

House Study Bill 551 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

1 An Act relating to programs and activities administered by the
2 secretary of state, including the safe at home program,
3 special election dates, candidate and voter registration
4 filing requirements, election audits, voting systems,
5 and civil office vacancies, and including effective date
6 provisions.

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

1 Section 1. Section 9E.2, subsection 6, paragraph b, Code
2 2018, is amended to read as follows:

3 b. For purposes of this subsection, a person determined to
4 be a sexually violent predator pursuant to section 229A.7, a
5 person required to register as a sex offender under chapter
6 692A, or a person determined to be a sexually violent predator
7 or required to register as a sex offender pursuant to similar
8 law laws of another state is not an eligible person.

9 Sec. 2. Section 39.2, subsection 4, paragraph c, Code 2018,
10 is amended to read as follows:

11 c. For a school district or merged area, in the odd-numbered
12 year, the first Tuesday in February, the first Tuesday in
13 April, the last Tuesday in June, or the second Tuesday in
14 September. For a school district or merged area, in the
15 even-numbered year, the first Tuesday in February, the first
16 Tuesday in April, the second Tuesday in September, or the ~~first~~
17 second Tuesday in December.

18 Sec. 3. Section 44.4, subsection 2, paragraph a,
19 subparagraph (1), Code 2018, is amended to read as follows:

20 (1) Those filed with the state commissioner, not less than
21 ~~seventy-four~~ sixty-eight days before the date of the election.

22 Sec. 4. Section 48A.2, Code 2018, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 1A. "Document" means, for purposes of
25 satisfying proof of residence under this chapter, information
26 that is inscribed on a tangible medium or that is stored in an
27 electronic record and is retrievable in perceivable form.

28 Sec. 5. Section 48A.30, subsection 1, paragraph a, Code
29 2018, is amended to read as follows:

30 a. The registered voter dies. For the purposes of this
31 subsection, the commissioner may accept as evidence of death a
32 notice from the state registrar of vital statistics forwarded
33 by the state registrar of voters, a written statement from a
34 ~~member of the registered voter's household~~ person related to
35 the registered voter within the second degree of consanguinity

1 or first degree of affinity, an obituary in a newspaper or
2 that appears on the internet site of a funeral establishment
3 licensed under chapter 156 or by the proper authority of
4 another state, a written statement from an election official
5 or personal representative of the registered voter's estate,
6 or a notice from the county recorder of the county where the
7 registered voter died.

8 Sec. 6. Section 48A.7A, subsection 1, paragraph c, Code
9 2018, is amended to read as follows:

10 c. In lieu of paragraph "b", a person wishing to vote may
11 establish identity and residency in the precinct by written
12 oath of a person who is registered to vote in the precinct.
13 Before signing an oath under this paragraph, the attesting
14 registered voter shall present to the precinct election
15 official proof of the voter's identity, as described in section
16 49.78, subsection 2 or 3. The registered voter's oath shall
17 attest to the stated identity of the person wishing to vote
18 and that the person is a current resident of the precinct.
19 The oath must be signed by the attesting registered voter in
20 the presence of the appropriate precinct election official.
21 A registered voter who has signed an oath on election day
22 attesting to a person's identity and residency as provided in
23 this paragraph is prohibited from signing any further oaths as
24 provided in this paragraph on that day.

25 Sec. 7. Section 49.78, subsection 5, Code 2018, is amended
26 to read as follows:

27 5. The form of the written oath required of a registered
28 voter attesting to the identity and residency of the voter
29 unable to present a form of identification shall read as
30 follows:

31 I, (name of attesting registered voter), do solemnly
32 swear or affirm all of the following:

33 I am a preregistered voter in this precinct or I registered to
34 vote in this precinct today, and a registered voter did not
35 sign an oath on my behalf. ~~I have not signed~~ will not sign more

1 than ~~one oath~~ two oaths attesting to the identity and residence
2 of any other person in this election.

3 I am a resident of the ... precinct, ... ward or township,
4 city of, county of, Iowa.

5 I reside at (street address) in (city or
6 township).

7 I personally know (name of voter), and I personally know
8 that (name of voter) is a resident of the ... precinct,
9 ward or township, city of, county of, Iowa.

10 I understand that any false statement in this oath is a class
11 "D" felony punishable by no more than five years in confinement
12 and a fine of at least seven hundred fifty dollars but not more
13 than seven thousand five hundred dollars.

14

15 Signature of Attesting Registered Voter

16 Subscribed and sworn before me on (date).

17

18 Signature of Precinct Election Official

19 Sec. 8. Section 50.51, subsection 2, Code 2018, is amended
20 to read as follows:

21 2. The state commissioner shall determine the number of
22 counties and precincts to be audited and shall select the
23 precincts to be audited by lot. The absentee ballot and
24 special voters precinct for each county, established pursuant
25 to [section 53.20](#), shall be included with all other precincts of
26 the county for selection by lot. In every precinct selected,
27 the commissioner shall conduct a hand count of ~~all~~ ballots cast
28 in the preceding general election for president of the United
29 States or governor, as the case may be. The hand count ~~shall~~
30 ~~be observed by a representative selected by each of the two~~
31 ~~political parties whose candidates received the highest number~~
32 ~~of votes statewide in the preceding general election~~ may be of
33 less than all ballots cast, in accordance with rules adopted by
34 the state commissioner.

35 a. A representative selected by each of the two political

1 parties whose candidates received the highest number of votes
2 statewide in the preceding general election shall be invited
3 to observe the hand count. The commissioner shall notify the
4 county chairperson of each political party a minimum of two
5 days before the hand count of the time and place of the hand
6 count.

7 b. If an invited representative does not appear at the hand
8 count, the commissioner shall notify the state commissioner.

9 Sec. 9. Section 52.4, subsection 2, Code 2018, is amended
10 to read as follows:

11 2. At least one of the examiners shall have been trained
12 in computer programming and operations or cybersecurity.

13 The other two members shall be directly involved in the
14 administration of elections and shall have experience in the
15 use of optical scan voting systems.

16 Sec. 10. Section 53.10, subsection 2, Code 2018, is amended
17 to read as follows:

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

32 b. For purposes of this subsection, "voter verification
33 number" means the registered voter's driver's license number
34 or nonoperator's identification card number assigned to the
35 voter by the department of transportation or the registered

1 voter's identification number assigned to the voter by the
2 state commissioner pursuant to section 47.7, subsection 2.

3 Sec. 11. Section 69.2, subsection 1, paragraph f, Code 2018,
4 is amended to read as follows:

5 f. The conviction of the incumbent of a felony, ~~an~~
6 ~~aggravated misdemeanor,~~ or of any public offense involving the
7 violation of the incumbent's oath of office.

8 Sec. 12. EFFECTIVE DATE. This Act, being deemed of
9 immediate importance, takes effect upon enactment.

10 EXPLANATION

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

13 This bill alters the laws governing the safe at home program,
14 elections, voter registration, and civil office vacancies.

15 The bill bars a person who is a registered sex offender
16 pursuant to Code chapter 692A from enrolling in the safe at
17 home program, which prevents the addresses of survivors of
18 domestic violence, sexual assault, trafficking, stalking, or
19 violent crimes from appearing on public records by providing
20 substitute addresses.

21 The bill also moves the permissible December special
22 election date for school districts or merged areas in
23 even-numbered years from the first to the second Tuesday of
24 the month in order to resolve a potential conflict with the
25 prohibition on special elections being held on the first four
26 Tuesdays following a general election.

27 The bill changes the deadline for filing an objection to the
28 legal sufficiency of a certificate of nomination or nomination
29 petition or the eligibility of a candidate from 74 to 68 days
30 before an election.

31 The bill defines "document" for the purpose of proving
32 residency under Code chapter 48A (voter registration) to
33 explicitly allow the use of documents in an electronic format.

34 The bill alters the type of evidence sufficient to cancel
35 a voter's registration following the voter's death. The bill

1 allows the county commissioner of registration to accept as
2 proof of death a written statement from the registered voter's
3 family member within the second degree of consanguinity or
4 first degree of affinity, an obituary posted on the internet
5 site of a funeral establishment licensed in Iowa or another
6 state, or a written statement from the personal representative
7 of the registered voter's estate.

8 The bill allows a voter who registers on election day by
9 providing sufficient proof of identity to attest for another
10 individual's identity pursuant to Code section 48A.7A(1)(c).
11 The bill also allows a registered voter to attest for the
12 identity of two people on election day rather than one.

13 The bill alters the process by which the state commissioner
14 of elections conducts election audits. The bill removes
15 the current requirement that all ballots in precincts to be
16 audited be counted by hand. The bill also allows the hand
17 count to continue in the absence of one or both invited party
18 representatives, so long as the party representatives receive
19 two days' notice and the county commissioner of elections
20 informs the state commissioner of elections of the absence.

21 The bill changes the requirements for membership on the
22 board of examiners for voting systems, allowing one member
23 to have been trained in cybersecurity rather than requiring
24 training in computer programming and operations.

25 The bill requires a person voting by absentee ballot at the
26 office of the county commissioner of elections to include that
27 person's voter verification number in the application for a
28 ballot, as is currently required of voters requesting a ballot
29 by mail.

30 Under current law, a civil office is vacated if the incumbent
31 is convicted of a felony, an aggravated misdemeanor, or a
32 public offense involving the violation of the incumbent's
33 oath of office. The bill provides that a civil office is
34 not vacated upon an incumbent's conviction of an aggravated
35 misdemeanor.

S.F. _____ H.F. _____

1 The bill takes effect upon enactment.