

House File 420 - Introduced

HOUSE FILE 420
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 124)

A BILL FOR

1 An Act relating to absent voting in general elections by
2 certain military and overseas voters through electronic
3 means and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 53.40, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. a. The commissioner shall immediately on the forty-fifth
4 day prior to the particular election transmit ballots to the
5 voter by mail or otherwise, postage prepaid, as directed
6 by the state commissioner, requests for which are in the
7 commissioner's hands at that time, and thereafter so transmit
8 ballots immediately upon receipt of requests. A request for
9 ballot for the primary election which does not state the party
10 affiliation of the voter making the request is void and of no
11 effect. A request which does not show that the person for whom
12 a ballot is requested will be a qualified voter in the precinct
13 in which the ballot is to be cast on the day of the election for
14 which the ballot is requested, shall not be honored. However,
15 a request which states the age and the city, including street
16 address, and county where the voter resides is sufficient to
17 show that the person is a qualified voter. A request by the
18 voter containing substantially the information required is
19 sufficient.

20 b. The commissioner shall immediately on the fortieth
21 day prior to the particular election transmit electronic
22 absentee ballots to the voter by electronic means, as directed
23 by the state commissioner, requests for which are in the
24 commissioner's hands at that time, and thereafter so transmit
25 electronic absentee ballots immediately upon receipt of
26 requests. A request for ballot for the primary election which
27 does not state the party affiliation of the voter making the
28 request is void and of no effect. A request which does not
29 show that the person for whom a ballot is requested will be
30 a qualified voter in the precinct in which the ballot is to
31 be cast on the day of the election for which the ballot is
32 requested, shall not be honored. However, a request which
33 states the age and the city, including street address, and
34 county where the voter resides is sufficient to show that the
35 person is a qualified voter. A request by the voter containing

1 substantially the information required is sufficient.

2 Sec. 2. NEW SECTION. **53.45A Electronic absentee ballots.**

3 1. *a.* As provided in this section and section 53.46,
4 subsection 6A, the commissioner shall provide electronic
5 absentee ballots. An electronic absentee ballot shall only be
6 provided to an eligible elector who completes an application
7 stating that to the best of the eligible elector's belief
8 that the eligible elector will be residing or stationed or
9 working outside the continental United States on election
10 day. The commissioner shall not provide electronic absentee
11 ballots to an eligible elector earlier than forty days before
12 an election unless the eligible elector will be unable to vote
13 an electronic absentee ballot during the forty days before the
14 election.

15 *b.* The application for an electronic absentee ballot shall
16 not be filed earlier than ninety days prior to the general
17 election. The electronic absentee ballot shall list the
18 offices and measures, if known, scheduled to appear on the
19 election ballot. The eligible elector may use the electronic
20 absentee ballot to write in the name of any eligible candidate
21 for each office and may vote on any measure.

22 2. With any electronic absentee ballot issued under this
23 section, the commissioner shall include a listing of any
24 candidates who have filed before the time of the application
25 for offices that will appear on the ballot at that election and
26 a list of any measures that have been referred to the ballot
27 before the time of the application.

28 3. Write-in votes on electronic absentee ballots shall be
29 counted in the same manner provided by law for the counting
30 of other write-in votes. The commissioner shall process and
31 canvass the electronic absentee ballots provided under this
32 section in the same manner as other absentee ballots.

33 4. In order for an electronic absentee ballot completed by
34 a voter under this division to be counted, the ballot must be
35 received in the commissioner's office before the polls close on

1 election day.

2 5. Notwithstanding the provisions of section 53.49, an
3 eligible elector who requests an electronic absentee ballot
4 under this section may also make application for an absentee
5 ballot under section 53.2 or an armed forces absentee ballot
6 under section 53.40. If either the regular absentee or
7 armed forces absentee ballot is properly voted and returned,
8 the electronic absentee ballot is void and the commissioner
9 shall reject it in whole when electronic absentee ballots are
10 canvassed.

11 Sec. 3. Section 53.46, Code 2013, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 6A. To develop and operate, not
14 inconsistent with federal law, a secure internet site to
15 allow a voter in the armed forces of the United States to
16 access, vote, and return an electronic absentee ballot through
17 electronic means. The content of any such electronic absentee
18 ballot shall be the same as that used for absent voters
19 generally in the particular precinct in which the electronic
20 absentee ballot is to be cast;

21 EXPLANATION

22 This bill relates to absent voting by military and overseas
23 voters through electronic means.

24 The bill authorizes the state commissioner of elections
25 to develop and operate, not inconsistent with federal law, a
26 secure internet site to allow a voter in the armed forces of
27 the United States or a United States citizen living outside
28 the country to access, vote, and return an electronic absentee
29 ballot through electronic means for any general election.
30 An electronic absentee ballot shall be the same as a ballot
31 used for absent voters generally in the particular precinct
32 in which the electronic absentee ballot is to be cast. The
33 bill provides for an electronic absentee ballot to be treated
34 substantially the same as the special absentee ballot provided
35 to military and overseas voters under Code section 53.45,

1 except that an eligible elector need not state a belief that
2 the eligible elector will be unable to vote and return a
3 regular absentee ballot. For an electronic absentee ballot to
4 be counted, the ballot must be received in the commissioner's
5 office before the polls close on election day.

6 A county commissioner of elections is required to transmit
7 electronic absentee ballots 40 days prior to an election and
8 then immediately upon receiving a request for such a ballot.
9 The bill also provides requirements for honoring requests for
10 an electronic absentee ballot.

11 Certain penalties related to elections misconduct are made
12 applicable to the provisions of the bill.