

House File 64 - Introduced

HOUSE FILE 64

BY M. SMITH

A BILL FOR

1 An Act relating to voting by persons in certain health care
2 facilities and hospitals.

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

1 Section 1. Section 53.22, subsection 1, paragraph a,
2 subparagraph (1), Code 2013, is amended to read as follows:

3 (1) A registered voter who has applied for an absentee
4 ballot, in a manner other than that prescribed by section
5 53.10 or 53.11, and who is a resident or patient in a health
6 care facility or hospital ~~located in the county to which~~
7 ~~the application has been submitted~~ shall be delivered the
8 appropriate absentee ballot by two special precinct election
9 officers, ~~one of whom~~ appointed by the commissioner of the
10 county where the voter is registered to vote. One special
11 precinct election officer shall be a member of each of the
12 political parties referred to in section 49.13, who shall be
13 appointed by the commissioner from the election board panel
14 for the special precinct established by section 53.20. The
15 special precinct election officers shall be sworn in the manner
16 provided by section 49.75 for election board members, shall
17 receive compensation as provided in section 49.20, and shall
18 perform their duties during the ten calendar days after the
19 ballots are printed if the commissioner so elects, during the
20 fourteen calendar days preceding the election, and on election
21 day if all ballots requested under section 53.8, subsection 3,
22 have not previously been delivered and returned.

23 Sec. 2. Section 53.22, subsection 2, Code 2013, is amended
24 to read as follows:

25 2. Any registered voter who becomes a patient or resident
26 of a hospital or health care facility ~~in the county where~~
27 ~~the voter is registered to vote~~ within three days prior to
28 the date of any election or on election day may request an
29 absentee ballot during that period or on election day. As an
30 alternative to the application procedure prescribed by section
31 53.2, the registered voter may make the request directly to
32 the officers who are delivering and returning absentee ballots
33 under this section. Alternatively, the request may be made
34 by telephone to the office of the commissioner of the county
35 where the voter is registered to vote not later than four hours

1 before the close of the polls. If the requester is found to be
2 a registered voter ~~of that county~~, these officers shall deliver
3 the appropriate absentee ballot to the registered voter in the
4 manner prescribed by this section.

5 Sec. 3. Section 53.22, subsections 4 and 5, Code 2013, are
6 amended by striking the subsections.

7 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
8 3, shall not apply to this Act.

9

EXPLANATION

10 This bill relates to voting by persons in certain health
11 care facilities and hospitals. Current law provides different
12 requirements for absentee voting by a person who is a resident
13 or patient of a health care facility or hospital in the county
14 in which the person is registered to vote and for absentee
15 voting by a person who is a resident or patient of a health
16 care facility or hospital in a county other than the county in
17 which the person is registered to vote. Current law requires
18 that two appointed special precinct election officers deliver
19 a requested absentee ballot to a person who is a resident or
20 patient of a health care facility or hospital in the county
21 where the person is registered to vote. Current law also
22 requires that the county commissioner of elections mail a
23 requested absentee ballot to a person who is a resident or
24 patient of a health care facility or hospital not located in
25 the county where the person is registered to vote. If a person
26 becomes a resident or patient of a health care facility or
27 hospital that is not located in the county where the person is
28 registered to vote within three days before an election or on
29 election day, the person may designate a person to deliver and
30 return an absentee ballot.

31 The bill requires that two special precinct election
32 officers appointed by the commissioner of the county where
33 the person is registered to vote deliver a requested absentee
34 ballot to a person who is a resident or patient of a health
35 care facility or hospital regardless of whether the health

1 care facility or hospital is located in the county in which
2 the voter is registered to vote and regardless of when
3 the person becomes a resident of the facility or hospital.
4 Correspondingly, the bill strikes the requirement that the
5 commissioner mail the ballot if the voter is a resident of
6 a health care facility or hospital not located in the county
7 where the person is registered to vote.

8 The bill may include a state mandate as defined in Code
9 section 25B.3. The bill makes inapplicable Code section 25B.2,
10 subsection 3, which would relieve a political subdivision from
11 complying with a state mandate if funding for the cost of
12 the state mandate is not provided or specified. Therefore,
13 political subdivisions are required to comply with any state
14 mandate included in the bill.