

Senate File 2301 - Introduced

SENATE FILE 2301
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3131)

A BILL FOR

1 An Act relating to the administration of elections and voter
2 registration by modifying the close of registration prior
3 to a primary election, modifying the deadline for receipt
4 of absentee ballots by the commissioner, and allowing for
5 changes to the envelopes provided to absentee voters.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 48A.9, subsection 1, Code 2014, is
2 amended to read as follows:

3 1. Registration closes at 5:00 p.m. eleven days before each
4 election except ~~primary and~~ general elections. For ~~primary and~~
5 general elections, registration closes at 5:00 p.m. ten days
6 before the election. An eligible elector may register during
7 the time registration is closed in the elector's precinct but
8 the registration shall not become effective until registration
9 opens again in the elector's precinct, except as otherwise
10 provided in section 48A.7A.

11 Sec. 2. Section 48A.26, subsection 3, Code 2014, is amended
12 to read as follows:

13 3. If the registration form is missing required information
14 pursuant to section 48A.11, subsection 8, the acknowledgment
15 shall advise the applicant what additional information is
16 required. The commissioner shall enclose a new registration
17 form for the applicant to use. If the registration form has
18 no address, the commissioner shall make a reasonable effort
19 to determine where the acknowledgment should be sent. If the
20 incomplete registration form is received during the period in
21 which registration is closed pursuant to section 48A.9 but
22 by 5:00 p.m. on the Saturday before the election for general
23 ~~and primary~~ elections or by 5:00 p.m. on the Friday before the
24 election for all other elections, the commissioner shall send
25 a notice advising the applicant of election day and in-person
26 absentee registration procedures under section 48A.7A.

27 Sec. 3. Section 50.20, Code 2014, is amended to read as
28 follows:

29 **50.20 Notice of number of provisional ballots.**

30 The commissioner shall compile a list of the number of
31 provisional ballots cast under section 49.81 in each precinct.
32 The list shall be made available to the public as soon as
33 possible, but in no case later than 9:00 a.m. on the second
34 day following the election. Any elector may examine the
35 list during normal office hours, and may also examine the

1 ~~affidavit~~ affidavits on the envelopes bearing containing the
2 ballots of challenged electors until the reconvening of the
3 special precinct board as required by this chapter. Only those
4 persons so permitted by section 53.23, subsection 4, shall have
5 access to the affidavits while that board is in session. Any
6 elector may present written statements or documents, supporting
7 or opposing the counting of any provisional ballot, at the
8 commissioner's office until the reconvening of the special
9 precinct board.

10 Sec. 4. Section 53.2, subsection 6, Code 2014, is amended
11 to read as follows:

12 6. If an application for an absentee ballot is received
13 from an eligible elector who is not a registered voter
14 the commissioner shall send the eligible elector a voter
15 registration form and another absentee ballot application form.
16 If the application is received after the time registration
17 closes pursuant to section 48A.9 but by 5:00 p.m. on the
18 Saturday before the election for general ~~and primary~~ elections
19 or by 5:00 p.m. on the Friday before the election for all other
20 elections, the commissioner shall notify the applicant by
21 mail of the election day and in-person absentee registration
22 provisions of section 48A.7A. In addition to notification
23 by mail, the commissioner shall also attempt to contact the
24 applicant by any other method available to the commissioner.

25 Sec. 5. Section 53.8, subsection 1, Code 2014, is amended
26 to read as follows:

27 1. a. Upon receipt of an application for an absentee ballot
28 and immediately after the absentee ballots are printed, the
29 commissioner shall mail an absentee ballot to the applicant
30 within twenty-four hours, except as otherwise provided in
31 subsection 3. The absentee ballot shall be sent to the
32 registered voter by one of the following methods:

33 (1) The absentee ballot shall be enclosed in an unsealed
34 envelope ~~bearing~~ marked with a serial number and affidavit.
35 The absentee ballot and ~~unsealed~~ affidavit envelope shall

1 be enclosed in or with a an unsealed return envelope marked
2 postage paid which bears the same serial number as the unsealed
3 affidavit envelope. The absentee ballot, unsealed affidavit
4 envelope, and return envelope shall be enclosed in a third
5 envelope to be sent to the registered voter. If the ballot
6 cannot be folded so that all of the votes cast on the ballot
7 will be hidden, the commissioner shall also enclose a secrecy
8 envelope with the absentee ballot.

9 (2) The absentee ballot shall be enclosed in an unsealed
10 return envelope marked with a serial number and affidavit
11 and marked postage paid. The absentee ballot and return
12 envelope shall be enclosed in a second envelope to be sent
13 to the registered voter. If the ballot cannot be folded so
14 that all of the votes cast on the ballot will be hidden, the
15 commissioner shall also enclose a secrecy envelope with the
16 absentee ballot.

17 b. The affidavit shall be marked on the appropriate envelope
18 in a form prescribed by the state commissioner of elections.

19 Sec. 6. Section 53.10, subsection 2, Code 2014, is amended
20 to read as follows:

21 2. Each person who wishes to vote by absentee ballot at
22 the commissioner's office shall first sign an application for
23 a ballot including the following information: name, current
24 address, and the election for which the ballot is requested.
25 The person may report a change of address or other information
26 on the person's voter registration record at that time. The
27 registered voter shall immediately mark the ballot; enclose the
28 ballot in a secrecy envelope, if necessary, and seal it in an
29 ~~affidavit~~ the envelope marked with the affidavit; subscribe to
30 the affidavit on the reverse side of the envelope; and return
31 the absentee ballot to the commissioner. The commissioner
32 shall record the numbers appearing on the application and
33 affidavit envelope along with the name of the registered voter.

34 Sec. 7. Section 53.16, Code 2014, is amended to read as
35 follows:

1 **53.16 Subscribing to affidavit.**

2 After marking the ballot, the voter shall make and subscribe
3 to the affidavit on the ~~reverse side of the~~ affidavit envelope
4 or on the return envelope marked with the affidavit, and
5 fold the ballot or ballots, separately, so as to conceal
6 the markings on them, and deposit them in the envelope, and
7 securely seal the envelope.

8 Sec. 8. Section 53.17, subsection 1, unnumbered paragraph
9 1, Code 2014, is amended to read as follows:

10 ~~The~~ If the commissioner mailed the ballot pursuant to
11 section 53.8, subsection 1, paragraph "a", subparagraph (1),
12 the sealed affidavit envelope containing the absentee ballot
13 shall be enclosed in a return envelope which shall be securely
14 sealed. If the commissioner mailed the ballot pursuant to
15 section 53.8, subsection 1, paragraph "a", subparagraph (2),
16 the absentee ballot shall be enclosed in the return envelope
17 which shall be securely sealed. The sealed return envelope
18 shall be returned to the commissioner by one of the following
19 methods:

20 Sec. 9. Section 53.17, subsection 2, Code 2014, is amended
21 to read as follows:

22 2. In order for the ballot to be counted, the return
23 envelope must be received in the commissioner's office before
24 the polls close on election day or be ~~clearly postmarked by~~
25 received by the commissioner through an officially authorized
26 postal service not later than 5:00 p.m. on the day before after
27 ~~the election and received by the commissioner not later than~~
28 ~~noon on the Monday following the election.~~

29 Sec. 10. Section 53.17, subsection 3, Code 2014, is amended
30 by striking the subsection.

31 Sec. 11. Section 53.17, subsection 4, paragraph f, Code
32 2014, is amended to read as follows:

33 f. A statement that the completed absentee ballot will
34 be delivered to the commissioner's office within seventy-two
35 hours of retrieving it from the voter or before the closing of

1 the polls on election day, whichever is earlier, or that the
2 completed absentee ballot will be mailed to the commissioner
3 within seventy-two hours of retrieving it from the voter ~~or~~
4 ~~within time to be postmarked not later than the day before the~~
5 ~~election, whichever is earlier.~~

6 Sec. 12. Section 53.18, subsections 2 and 3, Code 2014, are
7 amended to read as follows:

8 2. If the commissioner receives the return envelope
9 containing the completed absentee ballot by 5:00 p.m. on the
10 Saturday before the election for general ~~and primary~~ elections
11 and by 5:00 p.m. on the Friday before the election for all
12 other elections, the commissioner shall review the affidavit
13 marked on the return envelope, if applicable, for completeness
14 or shall open the return envelope to review the affidavit for
15 completeness. If the affidavit is incomplete, the commissioner
16 shall, within twenty-four hours of the time the envelope was
17 received, notify the voter of that fact and that the voter
18 may complete the affidavit in person at the office of the
19 commissioner by 5:00 p.m. on the day before the election, vote
20 a replacement ballot in the manner and within the time period
21 provided in subsection 3, or appear at the voter's precinct
22 polling place on election day and cast a ballot in accordance
23 with section 53.19, subsection 3.

24 3. If the affidavit envelope or the return envelope marked
25 with the affidavit contains a defect that would cause the
26 absentee ballot to be rejected by the absentee and special
27 voters precinct board, the commissioner shall immediately
28 notify the voter of that fact and that the voter's absentee
29 ballot shall not be counted unless the voter requests
30 and returns a replacement ballot in the time permitted
31 under section 53.17, subsection 2. The voter may request
32 a replacement ballot in person, in writing, or over the
33 telephone. The same serial number that was assigned to the
34 records of the original absentee ballot application shall be
35 used on the envelope and records of the replacement ballot.

1 The ~~affidavit~~ envelope marked with the affidavit and containing
2 the completed replacement ballot shall be marked "Replacement
3 ballot". The ~~affidavit~~ envelope marked with the affidavit and
4 containing the original ballot shall be marked "Defective" and
5 the replacement ballot shall be attached to ~~the affidavit~~ such
6 envelope containing the original ballot and shall be stored in
7 a secure place until they are delivered to the absentee and
8 special voters precinct board, notwithstanding sections 53.26
9 and 53.27.

10 Sec. 13. Section 53.21, subsection 2, paragraph b, Code
11 2014, is amended to read as follows:

12 b. The voter shall enclose one copy of the above statement
13 in the return envelope along with the affidavit envelope, if
14 the voter was mailed a separate affidavit envelope, and shall
15 retain a copy for the voter's records.

16 Sec. 14. Section 53.23, subsection 3, paragraph b,
17 subparagraph (1), Code 2014, is amended to read as follows:

18 (1) The commissioner may direct the board to meet on the day
19 before the election for the purpose of reviewing the absentee
20 voters' affidavits appearing on the sealed ~~affidavit~~ envelopes.
21 If in the commissioner's judgment this procedure is necessary
22 due to the number of absentee ballots received, the members of
23 the board may open the sealed affidavit envelopes and remove
24 the secrecy envelope containing the ballot, but under no
25 circumstances shall a secrecy envelope or a return envelope
26 marked with an affidavit be opened before the board convenes
27 on election day, except as provided in paragraph "c". If the
28 affidavit envelopes are opened before election day pursuant
29 to this paragraph "b", two observers, one appointed by each
30 of the two political parties referred to in section 49.13,
31 subsection 2, shall witness the proceedings. The observers
32 shall be appointed by the county chairperson or, if the
33 county chairperson fails to make an appointment, by the state
34 chairperson. However, if either or both political parties fail
35 to appoint an observer, the commissioner may continue with the

1 proceedings.

2 Sec. 15. Section 53.23, subsection 5, Code 2014, is amended
3 to read as follows:

4 5. The special precinct election board shall preserve
5 the secrecy of all absentee and provisional ballots. After
6 the affidavits on the envelopes have been reviewed and the
7 qualifications of the persons casting the ballots have been
8 determined, those that have been accepted for counting shall
9 be opened. The ballots shall be removed from the affidavit
10 envelopes or return envelopes marked with the affidavit, as
11 applicable, without being unfolded or examined, and then shall
12 be thoroughly intermingled, after which they shall be unfolded
13 and tabulated. If secrecy folders or envelopes are used with
14 provisional paper ballots, the ballots shall be removed from
15 the secrecy folders after the ballots have been intermingled.

16 Sec. 16. Section 53.25, Code 2014, is amended to read as
17 follows:

18 **53.25 Rejecting ballot.**

19 1. If the absentee voter's affidavit lacks the voter's
20 signature, if the applicant is not a duly registered voter on
21 election day in the precinct where the absentee ballot was
22 cast, if the ~~affidavit~~ envelope marked with the affidavit
23 contains more than one ballot of any one kind, or if the
24 voter has voted in person, such vote shall be rejected by the
25 absentee and special voters precinct board. If the affidavit
26 envelope or return envelope marked with the affidavit is
27 open, or has been opened and resealed, or if the ballot is
28 not enclosed in ~~the affidavit~~ such envelope, and an affidavit
29 envelope or return envelope marked with the affidavit with
30 the same serial number and marked "Replacement ballot" is
31 not attached as provided in section 53.18, the vote shall be
32 rejected by the absentee and special voters precinct board.

33 2. If the absentee ballot is rejected prior to the opening
34 of the affidavit envelope or return envelope marked with the
35 affidavit, the voter casting the ballot shall be notified by a

1 precinct election official by the time the canvass is completed
2 of the reason for the rejection on a form prescribed by the
3 state commissioner of elections.

4 Sec. 17. Section 53.27, Code 2014, is amended to read as
5 follows:

6 **53.27 Rejection of ballot — return of envelope.**

7 If the ballot is rejected, the ~~affidavit~~ envelope, marked
8 with the affidavit of, with the voter-endorsed voter's
9 endorsement thereon, shall be returned with the rejected ballot
10 in the envelope endorsed "Defective ballots".

11 Sec. 18. Section 53.30, Code 2014, is amended to read as
12 follows:

13 **53.30 Ballots, ballot envelopes, and other information**
14 **preserved.**

15 At the conclusion of each meeting of the absentee and
16 special voter's precinct board, the board shall securely
17 seal all ballots counted by them in the manner prescribed in
18 section 50.12. The ballot envelopes, including the affidavit
19 envelope having the registered voter's affidavit on it if an
20 affidavit envelope was provided, the return envelope, and
21 secrecy envelope bearing the signatures of precinct election
22 officials, as required by section 53.23, shall be preserved.
23 All applications for absentee ballots, ballots rejected without
24 being opened, absentee ballot logs, and any other documents
25 pertaining to the absentee ballot process shall be preserved
26 until such time as the documents may be destroyed pursuant to
27 section 50.19.

28 Sec. 19. Section 53.32, Code 2014, is amended to read as
29 follows:

30 **53.32 Ballot of deceased voter.**

31 When it shall be made to appear by due proof to the precinct
32 election officials that any elector, who has so marked and
33 forwarded a ballot, has died before the ~~affidavit~~ envelope
34 marked with the affidavit is opened, then the ballot of such
35 deceased voter shall be endorsed, "Rejected because voter is

1 dead", and be returned to the commissioner; ~~but the~~. The
2 casting of the ballot of a deceased voter shall not invalidate
3 the election.

4 Sec. 20. Section 53.38, Code 2014, is amended to read as
5 follows:

6 **53.38 What constitutes registration.**

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

22 Sec. 21. Section 53.40, subsection 3, Code 2014, is amended
23 to read as follows:

24 3. If the affidavit on the ~~affidavit~~ envelope marked
25 with the affidavit shows that the affiant is not a qualified
26 voter on the day of the election at which the ballot is
27 offered for voting, the envelope shall not be opened, but
28 the envelope and ballot contained in the envelope shall be
29 preserved and returned by the precinct election officials to
30 the commissioner, who shall preserve them for the period of
31 time and under the conditions provided for in sections 50.12,
32 50.13, 50.15, and 50.19.

33 Sec. 22. Section 53.44, Code 2014, is amended to read as
34 follows:

35 **53.44 Affidavit to be signed and returned.**

1 1. The affidavit on the ~~affidavit~~ envelope marked with the
2 affidavit used in connection with voting by absentee ballot
3 under this division by members of the armed forces of the
4 United States need not be notarized or witnessed, but the
5 affidavit on such envelope shall be completed and signed by the
6 voter.

7 2. Absentee ballots issued under this division shall be
8 returned in the same manner and within the same time limits
9 specified in section 53.17, except that in order for an
10 absentee ballot under this division to be counted, it must be
11 received by the commissioner not later than noon on the Monday
12 following the election.

13 Sec. 23. REPEAL. Sections 53.13 and 53.14, Code 2014, are
14 repealed.

EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the administration of elections and
19 voter registration.

20 Under current law, voter registration closes at 5:00 p.m.
21 10 days prior to a general or primary election and 11 days
22 prior to all other elections. The bill requires that voter
23 registration close 11 days prior to primary elections.

24 Relating to completed absentee ballots mailed to the
25 commissioner, the bill provides that in order for an absentee
26 ballot to be counted, the return envelope must be received
27 in the commissioner's office by 5:00 p.m. on the day after
28 the election. Under current law, in order to be counted,
29 the absentee ballot must be received before the polls close
30 on election day or must be postmarked not later than the day
31 before the election and received by the county commissioner
32 of elections no later than 12:00 p.m. on the Monday following
33 that election. The bill does, however, maintain the 12:00
34 p.m. Monday deadline for the receipt of ballots from certain
35 military and overseas voters.

1 Relating to the envelopes provided to absentee voters, under
2 current law, absentee ballots mailed to a voter are required
3 to be enclosed in an unsealed envelope bearing a serial number
4 and an affidavit, which are then required to be enclosed in or
5 with a return envelope, all of which are then required to be
6 enclosed in a third envelope to be sent to the registered voter
7 requesting an absentee ballot.

8 The bill allows for an affidavit to be marked on the return
9 envelope. If a return envelope marked with the affidavit
10 is used, absentee ballots mailed to a voter are required to
11 be enclosed in the unsealed return envelope marked with the
12 affidavit which is required to be enclosed in a second envelope
13 to be sent to the registered voter requesting an absentee
14 ballot. The bill allows a county commissioner of elections to
15 continue sending absentee ballots as provided under current law
16 or to send absentee ballots utilizing a return envelope marked
17 with the affidavit. The bill makes additional conforming
18 changes.

19 The bill also repeals Code section 53.14 which requires that
20 the affidavit designate the voter's party affiliation if the
21 ballot enclosed is a primary election ballot.