

FILED FEB 8 2005

SENATE FILE 123
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 52)

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

A BILL FOR

1 An Act allowing an immediate family member to return a voted
2 absentee ballot in person to the office of the county
3 commissioner of elections.

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

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SF 123

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

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

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

18 Sec. 2. Section 53.8, subsection 2, Code 2005, is amended
19 to read as follows:

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

1 Sec. 3. Section 53.17, subsection 1, paragraph a, Code
2 2005, is amended to read as follows:

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

10 EXPLANATION

11 This bill allows an immediate family member of an absentee
12 voter to deliver the voted ballot to the commissioner's
13 office. Corresponding amendments are made to Code sections
14 39A.4 and 53.8.

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SENATE FILE 123

H-1102

1 Amend Senate File 123, as passed by the Senate, as
2 follows:

3 1. Page 1, line 6, by striking the word "of" and
4 inserting the following: "authorized by".

5 2. Page 1, line 7, by striking the word "voter,"
6 and inserting the following: "voter to return the
7 ballot,".

8 3. Page 1, line 14, by striking the words "of the
9 voter," and inserting the following: "authorized by
10 the voter to return the ballot,".

11 4. Page 2, by inserting after line 9, the
12 following:

13 "If the sealed carrier envelope is delivered by an
14 immediate family member of the voter, the immediate
15 family member shall, upon delivery of the envelope to
16 the commissioner, complete a form provided by the
17 commissioner containing the following information:

18 (1) The immediate family member's name and
19 address.

20 (2) The immediate family member's relationship to
21 the voter.

22 (3) The serial number on the sealed carrier
23 envelope.

24 (4) An attestation stating that the immediate
25 family member was authorized by the voter to return
26 the sealed carrier envelope.

27 (5) The signature of the immediate family member."

COMMITTEE ON STATE GOVERNMENT

ELGIN of Linn, Chairperson

H-1102 FILED MARCH 17, 2005

SENATE FILE 123

H-1256

1 Amend Senate File 123, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting before line 10, the
4 following:

5 "Sec. ____ . Section 53.17, subsection 5, Code 2005,
6 is amended to read as follows:

7 5. For purposes of this section, "immediate family
8 member" means the spouse, domestic partner, adult
9 child or stepchild, adult grandchild, parent or
10 stepparent, grandparent, or adult sibling of the
11 voter."

12 2. By renumbering as necessary.

By MASCHER of Johnson

H-1256 FILED MARCH 30, 2005