code section 2.27 is amended to remove a reference to fill
29 a vacancy in the office of lieutenant governor by election. A
30 vacancy in that office is filled by appointment by the
31 governor.

32 Code section 48A.26 is amended to provide that the voter
33 registration application of a person who does not answer
34 either "yes" or "no" to questions pertaining to age and United
35 States citizenship shall not be processed. Code section

1 48A.26 is also amended to provide that the acknowledgment
2 mailed to such a registrant shall inform the registrant that
3 they may submit a new application up until 5 p.m. on the day
4 before the election if the election is one that includes
5 candidates for federal office.

6 Code sections 48A.26 and 48A.37 are amended to remove the
7 status of "local" registration for those persons who
8 registered by mail and neglected to answer or answered "no" to
9 the question pertaining to United States citizenship. Current
10 law would have allowed such a person to be registered to vote
11 in elections that have no federal office on the ballot.

12 Code section 49.10 is amended to remove the requirement
13 that a room or area containing a polling place for more than
14 one precinct maintain separate entrances.

15 Code section 49.31 is amended to provide that on general
16 election ballots the names of candidates for nonpartisan
17 office shall be arranged in alphabetical order by surname.
18 Currently, the arrangement of such names is determined by lot
19 drawn by the board of supervisors.

20 Code section 49.57 is amended to provide that a ballot
21 shall be printed to contain the unique identification number
22 or name assigned by the commissioner to the ballot style
23 rather than a designation of the ballot rotation.

24 Code section 49.73 is amended to provide that the polls may
25 open at noon, rather than 7 a.m., for any election conducted
26 for the unincorporated area of a county. Currently, the polls
27 may open at noon for an election in the unincorporated area of
28 the county only if it is an election on a local option sales
29 and services tax.

30 Code section 49.77 is amended to allow a county
31 commissioner of elections to print the affidavit of
32 eligibility on each page of the election register and the
33 signature of the voter in the register next to the voter's
34 printed name serves as that voter's declaration of
35 eligibility. Code section 49.77 is also amended to require

1 the state commissioner of elections to adopt rules providing
2 an alternative method for observers allowed at the polling
3 place to know the identification of the voter who has arrived
4 at the polls to vote.

5 Code section 50.25 is amended to provide that the abstract
6 of votes in the general election may be made on one sheet for
7 county offices, rather than a separate sheet for each county
8 officer.

9 Code section 52.36 is amended to provide that observers
10 from each of the political parties present when ballots are
11 counted shall be appointed by the state chairperson of the
12 party if the county chairperson does not designate someone to
13 observe.

14 Code section 53.2 is amended to allow a voter to apply in
15 person at the commissioner's office for an absentee ballot
16 from 8 a.m. until 11 a.m. on the day of the election if it is
17 an election at which the commissioner has directed that the
18 polls shall open at noon. The county commissioner of
19 elections may, by law, direct that the polls be opened at noon
20 for any school district election, city elections in cities of
21 3,500 or less population, for cities above 3,500 population if
22 there is no contested election or public measure on the
23 ballot, any benefited district, and elections on local option
24 sales and services tax in the unincorporated area of the
25 county.

26 Code section 53.2 is further amended to provide that, in a
27 general election year, any application for a general election
28 absentee ballot which is received by the commissioner on or
29 before the date of the primary election shall be returned to
30 the applicant with a notice stating that the application may
31 not be submitted until after the primary election.

32 Code section 53.2 is also amended to provide that an
33 application for an absentee ballot require the date of birth
34 of the registered voter who is applying for the absentee
35 ballot.

1 Code section 53.8 is amended to clarify that voters who
2 expect to be patients or residents of health care facilities
3 or hospitals on election day are not prohibited from voting
4 absentee in person at the commissioner's office.

5 Code section 53.31 is amended to change the deadline for
6 filing a challenge to an absentee voter from 5 p.m. on the day
7 before the election to 5 p.m. on the Friday before the
8 election.

9 Code section 376.11, relating to write-in votes for city
10 offices, is amended to provide that if a person elected by
11 write-in votes at a regular city election chooses not to
12 serve, the person shall submit the person's resignation to the
13 city clerk by 5 p.m. on the tenth day following the canvass of
14 that election. Currently, the resignation is required by 5
15 p.m. on the day following the canvass of the election.

16 Code section 376.11 is also amended to establish a deadline
17 for filing a petition to request a special election if a
18 write-in candidate who wins a city election declines the
19 office, and the candidate receiving the next highest number of
20 votes is declared the winner. The deadline established for
21 filing the petition is within 10 days after the clerk has
22 notified the candidate next declared the winner.

23 Code section 53.35, which makes it unlawful for a person to
24 fail to return an absentee ballot, is repealed. A
25 corresponding amendment is made to Code section 39A.5.

26 The bill applies to elections held on or after January 1,
27 2006.

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H-1065

1 Amend House File 644 as follows:

2 1. Page 1, by inserting after line 22, the
3 following:

4 "Sec. _____. Section 48A.5, subsection 2, paragraph
5 c, Code 2005, is amended to read as follows:

6 c. Be at least eighteen years of age. Completed
7 registration forms shall be accepted from registrants
8 who are at least seventeen and a half years of age;
9 however, the registration shall not be effective until
10 the registrant reaches the age of eighteen. The
11 commissioner of registration shall ensure that the
12 birth date shown on the registration form is at least
13 seventeen and one-half years earlier than the date the
14 registration is processed."

15 2. Page 1, line 23, by striking the words and
16 figures "subsections 4 and 5," and inserting the
17 following: "subsection 4,".

18 3. Page 1, line 24, by striking the word "are"
19 and inserting the following: "is".

20 4. Page 1, by striking lines 26 through 28, and
21 inserting the following: "and did not answer either
22 "yes" or "no" to the question in section 48A.11,
23 subsection 3, paragraph "a", the application shall not
24 be processed, ~~but the~~".

25 5. Page 2, by striking lines 8 through 16.

26 6. Title page 1, line 1, by inserting after the
27 words "registration by" the following: "making
28 certain corrective changes,".

29 7. Title page 1, by striking lines 6 and 7, and
30 inserting the following: "than one precinct are
31 located, requiring".

32 8. Title page 1, line 17, by inserting after the
33 word "elections," the following: "modifying the time
34 period during which a person may request an absentee
35 ballot,".

36 9. By renumbering as necessary.

By JACOBS of Polk

H-1065 FILED MARCH 14, 2005

HOUSE FILE 644

H-1067

1 Amend House File 644 as follows:

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

4 "DIVISION I

5 GENERAL PROVISIONS RELATING
6 TO CONDUCT OF ELECTIONS

7 Section 1. Section 43.6, subsection 2, Code 2005,
8 is amended to read as follows:

9 2. When a vacancy occurs in the office of county
10 supervisor or any of the offices listed in section
11 39.17 and more than seventy days remain in the term of
12 office following the next general election, the office
13 shall be filled for the balance of the unexpired term
14 at that general election unless the vacancy has been
15 filled by a special election called more than seventy-
16 three days before the primary election. If the
17 vacancy occurs more than seventy-three days before the
18 primary election, political party candidates for that
19 office at the next general election shall be nominated
20 at the primary election. If an appointment to fill
21 the vacancy in office is made eighty-eight or more
22 days before the primary election and a petition
23 requesting a special election has not been received
24 within fourteen days after the appointment is made,
25 candidates for the office shall be nominated at the
26 primary election.

27 Sec. 2. Section 43.14, Code 2005, is amended to
28 read as follows:

29 43.14 FORM OF NOMINATION PAPERS.

30 1. Nomination papers shall include a petition and
31 an affidavit of candidacy. All nomination petitions
32 shall be eight and one-half by eleven inches in size
33 and in substantially the form prescribed by the state
34 commissioner of elections. They shall include or
35 provide spaces for the following information:

36 a. A statement identifying the signers of the
37 petition as eligible electors of the appropriate
38 county or legislative district and of the state.

39 b. The name of the candidate nominated by the
40 petition.

41 c. For nomination petitions for candidates for the
42 general assembly, a statement that the residence of
43 the candidate is within the appropriate legislative
44 district, or if that is not true, that the candidate
45 will reside there within sixty days before the
46 election. For other offices, a statement of the name
47 of the county where the candidate resides.

48 d. The political party with which the candidate is
49 a registered voter.

50 e. The office sought by the candidate, including

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1 the district number, if any.

2 f. The date of the primary election for which the
3 candidate is nominated.

4 2. Signatures on a petition page shall be counted
5 only if the ~~required~~ information required in
6 subsection 1 is written or printed at the top of the
7 page. Nomination papers on behalf of candidates for
8 seats in the general assembly need only designate the
9 number of the senatorial or representative district,
10 as appropriate, and not the county or counties, in
11 which the candidate and the petitioners reside. A
12 signature line shall not be counted if the line lacks
13 the signature of the eligible elector and the signer's
14 address and city. ~~The person examining the petition~~
15 ~~shall mark any deficiencies on the petition and~~
16 affidavit. A signature line shall not be counted if
17 the signer's address is obviously outside the
18 boundaries of the district.

19 ~~2.~~ 3. The person examining the petition shall
20 mark any deficiencies on the petition and affidavit.
21 Signed nomination petitions and the signed and
22 notarized affidavit of candidacy shall not be altered
23 to correct deficiencies noted during examination. If
24 the nomination petition lacks a sufficient number of
25 acceptable signatures, the nomination petition shall
26 be rejected and shall be returned to the candidate.

27 4. The nomination papers shall be rejected if the
28 affidavit lacks any of the following:

29 a. The candidate's name.

30 b. The name of the office sought, including the
31 district, if any.

32 c. The political party name.

33 d. The signature of the candidate.

34 e. The signature of a notary public or other
35 officer empowered to witness oaths.

36 5. The candidate may replace a deficient affidavit
37 with a corrected affidavit only if the replacement
38 affidavit is filed before the filing deadline. The
39 candidate may resubmit a nomination petition that has
40 been rejected by adding a sufficient number of pages
41 or signatures to correct the deficiency. A nomination
42 petition and affidavit filed to replace rejected
43 nomination papers shall be filed together before the
44 deadline for filing.

45 Sec. 3. Section 45.5, Code 2005, is amended to
46 read as follows:

47 45.5 FORM OF NOMINATION PAPERS.

48 1. Nomination papers shall include a petition and
49 an affidavit of candidacy. All nomination petitions
50 shall be eight and one-half by eleven inches in size

1 and shall be in substantially the form prescribed by
2 the state commissioner of elections. They shall
3 provide spaces for the following information:

4 a. A statement identifying the signers of the
5 petition as eligible electors of the appropriate ward,
6 city, county, school district or school district
7 director district, or legislative district and of the
8 state of Iowa.

9 b. The name of the candidate nominated by the
10 petition.

11 c. A statement that the candidate is or will be a
12 resident of the appropriate ward, city, county, school
13 district, or legislative or other district as required
14 by section 39.27.

15 d. The office sought by the candidate, including
16 the district number, if any.

17 e. The name and date of the election for which the
18 candidate is nominated.

19 2. Signatures on a petition page shall be counted
20 only if the ~~required~~ information required in
21 subsection 1 is written or printed at the top of the
22 page. Nomination papers on behalf of candidates for
23 seats in the general assembly need only designate the
24 number of the senatorial or representative district,
25 as appropriate, and not the county or counties, in
26 which the candidate and the petitioners reside. A
27 signature line in a nomination petition shall not be
28 counted if the line lacks the signature of the
29 eligible elector and the signer's address and city.
30 ~~The person examining the petition shall mark any~~
31 ~~deficiencies on the petition.~~ A signature line shall
32 not be counted if the signer's address is obviously
33 outside the boundaries of the appropriate ward, city,
34 school district or school district director district,
35 or other district.

36 ~~2.~~ 3. The pages of the petition shall be securely
37 fastened together to form a single bundle. Nomination
38 petitions that are not bound shall be returned without
39 further examination. The state commissioner shall
40 prescribe by rule the acceptable methods for binding
41 nomination petitions.

42 ~~3.~~ 4. The person examining the petition shall
43 mark any deficiencies on the petition. Signed
44 nomination petitions and the signed and notarized
45 affidavit of candidacy shall not be altered to correct
46 deficiencies noted during the examination. If the
47 nomination petition lacks a sufficient number of
48 acceptable signatures, the nomination papers shall be
49 rejected and returned to the candidate.

50 5. The nomination papers shall be rejected if the

1 affidavit lacks any of the following:
2 a. The candidate's name.
3 b. The name of the office sought, including the
4 district, if any.
5 c. The signature of the candidate.
6 d. The signature of a notary public or other
7 officer empowered to witness oaths.
8 6. The candidate may replace a deficient affidavit
9 with a corrected one only if the replacement is filed
10 before the filing deadline. The candidate may
11 resubmit a nomination petition that has been rejected
12 by adding a sufficient number of pages or signatures
13 to correct the deficiency. A nomination petition and
14 affidavit filed to replace rejected nomination papers
15 shall be filed together before the deadline for
16 filing.

17 Sec. 4. Section 45.6, subsection 3, Code 2005, is
18 amended to read as follows:

19 3. All signers, for all nominations, of each
20 separate part of a nomination petition, shall reside
21 in the appropriate ward, city, county, school
22 district, ~~or legislative district,~~ or other district
23 as required by section 45.1.

24 Sec. 5. Section 49.10, subsection 4, Code 2005, is
25 amended to read as follows:

26 4. ~~No~~ A single room or area of any building or
27 facility ~~shall~~ may be fixed as the polling place for
28 more than one precinct ~~unless there are separate~~
29 ~~entrances each.~~ The location of each polling place
30 shall be clearly marked within the room or area on the
31 days on which elections are held as the entrance to
32 location of the polling place of a particular
33 precinct, and suitable arrangements are shall be made
34 within the room or area to prevent direct access from
35 the polling place of any precinct to the polling place
36 of any other precinct. When the commissioner has
37 fixed such a polling place for any precinct it shall
38 remain the polling place at all subsequent elections,
39 except elections for which the precinct is merged with
40 another precinct as permitted by section 49.11, until
41 the boundaries of the precinct are changed or the
42 commissioner fixes a new polling place, except that
43 the polling place shall be changed to a point within
44 the boundaries of the precinct at any time not less
45 than sixty days before the next succeeding election
46 that a building or facility suitable for such use
47 becomes available within the precinct.

48 Sec. 6. Section 49.14, subsection 1, Code 2005, is
49 amended to read as follows:

50 1. The commissioner may appoint substitute

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

19 Sec. 7. Section 49.31, subsection 2, unnumbered
20 paragraph 2, Code 2005, is amended to read as follows:

21 On the general election ballot the names of
22 candidates for the nonpartisan offices listed in
23 section 39.21 shall be arranged ~~by drawing lots for~~
24 position in alphabetical order by surname under the
25 heading of the office to be filled. The board of
26 supervisors shall hold the drawing at its first
27 meeting following the deadline for receipt of
28 objections and withdrawals by candidates for the
29 general election.

30 Sec. 8. Section 49.57, subsections 2 and 3, Code
31 2005, are amended to read as follows:

32 2. In the area of the general election ballot for
33 straight party voting, the party or organization names
34 shall be printed in capital upper case and lower case
35 letters of using a uniform font size, in for each
36 political party or nonparty political organization.
37 The font size shall be not less than twelve point
38 type. After the name of each candidate for a partisan
39 office the name of the candidate's political party
40 shall be printed in at least six point type. The
41 names of political parties and nonparty political
42 organizations may be abbreviated on the remainder of
43 the ballot if both the full name and the abbreviation
44 appear in the "Straight Party" and "Other Political
45 Party" areas of the ballot.

46 3. The names of candidates shall be printed in
47 capital upper case and lower case letters, of using a
48 uniform font size throughout the ballot, in. The font
49 size shall be not less than ten point type.

50 Sec. 9. Section 49.57, Code 2005, is amended by

1 adding the following new subsection:

2 NEW SUBSECTION. 3A. In no case shall the font
3 size for public measures, constitutional amendments,
4 and constitutional convention questions, and summaries
5 thereof, be less than ten point type.

6 Sec. 10. Section 49.57, subsection 5, Code 2005,
7 is amended to read as follows:

8 5. A portion of the ballot, which can be shown to
9 the precinct officials without revealing any of the
10 marks made by the voter, shall include the words
11 "Official ballot", ~~a designation of the ballot~~
12 ~~rotation, if any~~ the unique identification number or
13 name assigned by the commissioner to the ballot style,
14 the date of the election, and a facsimile of the
15 signature of the commissioner who has caused the
16 ballot to be printed pursuant to section 49.51.

17 Sec. 11. Section 49.73, subsection 1, paragraph e,
18 Code 2005, is amended to read as follows:

19 e. The Any election conducted for the
20 unincorporated area of any a county voting on a local
21 option sales and services tax pursuant to section
22 423B.1.

23 Sec. 12. Section 49.77, subsections 1 and 2, Code
24 2005, are amended to read as follows:

25 1. The board members of their respective precincts
26 shall have charge of the ballots and furnish them to
27 the voters. Any person desiring to vote shall sign a
28 voter's declaration provided by the officials, in
29 substantially the following form:

30 VOTER'S DECLARATION OF ELIGIBILITY

31 I do solemnly swear or affirm that I am a resident
32 of the precinct, ward or township, city of
33, county of, Iowa.

34 I am a registered voter. I have not voted and will
35 not vote in any other precinct in said election.

36 I understand that any false statement in this
37 declaration is a criminal offense punishable as
38 provided by law.

39
40 Signature of Voter
41
42 Address
43
44 Telephone

45 Approved:

46

47 Board Member

48 At the discretion of the commissioner, this
49 declaration may be printed on each page of the
50 election register and the voter shall sign the

1 election register next to the voter's printed name.
2 The voter's signature in the election register shall
3 be considered the voter's signed declaration of
4 eligibility affidavit. The state commissioner of
5 elections shall prescribe by rule an alternate method
6 for providing the information in subsection 2 for
7 those counties where the declaration of eligibility is
8 printed in the election register.

9 2. One of the precinct election officials shall
10 announce the voter's name aloud for the benefit of any
11 persons present pursuant to section 49.104, subsection
12 2, 3, or 5. Any If the declaration of eligibility is
13 not printed on each page of the election register, any
14 of those persons may upon request view the signed
15 declarations of eligibility and may review the signed
16 declarations on file so long as the person does not
17 interfere with the functions of the precinct election
18 officials. If the declaration of eligibility is
19 printed on the election register, the precinct
20 election official shall make available for viewing a
21 listing of those voters who have signed declarations
22 of eligibility. Any of those persons present pursuant
23 to section 49.104, subsection 2, 3, or 5, may upon
24 request view the listing of those voters who have
25 signed declarations of eligibility, so long as the
26 person does not interfere with the functions of the
27 precinct election officials.

28 Sec. 13. Section 49.79, Code 2005, is amended to
29 read as follows:

30 49.79 CHALLENGES.

31 1. Any person offering to vote may be challenged
32 as unqualified by any precinct election official or
33 registered voter. It is the duty of each official to
34 challenge any person offering to vote whom the
35 official knows or suspects is not duly qualified. A
36 ballot shall be received from a voter who is
37 challenged, but only in accordance with section 49.81.

38 2. A person may be challenged for any of the
39 following reasons:

40 a. The challenged person is not a citizen of the
41 United States.

42 b. The challenged person is less than eighteen
43 years of age as of the date of the election at which
44 the person is offering to vote.

45 c. The challenged person is not a resident at the
46 address where the person is registered. However, a
47 person who is reporting a change of address at the
48 polls on election day pursuant to section 48A.27,
49 subsection 2, paragraph "a", subparagraph (3) shall
50 not be challenged for this reason.

1 d. The challenged person is not a resident of the
2 precinct where the person is offering to vote.

3 e. The challenged person has falsified information
4 on the person's registration form or on the person's
5 declaration of eligibility.

6 f. The challenged person has been convicted of a
7 felony, and the person's voting rights have not been
8 restored.

9 g. The challenged person has been adjudged by a
10 court of law to be a person who is incompetent to vote
11 and no subsequent proceeding has reversed that
12 finding.

13 Sec. 14. Section 50.16, Code 2005, is amended to
14 read as follows:

15 50.16 TALLY LIST OF BOARD.

16 The tally list shall be prepared in writing by the
17 election board giving, in legibly printed numerals,
18 the total number of people who cast ballots in the
19 precinct, the total number of ballots cast for each
20 ~~offieer~~ office, except those rejected, the name of
21 each person voted for, and the number of votes given
22 to each person for each different office. The tally
23 list shall be signed by the precinct election
24 officials, and be substantially as follows:

25 At an election at in township, or in
26 precinct of city or township, in county,
27 state of Iowa, on the ... day of ~~A.D.~~ .., there
28 were ... ballots cast for the office of of which
29 (Candidate's name) had .. votes.
30 (Candidate's name) had .. votes.
31 (and in the same manner for any other officer).

32 A true tally list:

33 (Name) Election Board
34 (Name) Members.
35 (Name)

36 Attest:

37 (Name) Designated
38 (Name) Tally Keepers.

39 Sec. 15. Section 50.25, subsection 7, Code 2005,
40 is amended by striking the subsection.

41 Sec. 16. Section 50.25, Code 2005, is amended by
42 adding the following new unnumbered paragraph:

43 NEW UNNUMBERED PARAGRAPH. The abstract of the
44 votes for each county office is not required to be
45 made on a different sheet.

46 Sec. 17. Section 52.25, unnumbered paragraph 2,
47 Code 2005, is amended to read as follows:

48 The entire convention question, amendment, or
49 public measure shall be printed and displayed
50 prominently in at least four places within the voting

1 precinct, and inside each voting booth, or on the
2 left-hand side inside the curtain of each voting
3 machine, the printing to be in conformity with the
4 provisions of chapter 49. The question, amendment, or
5 measure, and summaries thereof, shall be printed on
6 the special paper ballots or on the inserts used in
7 the voting machines. In no case shall the font size
8 be less than ten point type. The public measure shall
9 be summarized by the commissioner and ~~in the largest~~
10 ~~type possible printed on the special paper ballots or~~
11 ~~inserts used in the voting machines, except that:~~

12 Sec. 18. Section 376.11, unnumbered paragraphs 1
13 and 2, Code 2005, are amended to read as follows:

14 Write-in votes are permitted to be cast in all
15 elections for city offices. A person who receives a
16 sufficient number of write-in votes to be elected to a
17 city office shall be declared the winner of the
18 election. If a person who was elected by write-in
19 votes chooses not to serve in that office the person
20 shall submit a resignation in writing to the city
21 clerk not later than five o'clock p.m. on the tenth
22 day following the canvass of the election. If a
23 person who was elected by write-in votes resigns at a
24 later time, the office shall be considered vacant at
25 the end of the term and the council shall fill the
26 vacancy pursuant to the provisions of section 372.13,
27 subsection 2.

28 Except in cities where the council has chosen a
29 runoff election in lieu of a primary, following the
30 resignation of a person who was elected by write-in
31 votes, the city clerk shall notify the person who
32 received the next highest number of votes cast for the
33 office that the person may assume the office. If the
34 person accepts the position, the person shall be
35 considered the duly elected officer unless, within ten
36 days after the clerk has given notice, a petition
37 requesting a special election is filed by eligible
38 electors of the city equal in number to twenty-five
39 percent of the number of persons who voted for the
40 office at the election. If the person declines, the
41 person shall do so in writing to the city clerk within
42 ten days and the office shall be considered vacant at
43 the end of the term. The vacancy shall be filled
44 pursuant to the provisions of section 372.13,
45 subsection 2. If the council chooses to appoint, the
46 appointment may be made before the end of the current
47 term.

48 Sec. 19. EFFECTIVE AND APPLICABILITY DATES.

49 1. The section of this division of this Act
50 amending section 49.77, being deemed of immediate

1 importance, takes effect upon enactment and applies to
2 elections held on or after that date.

3 2. The remainder of this division of this Act
4 applies to elections held on or after January 1, 2006.

DIVISION II

ABSENTEE VOTING

7 Sec. 20. Section 39A.4, subsection 1, paragraph c,
8 subparagraphs (10), (11), and (12), Code 2005, are
9 amended to read as follows:

10 (10) As an incumbent officeholder of, or a
11 candidate for, an office being voted for at the
12 election in progress, serving as a member of a
13 challenging committee or observer under section
14 49.104, subsection 2, 5, or 6, or section 53.23,
15 subsection 4.

16 (11) Returning a voted absentee ballot, by mail or
17 in person, to the commissioner's office and the person
18 returning the ballot is not the voter, an immediate
19 family member of the voter, an absentee ballot
20 courier, a special precinct election official
21 designated pursuant to section 53.22, subsection 1, or
22 the designee of a voter described in section 53.22,
23 subsection 5.

24 (12) Making a false or untrue statement reporting
25 that a voted absentee ballot was returned to the
26 commissioner's office, by mail or in person, by a
27 person other than the voter, an immediate family
28 member of the voter, an absentee ballot courier, a
29 special precinct election official designated pursuant
30 to section 53.22, subsection 1, or the designee of a
31 voter described in section 53.22, subsection 5.

32 Sec. 21. Section 39A.5, subsection 1, paragraph b,
33 subparagraph (2), Code 2005, is amended to read as
34 follows:

35 (2) ~~Neglecting or refusing to return an absentee~~
36 ~~ballot in violation of section 53.35, or violating~~
37 Violating any other provision of chapter 53 for which
38 another penalty is not provided.

39 Sec. 22. Section 49.63, Code 2005, is amended to
40 read as follows:

41 49.63 TIME OF PRINTING -- INSPECTION AND
42 CORRECTION.

43 Ballots shall be printed and in the possession of
44 the commissioner in time to enable the commissioner to
45 furnish ballots to absent voters as provided by
46 sections 53.8, 53.10, and 53.11. The printed ballots
47 shall be subject to the inspection of candidates and
48 their agents. If mistakes are discovered, they shall
49 be corrected without delay, in the manner provided in
50 this chapter.

1 Sec. 23. Section 53.2, subsections 1 and 4, Code
2 2005, are amended to read as follows:

3 1. Any registered voter, under the circumstances
4 specified in section 53.1, may on any day, except
5 election day, and not more than seventy days prior to
6 the date of the election, apply in person for an
7 absentee ballot at the commissioner's office or at any
8 location designated by the commissioner. However, for
9 those elections in which the commissioner directs the
10 polls be opened at noon pursuant to section 49.73, a
11 voter may apply in person for an absentee ballot at
12 the commissioner's office from eight a.m. until eleven
13 a.m. on election day.

14 PARAGRAPH DIVIDED. A registered voter may make
15 written application to the commissioner for an
16 absentee ballot. A written application for an
17 absentee ballot must be received by the commissioner
18 no later than five p.m. on the Friday before the
19 election. A written application for an absentee
20 ballot delivered to the commissioner and received by
21 the commissioner more than seventy days prior to the
22 date of the election shall be retained by the
23 commissioner and processed in the same manner as a
24 written application received not more than seventy
25 days before the date of the election. However, in a
26 general election year, if an application for an
27 absentee ballot for the general election is received
28 on or before primary election day, the commissioner
29 shall return the application to the voter and shall
30 enclose a notice stating that the application may not
31 be submitted until after the primary election.

32 4. Each application shall contain the name and
33 signature of the registered voter, the registered
34 voter's date of birth, the address at which the voter
35 is registered to vote, and the name or date of the
36 election for which the absentee ballot is requested,
37 and such other information as may be necessary to
38 determine the correct absentee ballot for the
39 registered voter. If insufficient information has
40 been provided, the commissioner shall, by the best
41 means available, obtain the additional necessary
42 information.

43 Sec. 24. Section 53.7, subsection 1, Code 2005, is
44 amended to read as follows:

45 1. It shall be unlawful for any employee of the
46 state or any employee of a political subdivision to
47 solicit any application or request for application for
48 an absentee ballot, or to take an affidavit in
49 connection with any absentee ballot while the employee
50 is on the employer's premises or otherwise in the

1 course of employment. However, any such employee may
2 take such affidavit in connection with an absentee
3 ballot which is cast by the registered voter in person
4 in the office where such employee is employed in
5 accordance with section 53.10 or 53.11. This
6 subsection shall not apply to any elected official.
7 Sec. 25. Section 53.8, subsection 2, Code 2005, is
8 amended to read as follows:

9 2. If an application is received so late that it
10 is unlikely that the absentee ballot can be returned
11 in time to be counted on election day, the
12 commissioner shall enclose with the absentee ballot a
13 statement to that effect. The statement shall also
14 point out that it is possible for the applicant, an
15 immediate family member of the applicant, or the
16 applicant's designee if the absentee ballot is voted
17 by a voter described in section 53.22, subsection 5,
18 to personally deliver the completed absentee ballot to
19 the office of the commissioner at any time before the
20 closing of the polls on election day. The statement
21 shall also point out that it is possible for an
22 absentee ballot courier to personally deliver the
23 completed absentee ballot to the office of the
24 commissioner within seventy-two hours of retrieving
25 the completed ballot or before the closing of the
26 polls on election day, whichever is earlier.

27 Sec. 26. Section 53.8, subsection 3, unnumbered
28 paragraph 3, Code 2005, is amended to read as follows:

29 Nothing in this subsection nor in section 53.22
30 shall be construed to prohibit a registered voter who
31 is a hospital patient or resident of a health care
32 facility, or who anticipates entering a hospital or
33 health care facility before the date of a forthcoming
34 election, from casting an absentee ballot in the
35 manner prescribed by section 53.10 or 53.11.

36 Sec. 27. Section 53.17, subsection 1, paragraph a,
37 Code 2005, is amended to read as follows:

38 a. The sealed carrier envelope may be delivered by
39 the registered voter, by an immediate family member of
40 the voter, by the special precinct election officials
41 designated pursuant to section 53.22, subsection 1, or
42 by the voter's designee if the absentee ballot is
43 voted by a voter described in section 53.22,
44 subsection 5, to the commissioner's office no later
45 than the time the polls are closed on election day.

46 Sec. 28. Section 53.18, Code 2005, is amended to
47 read as follows:

48 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

49 1. Upon receipt of the absentee ballot, the
50 commissioner shall at once record the number appearing

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

7 2. Upon receipt of the return carrier envelope
8 containing the completed absentee ballot, the
9 commissioner shall open the carrier envelope and
10 remove the affidavit envelope to review the affidavit
11 for any deficiencies. If the affidavit contains a
12 deficiency which would cause the ballot to be
13 rejected, the commissioner shall immediately notify
14 the voter of that fact and that the voter may correct
15 the deficiency in the time permitted under section
16 53.17, subsection 2.

17 Sec. 29. Section 53.22, subsection 1, paragraph a,
18 unnumbered paragraph 1, Code 2005, is amended to read
19 as follows:

20 A registered voter who has applied for an absentee
21 ballot, in a manner other than that prescribed by
22 section 53.10 or 53.11, and who is a resident or
23 patient in a health care facility or hospital located
24 in the county to which the application has been
25 submitted shall be delivered the appropriate absentee
26 ballot by two special precinct election officers, one
27 of whom shall be a member of each of the political
28 parties referred to in section 49.13, who shall be
29 appointed by the commissioner from the election board
30 panel for the special precinct established by section
31 53.20. The special precinct election officers shall
32 be sworn in the manner provided by section 49.75 for
33 election board members, shall receive compensation as
34 provided in section 49.20 and shall perform their
35 duties during the ten calendar days preceding the
36 election and on election day if all ballots requested
37 under section 53.8, subsection 3 have not previously
38 been delivered and returned.

39 Sec. 30. Section 53.25, unnumbered paragraph 1,
40 Code 2005, is amended to read as follows:

41 In case the absentee voter's affidavit is found to
42 be insufficient by the special precinct election
43 board, or that the applicant is not a duly registered
44 voter in such precinct, or that the ballot envelope is
45 open, or has been opened and resealed, or that the
46 ballot envelope contains more than one ballot of any
47 one kind, or that said voter has voted in person, such
48 vote shall not be accepted or counted.

49 Sec. 31. Section 53.31, unnumbered paragraph 1,
50 Code 2005, is amended to read as follows:

1 Any person qualified to vote at the election in
2 progress may challenge the qualifications of a person
3 casting an absentee ballot by submitting a written
4 challenge to the commissioner no later than five p.m.
5 on the ~~day~~ Friday before the election. It is the duty
6 of the special precinct officials to challenge the
7 absentee ballot of any person whom the official knows
8 or suspects is not duly qualified. Challenges by
9 members of the special precinct election board or
10 observers present pursuant to section 53.23 may be
11 made at any time before the close of the polls on
12 election day. The challenge shall state the reasons
13 for which the challenge is being submitted and shall
14 be signed by the challenger. When a challenge is
15 received the absentee ballot shall be set aside for
16 consideration by the special precinct election board
17 when it meets as required by section 50.22.

18 Sec. 32. Section 53.37, Code 2005, is amended to
19 read as follows:

20 53.37 DEFINITIONS.

21 1. This division is intended to implement the
22 federal Uniform and Overseas Citizens Absentee Voting
23 Act, 42 U.S.C. § 1973ff et seq.

24 2. The term "armed forces of the United States",
25 as used in this division, shall mean the army, navy,
26 marine corps, coast guard, and air force of the United
27 States.

28 3. For the purpose of absentee voting only, there
29 shall be included in the term "armed forces of the
30 United States" the following:

31 ~~1.~~ a. Spouses and dependents of members of the
32 armed forces while in active service.

33 ~~2.~~ b. Members of the merchant marine of the
34 United States and their spouses and dependents.

35 ~~3.~~ c. Civilian employees of the United States in
36 all categories serving outside the territorial limits
37 of the several states of the United States and the
38 District of Columbia and their spouses and dependents
39 when residing with or accompanying them, whether or
40 not the employee is subject to the civil service laws
41 and the Classification Act of 1949, and whether or not
42 paid from funds appropriated by the Congress.

43 ~~4.~~ d. Members of religious groups or welfare
44 agencies assisting members of the armed forces, who
45 are officially attached to and serving with the armed
46 forces, and their spouses and dependents.

47 ~~5.~~ e. Citizens of the United States who do not
48 fall under any of the categories described in
49 subsections 1 to 4, but who are entitled to register
50 and vote pursuant to section 48A.5, subsection 4.

1 4. For the purposes of this division, "qualified
2 voter" means a person who is included within the term
3 "armed forces of the United States" as described in
4 this section, who would be qualified to register to
5 vote under section 48A.5, subsection 2, except for
6 residency, and who is not disqualified from
7 registering to vote and voting under section 48A.6.

8 Sec. 33. Section 53.38, Code 2005, is amended to
9 read as follows:

10 53.38 WHAT CONSTITUTES REGISTRATION.

11 Whenever a ballot is requested pursuant to section
12 53.39 or 53.45 on behalf of a voter in the armed
13 forces of the United States, the affidavit upon the
14 ballot envelope of such voter, if the voter is found
15 to be an eligible elector of the county to which the
16 ballot is submitted, shall constitute a sufficient
17 registration under chapter 48A. A completed federal
18 postcard registration and federal absentee ballot
19 request form submitted by such eligible elector shall
20 also constitute a sufficient registration under
21 chapter 48A. The commissioner shall place the voter's
22 name on the registration record as a registered voter
23 if it does not already appear there. The
24 identification requirements of section 48A.8 and the
25 verification requirements of section 48A.25A do not
26 apply to persons who register to vote under this
27 division.

28 Sec. 34. Section 53.41, Code 2005, is amended to
29 read as follows:

30 53.41 RECORDS BY COMMISSIONER -- EXCESS REQUESTS
31 OR BALLOTS.

32 The commissioner of each county shall establish and
33 maintain a record of all requests for ballots which
34 are made, and of all ballots transmitted, and the
35 manner of transmittal, from and received in the
36 commissioner's office under the provisions of this
37 division.

38 PARAGRAPH DIVIDED. If more than one request for
39 absent voter's ballot for a particular election is
40 made to the commissioner before the ballots are ready
41 to mail by or on behalf of a voter in the armed forces
42 of the United States, the last request ~~first~~ received
43 shall be honored, except that if one of the requests
44 is made by the voter, ~~and a request on the voter's~~
45 ~~behalf has not been previously honored,~~ the request of
46 the voter shall be honored in preference to a request
47 made on the voter's behalf by another.

48 PARAGRAPH DIVIDED. Not more than one ballot shall
49 be transmitted by the commissioner to any voter for a
50 particular election unless after the ballot has been

1 mailed the voter reports a change in the address to
2 which the ballot should be sent. A ballot shall be
3 mailed using a serial number that indicates that this
4 is a replacement sent to an updated address. The
5 original ballot shall be counted only if the
6 replacement ballot does not arrive. If the
7 commissioner receives more than one absent voter's
8 ballot, provided for by this division, from or
9 purporting to be from any one voter for a particular
10 election, all of the ballots so received from or
11 purporting to be from such voter are void, and the
12 commissioner shall not deliver any of the ballots to
13 the precinct election officials, but shall retain them
14 in the commissioner's office, and preserve them for
15 the period and under the conditions provided for in
16 sections 50.12 through 50.15 and section 50.19.

17 Sec. 35. Section 53.44, unnumbered paragraph 2,
18 Code 2005, is amended to read as follows:

19 Absentee ballots issued under this division shall
20 be returned ~~in the same manner~~ either by mail by the
21 voter or a person designated by the voter or by
22 personal delivery by the voter or a person designated
23 by the voter and within the same time limits specified
24 in section 53.17.

25 Sec. 36. Section 53.53, subsection 4, paragraph a,
26 Code 2005, is amended to read as follows:

27 a. The ballot was submitted from within the United
28 States, unless the voter is a member of the armed
29 forces of the United States, as described in section
30 53.37, subsection 2, on active duty and away from the
31 voter's county of residence for purposes of serving on
32 active duty.

33 Sec. 37. Section 53.53, subsection 4, paragraph b,
34 Code 2005, is amended to read as follows:

35 b. The voter's application for a regular absentee
36 ballot was received by the commissioner less than
37 ~~thirty~~ fourteen days prior to the election.

38 Sec. 38. Section 53.35, Code 2005, is repealed.

39 Sec. 39. APPLICABILITY DATE. This division of
40 this Act applies to elections held on or after January
41 1, 2006.

DIVISION III

VOTER REGISTRATION

44 Sec. 40. Section 48A.2, Code 2005, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 6. "Voter registration list"
47 means a compilation of voter registration records
48 produced, upon request, from the electronic voter
49 registration file or by viewing, upon request, the
50 original, completed voter registration applications

1 and forms.

2 Sec. 41. Section 48A.11, subsection 8, Code 2005,
3 is amended to read as follows:

4 8. A voter registration application lacking the
5 registrant's name, sex, date of birth, or residence
6 address or description shall not be processed. A
7 voter registration application lacking the
8 registrant's driver's license number, Iowa
9 nonoperator's identification card number, or the last
10 four digits of the registrant's social security number
11 shall not be processed. A voter registration
12 application lacking the registrant's signature shall
13 not be processed. A registrant whose registration is
14 not processed pursuant to this subsection shall be
15 notified pursuant to section 48A.26, subsection 3. A
16 registrant who does not have an Iowa driver's license
17 number, an Iowa nonoperator's identification number,
18 or a social security number and who notifies the
19 registrar of such shall be assigned a unique
20 identifying number that shall serve to identify the
21 registrant for voter registration purposes.

22 Sec. 42. Section 48A.25A, Code 2005, is amended to
23 read as follows:

24 48A.25A VERIFICATION OF VOTER REGISTRATION
25 INFORMATION.

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

45 The voter registration commission shall adopt rules
46 in accordance with chapter 17A to provide procedures
47 for processing registration applications if the ~~state~~
48 ~~department of transportation does not,~~ applications
49 cannot be verified before the close of registration
50 for an election for which the voter registration

1 ~~otherwise would be effective, if verified, provide a~~
2 ~~report that the information on the application has~~
3 ~~matched or not matched the records of the department.~~

4 This section does not apply to persons described in
5 section 53.37 who are entitled to register to vote and
6 to vote pursuant to section 48A.5, subsection 4.

7 Sec. 43. Section 48A.26, subsection 4, Code 2005,
8 is amended to read as follows:

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

28 Sec. 44. Section 48A.37, subsection 2, Code 2005,
29 is amended to read as follows:

30 2. Electronic records shall include a status code
31 designating whether the records are active, inactive,
32 ~~local~~, or pending. Inactive records are records of
33 registered voters to whom notices have been sent
34 pursuant to section 48A.28, subsection 3, and who have
35 not returned the card or otherwise responded to the
36 notice, and those records have been designated
37 inactive pursuant to section 48A.29. ~~Local records~~
38 ~~are records of applicants who did not answer either~~
39 ~~"yes" or "no" to the question in section 48A.11,~~
40 ~~subsection 3, paragraph "a".~~ Pending records are
41 records of applicants whose applications have not been
42 verified pursuant to section 48A.25A. All other
43 records are active records. An inactive record shall
44 be made active when the registered voter votes at an
45 election, registers again, or reports a change of
46 name, address, telephone number, or political party
47 affiliation. A pending record shall be made active
48 upon verification. ~~A local record shall be valid for~~
49 ~~any election for which no candidates for federal~~
50 ~~office appear on the ballot. A registrant with only a~~

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

5 Sec. 45. APPLICABILITY DATE. This division of
6 this Act applies to elections held on or after January
7 1, 2006."

8 2. By striking title page 1, line 1, through page
9 2, line 4, and inserting the following: "An Act
10 relating to the conduct of elections and voter
11 registration and including effective date and
12 applicability provisions."

13 3. By renumbering as necessary.

By GASKILL of Wapello
WENDT of Woodbury

H-1067 FILED MARCH 14, 2005

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1 Amend House File 644 as follows:

2 1. Page 1, by inserting after line 22, the
3 following:

4 "Sec. ____ . Section 43.14, Code 2005, is amended to
5 read as follows:

6 43.14 FORM OF NOMINATION PAPERS.

7 1. Nomination papers shall include a petition and
8 an affidavit of candidacy. All nomination petitions
9 shall be eight and one-half by eleven inches in size
10 and in substantially the form prescribed by the state
11 commissioner of elections. They shall include or
12 provide spaces for the following information:

13 a. A statement identifying the signers of the
14 petition as eligible electors of the appropriate
15 county or legislative district and of the state.

16 b. The name of the candidate nominated by the
17 petition.

18 c. For nomination petitions for candidates for the
19 general assembly, a statement that the residence of
20 the candidate is within the appropriate legislative
21 district, or if that is not true, that the candidate
22 will reside there within sixty days before the
23 election. For other offices, a statement of the name
24 of the county where the candidate resides.

25 d. The political party with which the candidate is
26 a registered voter.

27 e. The office sought by the candidate, including
28 the district number, if any.

29 f. The date of the primary election for which the
30 candidate is nominated.

31 2. Signatures on a petition page shall be counted
32 only if the ~~required~~ information required in
33 subsection 1 is written or printed at the top of the
34 page. Nomination papers on behalf of candidates for
35 seats in the general assembly need only designate the
36 number of the senatorial or representative district,
37 as appropriate, and not the county or counties, in
38 which the candidate and the petitioners reside. A
39 signature line shall not be counted if the line lacks
40 the signature of the eligible elector and the signer's
41 address and city. ~~The person examining the petition~~
42 ~~shall mark any deficiencies on the petition and~~
43 ~~affidavit.~~ A signature line shall not be counted if
44 the signer's address is outside the boundaries of the
45 district.

46 ~~2.~~ 3. The person examining the petition shall
47 mark any deficiencies on the petition and affidavit.
48 Signed nomination petitions and the signed and
49 notarized affidavit of candidacy shall not be altered
50 to correct deficiencies noted during examination. If

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1 the nomination petition lacks a sufficient number of
2 acceptable signatures, the nomination petition shall
3 be rejected and shall be returned to the candidate.

4 4. The nomination papers shall be rejected if the
5 affidavit lacks any of the following:

6 a. The candidate's name.

7 b. The name of the office sought, including the
8 district, if any.

9 c. The political party name.

10 d. The signature of the candidate.

11 e. The signature of a notary public or other
12 officer empowered to witness oaths.

13 5. The candidate may replace a deficient affidavit
14 with a corrected affidavit only if the replacement
15 affidavit is filed before the filing deadline. The
16 candidate may resubmit a nomination petition that has
17 been rejected by adding a sufficient number of pages
18 or signatures to correct the deficiency. A nomination
19 petition and affidavit filed to replace rejected
20 nomination papers shall be filed together before the
21 deadline for filing.

22 Sec. ____ . Section 45.5, Code 2005, is amended to
23 read as follows:

24 45.5 FORM OF NOMINATION PAPERS.

25 1. Nomination papers shall include a petition and
26 an affidavit of candidacy. All nomination petitions
27 shall be eight and one-half by eleven inches in size
28 and shall be in substantially the form prescribed by
29 the state commissioner of elections. They shall
30 provide spaces for the following information:

31 a. A statement identifying the signers of the
32 petition as eligible electors of the appropriate ward,
33 city, county, ~~or~~ legislative district, or other
34 district, and of the state of Iowa.

35 b. The name of the candidate nominated by the
36 petition.

37 c. A statement that the candidate is or will be a
38 resident of the appropriate ward, city, county, school
39 district, or legislative or other district as required
40 by section 39.27.

41 d. The office sought by the candidate, including
42 the district number, if any.

43 e. The name and date of the election for which the
44 candidate is nominated.

45 2. Signatures on a petition page shall be counted
46 only if the ~~required~~ information required in
47 subsection 1 is written or printed at the top of the
48 page. Nomination papers on behalf of candidates for
49 seats in the general assembly need only designate the
50 number of the senatorial or representative district,

1 as appropriate, and not the county or counties, in
2 which the candidate and the petitioners reside. A
3 signature line in a nomination petition shall not be
4 counted if the line lacks the signature of the
5 eligible elector and the signer's address and city.
6 ~~The person examining the petition shall mark any~~
7 ~~deficiencies on the petition.~~ A signature line shall
8 not be counted if the signer's address is outside the
9 boundaries of the appropriate ward, city, county,
10 legislative district, or other district.

11 ~~2.~~ 3. The pages of the petition shall be securely
12 fastened together to form a single bundle. Nomination
13 petitions that are not bound shall be returned without
14 further examination. The state commissioner shall
15 prescribe by rule the acceptable methods for binding
16 nomination petitions.

17 ~~3.~~ 4. The person examining the petition shall
18 mark any deficiencies on the petition. Signed
19 nomination petitions and the signed and notarized
20 affidavit of candidacy shall not be altered to correct
21 deficiencies noted during the examination. If the
22 nomination petition lacks a sufficient number of
23 acceptable signatures, the nomination papers shall be
24 rejected and returned to the candidate.

25 5. The nomination papers shall be rejected if the
26 affidavit lacks any of the following:

- 27 a. The candidate's name.
- 28 b. The name of the office sought, including the
29 district, if any.
- 30 c. The signature of the candidate.
- 31 d. The signature of a notary public or other
32 officer empowered to witness oaths.

33 6. The candidate may replace a deficient affidavit
34 with a corrected one only if the replacement is filed
35 before the filing deadline. The candidate may
36 resubmit a nomination petition that has been rejected
37 by adding a sufficient number of pages or signatures
38 to correct the deficiency. A nomination petition and
39 affidavit filed to replace rejected nomination papers
40 shall be filed together before the deadline for
41 filing.

42 Sec. ____ . Section 45.6, subsection 3, Code 2005,
43 is amended to read as follows:

44 3. All signers, for all nominations, of each
45 separate part of a nomination petition, shall reside
46 in the appropriate ward, city, county, school
47 district, ~~or~~ legislative district, or other district
48 as required by section 45.1."

49 2. Title page 1, line 2, by inserting before the
50 word "prohibiting" the following: "modifying

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Page 4

1 signature requirements on nomination petitions,".

2 3. By renumbering as necessary.

By HUSER of Polk

GASKILL of Wapello

H-1077 FILED MARCH 15, 2005

HOUSE FILE 644
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 58)

(As Amended and Passed by the House March 16, 2005)

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

A BILL FOR

1 An Act relating to elections and voter registration by making
2 certain corrective changes, prohibiting the processing of
3 certain voter registration applications, allowing certain
4 voter registrations to be submitted after the deadline,
5 removing the requirement for separate entrances to buildings
6 where polling places for more than one precinct are located,
7 requiring names of candidates for nonpartisan office to be
8 printed on the ballot in alphabetical order, relating to
9 information printed on a certain portion of the ballot,
10 modifying opening hours of the polls at certain elections,
11 allowing the voter's declaration of eligibility to be printed
12 on the election register, relating to the abstract of votes
13 for county offices, relating to appointment of observers
14 present when ballots are counted, allowing absentee voting at
15 the commissioner's office for part of the day of the election
16 for certain elections, modifying the time period during which
17 a person may request an absentee ballot, requiring the
18 registered voter's date of birth on the absentee ballot
19 application, clarifying that certain confined persons may vote
20 an absentee ballot in person at the commissioner's office,
21 changing the deadline for challenging an absentee voter's

1 qualifications, relating to persons nominated for city office
2 by write-in votes, repealing the provisions declaring it
3 unlawful for an absentee voter to fail to return the voter's
4 absentee ballot, and including an applicability date
5 provision.

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

7

8

House Amendments _____

9

Deleted Language *

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1 Section 1. Section 2.27, Code 2005, is amended to read as
2 follows:

3 2.27 CANVASS OF VOTES FOR GOVERNOR.

4 The general assembly shall meet in joint session on the
5 same day the assembly first convenes in January of 1979 and
6 every four years thereafter as soon as both houses have been
7 organized, and canvass the votes cast for governor and
8 lieutenant governor and determine the election. ~~if an~~
9 ~~election is necessary under section 69.13 to fill a vacancy in~~
10 ~~the office of lieutenant governor, the general assembly shall~~
11 ~~similarly meet on the day it convenes in the January following~~
12 ~~that election and canvass the vote cast for the office.~~ When
13 the canvass is completed, the oath of office shall be
14 administered to the persons or person so declared elected.
15 Upon being inaugurated the governor shall deliver to the joint
16 assembly any message the governor may deem expedient.

17 Sec. 2. Section 39A.5, subsection 1, paragraph b,
18 subparagraph (2), Code 2005, is amended to read as follows:

19 (2) ~~Neglecting or refusing to return an absentee ballot in~~
20 ~~violation of section 53.35, or violating~~ Violating any other
21 provision of chapter 53 for which another penalty is not
22 provided.

23 Sec. 3. Section 48A.5, subsection 2, paragraph c, Code
24 2005, is amended to read as follows:

25 c. Be at least eighteen years of age. Completed
26 registration forms shall be accepted from registrants who are
27 at least seventeen and a half years of age; however, the
28 registration shall not be effective until the registrant
29 reaches the age of eighteen. The commissioner of registration
30 shall ensure that the birth date shown on the registration
31 form is at least seventeen and one-half years earlier than the
32 date the registration is processed.

33 Sec. 4. Section 48A.26, subsection 4, Code 2005, is
34 amended to read as follows:

35 4. If the registrant applied by mail to register to vote

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

* 18 Sec. 5. Section 48A.37, subsection 2, Code 2005, is
 19 amended to read as follows:

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

~~1 local record shall be valid for any election for which no
2 candidates for federal office appear on the ballot.--A
3 registrant with only a local record shall not vote in a
4 federal election unless the registrant submits a new voter
5 registration application before election day indicating that
6 the applicant is a citizen of the United States.~~

7 Sec. 6. Section 49.10, subsection 4, Code 2005, is amended
8 to read as follows:

9 4. No A single room or area of any building or facility
10 ~~shall~~ may be fixed as the polling place for more than one
11 precinct ~~unless there are separate entrances each.~~ The
12 location of each polling place shall be clearly marked within
13 the room or area on the days on which elections are held as
14 the ~~entrance to~~ location of the polling place of a particular
15 precinct, and suitable arrangements ~~are~~ shall be made within
16 the room or area to prevent direct access from the polling
17 place of any precinct to the polling place of any other
18 precinct. When the commissioner has fixed such a polling
19 place for any precinct it shall remain the polling place at
20 all subsequent elections, except elections for which the
21 precinct is merged with another precinct as permitted by
22 section 49.11, until the boundaries of the precinct are
23 changed or the commissioner fixes a new polling place, except
24 that the polling place shall be changed to a point within the
25 boundaries of the precinct at any time not less than sixty
26 days before the next succeeding election that a building or
27 facility suitable for such use becomes available within the
28 precinct.

29 Sec. 7. Section 49.31, subsection 2, unnumbered paragraph
30 2, Code 2005, is amended to read as follows:

31 On the general election ballot the names of candidates for
32 the nonpartisan offices listed in section 39.21 shall be
33 ~~arranged by drawing lots for position~~ in alphabetical order by
34 surname under the heading of the office to be filled. ~~The~~
35 ~~board of supervisors shall hold the drawing at its first~~

1 ~~meeting-following-the-deadline-for-receipt-of-objections-and~~
2 ~~withdrawals-by-candidates-for-the-general-election.~~

3 Sec. 8. Section 49.57, subsection 5, Code 2005, is amended
4 to read as follows:

5 5. A portion of the ballot, which can be shown to the
6 precinct officials without revealing any of the marks made by
7 the voter, shall include the words "Official ballot", a
8 ~~designation-of-the-ballot-rotation, if any~~ the unique
9 identification number or name assigned by the commissioner to
10 the ballot style, the date of the election, and a facsimile of
11 the signature of the commissioner who has caused the ballot to
12 be printed pursuant to section 49.51.

13 Sec. 9. Section 49.73, subsection 1, paragraph e, Code
14 2005, is amended to read as follows:

15 e. ~~The~~ Any election conducted for the unincorporated area
16 of any a county voting-on-a-local-option-sales-and-services
17 tax-pursuant-to-section-423B.1.

18 Sec. 10. Section 49.77, subsections 1 and 2, Code 2005,
19 are amended to read as follows:

20 1. The board members of their respective precincts shall
21 have charge of the ballots and furnish them to the voters.
22 Any person desiring to vote shall sign a voter's declaration
23 provided by the officials, in substantially the following
24 form:

25 VOTER'S DECLARATION OF ELIGIBILITY

26 I do solemnly swear or affirm that I am a resident of the
27 precinct, ward or township, city of, county
28 of, Iowa.

29 I am a registered voter. I have not voted and will not
30 vote in any other precinct in said election.

31 I understand that any false statement in this declaration
32 is a criminal offense punishable as provided by law.

33
34 Signature of Voter
35

1

Address

2

.....

3

Telephone

4 Approved:

5

6 Board Member

7 At the discretion of the commissioner, this declaration may
 8 be printed on each page of the election register and the voter
 9 shall sign the election register next to the voter's printed
 10 name. The voter's signature in the election register shall be
 11 considered the voter's signed declaration of eligibility
 12 affidavit. The state commissioner of elections shall
 13 prescribe by rule an alternate method for providing the
 14 information in subsection 2 for those counties where the
 15 declaration of eligibility is printed in the election
 16 register.

17 2. One of the precinct election officials shall announce
 18 the voter's name aloud for the benefit of any persons present
 19 pursuant to section 49.104, subsection 2, 3, or 5. Any If the
 20 declaration of eligibility is not printed on each page of the
 21 election register, any of those persons may upon request view
 22 the signed declarations of eligibility and may review the
 23 signed declarations on file so long as the person does not
 24 interfere with the functions of the precinct election
 25 officials. If the declaration of eligibility is printed on
 26 the election register, the precinct election official shall
 27 make available for viewing a listing of those voters who have
 28 signed declarations of eligibility. Any of those persons
 29 present pursuant to section 49.104, subsection 2, 3, or 5, may
 30 upon request view the listing of those voters who have signed
 31 declarations of eligibility, so long as the person does not
 32 interfere with the functions of the precinct election
 33 officials.

34 Sec. 11. Section 50.25, subsection 7, Code 2005, is
 35 amended by striking the subsection.

1 Sec. 12. Section 50.25, Code 2005, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The abstract of the votes for
4 each county office is not required to be made on a different
5 sheet.

6 Sec. 13. Section 52.36, unnumbered paragraph 1, Code 2005,
7 is amended to read as follows:

8 All proceedings at the counting center shall be under the
9 direction of the commissioner and open to the public. The
10 proceedings shall be under the observation of at least one
11 member of each of the political parties referred to in section
12 49.13, designated by the county chairperson or, if the county
13 chairperson fails to make a designation, appointed by the
14 commissioner state chairperson. No person except those
15 employed and authorized by the commissioner for the purpose
16 shall touch any ballot or ballot container.

17 Sec. 14. Section 53.2, subsections 1 and 4, Code 2005, are
18 amended to read as follows:

19 1. Any registered voter, under the circumstances specified
20 in section 53.1, may on any day, except election day, and not
21 more than seventy days prior to the date of the election,
22 apply in person for an absentee ballot at the commissioner's
23 office or at any location designated by the commissioner.
24 However, for those elections in which the commissioner directs
25 the polls be opened at noon pursuant to section 49.73, a voter
26 may apply in person for an absentee ballot at the
27 commissioner's office from eight a.m. until eleven a.m. on
28 election day.

29 PARAGRAPH DIVIDED. A registered voter may make written
30 application to the commissioner for an absentee ballot. A
31 written application for an absentee ballot must be received by
32 the commissioner no later than five p.m. on the Friday before
33 the election. A written application for an absentee ballot
34 delivered to the commissioner and received by the commissioner
35 more than seventy days prior to the date of the election shall

1 be retained by the commissioner and processed in the same
2 manner as a written application received not more than seventy
3 days before the date of the election. However, in a general
4 election year, if an application for an absentee ballot for
5 the general election is received on or before primary election
6 day, the commissioner shall return the application to the
7 voter and shall enclose a notice stating that the application
8 may not be submitted until after the primary election.

9 4. Each application shall contain the name and signature
10 of the registered voter, the registered voter's date of birth,
11 the address at which the voter is registered to vote, and the
12 name or date of the election for which the absentee ballot is
13 requested, and such other information as may be necessary to
14 determine the correct absentee ballot for the registered
15 voter. If insufficient information has been provided, the
16 commissioner shall, by the best means available, obtain the
17 additional necessary information.

18 Sec. 15. Section 53.8, subsection 3, unnumbered paragraph
19 3, Code 2005, is amended to read as follows:

20 Nothing in this subsection nor in section 53.22 shall be
21 construed to prohibit a registered voter who is a hospital
22 patient or resident of a health care facility, or who
23 anticipates entering a hospital or health care facility before
24 the date of a forthcoming election, from casting an absentee
25 ballot in the manner prescribed by section 53.10 or 53.11.

26 Sec. 16. Section 53.23, subsection 3, unnumbered paragraph
27 1, Code 2005, is amended to read as follows:

28 The commissioner shall set the convening time for the
29 board, allowing a reasonable amount of time to complete
30 counting all absentee ballots by ten p.m. on election day.
31 The commissioner may direct the board to meet on the day
32 before the election solely for the purpose of reviewing the
33 absentee voters' affidavits appearing on the sealed ballot
34 envelopes. If in the commissioner's judgment this procedure
35 is necessary due to the number of absentee ballots received,

1 the members of the board may open the sealed ballot envelopes
2 and remove the secrecy envelope containing the ballot, but
3 under no circumstances shall a secrecy envelope be opened
4 before the board convenes on election day. If the ballot
5 envelopes are opened before election day, two observers, one
6 appointed by each of the two political parties referred to in
7 section 49.13, subsection 2, shall witness the proceedings.
8 However, up to four additional observers, two appointed by
9 each of such political parties, may witness the proceedings.

10 Sec. 17. Section 53.31, unnumbered paragraph 1, Code 2005,
11 is amended to read as follows:

12 Any person qualified to vote at the election in progress
13 may challenge the qualifications of a person casting an
14 absentee ballot by submitting a written challenge to the
15 commissioner no later than five p.m. on the day Friday before
16 the election. It is the duty of the special precinct
17 officials to challenge the absentee ballot of any person whom
18 the official knows or suspects is not duly qualified.
19 Challenges by members of the special precinct election board
20 or observers present pursuant to section 53.23 may be made at
21 any time before the close of the polls on election day. The
22 challenge shall state the reasons for which the challenge is
23 being submitted and shall be signed by the challenger. When a
24 challenge is received the absentee ballot shall be set aside
25 for consideration by the special precinct election board when
26 it meets as required by section 50.22.

27 Sec. 18. Section 376.11, unnumbered paragraphs 1 and 2,
28 Code 2005, are amended to read as follows:

29 Write-in votes are permitted to be cast in all elections
30 for city offices. A person who receives a sufficient number
31 of write-in votes to be elected to a city office shall be
32 declared the winner of the election. If a person who was
33 elected by write-in votes chooses not to serve in that office
34 the person shall submit a resignation in writing to the city
35 clerk not later than five o'clock p.m. on the tenth day

1 following the canvass of the election. If a person who was
2 elected by write-in votes resigns at a later time, the office
3 shall be considered vacant at the end of the term and the
4 council shall fill the vacancy pursuant to the provisions of
5 section 372.13, subsection 2.

6 Except in cities where the council has chosen a runoff
7 election in lieu of a primary, following the resignation of a
8 person who was elected by write-in votes, the city clerk shall
9 notify the person who received the next highest number of
10 votes cast for the office that the person may assume the
11 office. If the person accepts the position, the person shall
12 be considered the duly elected officer unless, within ten days
13 after the clerk has given notice, a petition requesting a
14 special election is filed by eligible electors of the city
15 equal in number to twenty-five percent of the number of
16 persons who voted for the office at the election. If the
17 person declines, the person shall do so in writing to the city
18 clerk within ten days and the office shall be considered
19 vacant at the end of the term. The vacancy shall be filled
20 pursuant to the provisions of section 372.13, subsection 2.
21 If the council chooses to appoint, the appointment may be made
22 before the end of the current term.

23 Sec. 19. Section 53.35, Code 2005, is repealed.

24 Sec. 20. APPLICABILITY DATE. This Act applies to
25 elections held on or after January 1, 2006.

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S-3200

1 Amend House File 644, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "DIVISION I
6 GENERAL PROVISIONS RELATING
7 TO CONDUCT OF ELECTIONS

8 Section 1. Section 2.27, Code 2005, is amended to
9 read as follows:

10 2.27 CANVASS OF VOTES FOR GOVERNOR.

11 The general assembly shall meet in joint session on
12 the same day the assembly first convenes in January of
13 1979 and every four years thereafter as soon as both
14 houses have been organized, and canvass the votes cast
15 for governor and lieutenant governor and determine the
16 election. ~~If an election is necessary under section
17 69.13 to fill a vacancy in the office of lieutenant
18 governor, the general assembly shall similarly meet on
19 the day it convenes in the January following that
20 election and canvass the vote cast for the office.~~
21 When the canvass is completed, the oath of office
22 shall be administered to the persons or person so
23 declared elected. Upon being inaugurated the governor
24 shall deliver to the joint assembly any message the
25 governor may deem expedient.

26 Sec. 2. Section 43.6, subsection 2, Code 2005, is
27 amended to read as follows:

28 2. When a vacancy occurs in the office of county
29 supervisor or any of the offices listed in section
30 39.17 and more than seventy days remain in the term of
31 office following the next general election, the office
32 shall be filled for the balance of the unexpired term
33 at that general election unless the vacancy has been
34 filled by a special election called more than seventy-
35 three days before the primary election. If the
36 vacancy occurs more than seventy-three days before the
37 primary election, political party candidates for that
38 office at the next general election shall be nominated
39 at the primary election. If an appointment to fill
40 the vacancy in office is made eighty-eight or more
41 days before the primary election and a petition
42 requesting a special election has not been received
43 within fourteen days after the appointment is made,
44 candidates for the office shall be nominated at the
45 primary election.

46 Sec. 3. Section 43.14, Code 2005, is amended to
47 read as follows:

48 43.14 FORM OF NOMINATION PAPERS.

49 1. Nomination papers shall include a petition and
50 an affidavit of candidacy. All nomination petitions

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1 shall be eight and one-half by eleven inches in size
2 and in substantially the form prescribed by the state
3 commissioner of elections. They shall include or
4 provide spaces for the following information:

5 a. A statement identifying the signers of the
6 petition as eligible electors of the appropriate
7 county or legislative district and of the state.

8 b. The name of the candidate nominated by the
9 petition.

10 c. For nomination petitions for candidates for the
11 general assembly, a statement that the residence of
12 the candidate is within the appropriate legislative
13 district, or if that is not true, that the candidate
14 will reside there within sixty days before the
15 election. For other offices, a statement of the name
16 of the county where the candidate resides.

17 d. The political party with which the candidate is
18 a registered voter.

19 e. The office sought by the candidate, including
20 the district number, if any.

21 f. The date of the primary election for which the
22 candidate is nominated.

23 2. Signatures on a petition page shall be counted
24 only if the ~~required~~ information required in
25 subsection 1 is written or printed at the top of the
26 page. Nomination papers on behalf of candidates for
27 seats in the general assembly need only designate the
28 number of the senatorial or representative district,
29 as appropriate, and not the county or counties, in
30 which the candidate and the petitioners reside. A
31 signature line shall not be counted if the line lacks
32 the signature of the eligible elector and the signer's
33 address and city. ~~The person examining the petition~~
34 ~~shall mark any deficiencies on the petition and~~
35 ~~affidavit.~~ A signature line shall not be counted if
36 the signer's address is obviously outside the
37 boundaries of the district.

38 ~~2.~~ 3. The person examining the petition shall
39 mark any deficiencies on the petition and affidavit.
40 Signed nomination petitions and the signed and
41 notarized affidavit of candidacy shall not be altered
42 to correct deficiencies noted during examination. If
43 the nomination petition lacks a sufficient number of
44 acceptable signatures, the nomination petition shall
45 be rejected and shall be returned to the candidate.

46 4. The nomination papers shall be rejected if the
47 affidavit lacks any of the following:

48 a. The candidate's name.

49 b. The name of the office sought, including the
50 district, if any.

1 c. The political party name.
2 d. The signature of the candidate.
3 e. The signature of a notary public or other
4 officer empowered to witness oaths.
5 5. The candidate may replace a deficient affidavit
6 with a corrected affidavit only if the replacement
7 affidavit is filed before the filing deadline. The
8 candidate may resubmit a nomination petition that has
9 been rejected by adding a sufficient number of pages
10 or signatures to correct the deficiency. A nomination
11 petition and affidavit filed to replace rejected
12 nomination papers shall be filed together before the
13 deadline for filing.

14 Sec. 4. Section 45.5, Code 2005, is amended to
15 read as follows:

16 45.5 FORM OF NOMINATION PAPERS.

17 1. Nomination papers shall include a petition and
18 an affidavit of candidacy. All nomination petitions
19 shall be eight and one-half by eleven inches in size
20 and shall be in substantially the form prescribed by
21 the state commissioner of elections. They shall
22 provide spaces for the following information:

23 a. A statement identifying the signers of the
24 petition as eligible electors of the appropriate ward,
25 city, county, school district or school district
26 director district, or legislative district and of the
27 state of Iowa.

28 b. The name of the candidate nominated by the
29 petition.

30 c. A statement that the candidate is or will be a
31 resident of the appropriate ward, city, county, school
32 district, or legislative or other district as required
33 by section 39.27.

34 d. The office sought by the candidate, including
35 the district number, if any.

36 e. The name and date of the election for which the
37 candidate is nominated.

38 2. Signatures on a petition page shall be counted
39 only if the ~~required~~ information required in
40 subsection 1 is written or printed at the top of the
41 page. Nomination papers on behalf of candidates for
42 seats in the general assembly need only designate the
43 number of the senatorial or representative district,
44 as appropriate, and not the county or counties, in
45 which the candidate and the petitioners reside. A
46 signature line in a nomination petition shall not be
47 counted if the line lacks the signature of the
48 eligible elector and the signer's address and city.
49 ~~The person examining the petition shall mark any~~
50 ~~deficiencies on the petition.~~ A signature line shall

1 not be counted if the signer's address is obviously
2 outside the boundaries of the appropriate ward, city,
3 school district or school district director district,
4 or other district.

5 ~~2.~~ 3. The pages of the petition shall be securely
6 fastened together to form a single bundle. Nomination
7 petitions that are not bound shall be returned without
8 further examination. The state commissioner shall
9 prescribe by rule the acceptable methods for binding
10 nomination petitions.

11 ~~3.~~ 4. The person examining the petition shall
12 mark any deficiencies on the petition. Signed
13 nomination petitions and the signed and notarized
14 affidavit of candidacy shall not be altered to correct
15 deficiencies noted during the examination. If the
16 nomination petition lacks a sufficient number of
17 acceptable signatures, the nomination papers shall be
18 rejected and returned to the candidate.

19 5. The nomination papers shall be rejected if the
20 affidavit lacks any of the following:

- 21 a. The candidate's name.
- 22 b. The name of the office sought, including the
23 district, if any.

- 24 c. The signature of the candidate.
- 25 d. The signature of a notary public or other
26 officer empowered to witness oaths.

27 6. The candidate may replace a deficient affidavit
28 with a corrected one only if the replacement is filed
29 before the filing deadline. The candidate may
30 resubmit a nomination petition that has been rejected
31 by adding a sufficient number of pages or signatures
32 to correct the deficiency. A nomination petition and
33 affidavit filed to replace rejected nomination papers
34 shall be filed together before the deadline for
35 filing.

36 Sec. 5. Section 45.6, subsection 3, Code 2005, is
37 amended to read as follows:

38 3. All signers, for all nominations, of each
39 separate part of a nomination petition, shall reside
40 in the appropriate ward, city, county, school
41 district, ~~or~~ legislative district, or other district
42 as required by section 45.1.

43 Sec. 6. Section 49.8, Code 2005, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 6A. Precinct boundaries
46 established by a city council pursuant to section 49.5
47 or 49.6, and not changed under subsections 1 through 5
48 since the most recent federal decennial census, may be
49 redrawn by the city council in accordance with
50 sections 49.3 and 49.5 once during the period

1 beginning January 1 of the second year following a
2 year in which a federal decennial census is taken and
3 ending June 30 of the year immediately following the
4 year in which the next succeeding federal decennial
5 census is taken, if the commissioner recommends that
6 the change will effect a substantial savings in
7 election costs. Changes made under this subsection
8 shall be made not later than ninety-nine days before a
9 city primary or runoff election, unless the changes
10 will not take effect until January 1 of the next odd-
11 numbered year.

12 Sec. 7. Section 49.10, subsection 4, Code 2005, is
13 amended to read as follows:

14 4. ~~No~~ A single room or area of any building or
15 facility ~~shall~~ may be fixed as the polling place for
16 more than one precinct ~~unless there are separate~~
17 ~~entrances each.~~ The location of each polling place
18 shall be clearly marked within the room or area on the
19 days on which elections are held as the entrance to
20 location of the polling place of a particular
21 precinct, and suitable arrangements are shall be made
22 within the room or area to prevent direct access from
23 the polling place of any precinct to the polling place
24 of any other precinct. When the commissioner has
25 fixed such a polling place for any precinct it shall
26 remain the polling place at all subsequent elections,
27 except elections for which the precinct is merged with
28 another precinct as permitted by section 49.11, until
29 the boundaries of the precinct are changed or the
30 commissioner fixes a new polling place, except that
31 the polling place shall be changed to a point within
32 the boundaries of the precinct at any time not less
33 than sixty days before the next succeeding election
34 that a building or facility suitable for such use
35 becomes available within the precinct.

36 Sec. 8. NEW SECTION. 49.10A AUTHORITY TO
37 DESIGNATE SINGLE POLLING PLACE FOR MULTIPLE PRECINCTS.

38 1. Notwithstanding any provision of the law to the
39 contrary, for a general or primary election the
40 commissioner may assign a single polling place for
41 more than one precinct subject to the provisions of
42 this section. If a commissioner designates a polling
43 place under this section, the designation must first
44 be approved by the board of supervisors. Before
45 consideration of the commissioner's designation, the
46 board of supervisors shall hold a public hearing on
47 the matter. The public hearing shall be held not less
48 than sixty days before the election. Notice of the
49 date, time, and place of the hearing shall be given as
50 provided in chapter 21. The notice shall also

1 identify the precincts that are to be served by a
2 single polling place and the location of the polling
3 place.

4 2. After the public hearing, the board of
5 supervisors shall, by resolution, approve the polling
6 place designation submitted by the commissioner,
7 reject the polling place designation, or modify the
8 plan for designating a single polling place for
9 multiple precincts subject to the requirements of
10 subsection 3. If the board rejects the polling place
11 designation, the commissioner shall not be allowed to
12 proceed under this section.

13 3. The combined population of the precincts to be
14 served by a single polling place shall not exceed
15 three thousand five hundred according to the latest
16 federal decennial census. All of the precincts served
17 by a single polling place shall be contiguous to the
18 precinct where such designated polling place is
19 located.

20 4. An election board shall be appointed for each
21 precinct served by a single polling place. Each
22 election board shall operate independently of the
23 other election board and shall perform its duties for
24 its precinct only. However, all voting systems or
25 voting machines installed at such polling place shall
26 be for the use of all of the residents of the
27 precincts served by the single polling place.

28 Sec. 9. Section 49.14, subsection 1, Code 2005, is
29 amended to read as follows:

30 1. The commissioner may appoint substitute
31 precinct election officials as alternates for election
32 board members. ~~A majority of the original election~~
33 ~~board members shall be present at the precinct polling~~
34 ~~place at all times; at partisan elections such~~
35 ~~majority shall include at least one precinct election~~
36 ~~official from each political party. If the~~
37 ~~chairperson leaves the polling place, the chairperson~~
38 ~~shall designate another member of the board to serve~~
39 ~~as chairperson until the chairperson returns. The~~
40 responsibilities and duties of a precinct election
41 official, other than the chairperson, present at the
42 time the polling place was opened on the day of an
43 election may be assumed at any later time that day by
44 a substitute appointed as an alternate. The
45 substitute shall serve either for the balance of that
46 election day or for any shorter period of time the
47 commissioner may designate. At partisan elections, a
48 substitute precinct election official assuming the
49 duties of a precinct election official shall be a
50 member of the same political party as the precinct

1 election official whose duties are being assumed.

2 Sec. 10. Section 49.21, unnumbered paragraph 1,
3 Code 2005, is amended to read as follows:

4 It is the responsibility of the commissioner to
5 designate a polling place for each precinct in the
6 county. However, the commissioner may designate a
7 single polling place for multiple precincts, subject
8 to the requirements of section 49.10A.

9 Sec. 11. Section 49.25, subsection 2, unnumbered
10 paragraph 1, Code 2005, is amended to read as follows:

11 The commissioner shall furnish to each ~~precinct~~
12 polling place, in advance of each election, voting
13 machines meeting the requirements of chapter 52 or
14 voting booths, as the case may be, in the following
15 number:

16 Sec. 12. Section 49.25, subsection 3, Code 2005,
17 is amended to read as follows:

18 3. The commissioner shall furnish to each ~~precinct~~
19 polling place where voting is to be by paper ballot,
20 special paper ballot, or ballot card, rather than by
21 voting machine, the necessary ballot boxes, suitably
22 equipped with seals or locks and keys, and voting
23 booths. The voting booths shall be approved by the
24 board of examiners for voting machines and electronic
25 voting systems and shall provide for voting in
26 secrecy. At least one voting booth in each ~~precinct~~
27 polling place shall be accessible to persons with
28 disabilities. If the lighting in the polling place is
29 inadequate, the voting booths used in that precinct
30 shall include lights. Ballot boxes shall be locked or
31 sealed before the polls open and shall remain locked
32 or sealed until the polls are closed, except as
33 provided in sections 51.7 and 52.40, or to provide
34 necessary service to a malfunctioning portable vote
35 tallying device. If a ballot box is opened prior to
36 the closing of the polls, two precinct election
37 officials not of the same party shall be present and
38 observe the ballot box being opened.

39 Sec. 13. Section 49.31, subsection 2, unnumbered
40 paragraph 2, Code 2005, is amended to read as follows:

41 On the general election ballot the names of
42 candidates for the nonpartisan offices listed in
43 section 39.21 shall be arranged by drawing lots for
44 position. The board of supervisors shall hold the
45 drawing at its first meeting following the deadline
46 for ~~receipt of objections and withdrawals by~~
47 candidates filing of nomination certificates or
48 petitions with the commissioner for the general
49 election pursuant to section 44.4.

50 Sec. 14. Section 49.57, subsections 2 and 3, Code

1 2005, are amended to read as follows:

2 2. In the area of the general election ballot for
3 straight party voting, the party or organization names
4 shall be printed in capital upper case and lower case
5 letters ~~of using a uniform font size,~~ ~~in for each~~
6 political party or nonparty political organization.
7 The font size shall be not less than twelve point
8 type. After the name of each candidate for a partisan
9 office the name of the candidate's political party
10 shall be printed in at least six point type. The
11 names of political parties and nonparty political
12 organizations may be abbreviated on the remainder of
13 the ballot if both the full name and the abbreviation
14 appear in the "Straight Party" and "Other Political
15 Party" areas of the ballot.

16 3. The names of candidates shall be printed in
17 capital upper case and lower case letters, ~~of using a~~
18 uniform font size throughout the ballot, ~~in.~~ The font
19 size shall be not less than ten point type.

20 Sec. 15. Section 49.57, Code 2005, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 3A. In no case shall the font
23 size for public measures, constitutional amendments,
24 and constitutional convention questions, and summaries
25 thereof, be less than ten point type.

26 Sec. 16. Section 49.57, subsection 5, Code 2005,
27 is amended to read as follows:

28 5. A portion of the ballot, which can be shown to
29 the precinct officials without revealing any of the
30 marks made by the voter, shall include the words
31 "Official ballot", ~~a designation of the ballot~~
32 rotation, if any the unique identification number or
33 name assigned by the commissioner to the ballot style,
34 the date of the election, and a facsimile of the
35 signature of the commissioner who has caused the
36 ballot to be printed pursuant to section 49.51.

37 Sec. 17. Section 49.73, subsection 1, paragraph e,
38 Code 2005, is amended to read as follows:

39 e. The Any election conducted for the
40 unincorporated area of any a county voting on a local
41 option sales and services tax pursuant to section
42 423B.1.

43 Sec. 18. Section 49.77, subsections 1 and 2, Code
44 2005, are amended to read as follows:

45 1. The board members of their respective precincts
46 shall have charge of the ballots and furnish them to
47 the voters. Any person desiring to vote shall sign a
48 voter's declaration provided by the officials, in
49 substantially the following form:

50 VOTER'S DECLARATION OF ELIGIBILITY

1 I do solemnly swear or affirm that I am a resident
2 of the precinct, ward or township, city of
3, county of, Iowa.

4 I am a registered voter. I have not voted and will
5 not vote in any other precinct in said election.

6 I understand that any false statement in this
7 declaration is a criminal offense punishable as
8 provided by law.

9
10
Signature of Voter
11
12 Address
13
14 Telephone

15 Approved:
16
17 Board Member

18 At the discretion of the commissioner, this
19 declaration may be printed on each page of the
20 election register and the voter shall sign the
21 election register next to the voter's printed name.
22 The voter's signature in the election register shall
23 be considered the voter's signed declaration of
24 eligibility affidavit. The state commissioner of
25 elections shall prescribe by rule an alternate method
26 for providing the information in subsection 2 for
27 those counties where the declaration of eligibility is
28 printed in the election register.

29 2. One of the precinct election officials shall
30 announce the voter's name aloud for the benefit of any
31 persons present pursuant to section 49.104, subsection
32 2, 3, or 5. Any If the declaration of eligibility is
33 not printed on each page of the election register, any
34 of those persons may upon request view the signed
35 declarations of eligibility and may review the signed
36 declarations on file so long as the person does not
37 interfere with the functions of the precinct election
38 officials. If the declaration of eligibility is
39 printed on the election register, the precinct
40 election official shall make available for viewing a
41 listing of those voters who have signed declarations
42 of eligibility. Any of those persons present pursuant
43 to section 49.104, subsection 2, 3, or 5, may upon
44 request view the listing of those voters who have
45 signed declarations of eligibility, so long as the
46 person does not interfere with the functions of the
47 precinct election officials.

48 Sec. 19. Section 49.79, Code 2005, is amended to
49 read as follows:

50 49.79 CHALLENGES.

1 1. Any person offering to vote may be challenged
2 as unqualified by any precinct election official or
3 registered voter. It is the duty of each official to
4 challenge any person offering to vote whom the
5 official knows or suspects is not duly qualified. A
6 ballot shall be received from a voter who is
7 challenged, but only in accordance with section 49.81.

8 2. A person may be challenged for any of the
9 following reasons:

10 a. The challenged person is not a citizen of the
11 United States.

12 b. The challenged person is less than eighteen
13 years of age as of the date of the election at which
14 the person is offering to vote.

15 c. The challenged person is not a resident at the
16 address where the person is registered. However, a
17 person who is reporting a change of address at the
18 polls on election day pursuant to section 48A.27,
19 subsection 2, paragraph "a", subparagraph (3) shall
20 not be challenged for this reason.

21 d. The challenged person is not a resident of the
22 precinct where the person is offering to vote.

23 e. The challenged person has falsified information
24 on the person's registration form or on the person's
25 declaration of eligibility.

26 f. The challenged person has been convicted of a
27 felony, and the person's voting rights have not been
28 restored.

29 g. The challenged person has been adjudged by a
30 court of law to be a person who is incompetent to vote
31 and no subsequent proceeding has reversed that
32 finding.

33 Sec. 20. Section 50.16, Code 2005, is amended to
34 read as follows:

35 50.16 TALLY LIST OF BOARD.

36 The tally list shall be prepared in writing by the
37 election board giving, in legibly printed numerals,
38 the total number of people who cast ballots in the
39 precinct, the total number of ballots cast for each
40 officer office, except those rejected, the name of
41 each person voted for, and the number of votes given
42 to each person for each different office. The tally
43 list shall be signed by the precinct election
44 officials, and be substantially as follows:

45 At an election at in township, or in
46 precinct of city or township, in county,
47 state of Iowa, on the ... day of A.D. ..., there
48 were ... ballots cast for the office of of which
49 (Candidate's name) had .. votes.
50 (Candidate's name) had .. votes.

1 (and in the same manner for any other officer).

2 A true tally list:

3	(Name)	Election Board
4	(Name)	Members.
5	(Name)	

6 Attest:

7	(Name)	Designated
8	(Name)	Tally Keepers.

9 Sec. 21. Section 50.25, subsection 7, Code 2005,
10 is amended by striking the subsection.

11 Sec. 22. Section 50.25, Code 2005, is amended by
12 adding the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The abstract of the
14 votes for each county office is not required to be
15 made on a different sheet.

16 Sec. 23. Section 52.7, Code 2005, is amended by
17 striking the section and inserting in lieu thereof the
18 following:

19 52.7 CONSTRUCTION OF MACHINE APPROVED --
20 REQUIREMENTS.

21 1. A voting machine approved by the state board of
22 examiners for voting machines and electronic voting
23 systems shall meet all of the following requirements:

24 a. Provide facilities for voting for the
25 candidates of at least seven different political
26 parties or nonparty political organizations.

27 b. Permit a voter to vote for any person for any
28 office, although not nominated as a candidate by any
29 party or organization.

30 c. Permit voting in absolute secrecy.

31 d. Prevent voting for more than one person for the
32 same office, except where a voter is lawfully entitled
33 to vote for more than one person for that office.

34 e. Afford a voter an opportunity to vote for any
35 or all persons for that office as the voter is by law
36 entitled to vote for and no more, at the same time
37 preventing a voter from voting for the same person
38 twice.

39 f. Provide a voter with an opportunity to change a
40 vote before the ballot is recorded and counted.

41 g. Present together the names of each team of
42 candidates for president and vice president and for
43 governor and lieutenant governor. The votes for a
44 team shall be counted as a vote for both candidates of
45 the team.

46 h. Provide a voter with a method for casting
47 write-in votes for paired offices so that the voter
48 can specify one person as a candidate for president or
49 for governor and one person as a candidate for vice
50 president or for lieutenant governor.

- 1 i. Accurately account for every vote cast upon it.
- 2 j. Remove information from the ballot identifying
- 3 the voter before the ballot is recorded and counted.
- 4 2. In addition to the requirements in subsection
- 5 1, a voting machine that is a direct recording
- 6 electronic device approved by the state board of
- 7 examiners for voting machines and electronic voting
- 8 systems shall meet all of the following requirements:
- 9 a. Permit straight party voting, pursuant to
- 10 section 49.94, for all political parties and nonparty
- 11 political organizations on the ballot.
- 12 b. Store an electronic image of each ballot cast
- 13 separate from the ballot tabulation function, which
- 14 ballot image may be reproduced on paper and considered
- 15 as evidence in the case of a recount, manual audit, or
- 16 machine malfunction.
- 17 c. Provide an individual paper record as provided
- 18 in section 52.7A.

19 Sec. 24. NEW SECTION. 52.7A DIRECT RECORDING
20 ELECTRONIC DEVICES -- PAPER RECORD REQUIRED.

- 21 1. A voting machine that is a direct recording
- 22 electronic device shall be capable of producing a
- 23 paper record that the voter may review before the
- 24 voter casts the voter's ballot. The paper record
- 25 shall meet all of the following requirements:
- 26 a. Be readable by the voter without the use of an
- 27 electronic device. It may also be machine-readable by
- 28 an electronic voting system as described in section
- 29 52.26.
- 30 b. Not contain any information that will identify
- 31 the person who cast the ballot.
- 32 c. Be stored at the polling place in a secure
- 33 container. A voter shall not be permitted to remove
- 34 the paper record from the polling place.
- 35 2. After the polls close, the precinct election
- 36 officials shall seal all such paper records in the
- 37 manner prescribed in section 50.12. The county
- 38 commissioner of elections shall preserve the sealed
- 39 paper records for twenty-two months following federal
- 40 elections and for six months after all other
- 41 elections. Such paper records shall be preserved
- 42 separately and securely from other voting records and
- 43 shall only be inspected or examined by election
- 44 officials or members of a recount board in the event
- 45 of a recount, manual audit, or machine malfunction.
- 46 3. The paper record produced pursuant to this
- 47 section may be considered as evidence in the event of
- 48 a recount, manual audit, or machine malfunction. If
- 49 the paper record used as evidence in a recount or
- 50 manual audit is printed on a continuous paper roll,

1 the recount board shall cut the paper roll into
2 separate sections for each ballot record, or randomly
3 for groups of ballot records, before conducting the
4 recount or manual audit. The state commissioner of
5 elections shall adopt rules to implement this
6 subsection.

7 4. The board of examiners shall contract with a
8 testing authority to examine any direct recording
9 electronic device that is capable of producing a paper
10 record when the board receives a request for
11 examination of such a device pursuant to section 52.5.
12 The fees of the testing authority shall be paid by the
13 person who requested the certification.

14 Sec. 25. Section 52.25, unnumbered paragraph 2,
15 Code 2005, is amended to read as follows:

16 The entire convention question, amendment, or
17 public measure shall be printed and displayed
18 prominently in at least four places within the voting
19 precinct, and inside each voting booth, or on the
20 left-hand side inside the curtain of each voting
21 machine, the printing to be in conformity with the
22 provisions of chapter 49. The question, amendment, or
23 measure, and summaries thereof, shall be printed on
24 the special paper ballots or on the inserts used in
25 the voting machines. In no case shall the font size
26 be less than ten point type. The public measure shall
27 be summarized by the commissioner ~~and in the largest~~
28 ~~type possible printed on the special paper ballots or~~
29 ~~inserts used in the voting machines, except that:~~

30 Sec. 26. Section 52.36, unnumbered paragraph 1,
31 Code 2005, is amended to read as follows:

32 All proceedings at the counting center shall be
33 under the direction of the commissioner and open to
34 the public. The proceedings shall be under the
35 observation of at least one member of each of the
36 political parties referred to in section 49.13,
37 designated by the county chairperson or, if the county
38 chairperson fails to make a designation, appointed by
39 the ~~commissioner~~ state chairperson. No person except
40 those employed and authorized by the commissioner for
41 the purpose shall touch any ballot or ballot
42 container.

43 Sec. 27. Section 376.11, unnumbered paragraphs 1
44 and 2, Code 2005, are amended to read as follows:

45 Write-in votes are permitted to be cast in all
46 elections for city offices. A person who receives a
47 sufficient number of write-in votes to be elected to a
48 city office shall be declared the winner of the
49 election. If a person who was elected by write-in
50 votes chooses not to serve in that office the person

1 shall submit a resignation in writing to the city
2 clerk not later than five ~~o'clock~~ p.m. on the tenth
3 day following the canvass of the election. If a
4 person who was elected by write-in votes resigns at a
5 later time, the office shall be considered vacant at
6 the end of the term and the council shall fill the
7 vacancy pursuant to the provisions of section 372.13,
8 subsection 2.

9 Except in cities where the council has chosen a
10 runoff election in lieu of a primary, following the
11 resignation of a person who was elected by write-in
12 votes, the city clerk shall notify the person who
13 received the next highest number of votes cast for the
14 office that the person may assume the office. If the
15 person accepts the position, the person shall be
16 considered the duly elected officer unless, within ten
17 days after the clerk has given notice, a petition
18 requesting a special election is filed by eligible
19 electors of the city equal in number to twenty-five
20 percent of the number of persons who voted for the
21 office at the election. If the person declines, the
22 person shall do so in writing to the city clerk within
23 ten days and the office shall be considered vacant at
24 the end of the term. The vacancy shall be filled
25 pursuant to the provisions of section 372.13,
26 subsection 2. If the council chooses to appoint, the
27 appointment may be made before the end of the current
28 term.

29 Sec. 28. EFFECTIVE AND APPLICABILITY DATES.

30 1. The section of this division of this Act
31 amending section 49.77, being deemed of immediate
32 importance, takes effect upon enactment and applies to
33 elections held on or after that date.

34 2. The sections of this division of this Act
35 enacting section 49.10A and amending sections 49.8,
36 49.21, and 49.25, being deemed of immediate
37 importance, take effect upon enactment and apply to
38 elections held on or after January 1, 2006.

39 3. The remainder of this division of this Act
40 applies to elections held on or after January 1, 2006.

41 DIVISION II

42 ABSENTEE VOTING

43 Sec. 29. Section 39A.4, subsection 1, paragraph c,
44 subparagraphs (10), (11), and (12), Code 2005, are
45 amended to read as follows:

46 (10) As an incumbent officeholder of, or a
47 candidate for, an office being voted for at the
48 election in progress, serving as a member of a
49 challenging committee or observer under section
50 49.104, subsection 2, 5, or 6, or section 53.23,

1 subsection 4.

2 (11) Returning a voted absentee ballot, by mail or
3 in person, to the commissioner's office and the person
4 returning the ballot is not the voter, an immediate
5 family member authorized by the voter to return the
6 ballot, an absentee ballot courier, a special precinct
7 election official designated pursuant to section
8 53.22, subsection 1, or the designee of a voter
9 described in section 53.22, subsection 5.

10 (12) Making a false or untrue statement reporting
11 that a voted absentee ballot was returned to the
12 commissioner's office, by mail or in person, by a
13 person other than the voter, an immediate family
14 member authorized by the voter to return the ballot,
15 an absentee ballot courier, a special precinct
16 election official designated pursuant to section
17 53.22, subsection 1, or the designee of a voter
18 described in section 53.22, subsection 5.

19 Sec. 30. Section 39A.5, subsection 1, paragraph b,
20 subparagraph (2), Code 2005, is amended to read as
21 follows:

22 (2) ~~Neglecting or refusing to return an absentee~~
23 ~~ballot in violation of section 53.35, or violating~~
24 Violating any other provision of chapter 53 for which
25 another penalty is not provided.

26 Sec. 31. Section 49.63, Code 2005, is amended to
27 read as follows:

28 49.63 TIME OF PRINTING -- INSPECTION AND
29 CORRECTION.

30 Ballots shall be printed and in the possession of
31 the commissioner in time to enable the commissioner to
32 furnish ballots to absent voters as provided by
33 sections 53.8, 53.10, and 53.11. The printed ballots
34 shall be subject to the inspection of candidates and
35 their agents. If mistakes are discovered, they shall
36 be corrected without delay, in the manner provided in
37 this chapter.

38 Sec. 32. Section 53.2, subsections 1 and 4, Code
39 2005, are amended to read as follows:

40 1. Any registered voter, under the circumstances
41 specified in section 53.1, may on any day, except
42 election day, and not more than seventy days prior to
43 the date of the election, apply in person for an
44 absentee ballot at the commissioner's office or at any
45 location designated by the commissioner. However, for
46 those elections in which the commissioner directs the
47 polls be opened at noon pursuant to section 49.73, a
48 voter may apply in person for an absentee ballot at
49 the commissioner's office from eight a.m. until eleven
50 a.m. on election day.

1 PARAGRAPH DIVIDED. A registered voter may make
2 written application to the commissioner for an
3 absentee ballot. A written application for an
4 absentee ballot must be received by the commissioner
5 no later than five p.m. on the Friday before the
6 election. A written application for an absentee
7 ballot delivered to the commissioner and received by
8 the commissioner more than seventy days prior to the
9 date of the election shall be retained by the
10 commissioner and processed in the same manner as a
11 written application received not more than seventy
12 days before the date of the election.

13 4. Each application shall contain the name and
14 signature of the registered voter, the registered
15 voter's date of birth, the address at which the voter
16 is registered to vote, and the name or date of the
17 election for which the absentee ballot is requested,
18 and such other information as may be necessary to
19 determine the correct absentee ballot for the
20 registered voter. If insufficient information has
21 been provided, the commissioner shall, by the best
22 means available, obtain the additional necessary
23 information.

24 Sec. 33. Section 53.7, subsection 1, Code 2005, is
25 amended to read as follows:

26 1. It shall be unlawful for any employee of the
27 state or any employee of a political subdivision to
28 solicit any application or request for application for
29 an absentee ballot, or to take an affidavit in
30 connection with any absentee ballot while the employee
31 is on the employer's premises or otherwise in the
32 course of employment. However, any such employee may
33 take such affidavit in connection with an absentee
34 ballot which is cast by the registered voter in person
35 in the office where such employee is employed in
36 accordance with section 53.10 or 53.11. This
37 subsection shall not apply to any elected official.

38 Sec. 34. Section 53.8, subsection 2, Code 2005, is
39 amended to read as follows:

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

1 closing of the polls on election day. The statement
2 shall also point out that it is possible for an
3 absentee ballot courier to personally deliver the
4 completed absentee ballot to the office of the
5 commissioner within seventy-two hours of retrieving
6 the completed ballot or before the closing of the
7 polls on election day, whichever is earlier.

8 Sec. 35. Section 53.8, subsection 3, unnumbered
9 paragraph 3, Code 2005, is amended to read as follows:

10 Nothing in this subsection nor in section 53.22
11 shall be construed to prohibit a registered voter who
12 is a hospital patient or resident of a health care
13 facility, or who anticipates entering a hospital or
14 health care facility before the date of a forthcoming
15 election, from casting an absentee ballot in the
16 manner prescribed by section 53.10 or 53.11.

17 Sec. 36. Section 53.17, subsection 1, paragraph a,
18 Code 2005, is amended to read as follows:

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

27 If the sealed carrier envelope is delivered by an
28 immediate family member of the voter, the immediate
29 family member shall, upon delivery of the envelope to
30 the commissioner, complete a form provided by the
31 commissioner containing the following information:

32 (1) The immediate family member's name and
33 address.

34 (2) The immediate family member's relationship to
35 the voter.

36 (3) The serial number on the sealed carrier
37 envelope.

38 (4) An attestation stating that the immediate
39 family member was authorized by the voter to return
40 the sealed carrier envelope.

41 (5) The signature of the immediate family member.

42 Sec. 37. Section 53.22, subsection 1, paragraph a,
43 unnumbered paragraph 1, Code 2005, is amended to read
44 as follows:

45 A registered voter who has applied for an absentee
46 ballot, in a manner other than that prescribed by
47 section 53.10 or 53.11, and who is a resident or
48 patient in a health care facility or hospital located
49 in the county to which the application has been
50 submitted shall be delivered the appropriate absentee

1 ballot by two special precinct election officers, one
2 of whom shall be a member of each of the political
3 parties referred to in section 49.13, who shall be
4 appointed by the commissioner from the election board
5 panel for the special precinct established by section
6 53.20. The special precinct election officers shall
7 be sworn in the manner provided by section 49.75 for
8 election board members, shall receive compensation as
9 provided in section 49.20 and shall perform their
10 duties during the ten calendar days preceding the
11 election and on election day if all ballots requested
12 under section 53.8, subsection 3 have not previously
13 been delivered and returned.

14 Sec. 38. Section 53.23, subsection 3, unnumbered
15 paragraph 1, Code 2005, is amended to read as follows:

16 The commissioner shall set the convening time for
17 the board, allowing a reasonable amount of time to
18 complete counting all absentee ballots by ten p.m. on
19 election day. The commissioner may direct the board
20 to meet on the day before the election solely for the
21 purpose of reviewing the absentee voters' affidavits
22 appearing on the sealed ballot envelopes. If in the
23 commissioner's judgment this procedure is necessary
24 due to the number of absentee ballots received, the
25 members of the board may open the sealed ballot
26 envelopes and remove the secrecy envelope containing
27 the ballot, but under no circumstances shall a secrecy
28 envelope be opened before the board convenes on
29 election day. If the ballot envelopes are opened
30 before election day, two observers, one appointed by
31 each of the two political parties referred to in
32 section 49.13, subsection 2, shall witness the
33 proceedings. However, up to four additional
34 observers, two appointed by each of such political
35 parties, may witness the proceedings.

36 Sec. 39. Section 53.31, unnumbered paragraph 1,
37 Code 2005, is amended to read as follows:

38 Any person qualified to vote at the election in
39 progress may challenge the qualifications of a person
40 casting an absentee ballot by submitting a written
41 challenge to the commissioner no later than five p.m.
42 on the ~~day~~ Friday before the election. It is the duty
43 of the special precinct officials to challenge the
44 absentee ballot of any person whom the official knows
45 or suspects is not duly qualified. Challenges by
46 members of the special precinct election board or
47 observers present pursuant to section 53.23 may be
48 made at any time before the close of the polls on
49 election day. The challenge shall state the reasons
50 for which the challenge is being submitted and shall

1 be signed by the challenger. When a challenge is
2 received the absentee ballot shall be set aside for
3 consideration by the special precinct election board
4 when it meets as required by section 50.22.

5 Sec. 40. Section 53.37, Code 2005, is amended to
6 read as follows:

7 53.37 DEFINITIONS.

8 1. This division is intended to implement the
9 federal Uniform and Overseas Citizens Absentee Voting
10 Act, 42 U.S.C. § 1973ff et seq.

11 2. The term "armed forces of the United States",
12 as used in this division, shall mean the army, navy,
13 marine corps, coast guard, and air force of the United
14 States.

15 3. For the purpose of absentee voting only, there
16 shall be included in the term "armed forces of the
17 United States" the following:

18 ~~1.~~ a. Spouses and dependents of members of the
19 armed forces while in active service.

20 ~~2.~~ b. Members of the merchant marine of the
21 United States and their spouses and dependents.

22 ~~3.~~ c. Civilian employees of the United States in
23 all categories serving outside the territorial limits
24 of the several states of the United States and the
25 District of Columbia and their spouses and dependents
26 when residing with or accompanying them, whether or
27 not the employee is subject to the civil service laws
28 and the Classification Act of 1949, and whether or not
29 paid from funds appropriated by the Congress.

30 ~~4.~~ d. Members of religious groups or welfare
31 agencies assisting members of the armed forces, who
32 are officially attached to and serving with the armed
33 forces, and their spouses and dependents.

34 ~~5.~~ e. Citizens of the United States who do not
35 fall under any of the categories described in
36 subsections 1 to 4, but who are entitled to register
37 and vote pursuant to section 48A.5, subsection 4.

38 4. For the purposes of this division, "qualified
39 voter" means a person who is included within the term
40 "armed forces of the United States" as described in
41 this section, who would be qualified to register to
42 vote under section 48A.5, subsection 2, except for
43 residency, and who is not disqualified from
44 registering to vote and voting under section 48A.6.

45 Sec. 41. Section 53.38, Code 2005, is amended to
46 read as follows:

47 53.38 WHAT CONSTITUTES REGISTRATION.

48 Whenever a ballot is requested pursuant to section
49 53.39 or 53.45 on behalf of a voter in the armed
50 forces of the United States, the affidavit upon the

1 ballot envelope of such voter, if the voter is found
2 to be an eligible elector of the county to which the
3 ballot is submitted, shall constitute a sufficient
4 registration under chapter 48A. A completed federal
5 postcard registration and federal absentee ballot
6 request form submitted by such eligible elector shall
7 also constitute a sufficient registration under
8 chapter 48A. The commissioner shall place the voter's
9 name on the registration record as a registered voter
10 if it does not already appear there. The
11 identification requirements of section 48A.8 and the
12 verification requirements of section 48A.25A do not
13 apply to persons who register to vote under this
14 division.

15 Sec. 42. Section 53.41, Code 2005, is amended to
16 read as follows:

17 53.41 RECORDS BY COMMISSIONER -- EXCESS REQUESTS
18 OR BALLOTS.

19 The commissioner of each county shall establish and
20 maintain a record of all requests for ballots which
21 are made, and of all ballots transmitted, and the
22 manner of transmittal, from and received in the
23 commissioner's office under the provisions of this
24 division.

25 PARAGRAPH DIVIDED. If more than one request for
26 absent voter's ballot for a particular election is
27 made to the commissioner before the ballots are ready
28 to mail by or on behalf of a voter in the armed forces
29 of the United States, the last request ~~first~~ received
30 shall be honored, except that if one of the requests
31 is made by the voter, ~~and a request on the voter's~~
32 ~~behalf has not been previously honored,~~ the request of
33 the voter shall be honored in preference to a request
34 made on the voter's behalf by another.

35 PARAGRAPH DIVIDED. Not more than one ballot shall
36 be transmitted by the commissioner to any voter for a
37 particular election unless after the ballot has been
38 mailed the voter reports a change in the address to
39 which the ballot should be sent. A ballot shall be
40 mailed using a serial number that indicates that this
41 is a replacement sent to an updated address. The
42 original ballot shall be counted only if the
43 replacement ballot does not arrive. If the
44 commissioner receives more than one absent voter's
45 ballot, provided for by this division, from or
46 purporting to be from any one voter for a particular
47 election, all of the ballots so received from or
48 purporting to be from such voter are void, and the
49 commissioner shall not deliver any of the ballots to
50 the precinct election officials, but shall retain them

1 in the commissioner's office, and preserve them for
2 the period and under the conditions provided for in
3 sections 50.12 through 50.15 and section 50.19.

4 Sec. 43. Section 53.44, unnumbered paragraph 2,
5 Code 2005, is amended to read as follows:

6 Absentee ballots issued under this division shall
7 be returned ~~in the same manner~~ either by mail by the
8 voter or a person designated by the voter or by
9 personal delivery by the voter or a person designated
10 by the voter and within the same time limits specified
11 in section 53.17.

12 Sec. 44. Section 53.53, subsection 4, paragraph a,
13 Code 2005, is amended to read as follows:

14 a. The ballot was submitted from within the United
15 States, unless the voter is a member of the armed
16 forces of the United States, as described in section
17 53.37, subsection 2, on active duty and away from the
18 voter's county of residence for purposes of serving on
19 active duty.

20 Sec. 45. Section 53.53, subsection 4, paragraph b,
21 Code 2005, is amended to read as follows:

22 b. The voter's application for a regular absentee
23 ballot was received by the commissioner less than
24 ~~thirty~~ fourteen days prior to the election.

25 Sec. 46. Section 53.35, Code 2005, is repealed.

26 Sec. 47. APPLICABILITY DATE. This division of
27 this Act applies to elections held on or after January
28 1, 2006.

29 DIVISION III

30 VOTER REGISTRATION

31 Sec. 48. Section 48A.2, Code 2005, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 6. "Voter registration list"
34 means a compilation of voter registration records
35 produced, upon request, from the electronic voter
36 registration file or by viewing, upon request, the
37 original, completed voter registration applications
38 and forms.

39 Sec. 49. Section 48A.5, subsection 2, paragraph c,
40 Code 2005, is amended to read as follows:

41 c. Be at least eighteen years of age. Completed
42 registration forms shall be accepted from registrants
43 who are at least seventeen and a half years of age;
44 however, the registration shall not be effective until
45 the registrant reaches the age of eighteen. The
46 commissioner of registration shall ensure that the
47 birth date shown on the registration form is at least
48 seventeen and one-half years earlier than the date the
49 registration is processed.

50 Sec. 50. Section 48A.11, subsection 8, Code 2005,

1 is amended to read as follows:

2 8. A voter registration application lacking the
3 registrant's name, sex, date of birth, or residence
4 address or description shall not be processed. A
5 voter registration application lacking the
6 registrant's driver's license number, Iowa
7 nonoperator's identification card number, or the last
8 four digits of the registrant's social security number
9 shall not be processed. A voter registration
10 application lacking the registrant's signature shall
11 not be processed. A registrant whose registration is
12 not processed pursuant to this subsection shall be
13 notified pursuant to section 48A.26, subsection 3. A
14 registrant who does not have an Iowa driver's license
15 number, an Iowa nonoperator's identification number,
16 or a social security number and who notifies the
17 registrar of such shall be assigned a unique
18 identifying number that shall serve to identify the
19 registrant for voter registration purposes.

20 Sec. 51. Section 48A.25A, Code 2005, is amended to
21 read as follows:

22 48A.25A VERIFICATION OF VOTER REGISTRATION
23 INFORMATION.

24 Upon receipt of an application for voter
25 registration ~~by mail~~, the state registrar of voters
26 shall compare the driver's license number, the Iowa
27 nonoperator's identification card number, or the last
28 four numerals of the social security number provided
29 by the registrant with the records of the state
30 department of transportation or the social security
31 administration. To be verified, the voter
32 registration record shall contain the same name, date
33 of birth, and driver's license number or Iowa
34 nonoperator's identification card number or whole or
35 partial social security number as the records of the
36 state department of transportation or social security
37 administration. If the information cannot be
38 verified, the application shall be rejected and the
39 registrant shall be notified of the reason for the
40 rejection. If the information can be verified, a
41 record shall be made of the verification and the
42 application shall be accepted.

43 The voter registration commission shall adopt rules
44 in accordance with chapter 17A to provide procedures
45 for processing registration applications if the ~~state~~
46 ~~department of transportation does not,~~ applications
47 cannot be verified before the close of registration
48 for an election for which the voter registration
49 otherwise would be effective, ~~if verified, provide a~~
50 ~~report that the information on the application has~~

1 ~~matched or not matched the records of the department.~~

2 This section does not apply to persons described in
3 section 53.37 who are entitled to register to vote and
4 to vote pursuant to section 48A.5, subsection 4.

5 Sec. 52. Section 48A.26, subsection 4, Code 2005,
6 is amended to read as follows:

7 4. If the registrant applied by mail to register
8 to vote and did not answer either "yes" or "no" to the
9 question in section 48A.11, subsection 3, paragraph
10 "a", the application shall not be processed, but the
11 registration shall be designated as valid only for
12 elections that do not include candidates for federal
13 offices on the ballot. The acknowledgment shall
14 advise the applicant that the status of the
15 registration is local and the reason for the
16 registration being assigned local status what
17 additional information is required. The commissioner
18 shall enclose a new registration by mail form for the
19 applicant to use. If the original application is
20 received during the twelve days before the close of
21 registration for an election that includes candidates
22 for federal offices on the ballot, the ~~commissioner~~
23 acknowledgment shall provide inform the registrant
24 with an that the registrant has the opportunity to
25 complete the form before the close of registration up
26 until five p.m. on the day before the election.

27 Sec. 53. Section 48A.37, subsection 2, Code 2005,
28 is amended to read as follows:

29 2. Electronic records shall include a status code
30 designating whether the records are active, inactive,
31 ~~local~~, or pending. Inactive records are records of
32 registered voters to whom notices have been sent
33 pursuant to section 48A.28, subsection 3, and who have
34 not returned the card or otherwise responded to the
35 notice, and those records have been designated
36 inactive pursuant to section 48A.29. ~~Local records~~
37 ~~are records of applicants who did not answer either~~
38 ~~"yes" or "no" to the question in section 48A.11,~~
39 ~~subsection 3, paragraph "a".~~ Pending records are
40 records of applicants whose applications have not been
41 verified pursuant to section 48A.25A. All other
42 records are active records. An inactive record shall
43 be made active when the registered voter votes at an
44 election, registers again, or reports a change of
45 name, address, telephone number, or political party
46 affiliation. A pending record shall be made active
47 upon verification. ~~A local record shall be valid for~~
48 ~~any election for which no candidates for federal~~
49 ~~office appear on the ballot. A registrant with only a~~
50 ~~local record shall not vote in a federal election~~

S-3200

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1 ~~unless the registrant submits a new voter registration~~
2 ~~application before election day indicating that the~~
3 ~~applicant is a citizen of the United States.~~

4 Sec. 54. APPLICABILITY DATE. This division of
5 this Act applies to elections held on or after January
6 1, 2006."

7 2. By striking title page 1, line 1, through
8 title page 2, line 5, and inserting the following: "An
9 Act relating to the conduct of elections and voter
10 registration and including effective date and
11 applicability provisions."

12 3. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT

WALLY E. HORN, CO-CHAIRPERSON

LARRY MCKIBBEN, CO-CHAIRPERSON

S-3200 FILED APRIL 28, 2005

HOUSE FILE 644

S-3201

1 Amend the amendment, S-3200, to House File 644, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 12, line 17 through page 13,
5 line 13.

6 2. By renumbering as necessary.

By LARRY MCKIBBEN

S-3201 FILED APRIL 28, 2005

LOST; MOTION TO RECONSIDER FILED

Chair: Jacobs
Boal T. Taylor
Gaskill Upmeyer
Greiner Wendt

HSB 58
STATE GOVERNMENT
SF / JS
Succeeded by

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON STATE
GOVERNMENT BILL BY
CHAIRPERSON ELGIN)

Succeeded
SF 0644

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

A BILL FOR

1 An Act relating to elections and voter registration by requiring
2 the election of township officers on a nonpartisan basis,
3 prohibiting the processing of certain voter registration
4 applications, removing the requirement for separate entrances
5 to buildings where polling places for more than one precinct
6 are located, relating to use of voting machines or paper
7 ballots at certain elections, requiring names of candidates
8 for nonpartisan office to be printed on the ballot in
9 alphabetical order, relating to information printed on a
10 certain portion of the ballot, modifying opening hours of the
11 polls at certain elections, allowing the voter's declaration
12 of eligibility to be printed on the election register,
13 striking the requirement that a voter's name be announced by a
14 precinct election official, relating to the abstract of votes
15 for county offices, relating to appointment of observers
16 present when ballots are counted, allowing absentee voting at
17 the commissioner's office for part of the day of the election
18 for certain elections, requiring the registered voter's date
19 of birth on the absentee ballot application, deleting the
20 requirement for a separate affidavit envelope for absentee
21 ballots, clarifying that certain confined persons may vote an
22 absentee ballot in person at the commissioner's office,

1 relating to the form prescribed for return carrier envelopes,
2 allowing an immediate family member to return a voted absentee
3 ballot in person to the commissioner's office, allowing an
4 absentee voter to correct a deficiency in the affidavit
5 returned with the voted absentee ballot, allowing the voting
6 of replacement absentee ballots in certain circumstances,
7 changing the deadline for challenging an absentee voter's
8 qualifications, relating to persons nominated for city office
9 by write-in votes, repealing the provision declaring it
10 unlawful for an absentee voter to fail to return the voter's
11 absentee ballot, and including an applicability date
12 provision.

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

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1 Section 1. Section 39.21, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. Township officers as provided in
4 section 39.22, subsection 2.

5 Sec. 2. Section 39.22, subsection 1, unnumbered paragraph
6 2, Code 2005, is amended to read as follows:

7 The election of the trustees and clerk of a township may be
8 restored after approval of the appointment process under this
9 subsection by a resolution of the board of supervisors
10 submitting the question to the registered voters who are
11 eligible to vote for township officers of the township at the
12 next general election. If the proposition to restore the
13 election process is approved by a majority of those voting on
14 the question, the election of the township officers shall
15 commence with the next ~~primary-and general elections~~ election.
16 A resolution submitting the question of restoring the election
17 of township officers at the next general election shall be
18 adopted by the board of supervisors upon receipt of a petition
19 signed by eligible electors residing in the township equal in
20 number to at least ten percent of the registered voters of a
21 township. The initial terms of the trustees shall be
22 determined by lot, one for two years, and two for four years.
23 However, if a proposition to change the method of selecting
24 township officers is adopted by the electorate, a resolution
25 to change the method shall not be submitted to the electorate
26 for four years.

27 Sec. 3. Section 39.22, subsection 2, Code 2005, is amended
28 to read as follows:

29 2. BY ELECTION. If the county board of supervisors does
30 not have the power provided under subsection 1 to fill the
31 offices of trustee and clerk within a township by appointment,
32 then the offices of township trustee and township clerk shall
33 be filled by election on a nonpartisan basis. Township
34 trustees and the township clerk, in townships which do not
35 include a city, shall be elected by the voters of the entire

1 township. In townships which include a city, the officers
2 shall be elected by the voters of the township who reside
3 outside the corporate limits of the city, but a township
4 officer may be a resident of the city.

5 a. TOWNSHIP OFFICERS. The election of township officers
6 shall take place at the general election on ballots which
7 shall not reflect a nominee's political affiliation.
8 Nomination shall be made by petition in accordance with
9 chapter 45. The petition form shall be furnished by the
10 county commissioner of elections and shall be filed with the
11 county commissioner of elections. A plurality is sufficient
12 to elect the township officers.

13 a- b. TOWNSHIP TRUSTEES. Township trustees shall be
14 elected biennially to succeed those whose terms of office
15 expire on the first day of January following the election
16 which is not a Sunday or legal holiday. The term of office of
17 each elected township trustee is four years, except as
18 provided in subsection 1 for initial terms following
19 restoration of the election process.

20 b- c. TOWNSHIP CLERK. At the general election held in the
21 year 1990 and every four years thereafter, in each civil
22 township one township clerk shall be elected who shall hold
23 office for the term of four years.

24 Sec. 4. Section 39A.4, subsection 1, paragraph c,
25 subparagraphs (11) and (12), Code 2005, are amended to read as
26 follows:

27 (11) Returning a voted absentee ballot, by mail or in
28 person, to the commissioner's office and the person returning
29 the ballot is not the voter, an immediate family member of the
30 voter, an absentee ballot courier, a special precinct election
31 official designated pursuant to section 53.22, subsection 1,
32 or the designee of a voter described in section 53.22,
33 subsection 5.

34 (12) Making a false or untrue statement reporting that a
35 voted absentee ballot was returned to the commissioner's

1 office, by mail or in person, by a person other than the
2 voter, an immediate family member of the voter, an absentee
3 ballot courier, a special precinct election official
4 designated pursuant to section 53.22, subsection 1, or the
5 designee of a voter described in section 53.22, subsection 5.
6 Sec. 5. 39A.5, subsection 1, paragraph b, subparagraph
7 (2), Code 2005, is amended to read as follows:

8 ~~(2) Neglecting-or-refusing-to-return-an-absentee-ballot-in~~
9 ~~violation-of-section-53-35,-or-violating~~ Violating any other
10 provision of chapter 53 for which another penalty is not
11 provided.

12 Sec. 6. Section 43.26, Code 2005, is amended to read as
13 follows:

14 43.26 BALLOT -- FORM.

15 The official primary election ballot shall be prepared,
16 arranged, and printed substantially in the following form:

17 PRIMARY ELECTION BALLOT

18 (Name of Party) of

19 County of

20, State of Iowa,

21 ... Rotation (if any).

22 Primary election held on

23 the ... day of June,(year)

24 FOR UNITED STATES SENATOR

25 (Vote for no more than one.)

26 _____ CANDIDATE'S NAME

27 _____ CANDIDATE'S NAME

28 _____

29 FOR UNITED STATES

30 REPRESENTATIVE

31 (Vote for no more than one.)

32 _____ CANDIDATE'S NAME

33 _____ CANDIDATE'S NAME

34 _____

35 FOR GOVERNOR

1 (Vote for no more than one.)

2 _____ CANDIDATE'S NAME

3 _____ CANDIDATE'S NAME

4 _____

5 (Followed by other elective state officers in the order in
6 which they appear in section 39.9 and district officers in the
7 order in which they appear in sections 39.15 and 39.16.)

8 FOR BOARD OF SUPERVISORS

9 (Vote for no more than two.)

10 _____ CANDIDATE'S NAME

11 _____ CANDIDATE'S NAME

12 _____

13 _____

14 FOR COUNTY AUDITOR

15 (Vote for no more than one.)

16 _____ CANDIDATE'S NAME

17 _____ CANDIDATE'S NAME

18 _____

19 (Followed by other elective county officers in the order in
20 which they appear in section 39.17.)

21 FOR-TOWNSHIP-CLERK

22 {Vote-for-no-more-than-one-}

23 ----CANDIDATE'S-NAME

24 ----CANDIDATE'S-NAME

25 ----.....

26 FOR-TOWNSHIP-TRUSTEES

27 {Vote-for-no-more-than-two-}

28 ----CANDIDATE'S-NAME

29 ----CANDIDATE'S-NAME

30 ----CANDIDATE'S-NAME

31 ----.....

32 ----.....

33 Sec. 7. Section 43.43, unnumbered paragraph 2, Code 2005,
34 is amended to read as follows:

35 I do solemnly swear or affirm that I am a resident of the

1 precinct, ward ~~or-township~~, city of
2, county of, Iowa.

3 Sec. 8. Section 43.53, Code 2005, is amended to read as
4 follows:

5 43.53 NOMINEES FOR SUBDIVISION OFFICE -- WRITE-IN
6 CANDIDATES.

7 The nominee of each political party for any office to be
8 filled by the voters of any ~~township-or-other~~ political
9 subdivision within the county shall be the person receiving
10 the highest number of votes cast in the primary election by
11 the voters of that party for the office. That person shall
12 appear as the party's candidate for the office on the general
13 election ballot. A person whose name is not printed on the
14 official primary ballot shall not be declared nominated as a
15 candidate for such office in the general election unless that
16 person receives at least five votes. Nomination of a
17 candidate for the office of county supervisor elected from a
18 district within the county shall be governed by section 43.52
19 and not by this section.

20 Sec. 9. Section 43.67, unnumbered paragraph 1, Code 2005,
21 is amended to read as follows:

22 Each candidate nominated pursuant to section 43.52 or 43.65
23 is entitled to have the candidate's name printed on the
24 official ballot to be voted at the general election without
25 other certificate unless the candidate was nominated by write-
26 in votes. Immediately after the completion of the canvass
27 held under section 43.49, the county auditor shall notify each
28 person who was nominated by write-in votes for a county ~~or~~
29 ~~township~~ office that the person is required to file an
30 affidavit of candidacy if the person wishes to be a candidate
31 for that office at the general election. Immediately after
32 the completion of the canvass held under section 43.63, the
33 secretary of state shall notify each person who was nominated
34 by write-in votes for a state or federal office that the
35 person is required to file an affidavit of candidacy if the

1 person wishes to be a candidate for that office at the general
2 election. If the affidavit is not filed by five p.m. on the
3 seventh day after the completion of the canvass, that person's
4 name shall not be placed upon the official general election
5 ballot. The affidavit shall be signed by the candidate,
6 notarized, and filed with the county auditor or the secretary
7 of state, whichever is applicable.

8 Sec. 10. Section 48A.11, subsection 8, Code 2005, is
9 amended to read as follows:

10 8. A voter registration application lacking the
11 registrant's name, sex, date of birth, or residence address or
12 description shall not be processed. A voter registration
13 application lacking the registrant's driver's license number,
14 Iowa nonoperator's identification card number, or the last
15 four digits of the registrant's social security number shall
16 not be processed. A voter registration application that does
17 not indicate a "yes" answer to each of the questions in
18 subsection 3 shall not be processed. A registrant whose
19 registration is not processed pursuant to this subsection
20 shall be notified pursuant to section 48A.26, subsection 3. A
21 registrant who does not have an Iowa driver's license number,
22 an Iowa nonoperator's identification number, or a social
23 security number and who notifies the registrar of such shall
24 be assigned a unique identifying number that shall serve to
25 identify the registrant for voter registration purposes.

26 Sec. 11. Section 48A.26, subsections 4 and 5, Code 2005,
27 are amended by striking the subsections.

28 Sec. 12. Section 48A.37, subsection 2, Code 2005, is
29 amended to read as follows:

30 2. Electronic records shall include a status code
31 designating whether the records are active, inactive, ~~local~~
32 or pending. Inactive records are records of registered voters
33 to whom notices have been sent pursuant to section 48A.28,
34 subsection 3, and who have not returned the card or otherwise
35 responded to the notice, and those records have been

1 designated inactive pursuant to section 48A.29. ~~Local records~~
2 ~~are records of applicants who did not answer either "yes" or~~
3 ~~"no" to the question in section 48A.11, subsection 3,~~
4 ~~paragraph "a".~~ Pending records are records of applicants
5 whose applications have not been verified pursuant to section
6 48A.25A. All other records are active records. An inactive
7 record shall be made active when the registered voter votes at
8 an election, registers again, or reports a change of name,
9 address, telephone number, or political party affiliation. A
10 pending record shall be made active upon verification. A
11 ~~local record shall be valid for any election for which no~~
12 ~~candidates for federal office appear on the ballot. A~~
13 ~~registrant with only a local record shall not vote in a~~
14 ~~federal election unless the registrant submits a new voter~~
15 ~~registration application before election day indicating that~~
16 ~~the applicant is a citizen of the United States.~~

17 Sec. 13. Section 49.10, subsection 4, Code 2005, is
18 amended to read as follows:

19 4. No A single room or area of any building or facility
20 ~~shall~~ may be fixed as the polling place for more than one
21 precinct ~~unless there are separate entrances each.~~ The
22 location of each polling place shall be clearly marked within
23 the room or area on the days on which elections are held as
24 the ~~entrance to~~ location of the polling place of a particular
25 precinct, and suitable arrangements ~~are~~ shall be made within
26 the room or area to prevent direct access from the polling
27 place of any precinct to the polling place of any other
28 precinct. When the commissioner has fixed such a polling
29 place for any precinct it shall remain the polling place at
30 all subsequent elections, except elections for which the
31 precinct is merged with another precinct as permitted by
32 section 49.11, until the boundaries of the precinct are
33 changed or the commissioner fixes a new polling place, except
34 that the polling place shall be changed to a point within the
35 boundaries of the precinct at any time not less than sixty

1 days before the next succeeding election that a building or
2 facility suitable for such use becomes available within the
3 precinct.

4 Sec. 14. Section 49.26, subsection 2, Code 2005, is
5 amended to read as follows:

6 2. When voting machines are available for an election
7 precinct, the commissioner shall determine in advance of each
8 regular city election, or special city election, conducted for
9 a city of three thousand five hundred or less population or
10 any regular school election, or school district special
11 election, conducted for a school district in which voting
12 occurs in that precinct whether voting there shall be by
13 machine or paper ballot. ~~If the commissioner concludes, on~~
14 ~~the basis of voter turnout for recent similar elections and~~
15 ~~factors considered likely to affect voter turnout for the~~
16 ~~forthcoming election, that voting will probably be so light as~~
17 ~~to make preparation and use of paper ballots less expensive~~
18 ~~than preparation and use of a voting machine, paper ballots~~
19 ~~shall be used.~~

20 Sec. 15. Section 49.30, subsection 1, Code 2005, is
21 amended to read as follows:

22 1. Where special paper ballots are used, if it is not
23 possible to include all offices and public measures on a
24 single ballot, separate ballots may be provided for township
25 offices, nonpartisan offices, judges, or public measures.

26 Sec. 16. Section 49.30, subsection 2, paragraph a, Code
27 2005, is amended to read as follows:

28 a. If it is impossible to place the names of all
29 candidates on the machine ballot, the commissioner may provide
30 a separate paper ballot for the candidates for judge of the
31 district court, ~~the township offices,~~ and the nonpartisan
32 offices listed in section 39.21. One of the paper ballots
33 shall be furnished to each registered voter.

34 Sec. 17. Section 49.31, subsection 2, unnumbered paragraph
35 2, Code 2005, is amended to read as follows:

1 On the general election ballot the names of candidates for
2 the nonpartisan offices listed in section 39.21 shall be
3 arranged ~~by drawing lots for position~~ in alphabetical order by
4 surname under the heading of the office to be filled. The
5 ~~board of supervisors shall hold the drawing at its first~~
6 ~~meeting following the deadline for receipt of objections and~~
7 ~~withdrawals by candidates for the general election.~~

8 Sec. 18. Section 49.37, subsection 3, Code 2005, is
9 amended to read as follows:

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

16 Sec. 19. Section 49.57, subsection 5, Code 2005, is
17 amended to read as follows:

18 5. A portion of the ballot, which can be shown to the
19 precinct officials without revealing any of the marks made by
20 the voter, shall include the words "Official ballot", a
21 ~~designation of the ballot rotation, if any~~ the unique
22 identification number or name assigned by the commissioner to
23 the ballot style, the date of the election, and a facsimile of
24 the signature of the commissioner who has caused the ballot to
25 be printed pursuant to section 49.51.

26 Sec. 20. Section 49.73, subsection 1, paragraph e, Code
27 2005, is amended to read as follows:

28 e. ~~The~~ Any election for the unincorporated area of any a
29 county ~~voting on a local option sales and services tax~~
30 ~~pursuant to section 423B.1.~~

31 Sec. 21. Section 49.77, subsections 1 and 2, Code 2005,
32 are amended to read as follows:

33 1. The board members of their respective precincts shall
34 have charge of the ballots and furnish them to the voters.
35 Any person desiring to vote shall sign a voter's declaration

1 provided by the officials, in substantially the following
2 form:

3 VOTER'S DECLARATION OF ELIGIBILITY

4 I do solemnly swear or affirm that I am a resident of the
5 precinct, ward or township, city of, county
6 of, Iowa.

7 I am a registered voter. I have not voted and will not
8 vote in any other precinct in said election.

9 I understand that any false statement in this declaration
10 is a criminal offense punishable as provided by law.

11
12	Signature of Voter
13
14	Address
15
16	Telephone

17 Approved:
18
19 Board Member

20 At the discretion of the commissioner, this declaration may
21 be printed on each page of the election register and the voter
22 shall sign the election register next to the voter's printed
23 name. The voter's signature in the election register shall be
24 considered the voter's signed declaration of eligibility
25 affidavit. The state commissioner of elections shall
26 prescribe by rule an alternate method for providing the
27 information in subsection 2 for those counties where the
28 declaration of eligibility is printed in the election
29 register.

30 ~~2. One-of-the-precinct-election-officials-shall-announce~~
31 ~~the-voter's-name-aloud-for-the-benefit-of-any~~ Any persons
32 present pursuant to section 49.104, subsection 2, 3, or 5-
33 ~~Any-of-those-persons,~~ may upon request view the signed
34 declarations of eligibility and may review the signed
35 declarations on file or, in the alternative, the listing of

1 those voters who have signed declarations of eligibility, so
2 long as the person does not interfere with the functions of
3 the precinct election officials.

4 Sec. 22. Section 50.20, Code 2005, is amended to read as
5 follows:

6 50.20 NOTICE OF NUMBER OF PROVISIONAL BALLOTS.

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

22 Sec. 23. Section 50.25, subsection 7, Code 2005, is
23 amended by striking the subsection.

24 Sec. 24. Section 50.25, Code 2005, is amended by adding
25 the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. The abstract of the votes for
27 each county office is not required to be made on a different
28 sheet.

29 Sec. 25. Section 52.36, unnumbered paragraph 1, Code 2005,
30 is amended to read as follows:

31 All proceedings at the counting center shall be under the
32 direction of the commissioner and open to the public. The
33 proceedings shall be under the observation of at least one
34 member of each of the political parties referred to in section
35 49.13, ~~designated-by-the-county-chairperson-or, if-the~~

1 ~~chairperson-fails-to-make-a-designation,~~ appointed by the
2 commissioner. No person except those employed and authorized
3 by the commissioner for the purpose shall touch any ballot or
4 ballot container.

5 Sec. 26. Section 53.2, subsections 1 and 4, Code 2005, are
6 amended to read as follows:

7 1. Any registered voter, under the circumstances specified
8 in section 53.1, may on any day, except election day, and not
9 more than seventy days prior to the date of the election,
10 apply in person for an absentee ballot at the commissioner's
11 office or at any location designated by the commissioner.
12 However, for those elections in which the commissioner directs
13 the polls be opened at noon pursuant to section 49.73, a voter
14 may apply in person for an absentee ballot at the
15 commissioner's office from eight a.m. until eleven a.m. on
16 election day.

17 PARAGRAPH DIVIDED. A registered voter may make written
18 application to the commissioner for an absentee ballot. A
19 written application for an absentee ballot must be received by
20 the commissioner no later than five p.m. on the Friday before
21 the election. A written application for an absentee ballot
22 delivered to the commissioner and received by the commissioner
23 more than seventy days prior to the date of the election shall
24 be retained by the commissioner and processed in the same
25 manner as a written application received not more than seventy
26 days before the date of the election. However, in a general
27 election year, if an application for an absentee ballot for
28 the general election is received on or before primary election
29 day, the commissioner shall return the application to the
30 voter and shall enclose a notice stating that the application
31 may not be submitted until after the primary election.

32 4. Each application shall contain the name and signature
33 of the registered voter, the registered voter's date of birth,
34 the address at which the voter is registered to vote, and the
35 name or date of the election for which the absentee ballot is

1 requested, and such other information as may be necessary to
2 determine the correct absentee ballot for the registered
3 voter. If insufficient information has been provided, the
4 commissioner shall, by the best means available, obtain the
5 additional necessary information.

6 Sec. 27. Section 53.8, subsections 1 and 2, Code 2005, are
7 amended to read as follows:

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

24 2. If an application is received so late that it is
25 unlikely that the absentee ballot can be returned in time to
26 be counted on election day, the commissioner shall enclose
27 with the absentee ballot a statement to that effect. The
28 statement shall also point out that it is possible for the
29 applicant, an immediate family member of the applicant, or the
30 applicant's designee if the absentee ballot is voted by a
31 voter described in section 53.22, subsection 5, to personally
32 deliver the completed absentee ballot to the office of the
33 commissioner at any time before the closing of the polls on
34 election day. The statement shall also point out that it is
35 possible for an absentee ballot courier to personally deliver

1 the completed absentee ballot to the office of the
2 commissioner within seventy-two hours of retrieving the
3 completed ballot or before the closing of the polls on
4 election day, whichever is earlier.

5 Sec. 28. Section 53.8, subsection 3, unnumbered paragraph
6 3, Code 2005, is amended to read as follows:

7 Nothing in this subsection nor in section 53.22 shall be
8 construed to prohibit a registered voter who is a hospital
9 patient or resident of a health care facility, or who
10 anticipates entering a hospital or health care facility before
11 the date of a forthcoming election, from casting an absentee
12 ballot in the manner prescribed by section 53.10 or 53.11.

13 Sec. 29. Section 53.12, Code 2005, is amended to read as
14 follows:

15 53.12 DUTY OF COMMISSIONER.

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

22 Sec. 30. Section 53.13, Code 2005, is amended to read as
23 follows:

24 53.13 VOTER'S FORM OF RETURN CARRIER ENVELOPE AND
25 AFFIDAVIT ON ENVELOPE.

26 1. On the unsealed return carrier envelope shall be
27 printed an affidavit form prescribed by the state commissioner
28 of elections.

29 2. The return carrier envelope shall be in the form
30 prescribed by the state commissioner of elections. The form
31 prescribed by the state commissioner of elections shall
32 include a method whereby the affidavit can be revealed to the
33 county commissioner of elections upon receipt of the completed
34 absentee ballot, pursuant to section 53.18, while allowing the
35 envelope to remain sealed.

1 Sec. 31. Section 53.16, Code 2005, is amended to read as
2 follows:

3 53.16 SUBSCRIBING TO AFFIDAVIT.

4 After marking the ballot, the voter shall make and
5 subscribe to the affidavit on the reverse side of the return
6 carrier envelope, and fold the ballot or ballots, separately,
7 so as to conceal the markings on them, and deposit them in the
8 envelope, and securely seal the envelope.

9 Sec. 32. Section 53.17, subsections 1 and 2, Code 2005,
10 are amended to read as follows:

11 1. The ~~sealed-envelope-containing-the~~ absentee ballot
12 shall be enclosed in a return carrier envelope which shall be
13 securely sealed. The sealed return carrier envelope shall be
14 returned to the commissioner by one of the following methods:

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

22 b. The ~~sealed~~ return carrier envelope may be mailed to the
23 commissioner by the registered voter, by an immediate family
24 member of the voter, or by the voter's designee if the ballot
25 is voted by a voter described in section 53.22, subsection 5.

26 c. The ~~sealed~~ return carrier envelope may be delivered to
27 the commissioner by an absentee ballot courier, but only as
28 provided in subsection 4.

29 2. In order for the ballot to be counted, the return
30 carrier envelope must be received in the commissioner's office
31 before the polls close on election day or be clearly
32 postmarked by an officially authorized postal service not
33 later than the day before the election and received by the
34 commissioner not later than noon on the Monday following the
35 election.

1 Sec. 33. Section 53.18, Code 2005, is amended to read as
2 follows:

3 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

4 1. Upon receipt of the return carrier envelope containing
5 the completed absentee ballot, the commissioner shall at once
6 record the serial number appearing on the application and
7 return carrier envelope and time of receipt of such ballot and
8 attach the elector's application to the unopened return
9 carrier envelope. Absentee ballots shall be stored in a
10 secure place until they are delivered to the absentee and
11 special voters precinct board.

12 2. Upon receipt of the return carrier envelope containing
13 the completed absentee ballot, the commissioner shall reveal
14 the affidavit on the envelope and shall review the affidavit
15 for any deficiencies. If the affidavit contains a deficiency
16 which would cause the ballot to be rejected, the commissioner
17 shall immediately notify the voter of that fact and that the
18 voter may correct the deficiency at the commissioner's office
19 in the presence of the commissioner or the commissioner's
20 designee in the time permitted under section 53.2, subsection
21 1.

22 3. If the return carrier envelope is open when received by
23 the commissioner, or has been opened and resealed, the
24 commissioner shall immediately notify the voter of that fact
25 and that the voter's absentee ballot shall not be counted
26 unless the voter applies for a replacement ballot in person at
27 the commissioner's office in the time permitted under section
28 53.2, subsection 1. The replacement ballot application shall
29 be the same as is required for an application under section
30 53.2. If the information on the replacement ballot
31 application matches the information on the original
32 application, the voter shall be allowed to complete a
33 replacement absentee ballot in person at the commissioner's
34 office. The same serial number that was assigned to the
35 records of the original absentee ballot application shall be

1 used on the envelope and records of the replacement ballot.
2 The sealed return carrier envelope containing the completed
3 replacement ballot shall be marked "Replacement ballot". The
4 return carrier envelope containing the original ballot shall
5 be marked "Defective ballot" and the replacement ballot and
6 replacement application shall be attached to the original
7 application and return carrier envelope containing the
8 original ballot and shall be stored in a secure place until
9 they are delivered to the absentee and special voters precinct
10 board, notwithstanding sections 53.26 and 53.27.

11 Sec. 34. Section 53.19, unnumbered paragraph 1, Code 2005,
12 is amended to read as follows:

13 The commissioner shall maintain a list of the absentee
14 ballots provided to registered voters, the serial number
15 appearing on the unsealed return carrier envelope, the date
16 the application for the absentee ballot was received, and the
17 date the absentee ballot was sent to the registered voter
18 requesting the absentee ballot.

19 Sec. 35. Section 53.21, unnumbered paragraph 4, Code 2005,
20 is amended to read as follows:

21 The voter shall enclose one copy of the above statement in
22 the return carrier envelope ~~with the ballot envelope~~ and
23 retain a copy for the voter's records.

24 Sec. 36. Section 53.22, subsection 5, unnumbered paragraph
25 2, Code 2005, is amended to read as follows:

26 Absentee ballots voted under this subsection shall be
27 delivered to the commissioner no later than the time the polls
28 are closed on election day. If the ballot is returned by mail
29 the return carrier envelope must be received by the time the
30 polls close, or clearly postmarked by an officially authorized
31 postal service not later than the day before the election and
32 received by the commissioner no later than the time
33 established for the canvass by the board of supervisors for
34 that election.

35 Sec. 37. Section 53.23, subsections 3 and 5, Code 2005,

1 are amended to read as follows:

2 3. The commissioner shall set the convening time for the
3 board, allowing a reasonable amount of time to complete
4 counting all absentee ballots by ten p.m. on election day.
5 The commissioner may direct the board to meet on the day
6 before the election solely for the purpose of reviewing the
7 absentee voters' affidavits appearing on the sealed ~~ballot~~
8 return carrier envelopes. If in the commissioner's judgment
9 this procedure is necessary due to the number of absentee
10 ballots received, the members of the board may open the sealed
11 ~~ballot~~ return carrier envelopes and remove the secrecy
12 envelope containing the ballot, but under no circumstances
13 shall a secrecy envelope be opened before the board convenes
14 on election day. If the ~~ballot~~ return carrier envelopes are
15 opened before election day, two observers, one appointed by
16 each of the two political parties referred to in section
17 49.13, subsection 2, shall witness the proceedings.

18 If the board finds any ballot not enclosed in a secrecy
19 envelope and the ballot is folded in such a way that any of
20 the votes cast on the ballot are visible, the two special
21 precinct election officials, one from each of the two
22 political parties referred to in section 49.13, subsection 2,
23 shall place the ballot in a secrecy envelope. No one shall
24 examine the ballot. Each of the special precinct election
25 officials shall sign the secrecy envelope.

26 5. The special precinct election board shall preserve the
27 secrecy of all absentee and special ballots. After the
28 affidavits on the envelopes have been reviewed and the
29 qualifications of the persons casting the ballots have been
30 determined, those that have been accepted for counting shall
31 be opened. The ballots shall be removed from the affidavit
32 return carrier envelopes without being unfolded or examined,
33 and then shall be thoroughly intermingled, after which they
34 shall be unfolded and tabulated. If secrecy folders or
35 envelopes are used with special paper ballots, the ballots

1 shall be removed from the secrecy folders after the ballots
2 have been intermingled.

3 Sec. 38. Section 53.25, Code 2005, is amended to read as
4 follows:

5 53.25 REJECTING BALLOT.

6 In case the absentee voter's affidavit is found to be
7 insufficient, or that the applicant is not a duly registered
8 voter in such precinct, ~~or that the ballot envelope is open,~~
9 ~~or has been opened and resealed,~~ or that the ballot return
10 carrier envelope, or secrecy envelope if applicable, contains
11 more than one ballot of any one kind, or that ~~said~~ the voter
12 has voted in person, such vote shall not be accepted or
13 counted. If the return carrier envelope is open, or has been
14 opened and resealed, and a sealed return carrier envelope with
15 the same serial number and marked "Replacement ballot" is not
16 attached, the vote shall not be accepted or counted.

17 If the absentee ballot is rejected prior to the opening of
18 the ballot return carrier envelope, the voter casting the
19 ballot shall be notified by a precinct election official by
20 the time the canvass is completed of the reason for the
21 rejection on a form prescribed by the state commissioner of
22 elections.

23 Sec. 39. Section 53.27, Code 2005, is amended to read as
24 follows:

25 53.27 REJECTION OF BALLOT -- RETURN OF ENVELOPE.

26 If the ballot is rejected, ~~said ballot~~ the return carrier
27 envelope, with the affidavit of the voter endorsed thereon,
28 shall be returned with ~~said~~ the rejected ballot in the
29 envelope endorsed "Defective ballots".

30 Sec. 40. Section 53.30, Code 2005, is amended to read as
31 follows:

32 53.30 BALLOTS, BALLOT ENVELOPES, AND OTHER INFORMATION
33 PRESERVED.

34 At the conclusion of each meeting of the absentee and
35 special voter's precinct board, the board shall securely seal

1 all ballots counted by them in the manner prescribed in
2 section 50.12. The ~~ballot-envelopes, including the~~ return
3 carrier envelope having the registered voter's affidavit on
4 it, ~~the return-carrier-envelope,~~ and any secrecy envelope
5 bearing the signatures of precinct election officials, as
6 required by section 53.23, shall be preserved. All
7 applications for absentee ballots, ballots rejected without
8 being opened, absentee ballot logs, and any other documents
9 pertaining to the absentee ballot process shall be preserved
10 until such time as the documents may be destroyed pursuant to
11 section 50.19.

12 Sec. 41. Section 53.31, unnumbered paragraph 1, Code 2005,
13 is amended to read as follows:

14 Any person qualified to vote at the election in progress
15 may challenge the qualifications of a person casting an
16 absentee ballot by submitting a written challenge to the
17 commissioner no later than five p.m. on the day Friday before
18 the election. It is the duty of the special precinct
19 officials to challenge the absentee ballot of any person whom
20 the official knows or suspects is not duly qualified.
21 Challenges by members of the special precinct election board
22 or observers present pursuant to section 53.23 may be made at
23 any time before the close of the polls on election day. The
24 challenge shall state the reasons for which the challenge is
25 being submitted and shall be signed by the challenger. When a
26 challenge is received the absentee ballot shall be set aside
27 for consideration by the special precinct election board when
28 it meets as required by section 50.22.

29 Sec. 42. Section 53.32, Code 2005, is amended to read as
30 follows:

31 53.32 BALLOT OF DECEASED VOTER.

32 When it shall be made to appear by due proof to the
33 precinct election officials that any elector, who has so
34 marked and forwarded a ballot, has died before the ~~ballot~~
35 return carrier envelope is opened, then the ballot of such

1 deceased voter shall be endorsed, "Rejected because voter is
2 dead", and be returned to the commissioner; but the casting of
3 the ballot of a deceased voter shall not invalidate the
4 election.

5 Sec. 43. Section 376.11, unnumbered paragraphs 1 and 2,
6 Code 2005, are amended to read as follows:

7 Write-in votes are permitted to be cast in all elections
8 for city offices. A person who receives a sufficient number
9 of write-in votes to be elected to a city office shall be
10 declared the winner of the election. If a person who was
11 elected by write-in votes chooses not to serve in that office
12 the person shall submit a resignation in writing to the city
13 clerk not later than five o'clock p.m. on the tenth day
14 following the canvass of the election. If a person who was
15 elected by write-in votes resigns at a later time, the office
16 shall be considered vacant at the end of the term and the
17 council shall fill the vacancy pursuant to the provisions of
18 section 372.13, subsection 2.

19 Except in cities where the council has chosen a runoff
20 election in lieu of a primary, following the resignation of a
21 person who was elected by write-in votes, the city clerk shall
22 notify the person who received the next highest number of
23 votes cast for the office that the person may assume the
24 office. If the person accepts the position, the person shall
25 be considered the duly elected officer unless, within ten days
26 after the clerk has given notice, a petition requesting a
27 special election is filed by eligible electors of the city
28 equal in number to twenty-five percent of the number of
29 persons who voted for the office at the election. If the
30 person declines, the person shall do so in writing to the city
31 clerk within ten days and the office shall be considered
32 vacant at the end of the term. The vacancy shall be filled
33 pursuant to the provisions of section 372.13, subsection 2.
34 If the council chooses to appoint, the appointment may be made
35 before the end of the current term.

1 Code section 49.57 is amended to provide that a ballot
2 shall be printed to contain the unique identification number
3 or name assigned by the commissioner to the ballot style
4 rather than a designation of the ballot rotation.

5 Code section 49.73 is amended to provide that the polls may
6 open at noon, rather than 7 a.m., for any election conducted
7 for the unincorporated area of a county. Currently, the polls
8 may open at noon for an election in the unincorporated area of
9 the county only if it is an election on a local option sales
10 and services tax.

11 Code section 49.77 is amended to allow a county
12 commissioner of elections to print the affidavit of
13 eligibility on each page of the election register and the
14 signature of the voter in the register next to the voter's
15 printed name serves as that voter's declaration of
16 eligibility.

17 Code section 49.77 is also amended to remove the
18 requirement that the precinct election official call aloud the
19 name of each voter who has arrived at the polls to vote. The
20 section is also amended to require the state commissioner of
21 elections to adopt rules providing an alternative method for
22 observers allowed at the polling place to know the
23 identification of the voter who has arrived at the polls to
24 vote.

25 Code section 50.25 is amended to provide that the abstract
26 of votes in the general election may be made on one sheet for
27 county offices, rather than a separate sheet for each county
28 officer.

29 Code section 52.36 is amended to provide that observers
30 from each of the political parties present when ballots are
31 counted shall be appointed by the county commissioner of
32 elections. Currently, the observers from each party are to be
33 designated by the county chairperson of the party and if that
34 person does not designate someone to observe, the county
35 commissioner must make the designation.

1 Code section 53.2 is amended to allow a voter to apply in
2 person at the commissioner's office for an absentee ballot
3 from 8 a.m. until 11 a.m. on the day of the election if it is
4 an election at which the commissioner has directed that the
5 polls shall open at noon. The county commissioner of
6 elections may, by law, direct that the polls be opened at noon
7 for any school district election, city elections in cities of
8 3,500 or less population, for cities above 3,500 population if
9 there is no contested election or public measure on the
10 ballot, any benefited district, and elections on local option
11 sales and services tax in the unincorporated area of the
12 county.

13 Code section 53.2 is further amended to provide that, in a
14 general election year, any application for a general election
15 absentee ballot which is received by the commissioner on or
16 before the date of the primary election shall be returned to
17 the applicant with a notice stating that the application may
18 not be submitted until after the primary election.

19 Code section 53.2 is also amended to provide that an
20 application for an absentee ballot require the date of birth
21 of the registered voter who is applying for the absentee
22 ballot.

23 Code section 53.8 is amended to delete the requirement that
24 a separate affidavit envelope be provided to an absentee voter
25 and requires that the return carrier envelope have printed on
26 it the voter's affidavit of eligibility and a serial number.
27 The bill makes corresponding amendments in other sections of
28 Code chapter 53 and to Code section 50.20.

29 Code section 53.8 is also amended to clarify that voters
30 who expect to be patients or residents of health care
31 facilities or hospitals on election day are not prohibited
32 from voting absentee in person at the commissioner's office.

33 Code section 53.13 is amended to provide that the return
34 carrier envelope shall be in the form prescribed by the state
35 commissioner of elections. The form prescribed by the state

1 commissioner shall include a method whereby the affidavit can
2 be revealed to the county commissioner of elections while
3 allowing the envelope to remain sealed.

4 Code section 53.17 is amended to allow an immediate family
5 member of an absentee voter to deliver the voted ballot to the
6 commissioner's office. Corresponding amendments are made to
7 Code sections 39A.4 and 53.8.

8 Code section 53.18 is amended to require the county
9 commissioner of elections to review the affidavit on a return
10 carrier envelope received by the commissioner. If there is a
11 deficiency in the affidavit, the commissioner is to
12 immediately contact the voter and inform the voter of the
13 deficiency and that the deficiency may be corrected by the
14 voter in person at the commissioner's office in the time
15 allowed by statute for voting in person at the commissioner's
16 office.

17 Code section 53.18 is also amended to require the county
18 commissioner of elections to notify an absentee voter if the
19 voter's completed absentee ballot is returned in a return
20 carrier envelope that is unsealed or that has been opened and
21 resealed. The commissioner shall allow the voter to complete
22 another application and a replacement ballot in person at the
23 commissioner's office in the time allowed by statute for
24 voting in person at the commissioner's office. A
25 corresponding amendment is made to Code section 53.25.

26 Code section 53.31 is amended to change the deadline for
27 filing a challenge to an absentee voter from 5 p.m. on the day
28 before the election to 5 p.m. on the Friday before the
29 election.

30 Code section 376.11, relating to write-in votes for city
31 offices, is amended to provide that if a person elected by
32 write-in votes at a regular city election chooses not to
33 serve, the person shall submit the person's resignation to the
34 city clerk by 5 p.m. on the tenth day following the canvass of
35 that election. Currently, the resignation is required by 5

1 p.m. on the day following the canvass of the election.

2 Code section 376.11 is also amended to establish a deadline
3 for filing a petition to request a special election if a
4 write-in candidate who wins a city election declines the
5 office, and the candidate receiving the next highest number of
6 votes is declared the winner. The deadline established for
7 filing the petition is within 10 days after the clerk has
8 notified the candidate next declared the winner.

9 Code section 53.35, which makes it unlawful for a person to
10 fail to return an absentee ballot, is repealed. A
11 corresponding amendment is made to Code section 39A.5.

12 The bill applies to elections held on or after January 1,
13 2006.

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