

Senate File 239 - Introduced

SENATE FILE _____
BY WARNSTADT

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

A BILL FOR

1 An Act relating to the ballots used for voting at the
2 commissioner's office or at a satellite absentee voting
3 station.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1453XS 83
6 sc/nh/8

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1 1 Section 1. Section 49.63, Code 2009, is amended to read as
1 2 follows:
1 3 49.63 TIME OF PRINTING == INSPECTION AND CORRECTION.
1 4 Ballots shall be printed and in the possession of the
1 5 commissioner in time to enable the commissioner to furnish
1 6 ballots to absent or early voters as provided by sections
1 7 53.8, 53.10, and 53.11. The printed ballots shall be subject
1 8 to the inspection of candidates and their agents. If mistakes
1 9 are discovered, they shall be corrected without delay, in the
1 10 manner provided in this chapter.

1 11 Sec. 2. Section 49.72, Code 2009, is amended to read as
1 12 follows:

1 13 49.72 ABSENTEE AND EARLY VOTERS DESIGNATED BEFORE POLLING
1 14 PLACE OPENED.

1 15 The commissioner shall deliver to each precinct election
1 16 board not less than one hour before the time at which the
1 17 polls are to open for any election the list of all registered
1 18 voters of that precinct who have been given or sent an
1 19 absentee ballot for that election, or who were given a ballot
1 20 under section 53.10, subsection 1A, and the election board

1 21 shall immediately designate those registered voters who are so
1 22 listed and therefore not entitled to vote in person at the
1 23 polls, as required by section 53.19.

1 24 Sec. 3. Section 53.8, subsection 3, paragraph b, Code
1 25 2009, is amended to read as follows:

1 26 b. Nothing in this subsection nor in section 53.22 shall
1 27 be construed to prohibit a registered voter who is a hospital
1 28 patient or resident of a health care facility, or who
1 29 anticipates entering a hospital or health care facility before
1 30 the date of a forthcoming election, from casting ~~an absentee a~~
1 31 ballot in the manner prescribed by section 53.10 or 53.11.

1 32 Sec. 4. Section 53.10, Code 2009, is amended to read as
1 33 follows:

1 34 53.10 ~~ABSENTEE~~ EARLY VOTING AT THE COMMISSIONER'S OFFICE.

1 35 1. Not more than forty days before the date of the primary
2 1 election or the general election, the commissioner shall
2 2 provide facilities for ~~absentee early~~ voting in person at the
2 3 commissioner's office. This service shall also be provided
2 4 for other elections as soon as the ballots are ready, but in
2 5 no case shall ~~absentee~~ ballots be available more than forty
2 6 days before an election. The commissioner shall determine
2 7 whether persons voting early at the commissioner's office or
2 8 at a satellite absentee voting station pursuant to section
2 9 53.11 shall vote absentee ballots or shall vote the optical
2 10 scan ballots that will be used at the polls on election day
2 11 and tabulated immediately after they are marked by the early
2 12 voter.

2 13 1A. If the commissioner has made a determination to
2 14 distribute to early voters the optical scan ballots that will
2 15 be used at the polls on election day, the county chairperson
2 16 of each political party shall be notified of the dates, times,
2 17 and places that early voting shall be conducted pursuant to

2 18 this section and section 53.11, so that they may appoint
2 19 observers to be present. The automatic tabulating equipment
2 20 to be used for early voting under this subsection shall be
2 21 tested pursuant to section 52.35. Votes cast on ballots under
2 22 this subsection shall be considered votes cast in the absentee
2 23 ballot and special voters precinct and shall be included in
2 24 the tabulation record prepared pursuant to section 52.37.

2 25 2. a. Each person who wishes to vote ~~by absentee ballot~~
2 26 ~~early~~ at the commissioner's office shall first sign an
2 27 application for a ballot including the following information:
2 28 name, current address, and the election for which the ballot
2 29 is requested. The person may report a change of address or
2 30 other information on the person's voter registration record at
2 31 that time. ~~The If the commissioner has determined to~~
2 32 ~~distribute to early voters the optical scan ballots that will~~
2 33 ~~be used at the polls on election day, the registered voter~~
2 34 ~~shall subscribe to an affidavit in a form prescribed by the~~
2 35 ~~state commissioner of elections before receiving the ballot.~~

3 1 b. If the registered voter ~~is voting an absentee ballot,~~
3 2 ~~the voter~~ shall immediately mark the ballot; enclose the
3 3 ballot in a secrecy envelope, if necessary, and seal it in an
3 4 affidavit envelope; subscribe to the affidavit on the reverse
3 5 side of the envelope; and return the absentee ballot to the
3 6 commissioner. The commissioner shall record the numbers
3 7 appearing on the application and affidavit envelope along with
3 8 the name of the registered voter.

3 9 c. If the registered voter ~~is voting the optical scan~~
3 10 ~~ballot that will be used at the polls on election day, the~~
3 11 ~~voter shall immediately mark the ballot and enclose it in a~~
3 12 ~~secrecy folder. If votes are being tabulated with automatic~~
3 13 ~~tabulating equipment that will not permit more than one ballot~~
3 14 ~~to be inserted at a time, the voter may insert the ballot into~~
3 15 ~~the tabulating device; otherwise, the election official shall~~
3 16 ~~place the ballot in the ballot box.~~

3 17 3. During the hours when ~~absentee ballots are early voting~~
3 18 ~~is available in the office of the commissioner, electioneering~~
3 19 ~~shall not be allowed within the sight or hearing of voters at~~
3 20 ~~the absentee early voting site.~~

3 21 Sec. 5. Section 53.11, subsections 3 and 4, Code 2009, are
3 22 amended to read as follows:

3 23 3. Procedures for ~~absentee early~~ voting at satellite
3 24 absentee voting stations shall be the same as specified in
3 25 section 53.10 for voting at the commissioner's office.
3 26 Additional procedures shall be prescribed by rule by the state
3 27 commissioner.

3 28 4. During the hours when ~~absentee ballots are early voting~~
3 29 ~~is available at a satellite absentee voting station,~~
3 30 electioneering shall not be allowed within the sight or
3 31 hearing of voters at the satellite absentee voting station.

3 32 Sec. 6. Section 68A.406, subsection 2, paragraph a,
3 33 subparagraphs (5) and (6), Code 2009, are amended to read as
3 34 follows:

3 35 (5) On the premises of or within three hundred feet of any
4 1 outside door of any building affording access to an ~~absentee~~
4 2 ~~early~~ voting site during the hours when ~~absentee~~ ballots are
4 3 available in the office of the county commissioner of
4 4 elections as provided in section 53.10.

4 5 (6) On the premises of or within three hundred feet of any
4 6 outside door of any building affording access to a satellite
4 7 absentee voting station during the hours when ~~absentee~~ ballots
4 8 are available at the satellite absentee voting station as
4 9 provided in section 53.11.

4 10 EXPLANATION

4 11 This bill allows the county commissioner of elections to
4 12 determine whether absentee ballots or the optical scan ballots
4 13 used on election day shall be distributed to registered voters
4 14 who are voting at the commissioner's office or at a satellite
4 15 absentee voting station. If the optical scan ballots used on
4 16 election day are to be distributed to early voters, the
4 17 commissioner is required to notify the political parties so
4 18 that they may provide observers for early voting, to test the
4 19 tabulating equipment that is to be used for early voting, and
4 20 to record tabulation of the votes as votes cast in the
4 21 absentee ballot and special voters precinct.

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