

Senate File 474 - Introduced

SENATE FILE 474
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1163)

A BILL FOR

1 An Act relating to the conduct and administration of elections,
2 including voter registration, absentee voting, voter
3 identity verification, signature verification, polling place
4 prohibitions, commissioner certifications, and post-election
5 audits, creating an electronic poll book and polling place
6 technology revolving loan fund, providing penalties, and
7 including effective date and applicability provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

GENERAL PROVISIONS

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Section 1. Section 22.7, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 70. The voter verification number, as defined in section 53.2, subsection 4, paragraph "c", that is assigned to a voter and maintained and updated in the statewide voter registration system.

Sec. 2. Section 39A.5, subsection 1, paragraph b, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) Violating any provision of chapter 48A for which another penalty is not provided.

Sec. 3. NEW SECTION. **48A.24 Deadline for submitting voter registration forms.**

1. A person who accepts a completed voter registration form from an applicant shall submit the form to the appropriate commissioner within seven days of receiving the form if the person accepting the form is doing so on behalf of any of the following:

- a. A political party, as defined in section 43.2.
- b. A nonparty political organization required to nominate candidates under chapter 44.
- c. A candidate or committee, as defined in section 68A.102.

2. Notwithstanding the deadline in subsection 1, a person described in subsection 1 who accepts a completed voter registration form from an applicant within three days of the voter registration deadline prescribed in section 48A.9 for the next election shall submit the form to the appropriate commissioner within twenty-four hours of accepting the form, and not later than the registration deadline.

Sec. 4. Section 48A.30, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Of.* The registered voter is not a resident of Iowa, or the registered voter submits documentation under section 607A.4, subsection 3, that indicates that the voter is

1 not a citizen of the United States.

2 Sec. 5. Section 48A.31, Code 2017, is amended to read as
3 follows:

4 **48A.31 Deceased persons record.**

5 The state registrar of vital statistics shall transmit
6 or cause to be transmitted to the state registrar of voters,
7 once each calendar quarter, a certified list of all persons
8 seventeen and one-half years of age and older in the state
9 whose deaths have been reported to the bureau of vital records
10 of the Iowa department of public health since the previous list
11 of decedents was certified to the state registrar of voters.
12 The list shall be submitted according to the specifications
13 of the state registrar of voters and shall be transmitted to
14 the state registrar of voters without charge for production or
15 transmission. The commissioner shall, in the month following
16 the end of a calendar quarter, run the statewide voter
17 registration system's matching program to determine whether a
18 listed decedent was registered to vote in the county and shall
19 immediately cancel the registration of any person named on the
20 list of decedents.

21 Sec. 6. Section 53.2, subsections 1, 4, and 8, Code 2017,
22 are amended to read as follows:

23 1. *a.* Any registered voter, under the circumstances
24 specified in [section 53.1](#), may on any day, except election day,
25 and not more than seventy one hundred twenty days prior to the
26 date of the election, apply in person for an absentee ballot
27 at the commissioner's office or at any location designated by
28 the commissioner. However, for those elections in which the
29 commissioner directs the polls be opened at noon pursuant to
30 section 49.73, a voter may apply in person for an absentee
31 ballot at the commissioner's office from 8:00 a.m. until 11:00
32 a.m. on election day.

33 *b.* A registered voter may make written application to the
34 commissioner for an absentee ballot. A written application
35 for an absentee ballot must be received by the commissioner

1 no later than 5:00 p.m. ~~on the Friday before the election~~
2 on the same day as the voter registration deadline provided
3 in section 48A.9 for the election for which the ballot is
4 requested, except when the absentee ballot is requested and
5 voted at the commissioner's office pursuant to section 53.10.
6 A written application for an absentee ballot delivered to the
7 commissioner and received by the commissioner more than ~~seventy~~
8 one hundred twenty days prior to the date of the election shall
9 ~~be retained by the commissioner and processed in the same~~
10 ~~manner as a written application received not more than seventy~~
11 ~~days before the date of the election~~ returned to the voter
12 with a notification of the date when the applications will be
13 accepted.

14 4. a. Each application shall contain the following
15 information:

16 (1) The name and signature of the registered voter,~~the.~~

17 (2) The registered voter's date of birth,~~the.~~

18 (3) The address at which the voter is registered to vote,
19 ~~and the.~~

20 (4) The registered voter's voter verification number.

21 (5) The name or date of the election for which the absentee
22 ballot is requested,~~and such.~~

23 (6) Such other information as may be necessary to determine
24 the correct absentee ballot for the registered voter.

25 b. If insufficient information has been provided, including
26 the absence of a voter verification number, either on the
27 prescribed form or on an application created by the applicant,
28 the commissioner shall, by the best means available, obtain
29 the additional necessary information. A voter requesting
30 or casting a ballot pursuant to section 53.22 shall not be
31 required to provide a voter verification number.

32 c. 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 8. An application for an absentee ballot that is returned
4 to the commissioner by a person acting as an actual or implied
5 agent for a political party, as defined in section 43.2, or
6 by a candidate, or committee, all both as defined by chapter
7 68A, shall be returned to the commissioner within seventy-two
8 hours of the time the completed application was received from
9 the applicant or no later than 5:00 p.m. on the Friday before
10 same day as the election deadline under subsection 1, paragraph
11 "b", whichever is earlier. An application received by a person
12 acting as an actual or implied agent of a political party after
13 the deadline but before the date of the election shall be
14 returned to the commissioner within twenty-four hours.

15 Sec. 7. Section 53.10, Code 2017, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 2A. A voter shall not vote or offer to
18 vote any ballot except such as the voter has received from
19 the commissioner. A voter voting an absentee ballot at the
20 commissioner's office shall not take or remove any ballot from
21 the commissioner's office.

22 DIVISION II

23 VOTER IDENTITY AND SIGNATURE VERIFICATION

24 Sec. 8. Section 48A.7A, subsection 1, paragraph b,
25 subparagraph (1), subparagraph division (c), Code 2017, is
26 amended to read as follows:

27 (c) A United States military or veterans identification
28 card.

29 Sec. 9. NEW SECTION. 48A.10A **Voter verification cards —**
30 **verification of voter registration information.**

31 1. The state registrar shall, each week, compare lists
32 of persons who registered to vote during the preceding week
33 with the department of transportation's driver's license and
34 nonoperator's identification card files and shall issue a voter
35 verification card to each active, registered voter whose name

1 does not appear in the department of transportation's files.

2 2. A voter verification card issued under this section shall
3 be used only for voting and voter registration purposes.

4 3. A person issued a voter verification card under this
5 section shall not be charged any fee for the issuance or
6 delivery of the voter verification card.

7 4. Implementation of this section shall be contingent upon
8 appropriations by the general assembly in sufficient amounts to
9 meet the requirements of this section.

10 5. The state registrar shall adopt rules pursuant to chapter
11 17A to implement this section.

12 Sec. 10. Section 48A.38, subsection 1, paragraph f, Code
13 2017, is amended to read as follows:

14 *f.* The county commissioner of registration and the state
15 registrar of voters shall remove a voter's whole or partial
16 social security number, as applicable, voter identification
17 number assigned by the state commissioner, Iowa driver's
18 license number, or Iowa nonoperator's identification card
19 number from a voter registration list prepared pursuant to this
20 section.

21 Sec. 11. Section 49.53, subsection 1, Code 2017, is amended
22 to read as follows:

23 1. The commissioner shall not less than four nor more than
24 twenty days before the day of each election, except those for
25 which different publication requirements are prescribed by law,
26 publish notice of the election. The notice shall contain a
27 facsimile of the portion of the ballot containing the first
28 rotation as prescribed by [section 49.31, subsection 2](#), and
29 shall show the names of all candidates or nominees and the
30 office each seeks, and all public questions, to be voted upon
31 at the election. The sample ballot published as a part of the
32 notice may at the discretion of the commissioner be reduced in
33 size relative to the actual ballot but such reduction shall
34 not cause upper case letters appearing in candidates' names or
35 in summaries of public measures on the published sample ballot

1 to be less than nine point type. The notice shall also state
2 the date of the election, the hours the polls will be open,
3 that each voter is required to provide identification at the
4 polling place before the voter can receive and cast a ballot,
5 the location of each polling place at which voting is to occur
6 in the election, and the names of the precincts voting at each
7 polling place, but the statement need not set forth any fact
8 which is apparent from the portion of the ballot appearing as
9 a part of the same notice. The notice shall include the full
10 text of all public measures to be voted upon at the election.

11 Sec. 12. Section 49.77, subsection 1, unnumbered paragraph
12 1, Code 2017, is amended to read as follows:

13 The board members of their respective precincts shall have
14 charge of the ballots and shall furnish them to the voters
15 after verifying each voter's identity pursuant to section
16 49.78.

17 Sec. 13. Section 49.77, subsection 3, Code 2017, is amended
18 by striking the subsection.

19 Sec. 14. NEW SECTION. **49.78 Voter identity and signature**
20 **verification.**

21 1. To ensure the integrity of, and to instill public
22 confidence in, all elections in this state the general assembly
23 finds that the verification of a voter's identity is necessary
24 before a voter is permitted to receive and cast a ballot.

25 2. a. Before a precinct election official furnishes
26 a ballot to a voter under section 49.77, the voter shall
27 establish the voter's identity by presenting the official with
28 one of the following forms of identification for verification:

29 (1) A voter verification card issued pursuant to section
30 48A.10A.

31 (2) An Iowa driver's license issued pursuant to section
32 321.189.

33 (3) An Iowa nonoperator's identification card issued
34 pursuant to section 321.190.

35 (4) A United States passport.

1 (5) A United States military or veterans identification
2 card.

3 (6) A voter acknowledgment card issued by the commissioner
4 pursuant to sections 48A.26 through 48A.29 if the voter
5 acknowledgment card is signed before the voter presents the
6 card to the official.

7 *b.* Upon being presented with a form of identification under
8 this section, the precinct election official shall examine
9 the identification. The precinct election official shall use
10 the information on the identification card, including the
11 signature, to determine whether the person offering to vote
12 appears to be the person depicted on the identification card.
13 The voter's signature shall generally be presumed to be valid.
14 If the identification provided does not appear to be the person
15 offering to vote under section 49.77, the precinct election
16 official shall challenge the person offering to vote in the
17 same manner provided for other challenges by sections 49.79
18 and 49.80. A person offering to vote who establishes identity
19 by presenting a veteran's identification card that does not
20 contain a signature, is not subject to challenge under this
21 paragraph "b".

22 3. A person who is registered to vote but is unable to
23 present a form of identification listed under subsection 2 may
24 present other forms of identification listed in section 48A.7A,
25 subsection 1, paragraph "b", to establish the voter's identity
26 under this section.

27 4. A person who is registered to vote but is unable
28 to present a form of identification under subsection 2 or
29 3 may establish identity and residency in the precinct by
30 written oath of a person who is also registered to vote in
31 the precinct. The attesting registered voter's oath shall
32 attest to the stated identity of the person wishing to vote
33 and that the person is a current resident of the precinct.
34 The oath must be signed by the attesting registered voter in
35 the presence of the appropriate precinct election official.

1 A registered voter who has signed two oaths on election day
2 attesting to a person's identity and residency as provided in
3 this subsection is prohibited from signing any further oaths as
4 provided in this subsection on that day.

5 5. The form of the written oath required of a registered
6 voter attesting to the identity and residency of the voter
7 unable to present a form of identification shall read as
8 follows:

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

11 I am a preregistered voter in this precinct or I registered to
12 vote in this precinct today, and a registered voter did not
13 sign an oath on my behalf. I have not signed more than one oath
14 attesting to the identity and residence of any other person in
15 this election.

16 I am a resident of the ... precinct, ... ward or township,
17 city of, county of, Iowa.

18 I reside at (street address) in (city or
19 township).

20 I personally know (name of voter), and I personally know
21 that (name of voter) is a resident of the ... precinct,
22 ward or township, city of, county of, Iowa.

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

27

28 Signature of Attesting Registered Voter
29 Subscribed and sworn before me on .. (date).

30

31 Signature of Precinct Election Official

32 6. A voter who is not otherwise disqualified from voting and
33 who has established identity under subsection 2, 3, or 4 shall
34 be furnished a ballot and be allowed to vote under section
35 49.77.

1 7. A registered voter who fails to establish the voter's
2 identity under this section shall be permitted to cast a
3 provisional ballot under section 49.81.

4 8. a. Notwithstanding subsection 7, for any election
5 conducted prior to January 1, 2019, a registered voter who
6 fails to establish the voter's identity under this section
7 shall be permitted to vote upon signing an oath attesting to
8 the voter's identity. The form of the written oath required of
9 the person voting under this subsection shall read as follows:
10 My name is, and I am a United States citizen,
11 at least eighteen years of age. I am the person named above, I
12 am a registered voter of this county, and I am eligible to vote
13 in this election.

14

15 (signature of voter) (date)

16 b. This subsection is repealed July 1, 2019.

17 Sec. 15. Section 49.81, Code 2017, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 1A. A prospective voter who is unable to
20 establish identity under section 49.78, subsection 2, paragraph
21 "a", or section 49.78, subsection 3 or 4, shall be notified by
22 the appropriate precinct election official that the voter may
23 cast a provisional ballot. The voter shall mark the ballot and
24 immediately seal it in an envelope of the type prescribed by
25 subsection 4. The voter shall deliver the sealed envelope to a
26 precinct election official who shall deposit it in an envelope
27 marked "provisional ballots". The ballot shall be considered
28 as having been cast in the special precinct established by
29 section 53.20 for purposes of the postelection canvass.

30 Sec. 16. Section 53.2, Code 2017, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 4A. The commissioner may dispute an
33 application if it appears to the commissioner that the
34 signature on the application has been signed by someone other
35 than the registered voter, in comparing the signature on the

1 application to the signature on record of the registered
2 voter named on the application. If the commissioner disputes
3 a registered voter's application under this subsection,
4 the commissioner shall notify the registered voter and the
5 registered voter may submit a new application and signature or
6 update the registered voter's signature on record, as provided
7 by rule adopted by the state commissioner.

8 Sec. 17. Section 53.18, subsection 3, Code 2017, is amended
9 to read as follows:

10 3. If the affidavit envelope or the return envelope marked
11 with the affidavit contains a defect that would cause the
12 absentee ballot to be rejected by the absentee and special
13 voters precinct board, the commissioner shall immediately
14 notify the voter of that fact and that the voter's absentee
15 ballot shall not be counted unless the voter requests and
16 returns a replacement ballot in the time permitted under
17 section 53.17, subsection 2. For the purposes of this section,
18 a return envelope marked with the affidavit shall be considered
19 to contain a defect if it appears to the commissioner that
20 the signature on the envelope has been signed by someone
21 other than the registered voter, in comparing the signature
22 on the envelope to the signature on record of the registered
23 voter named on the envelope. A signature or marking made
24 in accordance with section 39.3, subsection 17, shall not
25 be considered a defect for purposes of this section. The
26 voter may request a replacement ballot in person, in writing,
27 or over the telephone. The same serial number that was
28 assigned to the records of the original absentee ballot
29 application shall be used on the envelope and records of the
30 replacement ballot. The envelope marked with the affidavit and
31 containing the completed replacement ballot shall be marked
32 "Replacement ballot". The envelope marked with the affidavit
33 and containing the original ballot shall be marked "Defective"
34 and the replacement ballot shall be attached to such envelope
35 containing the original ballot and shall be stored in a secure

1 place until they are delivered to the absentee and special
2 voters precinct board, notwithstanding sections 53.26 and
3 53.27.

4 Sec. 18. Section 53.22, Code 2017, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 7. The proof of identity requirements
7 under section 49.78 shall not apply to a voter casting a ballot
8 pursuant to this section.

9 Sec. 19. Section 53.25, Code 2017, is amended to read as
10 follows:

11 **53.25 Rejecting ballot.**

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

26 b. If a voter casts a provisional ballot pursuant to section
27 49.78, subsection 7, and the voter has failed to establish the
28 voter's identity at the commissioner's office, the provisional
29 ballot shall be rejected by the absentee and special voters
30 precinct board.

31 2. If the absentee or provisional ballot is rejected prior
32 to the opening of the affidavit envelope or return envelope
33 marked with the affidavit, the voter casting the ballot shall
34 be notified by a precinct election official by the time the
35 canvass is completed of the reason for the rejection on a form

1 prescribed by the state commissioner of elections.

2 Sec. 20. SEVERABILITY. If any provision of this division of
3 this Act or the application of any provision of this division
4 of this Act to any person or circumstance is held invalid, the
5 invalidity shall not affect other provisions of the division
6 which can be given effect without the invalid provisions or
7 application of the invalid provisions, and to this end, the
8 provisions of the division are severable.

9 Sec. 21. EFFECTIVE DATE. This division of this Act takes
10 effect upon the appropriation of moneys by the general assembly
11 to the state commissioner of elections in an amount sufficient
12 for implementation of section 48A.10A as declared by the
13 general assembly.

14 Sec. 22. APPLICABILITY. This division of this Act applies
15 to elections held on or after the effective date of this
16 division of this Act.

17 DIVISION III

18 POLLING PLACES

19 Sec. 23. NEW SECTION. 47.11 **Electronic poll book and**
20 **polling place technology program — revolving loan fund.**

21 1. An electronic poll book and polling place technology
22 program is created and an electronic poll book and polling
23 place technology revolving loan fund is created in the state
24 treasury under the control of the state commissioner. The
25 program and revolving loan fund shall be administered by the
26 state commissioner and the revolving loan fund shall include
27 moneys allocated from the state commissioner's budget and any
28 other moneys obtained or accepted by the state commissioner for
29 deposit in the revolving loan fund.

30 2. *a.* The state commissioner may loan moneys in the
31 revolving loan fund to county commissioners for the purchase or
32 update of electronic poll book and polling place technology.

33 *b.* Moneys loaned under this subsection shall be used, in
34 accordance with section 49.28, to furnish electronic poll books
35 to election precincts for the purpose of modernizing polling

1 places throughout the state.

2 c. The state commissioner may spend an amount not to
3 exceed thirty percent of the moneys in the revolving loan
4 fund at the beginning of a fiscal year to administer polling
5 place technology to ensure compliance with state standards
6 of technological security and the protection of personally
7 identifiable information.

8 3. A loan made under this section shall bear no interest.

9 4. Notwithstanding section 12C.7, subsection 2, interest or
10 earnings on moneys in the revolving loan fund shall be credited
11 to the revolving loan fund. Notwithstanding section 8.33,
12 moneys in the revolving loan fund that remain unencumbered or
13 unobligated at the close of a fiscal year shall not revert to
14 any other fund but shall remain available in the revolving loan
15 fund for the purposes designated.

16 5. The state commissioner shall adopt rules pursuant to
17 chapter 17A to administer this section.

18 Sec. 24. Section 49.88, subsection 1, Code 2017, is amended
19 to read as follows:

20 1. No more than one person shall be allowed to occupy
21 any voting booth at any time. The use of ~~cameras, cellular~~
22 ~~telephones, pagers, or other electronic communications devices~~
23 in the voting booth photographic devices and the display of
24 voted ballots is prohibited if such use or display is for
25 purposes prohibited under chapter 39A, interferes with other
26 voters, or interferes with the orderly operation of the polling
27 place.

28 DIVISION IV

29 ELECTION CERTIFICATION AND AUDITS

30 Sec. 25. NEW SECTION. 49.128 Commissioner filings and
31 notifications.

32 1. No later than twenty days following a general election,
33 the commissioner shall place on file in the commissioner's
34 office a certification that the county met the following
35 requirements at the general election:

1 *a.* The testing of voting equipment was performed, as
2 required under section 52.35.

3 *b.* The election personnel training course was conducted, as
4 required under section 49.124.

5 *c.* Polling places met accessibility standards, as required
6 under section 49.21.

7 *d.* The schedule of required publications was adhered to, as
8 required under section 49.53.

9 *e.* The commissioner has complied with administrative rules
10 adopted by the state commissioner under chapter 52, including
11 having a written voting system security plan.

12 2. *a.* If the county is required to conduct an audit under
13 section 50.51, the commissioner shall include a copy of the
14 results with the certification required under this section.

15 *b.* If a county is not required to conduct an audit under
16 section 50.51, the commissioner shall include a copy of the
17 certification required under this section along with the
18 election canvass summary report required under section 50.30A.

19 3. The commissioner shall file a copy of the certification
20 under this section with the state commissioner.

21 4. The commissioner shall promptly notify the state
22 commissioner of each suspected incidence of election misconduct
23 that the commissioner has referred to other agencies or law
24 enforcement for investigation.

25 5. The state commissioner shall prescribe a form for use by
26 the county commissioners.

27 Sec. 26. Section 50.12, Code 2017, is amended to read as
28 follows:

29 **50.12 Return and preservation of ballots.**

30 Immediately after making the proclamation, and before
31 separating, the board members of each precinct in which votes
32 have been received by paper ballot shall enclose in an envelope
33 or other container all ballots which have been counted by them,
34 except those endorsed "Rejected as double", "Defective", or
35 "Objected to", and securely seal the envelope. The signatures

1 of all board members of the precinct shall be placed across
 2 the seal or the opening of the container so that it cannot
 3 be opened without breaking the seal. The precinct election
 4 officials shall return all the ballots to the commissioner, who
 5 shall carefully preserve them for six months. Ballots from
 6 elections for federal offices shall be preserved for twenty-two
 7 months. The sealed packages containing voted ballots shall
 8 be opened only for an official recount authorized by section
 9 50.48, 50.49, or 50.50, for an election contest held pursuant
 10 to chapters 57 through 62, to conduct an audit pursuant to
 11 section 50.51, or to destroy the ballots pursuant to section
 12 50.19.

13 Sec. 27. NEW SECTION. 50.51 Election audits.

14 1. After each general election, the state commissioner
 15 shall, with the cooperation of the county commissioners,
 16 conduct an audit of the official canvass of votes from the
 17 preceding general election.

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

30 3. a. The commissioner may order an administrative recount
 31 pursuant to section 50.50 if the commissioner determines the
 32 results of an audit require an administrative recount.

33 b. If selected to conduct an audit, the commissioner shall
 34 provide an audit report to the county board of supervisors and
 35 shall transmit the audit report to the state commissioner no

1 later than twenty days following the election.

2 4. The results of an audit conducted pursuant to this
3 section shall not change the results, or invalidate the
4 certification, of an election.

5 5. In advance of any other election, the state commissioner
6 may order an audit of the election in the manner provided in
7 this section.

8 6. The state commissioner shall adopt rules, pursuant to
9 chapter 17A, to implement this section.

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 relates to the conduct and administration of
14 elections, including voter registration, absentee voting,
15 voter identity and signature verification, polling place
16 prohibitions, county commissioner of elections certifications,
17 post-election audits, and creation of an electronic poll book
18 program and revolving loan fund.

19 Division I of the bill relates to the conduct and
20 administration of elections generally. The bill requires a
21 person, while acting on behalf of a political party, a nonparty
22 political organization, or a candidate or committee subject
23 to Iowa's campaign finance laws, who accepts a completed
24 voter registration form from an applicant to submit the form
25 to the appropriate county commissioner of elections (county
26 auditor) within seven days of receiving the form. The bill
27 also provides that if the person accepts a completed voter
28 registration form within three days of a voter registration
29 deadline, the person must submit the form to the appropriate
30 commissioner within 24 hours of accepting the form, and not
31 later than the registration deadline for the next election.
32 By operation of current law, failure to timely submit such a
33 form would constitute a simple misdemeanor. The bill also
34 makes it a simple misdemeanor to violate any provision of Code
35 chapter 48A, related to voter registration, for which another

1 penalty is not provided. A simple misdemeanor is punishable by
2 confinement for no more than 30 days or a fine of at least \$65
3 but not more than \$625 or by both.

4 Division I requires county commissioners to cancel the voter
5 registration of a registered voter if the registered voter
6 is not a resident of Iowa or submits jury service-related
7 documentation that indicates that the voter is not a citizen of
8 the United States.

9 Division I of the bill also requires the state registrar of
10 vital statistics to produce and transmit certain lists to the
11 state registrar of voters (secretary of state) without charge.

12 Division I changes the time period to apply for an absentee
13 ballot from not more than 70 days before the election to not
14 more than 120 days before the election. The bill further
15 provides that an application received more than 120 days
16 before the election shall be returned to the applicant along
17 with notification of when the applications will be accepted.
18 Current law requires the commissioner to retain the application
19 and process it with other applications received within the
20 appropriate time period.

21 Division I requires that an application for an absentee
22 ballot by any applicant other than a person requesting an
23 absentee ballot pursuant to Code section 53.22 contain the
24 applicant's voter verification number, defined in the bill
25 as the voter's identification number assigned by the state
26 commissioner, driver's license number, or nonoperator's
27 identification card number. Under the bill, a person's
28 voter identification number, driver's license number, or
29 nonoperator's identification number is considered to be a voter
30 verification number, which is required to be kept confidential.
31 The bill also changes the absentee ballot application deadline
32 from the Friday before the election to the same deadline as
33 voter registration for a given election under Code section
34 48A.9, which is either 11 or 10 days before the election.
35 The bill establishes additional duties for actual or implied

1 agents of political parties for applications received after the
2 deadline.

3 Division I prohibits a voter from voting or offering to vote
4 a ballot in the commissioner's office that was not furnished to
5 the voter by the commissioner. The bill also prohibits a voter
6 from taking or removing any ballot from the commissioner's
7 office. Current law expressly prohibits these actions at
8 precinct polling places.

9 Division II of the bill relates to identity and signature
10 verification for certain voter registrants and voters. The
11 bill changes the requirements for establishing identity and
12 residence for persons registering to vote in-person absentee or
13 on election day by adding veterans identification cards issued
14 by the United States to the list of acceptable photographic
15 identification for establishing identity.

16 Division II of the bill requires the state registrar of
17 voters to compare lists of voters who registered to vote during
18 the preceding week with the department of transportation's
19 driver's license and nonoperator's identification card
20 files. Under the bill, the state registrar is required
21 to issue a free voter verification card, including a voter
22 identification number, to be used only for voting and voter
23 registration purposes, to registrants whose names do not appear
24 in the department's files. Under the bill, providing voter
25 verification cards is contingent upon adequate appropriations.

26 Division II of the bill also requires election officials
27 to verify a voter's identity before furnishing a ballot
28 to the voter. A voter at the polling place is required to
29 present the official with a voter verification card, an Iowa
30 driver's license, an Iowa nonoperator's identification card, a
31 United States passport, a United States military or veterans
32 identification card, or a voter acknowledgment card issued by
33 the county commissioner in order to verify the voter's identity
34 before the voter can receive a ballot. Under the bill, a voter
35 may also present the forms of identification required for

1 election day and in-person absentee voter registration or have
2 their identity and residency attested to by another registered
3 voter in order to verify the voter's identity. Under the bill,
4 a registered voter is allowed to attest to the identity and
5 residency of not more than two other voters on election day.
6 If the voter fails to establish the voter's identity by the
7 methods provided in the bill, the voter may vote a provisional
8 ballot. A voter may also vote a ballot as otherwise provided
9 for under current law by signing an oath attesting to the
10 voter's identity at any election conducted prior to January 1,
11 2019.

12 The bill also requires that county commissioners include
13 information on the verification of voter identities in the
14 notice of each election published under Code section 49.53.

15 Division II requires precinct election officials to examine
16 a voter's identification to determine whether the person
17 offering to vote matches the identification card, including
18 the voter's signature. The bill requires an election official
19 to challenge a person offering to vote if the person's
20 identification does not appear to be the person offering to
21 vote. If the challenge is not withdrawn, the voter may vote a
22 provisional ballot. The proof of identity requirements under
23 the bill shall not apply to persons voting absentee ballots
24 pursuant to Code section 53.22.

25 Related to absentee voting, division II of the bill provides
26 that a county commissioner may dispute certain applications
27 for an absentee ballot if it appears to the commissioner that
28 the signature on the application has been signed by someone
29 other than the registered voter, in comparing the signature on
30 the application to the signature on record of the registered
31 voter named on the application. If the commissioner disputes
32 a registered voter's application under this subsection, the
33 commissioner is required to notify the registered voter and
34 the registered voter is permitted to submit a new application
35 and signature or update the registered voter's signature

1 on record. The bill also requires county commissioners to
2 consider absentee ballots to be defective if it appears to
3 the commissioner that the signature on the envelope marked
4 with the affidavit has been signed by someone other than the
5 registered voter, in comparing the signature on the envelope to
6 the signature on record of the registered voter named on the
7 envelope.

8 Under the bill, the provisions of division II and their
9 application are severable.

10 Division II of the bill takes effect contingent on an
11 appropriation and applies to elections held on or after the
12 effective date of division II.

13 Division III of the bill relates to polling places by
14 creating an electronic poll book and polling place technology
15 program and revolving loan fund and by regulating the use of
16 photographic devices and the display of voted ballots.

17 Division III creates an electronic poll book and polling
18 place technology program and revolving loan fund in the state
19 treasury. Under the bill, the state commissioner of elections
20 (secretary of state) is required to administer the fund.
21 Moneys in the fund may include moneys allocated from the state
22 commissioner's budget and any other moneys obtained or accepted
23 by the state commissioner for deposit in the revolving loan
24 fund. The state commissioner is allowed to loan moneys in
25 the revolving loan fund to county commissioners to purchase
26 or update electronic poll book and polling place technology.
27 Under the bill, the state commissioner is allowed to spend 30
28 percent of the moneys in the revolving loan fund to administer
29 polling place technology.

30 Division III also provides that interest or earnings on
31 moneys in the revolving loan fund are credited to the fund and
32 moneys in the revolving loan fund that remain unencumbered or
33 unobligated at the close of a fiscal year remain available in
34 the revolving loan fund.

35 Division III strikes a provision of current law that

1 prohibits the use of all cameras, cellular telephones, pagers,
2 or other electronic communications devices in a voting booth
3 and provides that the use of photographic devices and the
4 display of voted ballots is prohibited if that use or display
5 is for purposes of election misconduct, interferes with other
6 voters, or interferes with the orderly operation of the polling
7 place.

8 Division IV of the bill requires each county commissioner to
9 place on file in the commissioner's office a certification that
10 the county met voting equipment testing, election personnel
11 training, polling place accessibility, publications, and
12 certain administrative rule requirements at each general
13 election. The certification is also required to include a
14 copy of the results of election audits if the commissioner is
15 required to conduct an audit, described in division IV of the
16 bill. If the commissioner is not required to conduct an audit,
17 the commissioner is required to include the certification with
18 the election canvass summary report. The county commissioner
19 is also required to file a copy of the certification with
20 the state commissioner. The bill further requires the
21 commissioner to promptly notify the state commissioner of
22 each suspected incidence of election misconduct that the
23 commissioner has referred to other agencies or law enforcement
24 for investigation.

25 Division IV of the bill also requires the state commissioner
26 to complete a post-election audit of each general election.
27 The bill requires the state commissioner to determine the
28 number of counties and precincts to be audited and to select
29 precincts to be audited in a county, by lot. The audit is
30 required to be a hand count of ballots for the office of
31 president of the United States or governor, as the case may
32 be. Under the bill, a county commissioner is allowed to
33 order an administrative recount under certain conditions. A
34 county commissioner selected to conduct an audit is required
35 to provide an audit report to the board of supervisors and

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1 the state commissioner, as provided for under the bill. The
2 results of an audit shall not change the results, or invalidate
3 the certification, of an election.