

House File 350 - Introduced

HOUSE FILE _____
BY GASKILL

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

A BILL FOR

1 An Act relating to the conduct of elections and voter
2 registration and including effective and applicability date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1512HH 82
6 sc/gg/14

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1 1 DIVISION I
1 2 GENERAL PROVISIONS RELATING
1 3 TO CONDUCT OF ELECTIONS
1 4 Section 1. Section 2.27, Code 2007, is amended to read as
1 5 follows:
1 6 2.27 CANVASS OF VOTES FOR GOVERNOR.
1 7 The general assembly shall meet in joint session on the
1 8 same day the assembly first convenes in January of 1979 and
1 9 every four years thereafter as soon as both houses have been
1 10 organized, and canvass the votes cast for governor and
1 11 lieutenant governor and determine the election. ~~If an~~
~~1 12 election is necessary under section 69.13 to fill a vacancy in~~
~~1 13 the office of lieutenant governor, the general assembly shall~~
~~1 14 similarly meet on the day it convenes in the January following~~
~~1 15 that election and canvass the vote cast for the office.~~ When
1 16 the canvass is completed, the oath of office shall be
1 17 administered to the persons or person so declared elected.
1 18 Upon being inaugurated the governor shall deliver to the joint
1 19 assembly any message the governor may deem expedient.
1 20 Sec. 2. Section 43.6, subsection 2, Code 2007, is amended
1 21 to read as follows:
1 22 2. When a vacancy occurs in the office of county
1 23 supervisor or any of the offices listed in section 39.17 and
1 24 more than seventy days remain in the term of office following
1 25 the next general election, the office shall be filled for the
1 26 balance of the unexpired term at that general election unless
1 27 the vacancy has been filled by a special election called more
1 28 than seventy=three days before the primary election. If the
1 29 vacancy occurs more than seventy=three days before the primary
1 30 election, political party candidates for that office at the
1 31 next general election shall be nominated at the primary
1 32 election. If an appointment to fill the vacancy in office is
1 33 made eighty=eight or more days before the primary election and
1 34 a petition requesting a special election has not been received
1 35 within fourteen days after the appointment is made, candidates
2 1 for the office shall be nominated at the primary election.
2 2 Sec. 3. Section 43.14, Code 2007, is amended to read as
2 3 follows:
2 4 43.14 FORM OF NOMINATION PAPERS.
2 5 1. Nomination papers shall include a petition and an
2 6 affidavit of candidacy. All nomination petitions shall be
2 7 eight and one-half by eleven inches in size and in
2 8 substantially the form prescribed by the state commissioner of
2 9 elections. They shall include or provide spaces for the
2 10 following information:
2 11 a. A statement identifying the signers of the petition as
2 12 eligible electors of the appropriate county or legislative
2 13 district and of the state.
2 14 b. The name of the candidate nominated by the petition.
2 15 c. For nomination petitions for candidates for the general
2 16 assembly, a statement that the residence of the candidate is
2 17 within the appropriate legislative district, or if that is not
2 18 true, that the candidate will reside there within sixty days
2 19 before the election. For other offices, a statement of the

2 20 name of the county where the candidate resides.
2 21 d. The political party with which the candidate is a
2 22 registered voter.
2 23 e. The office sought by the candidate, including the
2 24 district number, if any.
2 25 f. The date of the primary election for which the
2 26 candidate is nominated.

2 27 2. Signatures on a petition page shall be counted only if
2 28 the required information required in subsection 1 is written
2 29 or printed at the top of the page. Nomination papers on
2 30 behalf of candidates for seats in the general assembly need
2 31 only designate the number of the senatorial or representative
2 32 district, as appropriate, and not the county or counties, in
2 33 which the candidate and the petitioners reside. A signature
2 34 line shall not be counted if the line lacks the signature of
2 35 the eligible elector and the signer's address and city. The
~~3 1 person examining the petition shall mark any deficiencies on~~
~~3 2 the petition and affidavit. A signature line shall not be~~
3 3 counted if the signer's address is obviously outside the
3 4 boundaries of the district.

3 5 ~~2. 3. The person examining the petition shall mark any~~
3 6 ~~deficiencies on the petition and affidavit. Signed nomination~~
3 7 ~~petitions and the signed and notarized affidavit of candidacy~~
3 8 ~~shall not be altered to correct deficiencies noted during~~
3 9 ~~examination. If the nomination petition lacks a sufficient~~
3 10 ~~number of acceptable signatures, the nomination petition shall~~
3 11 ~~be rejected and shall be returned to the candidate.~~

3 12 4. The nomination papers shall be rejected if the
3 13 affidavit lacks any of the following:
3 14 a. The candidate's name.
3 15 b. The name of the office sought, including the district,
3 16 if any.
3 17 c. The political party name.
3 18 d. The signature of the candidate.
3 19 e. The signature of a notary public or other officer
3 20 empowered to witness oaths.

3 21 5. The candidate may replace a deficient affidavit with a
3 22 corrected affidavit only if the replacement affidavit is filed
3 23 before the filing deadline. The candidate may resubmit a
3 24 nomination petition that has been rejected by adding a
3 25 sufficient number of pages or signatures to correct the
3 26 deficiency. A nomination petition and affidavit filed to
3 27 replace rejected nomination papers shall be filed together
3 28 before the deadline for filing.

3 29 Sec. 4. Section 45.5, Code 2007, is amended to read as
3 30 follows:

3 31 45.5 FORM OF NOMINATION PAPERS.

3 32 1. Nomination papers shall include a petition and an
3 33 affidavit of candidacy. All nomination petitions shall be
3 34 eight and one-half by eleven inches in size and shall be in
3 35 substantially the form prescribed by the state commissioner of
4 1 elections. They shall provide spaces for the following
4 2 information:

4 3 a. A statement identifying the signers of the petition as
4 4 eligible electors of the appropriate ward, city, county,
4 5 school district or school district director district, or
4 6 legislative district and of the state of Iowa.
4 7 b. The name of the candidate nominated by the petition.
4 8 c. A statement that the candidate is or will be a resident
4 9 of the appropriate ward, city, county, school district, or
4 10 legislative or other district as required by section 39.27.
4 11 d. The office sought by the candidate, including the
4 12 district number, if any.
4 13 e. The name and date of the election for which the
4 14 candidate is nominated.

4 15 2. Signatures on a petition page shall be counted only if
4 16 the required information required in subsection 1 is written
4 17 or printed at the top of the page. Nomination papers on
4 18 behalf of candidates for seats in the general assembly need
4 19 only designate the number of the senatorial or representative
4 20 district, as appropriate, and not the county or counties, in
4 21 which the candidate and the petitioners reside. A signature
4 22 line in a nomination petition shall not be counted if the line
4 23 lacks the signature of the eligible elector and the signer's
4 24 address and city. The person examining the petition shall
~~4 25 mark any deficiencies on the petition. A signature line shall~~
~~4 26 not be counted if the signer's address is obviously outside~~
4 27 the boundaries of the appropriate ward, city, school district
4 28 or school district director district, legislative district, or
4 29 other district.

4 30 ~~2. 3.~~ The pages of the petition shall be securely

4 31 fastened together to form a single bundle. Nomination
4 32 petitions that are not bound shall be returned without further
4 33 examination. The state commissioner shall prescribe by rule
4 34 the acceptable methods for binding nomination petitions.

4 35 ~~3-~~ 4. The person examining the petition shall mark any
5 1 deficiencies on the petition. Signed nomination petitions and
5 2 the signed and notarized affidavit of candidacy shall not be
5 3 altered to correct deficiencies noted during the examination.
5 4 If the nomination petition lacks a sufficient number of
5 5 acceptable signatures, the nomination papers shall be rejected
5 6 and returned to the candidate.

5 7 5. The nomination papers shall be rejected if the
5 8 affidavit lacks any of the following:
5 9 a. The candidate's name.
5 10 b. The name of the office sought, including the district,
5 11 if any.
5 12 c. The signature of the candidate.
5 13 d. The signature of a notary public or other officer
5 14 empowered to witness oaths.

5 15 6. The candidate may replace a deficient affidavit with a
5 16 corrected one only if the replacement is filed before the
5 17 filing deadline. The candidate may resubmit a nomination
5 18 petition that has been rejected by adding a sufficient number
5 19 of pages or signatures to correct the deficiency. A
5 20 nomination petition and affidavit filed to replace rejected
5 21 nomination papers shall be filed together before the deadline
5 22 for filing.

5 23 Sec. 5. Section 45.6, subsection 3, Code 2007, is amended
5 24 to read as follows:

5 25 3. All signers, for all nominations, of each separate part
5 26 of a nomination petition, shall reside in the appropriate
5 27 ward, city, county, school district or school district
5 28 director district, or legislative district, or other district
5 29 as required by section 45.1.

5 30 Sec. 6. Section 49.8, Code 2007, is amended by adding the
5 31 following new subsection:

5 32 NEW SUBSECTION. 6A. Precinct boundaries established by a
5 33 city council pursuant to section 49.5 or 49.6 and not changed
5 34 under subsections 1 through 5 since the most recent federal
5 35 decennial census, may be redrawn by the city council in
6 1 accordance with sections 49.3 and 49.5 once during the period
6 2 beginning January 1 of the second year following a year in
6 3 which a federal decennial census is taken and ending June 30
6 4 of the year immediately following the year in which the next
6 5 succeeding federal decennial census is taken, if the
6 6 commissioner recommends that the change will effect a
6 7 substantial savings in election costs. Changes made under
6 8 this subsection shall be made not later than ninety-nine days
6 9 before a city primary or runoff election, unless the changes
6 10 will not take effect until January 1 of the next odd-numbered
6 11 year.

6 12 Sec. 7. Section 49.14, subsection 1, Code 2007, is amended
6 13 to read as follows:

6 14 1. The commissioner may appoint substitute precinct
6 15 election officials as alternates for election board members.
6 16 ~~A majority of the original election board members shall be~~
~~6 17 present at the precinct polling place at all times; at~~
~~6 18 partisan elections such majority shall include at least one~~
~~6 19 precinct election official from each political party. If the~~
~~6 20 chairperson leaves the polling place, the chairperson shall~~
~~6 21 designate another member of the board to serve as chairperson~~
~~6 22 until the chairperson returns. The responsibilities and~~
6 23 duties of a precinct election official, other than the
6 24 chairperson, present at the time the polling place was opened
6 25 on the day of an election may be assumed at any later time
6 26 that day by a substitute appointed as an alternate. The
6 27 substitute shall serve either for the balance of that election
6 28 day or for any shorter period of time the commissioner may
6 29 designate. At partisan elections, a substitute precinct
6 30 election official assuming the duties of a precinct election
6 31 official shall be a member of the same political party as the
6 32 precinct election official whose duties are being assumed.

6 33 Sec. 8. Section 49.57, subsections 2 and 3, Code 2007, are
6 34 amended to read as follows:

6 35 2. In the area of the general election ballot for straight
7 1 party voting, the party or organization names shall be printed
7 2 in capital upper case and lower case letters of using a
7 3 uniform font size, in for each political party or nonparty
7 4 political organization. The font size shall be not less than
7 5 twelve point type. After the name of each candidate for a
7 6 partisan office the name of the candidate's political party

7 7 shall be printed in at least six point type. The names of
7 8 political parties and nonparty political organizations may be
7 9 abbreviated on the remainder of the ballot if both the full
7 10 name and the abbreviation appear in the "Straight Party" and
7 11 "Other Political Party" areas of the ballot.

7 12 3. The names of candidates shall be printed in capital
7 13 upper case and lower case letters, of using a uniform font
7 14 size throughout the ballot, in. The font size shall be not
7 15 less than ten point type.

7 16 Sec. 9. Section 49.57, Code 2007, is amended by adding the
7 17 following new subsection:

7 18 NEW SUBSECTION. 3A. In no case shall the font size for
7 19 public measures, constitutional amendments, and constitutional
7 20 convention questions, and summaries thereof, be less than ten
7 21 point type.

7 22 Sec. 10. Section 49.57, subsection 5, Code 2007, is
7 23 amended to read as follows:

7 24 5. A portion of the ballot, which can be shown to the
7 25 precinct officials without revealing any of the marks made by
7 26 the voter, shall include the words "Official ballot", a
7 27 ~~designation of the ballot rotation, if any the unique~~
7 28 ~~identification number or name assigned by the commissioner to~~
7 29 ~~the ballot style~~, the date of the election, and a facsimile of
7 30 the signature of the commissioner who has caused the ballot to
7 31 be printed pursuant to section 49.51.

7 32 Sec. 11. Section 49.73, subsection 1, paragraph e, Code
7 33 2007, is amended to read as follows:

7 34 e. ~~The Any election conducted for the unincorporated area~~
7 35 ~~of any a county voting on a local option sales and services~~
8 1 ~~tax pursuant to section 423B.1.~~

8 2 Sec. 12. Section 49.79, Code 2007, is amended to read as
8 3 follows:

8 4 49.79 CHALLENGES.

8 5 1. Any person offering to vote may be challenged as
8 6 unqualified by any precinct election official or registered
8 7 voter. It is the duty of each official to challenge any
8 8 person offering to vote whom the official knows or suspects is
8 9 not duly qualified. A ballot shall be received from a voter
8 10 who is challenged, but only in accordance with section 49.81.

8 11 2. A person may be challenged for any of the following
8 12 reasons:

8 13 a. The challenged person is not a citizen of the United
8 14 States.

8 15 b. The challenged person is less than eighteen years of
8 16 age as of the date of the election at which the person is
8 17 offering to vote.

8 18 c. The challenged person is not a resident at the address
8 19 where the person is registered. However, a person who is
8 20 reporting a change of address at the polls on election day
8 21 pursuant to section 48A.27, subsection 2, paragraph "a",
8 22 subparagraph (3), shall not be challenged for this reason.

8 23 d. The challenged person is not a resident of the precinct
8 24 where the person is offering to vote.

8 25 e. The challenged person has falsified information on the
8 26 person's registration form or on the person's declaration of
8 27 eligibility.

8 28 f. The challenged person has been convicted of a felony,
8 29 and the person's voting rights have not been restored.

8 30 g. The challenged person has been adjudged by a court of
8 31 law to be a person who is incompetent to vote and no
8 32 subsequent proceeding has reversed that finding.

8 33 Sec. 13. Section 50.16, Code 2007, is amended to read as
8 34 follows:

8 35 50.16 TALLY LIST OF BOARD.

9 1 The tally list shall be prepared in writing by the election
9 2 board giving, in legibly printed numerals, the total number of
9 3 people who cast ballots in the precinct, the total number of
9 4 ballots cast for each ~~officer~~ office, except those rejected,
9 5 the name of each person voted for, and the number of votes
9 6 given to each person for each different office. The tally
9 7 list shall be signed by the precinct election officials, and
9 8 be substantially as follows:

9 9 At an election at in township, or in
9 10 precinct of city or township, in county, state of
9 11 Iowa, on the ... day of A.D. ..., there were ... ballots
9 12 cast for the office of of which
9 13 (Candidate's name) had .. votes.
9 14 (Candidate's name) had .. votes.
9 15 (and in the same manner for any other officer).

9 16 A true tally list:

9 17 (Name) Election Board

9 18 (Name) Members.
9 19 (Name)
9 20 Attest:
9 21 (Name) Designated
9 22 (Name) Tally Keepers.
9 23 Sec. 14. Section 50.25, subsection 7, Code 2007, is
9 24 amended by striking the subsection.
9 25 Sec. 15. Section 50.25, Code 2007, is amended by adding
9 26 the following new unnumbered paragraph:
9 27 NEW UNNUMBERED PARAGRAPH. The abstract of the votes for
9 28 each county office is not required to be made on a different
9 29 sheet.
9 30 Sec. 16. Section 52.7, Code 2007, is amended by striking
9 31 the section and inserting in lieu thereof the following:
9 32 52.7 CONSTRUCTION OF MACHINE APPROVED == REQUIREMENTS.
9 33 1. A voting machine approved by the state board of
9 34 examiners for voting machines and electronic voting systems
9 35 shall meet all of the following requirements:
10 1 a. Provide facilities for voting for the candidates of at
10 2 least seven different political parties or nonparty political
10 3 organizations.
10 4 b. Permit a voter to vote for any person for any office,
10 5 although not nominated as a candidate by any party or
10 6 organization.
10 7 c. Permit voting in absolute secrecy.
10 8 d. Prevent voting for more than one person for the same
10 9 office, except where a voter is lawfully entitled to vote for
10 10 more than one person for that office.
10 11 e. Afford a voter an opportunity to vote for any or all
10 12 persons for that office as the voter is by law entitled to
10 13 vote for and no more, at the same time preventing a voter from
10 14 voting for the same person twice.
10 15 f. Provide a voter with an opportunity to change a vote
10 16 before the ballot is recorded and counted.
10 17 g. Present together the names of each team of candidates
10 18 for president and vice president and for governor and
10 19 lieutenant governor. The votes for a team shall be counted as
10 20 a vote for both candidates of the team.
10 21 h. Provide a voter with a method for casting write-in
10 22 votes for paired offices so that the voter can specify one
10 23 person as a candidate for president or for governor and one
10 24 person as a candidate for vice president or for lieutenant
10 25 governor.
10 26 i. Accurately account for every vote cast upon it.
10 27 j. Remove information from the ballot identifying the
10 28 voter before the ballot is recorded and counted.
10 29 2. In addition to the requirements in subsection 1, a
10 30 voting machine that is a direct recording electronic device
10 31 approved by the state board of examiners for voting machines
10 32 and electronic voting systems shall meet all of the following
10 33 requirements:
10 34 a. Permit straight party voting, pursuant to section
10 35 49.94, for all political parties and nonparty political
11 1 organizations on the ballot.
11 2 b. Store an electronic image of each ballot cast separate
11 3 from the ballot tabulation function, which ballot image may be
11 4 reproduced on paper and considered as evidence in the case of
11 5 a recount, manual audit, or machine malfunction. If the paper
11 6 record used as evidence in a recount or manual audit is
11 7 printed on a continuous paper roll, the recount board shall
11 8 cut the paper roll into separate sections for each ballot
11 9 record, or randomly for groups of ballot records, before
11 10 conducting the recount or manual audit. The state
11 11 commissioner of elections shall adopt rules to implement this
11 12 paragraph.
11 13 Sec. 17. Section 52.25, unnumbered paragraph 2, Code 2007,
11 14 is amended to read as follows:
11 15 The entire convention question, amendment, or public
11 16 measure shall be printed and displayed prominently in at least
11 17 four places within the voting precinct, and inside each voting
11 18 booth, or on the left-hand side inside the curtain of each
11 19 voting machine, the printing to be in conformity with the
11 20 provisions of chapter 49. The question, amendment, or
11 21 measure, and summaries thereof, shall be printed on the
11 22 special paper ballots or on the inserts used in the voting
11 23 machines. In no case shall the font size be less than ten
11 24 point type. The public measure shall be summarized by the
11 25 commissioner ~~and in the largest type possible printed on the~~
~~11 26 special paper ballots or inserts used in the voting machines,~~
11 27 except that:
11 28 Sec. 18. Section 52.36, unnumbered paragraph 1, Code 2007,

11 29 is amended to read as follows:

11 30 All proceedings at the counting center shall be under the
11 31 direction of the commissioner and open to the public. The
11 32 proceedings shall be under the observation of at least one
11 33 member of each of the political parties referred to in section
11 34 49.13, designated by the county chairperson ~~or, if, However,~~
11 35 ~~if the chairperson fails to make a designation, by the~~
12 1 commissioner may continue with the proceedings at the counting
12 2 center. No person except those employed and authorized by the
12 3 commissioner for the purpose shall touch any ballot or ballot
12 4 container.

12 5 Sec. 19. Section 58.1, Code 2007, is amended to read as
12 6 follows:

12 7 58.1 NOTICE == GROUNDS.

12 8 The contestant for the office of governor ~~or lieutenant~~
12 9 ~~governor~~ shall, within thirty days after the proclamation of
12 10 the result of the election, deliver to the presiding officer
12 11 of each house of the general assembly a notice of intent to
12 12 contest, and a specification of the grounds of such contest,
12 13 as provided in chapter 62.

12 14 Sec. 20. Section 376.11, unnumbered paragraphs 1 and 2,
12 15 Code 2007, are amended to read as follows:

12 16 Write-in votes are permitted to be cast in all elections
12 17 for city offices. A person who receives a sufficient number
12 18 of write-in votes to be elected to a city office shall be
12 19 declared the winner of the election. If a person who was
12 20 elected by write-in votes chooses not to serve in that office
12 21 the person shall submit a resignation in writing to the city
12 22 clerk not later than five ~~o'clock~~ p.m. on the tenth day
12 23 following the canvass of the election. If a person who was
12 24 elected by write-in votes resigns at a later time, the office
12 25 shall be considered vacant at the end of the term and the
12 26 council shall fill the vacancy pursuant to the provisions of
12 27 section 372.13, subsection 2.

12 28 Except in cities where the council has chosen a runoff
12 29 election in lieu of a primary, following the resignation of a
12 30 person who was elected by write-in votes, the city clerk shall
12 31 notify the person who received the next highest number of
12 32 votes cast for the office that the person may assume the
12 33 office. If the person accepts the position, the person shall
12 34 be considered the duly elected officer unless, within ten days
12 35 after the clerk has given notice, a petition requesting a

13 1 special election is filed by eligible electors of the city
13 2 equal in number to twenty-five percent of the number of
13 3 persons who voted for the office at the election. If the
13 4 person declines, the person shall do so in writing to the city
13 5 clerk within ten days and the office shall be considered
13 6 vacant at the end of the term. The vacancy shall be filled
13 7 pursuant to the provisions of section 372.13, subsection 2.
13 8 If the council chooses to appoint, the appointment may be made
13 9 before the end of the current term.

13 10 Sec. 21. EFFECTIVE AND APPLICABILITY DATES.

13 11 1. The section of this division of this Act amending
13 12 section 49.8, being deemed of immediate importance, takes
13 13 effect upon enactment and applies to elections held on or
13 14 after January 1, 2008.

13 15 2. The remainder of this division of this Act applies to
13 16 elections held on or after January 1, 2008.

13 17 DIVISION II
13 18 ABSENTEE VOTING

13 19 Sec. 22. Section 39A.4, subsection 1, paragraph c,
13 20 subparagraphs (10), (11), and (12), Code 2007, are amended to
13 21 read as follows:

13 22 (10) As an incumbent officeholder of, or a candidate for,
13 23 an office being voted for at the election in progress, serving
13 24 as a member of a challenging committee or observer under
13 25 section 49.104, subsection 2, 5, or 6, or section 53.23,
13 26 subsection 4.

13 27 (11) Returning a voted absentee ballot, by mail or in
13 28 person, to the commissioner's office and the person returning
13 29 the ballot is not the voter, an immediate family member
13 30 authorized by the voter to return the ballot, an absentee
13 31 ballot courier, a special precinct election official
13 32 designated pursuant to section 53.22, subsection 1, or the
13 33 designee of a voter described in section 53.22, subsection 5.

13 34 (12) Making a false or untrue statement reporting that a
13 35 voted absentee ballot was returned to the commissioner's
14 1 office, by mail or in person, by a person other than the
14 2 voter, an immediate family member authorized by the voter to
14 3 return the ballot, an absentee ballot courier, a special
14 4 precinct election official designated pursuant to section

14 5 53.22, subsection 1, or the designee of a voter described in
14 6 section 53.22, subsection 5.

14 7 Sec. 23. Section 39A.5, subsection 1, paragraph b,
14 8 subparagraph (2), Code 2007, is amended to read as follows:

14 9 ~~(2) Neglecting or refusing to return an absentee ballot in~~
~~14 10 violation of section 53.35, or violating~~ Violating any other
14 11 provision of chapter 53 for which another penalty is not
14 12 provided.

14 13 Sec. 24. Section 49.63, Code 2007, is amended to read as
14 14 follows:

14 15 49.63 TIME OF PRINTING == INSPECTION AND CORRECTION.

14 16 Ballots shall be printed and in the possession of the
14 17 commissioner in time to enable the commissioner to furnish
14 18 ballots to absent voters as provided by sections 53.8, 53.10,
14 19 and 53.11. The printed ballots shall be subject to the
14 20 inspection of candidates and their agents. If mistakes are
14 21 discovered, they shall be corrected without delay, in the
14 22 manner provided in this chapter.

14 23 Sec. 25. Section 53.2, subsections 1 and 4, Code 2007, are
14 24 amended to read as follows:

14 25 1. Any registered voter, under the circumstances specified
14 26 in section 53.1, may on any day, except election day, and not
14 27 more than seventy days prior to the date of the election,
14 28 apply in person for an absentee ballot at the commissioner's
14 29 office or at any location designated by the commissioner.

14 30 However, for those elections in which the commissioner directs
14 31 the polls be opened at noon pursuant to section 49.73, a voter
14 32 may apply in person for an absentee ballot at the
14 33 commissioner's office from eight a.m. until eleven a.m. on
14 34 election day.

14 35 PARAGRAPH DIVIDED. A registered voter may make written
15 1 application to the commissioner for an absentee ballot. A
15 2 written application for an absentee ballot must be received by
15 3 the commissioner no later than five p.m. on the Friday before
15 4 the election. A written application for an absentee ballot
15 5 delivered to the commissioner and received by the commissioner
15 6 more than seventy days prior to the date of the election shall
15 7 be retained by the commissioner and processed in the same
15 8 manner as a written application received not more than seventy
15 9 days before the date of the election.

15 10 4. Each application shall contain the name and signature
15 11 of the registered voter, the registered voter's date of birth,
15 12 the address at which the voter is registered to vote, and the
15 13 name or date of the election for which the absentee ballot is
15 14 requested, and such other information as may be necessary to
15 15 determine the correct absentee ballot for the registered
15 16 voter. If insufficient information has been provided, the
15 17 commissioner shall, by the best means available, obtain the
15 18 additional necessary information.

15 19 Sec. 26. Section 53.7, subsection 1, Code 2007, is amended
15 20 to read as follows:

15 21 1. It shall be unlawful for any employee of the state or
15 22 any employee of a political subdivision to solicit any
15 23 application or request for application for an absentee ballot,
15 24 or to take an affidavit in connection with any absentee ballot
15 25 while the employee is on the employer's premises or otherwise
15 26 in the course of employment. However, any such employee may
15 27 take such affidavit in connection with an absentee ballot
15 28 which is cast by the registered voter in person in the office
15 29 where such employee is employed in accordance with section
15 30 53.10 or 53.11. This subsection shall not apply to any
15 31 elected official.

15 32 Sec. 27. Section 53.8, subsection 2, Code 2007, is amended
15 33 to read as follows:

15 34 2. If an application is received so late that it is
15 35 unlikely that the absentee ballot can be returned in time to
16 1 be counted on election day, the commissioner shall enclose
16 2 with the absentee ballot a statement to that effect. The
16 3 statement shall also point out that it is possible for the
16 4 applicant, an immediate family member of the applicant, or the
16 5 applicant's designee if the absentee ballot is voted by a
16 6 voter described in section 53.22, subsection 5, to personally
16 7 deliver the completed absentee ballot to the office of the
16 8 commissioner at any time before the closing of the polls on
16 9 election day. The statement shall also point out that it is
16 10 possible for an absentee ballot courier to personally deliver
16 11 the completed absentee ballot to the office of the
16 12 commissioner within seventy-two hours of retrieving the
16 13 completed ballot or before the closing of the polls on
16 14 election day, whichever is earlier.

16 15 Sec. 28. Section 53.8, subsection 3, unnumbered paragraph

16 16 3, Code 2007, is amended to read as follows:

16 17 Nothing in this subsection nor in section 53.22 shall be
16 18 construed to prohibit a registered voter who is a hospital
16 19 patient or resident of a health care facility, or who
16 20 anticipates entering a hospital or health care facility before
16 21 the date of a forthcoming election, from casting an absentee
16 22 ballot in the manner prescribed by section 53.10 or 53.11.

16 23 Sec. 29. Section 53.17, subsection 1, paragraph a, Code
16 24 2007, is amended to read as follows:

16 25 a. (1) The sealed carrier envelope may be delivered by
16 26 the registered voter, by an immediate family member of the
16 27 voter, by the special precinct election officials designated
16 28 pursuant to section 53.22, subsection 1, or by the voter's
16 29 designee if the absentee ballot is voted by a voter described
16 30 in section 53.22, subsection 5, to the commissioner's office
16 31 no later than the time the polls are closed on election day.

16 32 (2) If the sealed carrier envelope is delivered by an
16 33 immediate family member of the voter, the immediate family
16 34 member shall, upon delivery of the envelope to the
16 35 commissioner, complete a form provided by the commissioner
17 1 containing the following information:

17 2 (a) The immediate family member's name and address.

17 3 (b) The immediate family member's relationship to the
17 4 voter.

17 5 (c) The serial number on the sealed carrier envelope.

17 6 (d) An attestation stating that the immediate family

17 7 member was authorized by the voter to return the sealed
17 8 carrier envelope.

17 9 (e) The signature of the immediate family member.

17 10 Sec. 30. Section 53.22, subsection 1, paragraph a,
17 11 unnumbered paragraph 1, Code 2007, is amended to read as
17 12 follows:

17 13 A registered voter who has applied for an absentee ballot,
17 14 in a manner other than that prescribed by section 53.10 or
17 15 53.11, and who is a resident or patient in a health care
17 16 facility or hospital located in the county to which the
17 17 application has been submitted shall be delivered the
17 18 appropriate absentee ballot by two special precinct election
17 19 officers, one of whom shall be a member of each of the
17 20 political parties referred to in section 49.13, who shall be
17 21 appointed by the commissioner from the election board panel
17 22 for the special precinct established by section 53.20. The
17 23 special precinct election officers shall be sworn in the
17 24 manner provided by section 49.75 for election board members,
17 25 shall receive compensation as provided in section 49.20 and
17 26 shall perform their duties during the ten calendar days
17 27 preceding the election and on election day if all ballots
17 28 requested under section 53.8, subsection 3, have not
17 29 previously been delivered and returned.

17 30 Sec. 31. Section 53.23, subsection 3, unnumbered paragraph
17 31 1, Code 2007, is amended to read as follows:

17 32 The commissioner shall set the convening time for the
17 33 board, allowing a reasonable amount of time to complete
17 34 counting all absentee ballots by ten p.m. on election day.
17 35 The commissioner may direct the board to meet on the day
18 1 before the election solely for the purpose of reviewing the
18 2 absentee voters' affidavits appearing on the sealed ballot
18 3 envelopes. If in the commissioner's judgment this procedure
18 4 is necessary due to the number of absentee ballots received,
18 5 the members of the board may open the sealed ballot envelopes
18 6 and remove the secrecy envelope containing the ballot, but
18 7 under no circumstances shall a secrecy envelope be opened
18 8 before the board convenes on election day. If the ballot
18 9 envelopes are opened before election day, two observers, one
18 10 appointed by each of the two political parties referred to in
18 11 section 49.13, subsection 2, shall witness the proceedings.
18 12 However, if either or both political parties fail to appoint
18 13 an observer, the commissioner may continue with the
18 14 proceedings.

18 15 Sec. 32. Section 53.31, unnumbered paragraph 1, Code 2007,
18 16 is amended to read as follows:

18 17 Any person qualified to vote at the election in progress
18 18 may challenge the qualifications of a person casting an
18 19 absentee ballot by submitting a written challenge to the
18 20 commissioner no later than five p.m. on the ~~day~~ Friday before
18 21 the election. It is the duty of the special precinct
18 22 officials to challenge the absentee ballot of any person whom
18 23 the official knows or suspects is not duly qualified.
18 24 Challenges by members of the special precinct election board
18 25 or observers present pursuant to section 53.23 may be made at
18 26 any time before the close of the polls on election day. The

18 27 challenge shall state the reasons for which the challenge is
18 28 being submitted and shall be signed by the challenger. When a
18 29 challenge is received the absentee ballot shall be set aside
18 30 for consideration by the special precinct election board when
18 31 it meets as required by section 50.22.

18 32 Sec. 33. Section 53.37, Code 2007, is amended to read as
18 33 follows:

18 34 53.37 DEFINITIONS.

18 35 1. This division is intended to implement the federal
19 1 Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. }
19 2 1973ff et seq.

19 3 2. The term "armed forces of the United States", as used
19 4 in this division, shall mean the army, navy, marine corps,
19 5 coast guard, and air force of the United States.

19 6 3. For the purpose of absentee voting only, there shall be
19 7 included in the term "armed forces of the United States" the
19 8 following:

19 9 ~~1- a.~~ Spouses and dependents of members of the armed
19 10 forces while in active service.

19 11 ~~2- b.~~ Members of the merchant marine of the United States
19 12 and their spouses and dependents.

19 13 ~~3- c.~~ Civilian employees of the United States in all
19 14 categories serving outside the territorial limits of the
19 15 several states of the United States and the District of
19 16 Columbia and their spouses and dependents when residing with
19 17 or accompanying them, whether or not the employee is subject
19 18 to the civil service laws and the Classification Act of 1949,
19 19 and whether or not paid from funds appropriated by the
19 20 Congress.

19 21 ~~4- d.~~ Members of religious groups or welfare agencies
19 22 assisting members of the armed forces, who are officially
19 23 attached to and serving with the armed forces, and their
19 24 spouses and dependents.

19 25 ~~5- e.~~ Citizens of the United States who do not fall under
19 26 any of the categories described in subsections 1 to 4, but who
19 27 are entitled to register and vote pursuant to section 48A.5,
19 28 subsection 4.

19 29 4. For the purposes of this division, "qualified voter"
19 30 means a person who is included within the term "armed forces
19 31 of the United States" as described in this section, who would
19 32 be qualified to register to vote under section 48A.5,
19 33 subsection 2, except for residency, and who is not
19 34 disqualified from registering to vote and voting under section
19 35 48A.6.

20 1 Sec. 34. Section 53.38, Code 2007, is amended to read as
20 2 follows:

20 3 53.38 WHAT CONSTITUTES REGISTRATION.

20 4 Whenever a ballot is requested pursuant to section 53.39 or
20 5 53.45 on behalf of a voter in the armed forces of the United
20 6 States, the affidavit upon the ballot envelope of such voter,
20 7 if the voter is found to be an eligible elector of the county
20 8 to which the ballot is submitted, shall constitute a
20 9 sufficient registration under chapter 48A. A completed
20 10 federal postcard registration and federal absentee ballot
20 11 request form submitted by such eligible elector shall also
20 12 constitute a sufficient registration under chapter 48A. The
20 13 commissioner shall place the voter's name on the registration
20 14 record as a registered voter if it does not already appear
20 15 there. The identification requirements of section 48A.8 and
20 16 the verification requirements of section 48A.25A do not apply
20 17 to persons who register to vote under this division.

20 18 Sec. 35. Section 53.41, Code 2007, is amended to read as
20 19 follows:

20 20 53.41 RECORDS BY COMMISSIONER == EXCESS REQUESTS OR
20 21 BALLOTS.

20 22 1. The commissioner of each county shall establish and
20 23 maintain a record of all requests for ballots which are made,
20 24 and of all ballots transmitted, and the manner of transmittal,
20 25 from and received in the commissioner's office under the
20 26 provisions of this division.

20 27 2. If more than one request for absent voter's ballot for
20 28 a particular election is made to the commissioner before the
20 29 ballots are ready to mail by or on behalf of a voter in the
20 30 armed forces of the United States, the last request first
20 31 received shall be honored, except that if one of the requests
20 32 is made by the voter, and a request on the voter's behalf has
20 33 not been previously honored, the request of the voter shall be
20 34 honored in preference to a request made on the voter's behalf
20 35 by another.

21 1 3. Not more than one ballot shall be transmitted by the
21 2 commissioner to any voter for a particular election unless

21 3 after the ballot has been mailed the voter reports a change in
21 4 the address to which the ballot should be sent. A ballot
21 5 shall be mailed using a serial number that indicates that this
21 6 is a replacement sent to an updated address. The original
21 7 ballot shall be counted only if the replacement ballot does
21 8 not arrive. If the commissioner receives more than one absent
21 9 voter's ballot, provided for by this division, from or
21 10 purporting to be from any one voter for a particular election,
21 11 all of the ballots so received from or purporting to be from
21 12 such voter are void, and the commissioner shall not deliver
21 13 any of the ballots to the precinct election officials, but
21 14 shall retain them in the commissioner's office, and preserve
21 15 them for the period and under the conditions provided for in
21 16 sections 50.12 through 50.15 and section 50.19.

21 17 Sec. 36. Section 53.53, subsection 4, paragraph a, Code
21 18 2007, is amended to read as follows:

21 19 a. The ballot was submitted from within the United States,
21 20 unless the voter is a member of the armed forces of the United
21 21 States as described in section 53.37, subsection 2, on active
21 22 duty, and away from the voter's county of residence for
21 23 purposes of serving on active duty.

21 24 Sec. 37. Section 53.53, subsection 4, paragraph b, Code
21 25 2007, is amended to read as follows:

21 26 b. The voter's application for a regular absentee ballot
21 27 was received by the commissioner less than thirty fourteen
21 28 days prior to the election.

21 29 Sec. 38. Section 53.35, Code 2007, is repealed.

21 30 Sec. 39. APPLICABILITY DATE. This division of this Act
21 31 applies to elections held on or after January 1, 2008.

21 32 DIVISION III
21 33 VOTER REGISTRATION

21 34 Sec. 40. Section 48A.2, Code 2007, is amended by adding
21 35 the following new subsection:

22 1 NEW SUBSECTION. 6. "Voter registration list" means a
22 2 compilation of voter registration records produced, upon
22 3 request, from the electronic voter registration file or by
22 4 viewing, upon request, the original, completed voter
22 5 registration applications and forms.

22 6 Sec. 41. Section 48A.5, subsection 2, paragraph c, Code
22 7 2007, is amended to read as follows:

22 8 c. Be at least eighteen years of age. Completed
22 9 registration forms shall be accepted from registrants who are
22 10 at least seventeen and a half years of age; however, the
22 11 registration shall not be effective until the registrant
22 12 reaches the age of eighteen. The commissioner of registration
22 13 shall ensure that the birth date shown on the registration
22 14 form is at least seventeen and one-half years earlier than the
22 15 date the registration is processed.

22 16 Sec. 42. Section 48A.11, subsection 8, Code 2007, is
22 17 amended to read as follows:

22 18 8. A voter registration application lacking the
22 19 registrant's name, sex, date of birth, or residence address or
22 20 description shall not be processed. A voter registration
22 21 application lacking the registrant's Iowa driver's license
22 22 number, Iowa nonoperator's identification card number, or the
22 23 last four digits of the registrant's social security number
22 24 shall not be processed. A voter registration application
22 25 lacking the registrant's signature shall not be processed. A
22 26 registrant whose registration is not processed pursuant to
22 27 this subsection shall be notified pursuant to section 48A.26,
22 28 subsection 3. A registrant who does not have an Iowa driver's
22 29 license number, an Iowa nonoperator's identification number,
22 30 or a social security number and who notifies the registrar of
22 31 such shall be assigned a unique identifying number that shall
22 32 serve to identify the registrant for voter registration
22 33 purposes.

22 34 Sec. 43. Section 48A.25A, Code 2007, is amended to read as
22 35 follows:

23 1 48A.25A VERIFICATION OF VOTER REGISTRATION INFORMATION.

23 2 1. Upon receipt of an application for voter registration
23 3 ~~by mail~~, the state registrar of voters shall compare the Iowa
23 4 driver's license number, the Iowa nonoperator's identification
23 5 card number, or the last four numerals of the social security
23 6 number provided by the registrant with the records of the
23 7 state department of transportation or the social security
23 8 administration. To be verified, the voter registration record
23 9 shall contain the same name, date of birth, and Iowa driver's
23 10 license number or Iowa nonoperator's identification card
23 11 number or whole or partial social security number as the
23 12 records of the state department of transportation or the
23 13 social security administration. If the information cannot be

23 14 verified, the application shall be rejected and the registrant
23 15 shall be notified of the reason for the rejection. If the
23 16 information can be verified, a record shall be made of the
23 17 verification and the application shall be accepted.

23 18 2. The voter registration commission shall adopt rules in
23 19 accordance with chapter 17A to provide procedures for
23 20 processing registration applications if the ~~state department~~
23 21 ~~of transportation does not, applications cannot be verified~~
23 22 before the close of registration for an election for which the
23 23 voter registration would otherwise be effective, ~~if verified,~~
23 24 ~~provide a report that the information on the application has~~
23 25 ~~matched or not matched the records of the department.~~

23 26 3. This section does not apply to persons described in
23 27 section 53.37 who are entitled to register to vote and to vote
23 28 pursuant to section 48A.5, subsection 4.

23 29 Sec. 44. Section 48A.26, subsection 4, Code 2007, is
23 30 amended to read as follows:

23 31 4. If the registrant applied by mail to register to vote
23 32 and did not answer either "yes" or "no" to the question in
23 33 section 48A.11, subsection 3, paragraph "a", the application
23 34 shall not be processed, ~~but the registration shall be~~
23 35 ~~designated as valid only for elections that do not include~~
24 1 ~~candidates for federal offices on the ballot. The~~
24 2 ~~acknowledgment shall advise the applicant that the status of~~
24 3 ~~the registration is local and the reason for the registration~~
24 4 ~~being assigned local status what additional information is~~
24 5 ~~required. The commissioner shall enclose a new registration~~
24 6 ~~by mail form for the applicant to use. If the original~~
24 7 ~~application is received during the twelve days before the~~
24 8 ~~close of registration for an election that includes candidates~~
24 9 ~~for federal offices on the ballot, the commissioner~~
24 10 ~~acknowledgment shall provide inform the registrant with an~~
24 11 ~~that the registrant has the opportunity to complete the form~~
24 12 ~~before the close of registration up until five p.m. on the day~~
24 13 ~~before the election.~~

24 14 Sec. 45. Section 48A.37, subsection 2, Code 2007, is
24 15 amended to read as follows:

24 16 2. Electronic records shall include a status code
24 17 designating whether the records are active, inactive, ~~local,~~
24 18 or pending. Inactive records are records of registered voters
24 19 to whom notices have been sent pursuant to section 48A.28,
24 20 subsection 3, and who have not returned the card or otherwise
24 21 responded to the notice, and those records have been
24 22 designated inactive pursuant to section 48A.29. ~~Local records~~
24 23 ~~are records of applicants who did not answer either "yes" or~~
24 24 ~~"no" to the question in section 48A.11, subsection 3,~~
24 25 ~~paragraph "a". Pending records are records of applicants~~
24 26 ~~whose applications have not been verified pursuant to section~~
24 27 ~~48A.25A. All other records are active records. An inactive~~
24 28 ~~record shall be made active when the registered voter votes at~~
24 29 ~~an election, registers again, or reports a change of name,~~
24 30 ~~address, telephone number, or political party affiliation. A~~
24 31 ~~pending record shall be made active upon verification. A~~
24 32 ~~local record shall be valid for any election for which no~~
24 33 ~~candidates for federal office appear on the ballot. A~~
24 34 ~~registrant with only a local record shall not vote in a~~
24 35 ~~federal election unless the registrant submits a new voter~~
25 1 ~~registration application before election day indicating that~~
25 2 ~~the applicant is a citizen of the United States.~~

25 3 Sec. 46. APPLICABILITY DATE. This division of this Act
25 4 applies to elections held on or after January 1, 2008.

25 5 EXPLANATION

25 6 This bill amends Code provisions relating to elections,
25 7 voting, and voter registration.

25 8 Division I of the bill contains changes to general
25 9 provisions relating to the conduct of elections as follows:

25 10 Code section 2.27 is amended to remove a reference to fill
25 11 a vacancy in the office of lieutenant governor by election. A
25 12 vacancy in that office is filled by appointment by the
25 13 governor.

25 14 Code section 43.6 is amended to provide that if a vacancy
25 15 in a county office occurs more than 73 days before the primary
25 16 election, political party candidates to fill that office at
25 17 the general election shall be nominated at the primary
25 18 election.

25 19 Code sections 43.14 and 45.5, relating to the form of
25 20 nomination papers filed for the primary election or filed by
25 21 persons nominated by petition, are amended to provide that a
25 22 signature line shall not be counted if the signer's address is
25 23 outside of the appropriate area or district. Code section
25 24 45.5 is further amended, along with Code section 45.6, to

25 25 clarify that a person signing a nomination petition must be a
25 26 resident of the appropriate ward, city, county, or district.
25 27 Code section 49.8 is amended to provide that precinct
25 28 boundaries drawn by a city council may be redrawn once during
25 29 the period beginning January 1 of the second year following
25 30 the federal decennial census and ending June 30 of the year
25 31 immediately following the year in which the next succeeding
25 32 federal decennial census is taken, if the county commissioner
25 33 of elections recommends that the change will result in a
25 34 substantial savings in election costs. This section of the
25 35 division is effective upon enactment and applies to elections
26 1 held on or after January 1, 2008.

26 2 Code section 49.14 is amended to remove the requirement
26 3 that a majority of the members of the original precinct
26 4 election board be present at the precinct polling place at all
26 5 times on election day. Code section 49.14 is also amended to
26 6 require that the chairperson of the precinct election board be
26 7 present at the precinct polling place at all times on election
26 8 day. Finally, the Code section is amended to require that a
26 9 substitute precinct election official be a member of the same
26 10 political party as the election official for whom the
26 11 substitution is made.

26 12 Code section 49.57 is amended to remove the requirement
26 13 that the names of candidates and political parties appear in
26 14 all capital letters on ballots. The section is also amended
26 15 to allow the names of political parties and nonparty political
26 16 organizations to be abbreviated on ballots if the
26 17 abbreviations are printed with the full name in the "Straight
26 18 Party" and "Other Political Party" areas of the ballot. The
26 19 Code section is also amended to require a minimum font size on
26 20 ballots for constitutional convention questions,
26 21 constitutional amendments, and public measures. A

26 22 corresponding amendment is made to Code section 52.25.
26 23 Finally, Code section 49.57 is amended to provide that a
26 24 ballot shall be printed to contain the unique identification
26 25 number or name assigned by the commissioner to the ballot
26 26 style, rather than a designation of the ballot rotation.

26 27 Code section 49.73 is amended to provide that the polls may
26 28 open at noon, rather than 7 a.m., for any election conducted
26 29 for the unincorporated area of a county. Currently, the polls
26 30 may open at noon for an election in the unincorporated area of
26 31 the county only if it is an election on a local option sales
26 32 and services tax.

26 33 Code section 49.79 is amended to provide a specific list of
26 34 reasons that a person may be challenged as unqualified to
26 35 vote.

27 1 Code section 50.16, relating to preparation of tally lists,
27 2 is amended to make a technical correction changing "officer"
27 3 to "office" and is further amended to remove the A.D. (anno
27 4 domini) abbreviation from the space for the date on the tally
27 5 list.

27 6 Code section 50.25 is amended to provide that the abstract
27 7 of votes in the general election may be made on one sheet for
27 8 county offices, rather than a separate sheet for each county
27 9 office.

27 10 Code section 52.7, relating to requirements for voting
27 11 machines in use in the state, is rewritten to list the
27 12 requirements for voting machines generally and to list the
27 13 requirements that apply specifically to voting machines that
27 14 are direct recording electronic devices.

27 15 Code section 52.36 is amended to provide that if the county
27 16 chairperson of each of the political parties does not
27 17 designate someone to observe the proceedings when ballots are
27 18 counted, the commissioner may proceed with counting with
27 19 ballots.

27 20 Code section 376.11, relating to write-in votes for city
27 21 offices, is amended to provide that if a person elected by
27 22 write-in votes at a regular city election chooses not to
27 23 serve, the person shall submit the person's resignation to the
27 24 city clerk by 5 p.m. on the tenth day following the canvass of
27 25 that election. Currently, the resignation is required by 5
27 26 p.m. on the day following the canvass of the election.

27 27 Code section 376.11 is also amended to establish a deadline
27 28 for filing a petition to request a special election if a
27 29 write-in candidate who wins a city election declines the
27 30 office and the candidate receiving the next highest number of
27 31 votes is declared the winner. The deadline established for
27 32 filing the petition is within 10 days after the city clerk has
27 33 notified the candidate next declared the winner.

27 34 The division applies to elections held on or after January
27 35 1, 2008.

28 1 Division II of the bill makes changes to absentee voting as
28 2 follows:

28 3 Code section 39A.4 is amended to prohibit incumbent
28 4 officeholders and candidates seeking offices on the ballot
28 5 from serving as observers or challengers of the process of
28 6 counting absentee ballots. Candidates and officeholders are
28 7 currently prohibited from serving in this capacity at the
28 8 polls on election day.

28 9 Code sections 49.63, 53.7, and 53.22 are amended to include
28 10 voting absentee at the commissioner's office in provisions
28 11 relating to voting absentee by mail and voting absentee at a
28 12 satellite absentee voting station.

28 13 Code section 53.2 is amended to allow a voter to apply in
28 14 person at the commissioner's office for an absentee ballot
28 15 from 8 a.m. until 11 a.m. on the day of the election if it is
28 16 an election at which the commissioner has directed that the
28 17 polls shall open at noon. Currently, the county commissioner
28 18 of elections may direct that the polls be opened at noon for
28 19 any school district election, city elections in cities of
28 20 3,500 or less population, for cities above 3,500 population if
28 21 there is no contested election or public measure on the
28 22 ballot, any benefited district, and elections on local option
28 23 sales and services taxes in the unincorporated area of the
28 24 county.

28 25 Code section 53.2 is also amended to provide that an
28 26 application for an absentee ballot require the date of birth
28 27 of the registered voter who is applying for the absentee
28 28 ballot.

28 29 Code section 53.8 is amended to clarify that voters who
28 30 expect to be patients or residents of health care facilities
28 31 or hospitals on election day are not prohibited from voting
28 32 absentee in person at the commissioner's office.

28 33 Code section 53.17 is amended to allow an immediate family
28 34 member of an absentee voter, if authorized by the voter, to
28 35 deliver the voted ballot to the commissioner's office.

29 1 Corresponding amendments are made to Code sections 39A.4 and
29 2 53.8.

29 3 Code section 53.23 is amended to provide that if observers
29 4 are not appointed by the political parties to witness the
29 5 proceedings when absentee ballot envelopes are opened before
29 6 election day, the commissioner may proceed with opening the
29 7 ballot envelopes.

29 8 Code section 53.31 is amended to change the deadline for
29 9 filing a challenge to an absentee voter from 5 p.m. on the day
29 10 before the election to 5 p.m. on the Friday before the
29 11 election.

29 12 Code section 53.37, relating to military and overseas
29 13 voters, is amended to rewrite the definition of "armed forces
29 14 of the United States" for clarification purposes.

29 15 Code section 53.38 is amended to provide that military and
29 16 overseas voters are not subject to the requirement for persons
29 17 registering by mail to provide identification when voting nor
29 18 are they subject to the requirement that identification
29 19 numbers on absentee ballots be verified.

29 20 Code section 53.41 is amended to provide that if more than
29 21 one request is received by the commissioner for an absentee
29 22 ballot for a military or overseas voter, the last request
29 23 received shall be honored, except that the voter's request
29 24 shall take precedence over a request made by another person on
29 25 the voter's behalf. Code section 53.41 is also amended to
29 26 permit the mailing of a replacement absentee ballot to a
29 27 military or overseas voter who reports a change of address
29 28 after a ballot has been mailed to the voter.

29 29 Code section 53.53 is amended to allow a member of the
29 30 armed forces to return an absentee ballot from within the
29 31 United States if the person is on active duty within the
29 32 United States. The Code section is also amended to change the
29 33 time period during which a voter submitting a federal write-in
29 34 ballot must also apply for a regular absentee ballot.
29 35 Currently, the deadline is more than 30 days before the
30 1 election. The bill changes the deadline to more than 14 days
30 2 before the election.

30 3 Code section 53.35, which makes it unlawful for a person to
30 4 fail to return an absentee ballot, is repealed. A
30 5 corresponding amendment is made to Code section 39A.5.

30 6 Division II applies to elections held on or after January
30 7 1, 2008.

30 8 Division III of the bill makes the following changes
30 9 relating to voter registration:

30 10 Code section 48A.2 is amended to add a definition of "voter
30 11 registration list".

30 12 Code section 48A.5 is amended to require that the
30 13 commissioner of registration verify that the date of birth
30 14 indicated on a voter registration application form is at least
30 15 17 and one-half years earlier than the date the registration
30 16 is processed.

30 17 Code section 48A.11 is amended to provide that a voter
30 18 registration application form lacking the signature of the
30 19 registrant shall not be processed.

30 20 Code section 48A.25A is amended to provide that all voter
30 21 registration applications shall have identification numbers
30 22 verified. The Code section is also amended to include the
30 23 social security administration, along with the state
30 24 department of transportation, as a source for verifying the
30 25 last four digits of the social security number provided by a
30 26 voter registration applicant. Finally, the Code section is
30 27 amended to provide that all military and overseas voters are
30 28 exempt from the verification requirements.

30 29 Code section 48A.26 is amended to provide that a mailed
30 30 voter registration application of a person who does not answer
30 31 either "yes" or "no" to questions pertaining to age and United
30 32 States citizenship shall not be processed. Code section
30 33 48A.26 is also amended to provide that, under certain
30 34 circumstances, the acknowledgment mailed to such a registrant
30 35 shall inform the registrant that they may submit a new
31 1 application up until 5 p.m. on the day before the election if
31 2 the election is one that includes candidates for federal
31 3 office.

31 4 Code sections 48A.26 and 48A.37 are amended to remove the
31 5 status of "local" registration for those persons who
31 6 registered by mail and neglected to answer or answered "no" to
31 7 the questions pertaining to United States citizenship.
31 8 Current law would allow such a person to be registered to vote
31 9 in elections that have no federal office on the ballot.

31 10 Division III applies to elections held on or after January
31 11 1, 2008.

31 12 LSB 1512HH 82

31 13 sc:nh/gg/14.1