

# Senate File 352 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1229)

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

## A BILL FOR

1 An Act allowing a voter to register to vote and to vote after  
2 regular registration and prior to voting in an election.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2469SV 82  
5 sc/gg/14

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1 1 Section 1. NEW SECTION. 48A.7A ELECTION DAY AND  
1 2 IN=PERSON ABSENTEE REGISTRATION.  
1 3 1. a. A person who is eligible to register to vote and to  
1 4 vote may register on election day by appearing in person at  
1 5 the polling place for the precinct in which the individual  
1 6 resides and completing a voter registration application,  
1 7 making written oath, and providing proof of identity and  
1 8 residence.  
1 9 b. For purposes of this section, a person may establish  
1 10 identity and residence by presenting to the appropriate  
1 11 precinct election official a current and valid Iowa driver's  
1 12 license or Iowa nonoperator's identification card or by  
1 13 presenting a current and valid form of photographic  
1 14 identification approved by rule by the state registrar of  
1 15 voters. If the photographic identification presented does not  
1 16 contain the person's current address in the precinct, the  
1 17 person shall also present a current document that shows the  
1 18 person's name and address in the precinct. The state  
1 19 registrar of voters by rule shall designate which documents  
1 20 are acceptable to show proof of residency.  
1 21 c. In lieu of paragraph "b", a person wishing to vote may  
1 22 establish identity and residency in the precinct by written  
1 23 oath of a person who is registered to vote in the precinct.  
1 24 The registered voter's oath shall attest to the stated  
1 25 identity of the person wishing to vote and that the person is  
1 26 a current resident of the precinct. The oath must be signed  
1 27 by the attesting registered voter in the presence of the  
1 28 appropriate precinct election official. A registered voter  
1 29 who has signed an oath on election day attesting to a person's  
1 30 identity and residency as provided in this paragraph is  
1 31 prohibited from signing any further oaths as provided in this  
1 32 paragraph on that day.  
1 33 2. The oath required in subsection 1, paragraph "a", and  
1 34 in paragraph "c", if applicable, shall be attached to the  
1 35 voter registration application.  
2 1 3. At any time before election day, a person who appears  
2 2 in person at the commissioner's office or at a satellite  
2 3 absentee voting station after the deadline for registration in  
2 4 section 48A.9, may register to vote and vote an absentee  
2 5 ballot by following the procedure in this section for  
2 6 registering to vote on election day. A person who wishes to  
2 7 vote in person at the polling place on election day and who  
2 8 has not registered to vote before the deadline for registering  
2 9 in section 48A.9, is required to register to vote at the  
2 10 polling place on election day following the procedure in this  
2 11 section. However, the person may complete the voter  
2 12 registration application at the commissioner's office and,  
2 13 after the commissioner has reviewed the completed application,  
2 14 may present the application to the appropriate precinct  
2 15 election official along with proof of identity and residency.  
2 16 4. The form of the written oaths required in this section  
2 17 shall be prescribed by rule by the state registrar of voters.

2 18 Sec. 2. Section 48A.9, subsection 1, Code 2007, is amended  
2 19 to read as follows:

2 20 1. Registration closes at five p.m. eleven days before  
2 21 each election except primary and general elections. For  
2 22 primary and general elections, registration closes at five  
2 23 p.m. ten days before the election. An eligible elector may  
2 24 register during the time registration is closed in the  
2 25 elector's precinct but the registration shall not become  
2 26 effective until registration opens again in the elector's  
2 27 precinct, except as otherwise provided in section 48A.7A.

2 28 Sec. 3. NEW SECTION. 48A.26A ACKNOWLEDGMENT OF ELECTION  
2 29 DAY AND IN=PERSON ABSENTEE REGISTRATION FORM.

2 30 1. Within forty-five days of receiving a voter  
2 31 registration form completed under section 48A.7A, the  
2 32 commissioner shall send an acknowledgment to the registrant,  
2 33 in the manner provided in section 48A.26, subsections 2  
2 34 through 5, as applicable, at the mailing address shown on the  
2 35 registration form. The acknowledgment shall be sent by  
3 1 nonforwardable mail.

3 2 2. If the acknowledgment is returned as undeliverable by  
3 3 the postal service, the commissioner shall attempt to contact  
3 4 the voter by forwardable mail. If a response is not received  
3 5 from the voter within fourteen days after the notice is  
3 6 mailed, the commissioner shall change the status of the  
3 7 registration to inactive status and shall immediately notify  
3 8 the state registrar of voters and the county attorney.

3 9 Sec. 4. Section 48A.37, subsection 2, Code 2007, is  
3 10 amended to read as follows:

3 11 2. Electronic records shall include a status code  
3 12 designating whether the records are active, inactive, local,  
3 13 or pending. Inactive records are records of registered voters  
3 14 to whom notices have been sent pursuant to section 48A.28,  
3 15 subsection 3, and who have not returned the card or otherwise  
3 16 responded to the notice, and those records have been  
3 17 designated inactive pursuant to section 48A.29. Inactive  
3 18 records are also records of registered voters to whom notices  
3 19 have been sent pursuant to section 48A.26A and who have not  
3 20 responded to the notice. Local records are records of

3 21 applicants who did not answer either "yes" or "no" to the  
3 22 question in section 48A.11, subsection 3, paragraph "a".  
3 23 Pending records are records of applicants whose applications  
3 24 have not been verified pursuant to section 48A.25A. All other  
3 25 records are active records. An inactive record shall be made  
3 26 active when the registered voter votes at an election,  
3 27 registers again, or reports a change of name, address,  
3 28 telephone number, or political party affiliation. A pending  
3 29 record shall be made active upon verification. A local record  
3 30 shall be valid for any election for which no candidates for  
3 31 federal office appear on the ballot. A registrant with only a  
3 32 local record shall not vote in a federal election unless the  
3 33 registrant submits a new voter registration application before  
3 34 election day indicating that the applicant is a citizen of the  
3 35 United States.

4 1 Sec. 5. Section 49.77, subsection 4, Code 2007, is amended  
4 2 to read as follows:

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

4 15 b. If the voter informs the precinct election official  
4 16 that the voter resides in the precinct and is not registered  
4 17 to vote, the voter may register to vote pursuant to section  
4 18 48A.7A and cast a ballot. If such a voter is unable to  
4 19 establish identity and residency in the manner provided in  
4 20 section 48A.7A, subsection 1, paragraph "b" or "c", the voter  
4 21 shall be allowed to cast a ballot in the manner prescribed by  
4 22 section 49.81.

4 23 c. A person who has been sent an absentee ballot by mail  
4 24 but for any reason has not received it shall be permitted to  
4 25 cast a ballot in person pursuant to section 53.19 and in the  
4 26 manner prescribed by section 49.81.

4 27 EXPLANATION

4 28 This bill allows a person to register to vote after the

4 29 normal statutory deadline for registration for an election and  
4 30 to vote in that election.

4 31 The bill provides that a person eligible to register to  
4 32 vote and to vote may register in person at the polling place  
4 33 on election day by completing a voter registration form,  
4 34 making written oath, and providing proof of identity and proof  
4 35 of residency in the precinct. If the person does not have  
5 1 such proof, the bill allows identity and residency in the  
5 2 precinct to be established by written oath of a registered  
5 3 voter of the precinct. The bill allows a person who cannot  
5 4 establish identity and residency in the precinct by either of  
5 5 these methods to vote a provisional ballot.

5 6 The bill also provides that at any time before election day  
5 7 and after the normal deadline for registering to vote, a  
5 8 person may vote absentee at the commissioner's office or at a  
5 9 satellite absentee voting station by registering in the same  
5 10 manner as registration may be accomplished on election day.

5 11 The bill requires the county commissioner of elections to  
5 12 send acknowledgment of election day and in-person absentee  
5 13 registrations within 45 days of receiving the voter  
5 14 registration form. If the acknowledgment is returned as  
5 15 undeliverable, the commissioner is required to attempt contact  
5 16 by forwardable mail. If the voter does not respond within 14  
5 17 days of the notice being mailed, the commissioner is required  
5 18 to change the status of the registration to inactive status  
5 19 and immediately notify the state registrar of voters  
5 20 (secretary of state) and the county attorney.

5 21 LSB 2469SV 82  
5 22 sc:rj/gg/14