

House File 692 - Introduced

HOUSE FILE 692
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 608)

A BILL FOR

1 An Act relating to the tracking and counting of mailed absentee
2 ballots.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 53.17, subsection 1, paragraph b, Code
2 2019, is amended to read as follows:

3 b. The sealed return envelope may be mailed to the
4 commissioner by the registered voter or by the voter's
5 designee. If mailed by the voter's designee, the envelope
6 must be mailed within seventy-two hours of retrieving it from
7 the voter or within time to be postmarked or, if applicable,
8 to have the ~~intelligent-mail~~ postal service barcode traced to
9 a date of entry into the federal mail system not later than
10 the day before the election, as provided in section 53.17A,
11 whichever is earlier.

12 Sec. 2. Section 53.17, subsection 2, Code 2019, is amended
13 to read as follows:

14 2. In order for the ballot to be counted, the return
15 envelope must be received in the commissioner's office before
16 the polls close on election day or be clearly postmarked by an
17 officially authorized postal service or bear an ~~intelligent~~
18 ~~mail~~ a postal service barcode traceable to a date of entry
19 into the federal mail system not later than the day before the
20 election, as provided in section 53.17A, and received by the
21 commissioner not later than noon on the Monday following the
22 election.

23 Sec. 3. Section 53.17, subsection 4, paragraph f, Code 2019,
24 is amended to read as follows:

25 f. A statement that the completed absentee ballot will
26 be delivered to the commissioner's office within seventy-two
27 hours of retrieving it from the voter or before the closing of
28 the polls on election day, whichever is earlier, or that the
29 completed absentee ballot will be mailed to the commissioner
30 within seventy-two hours of retrieving it from the voter or
31 within time to be postmarked or, if applicable, to have the
32 ~~intelligent-mail~~ postal service barcode traced to a date of
33 entry into the federal mail system not later than the day
34 before the election, as provided in section 53.17A, whichever
35 is earlier.

1 Sec. 4. NEW SECTION. 53.17A **Absentee ballot tracking.**

2 1. For the purposes of this chapter:

3 *a.* "Postal service barcode" means a barcode purchased by the
4 sender and supplied by the United States postal service that is
5 used to sort and track letters and flat packages and is printed
6 on an absentee ballot return envelope at the direction of the
7 commissioner before the envelope is sent to the voter.

8 *b.* "Tracking information database" means a database
9 administered by the United States postal service that is
10 accessible to the commissioner and contains information
11 regarding letters or flat packages.

12 2. *a.* Prior to implementing for the first time,
13 discontinuing the usage of, or reimplementing the usage
14 of a postal service barcode and tracking information, the
15 commissioner shall send notice to the state commissioner prior
16 to October 1, 2020, for an election taking place in 2020 after
17 that date, and by October 1 of each year thereafter.

18 *b.* The commissioner shall not implement or discontinue
19 the use of a postal service barcode or tracking information
20 database during an election after an absentee ballot has been
21 mailed for that election pursuant to section 53.8.

22 *c.* The state commissioner shall adopt rules regarding
23 the statewide implementation of a postal service barcode and
24 tracking information database, including procedures to be
25 followed when usage of a postal service barcode or the tracking
26 information database is negatively impacted. Each commissioner
27 shall use a postal service barcode and tracking information
28 database consistent with rules of the state commissioner.
29 Every commissioner shall send notice to the state commissioner
30 and implement the use of a postal service barcode and tracking
31 information database prior to October 1, 2020.

32 3. *a.* An absentee ballot received after the polls close
33 on election day but prior to the official canvass shall be
34 counted if the commissioner determines that the ballot entered
35 the federal mail system by the deadline specified in section

1 53.17 or 53.22. The date of entry of such an absentee ballot
2 into the federal mail system shall only be verified as provided
3 in paragraph "b".

4 b. (1) If the postmark indicates that the absentee ballot
5 entered the federal mail system by the deadline specified
6 in section 53.17 or 53.22, the ballot shall be included for
7 canvass by the absentee and special voters precinct board.

8 (2) If the postmark is illegible, missing, or dated on or
9 after election day, the commissioner shall attempt to verify
10 the ballot's date of entry into the federal mail system by
11 querying the postal service barcode in the tracking information
12 database. If the tracking information database indicates that
13 the absentee ballot entered the federal mail system by the
14 deadline specified in section 53.17 or 53.22, the ballot shall
15 be included for canvass by the absentee and special voters
16 precinct board. The commissioner shall provide a report to
17 the absentee and special voters precinct board regarding the
18 information available in the tracking information database.

19 (3) If there is a discrepancy between the date indicated by
20 the postmark and the postal service barcode, the earlier of the
21 two shall determine the date of entry of the absentee ballot
22 into the federal mail system.

23 (4) (a) If neither the postmark nor the postal service
24 barcode indicates that the absentee ballot entered the federal
25 mail system by the deadline specified in section 53.17 or
26 53.22, the absentee ballot shall be sent to the absentee
27 and special voters precinct board pursuant to subparagraph
28 division (b) with the numeric value assigned to the postal
29 service barcode and a full report from the tracking information
30 database.

31 (b) An absentee and special voters precinct board member
32 from each political party for partisan elections, or any
33 two members of the board for nonpartisan elections, shall
34 review the postal service barcode and tracking database
35 information report of each absentee ballot submitted pursuant

1 to subparagraph division (a) and certify that the tracking
2 information database report corresponds to the absentee ballot
3 by initialing the report and the absentee ballot envelope.
4 If the board concludes that the postal service barcode and
5 tracking information database report verify that the absentee
6 ballot entered the federal mail system by the deadline
7 specified in section 53.17 or 53.22, the ballot shall be
8 counted. Otherwise, the ballot shall not be counted.

9 4. The commissioner shall file a report regarding absentee
10 ballot tracking and counting for each general election no later
11 than December 1 following each general election. The report
12 shall be in a form prescribed by the state commissioner.

13 Sec. 5. Section 53.22, subsection 6, paragraph b, Code 2019,
14 is amended to read as follows:

15 b. Absentee ballots voted under **this subsection** shall be
16 delivered to the commissioner no later than the time the polls
17 are closed on election day. If the ballot is returned by mail
18 the return envelope must be received by the time the polls
19 close, or be clearly postmarked by an officially authorized
20 postal service or bear ~~an intelligent mail~~ a postal service
21 barcode traceable to a date of entry into the federal mail
22 system not later than the day before the election, as provided
23 in section 53.17A, and received by the commissioner no later
24 than the time established for the canvass by the board of
25 supervisors for that election.

26 EXPLANATION

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

29 This bill creates a system for the tracking and counting
30 of mailed absentee ballots. The bill, consistent with rules
31 of the state commissioner of elections, requires a county
32 commissioner of elections to implement a system for the
33 tracking and counting of absentee ballots utilizing a postal
34 service barcode printed on absentee ballot envelopes by the
35 commissioner and a tracking information database containing the

1 tracking information for absentee ballots. The commissioner
2 must send notice to the state commissioner of elections by
3 October 1 prior to using such a system for the first time,
4 discontinuing such a system, or reimplements such a system.

5 The bill provides that a mailed absentee ballot that arrives
6 after the polls close on election day shall only be counted
7 after it is verified that the ballot entered the federal mail
8 system by the day before election day. If the postmark or
9 postal service barcode indicates that the ballot entered the
10 federal mail system by the day before election day, the ballot
11 shall be included for canvass by the absentee and special
12 voters precinct board. If there is a discrepancy between the
13 date indicated by the postmark and the postal service barcode,
14 the earlier date shall be used to determine the date the ballot
15 entered the federal mail system. If the commissioner uses a
16 postal service barcode to verify the date of entry of a ballot
17 into the federal mail system, the commissioner shall send a
18 report detailing the information in the tracking information
19 database to the absentee and special voters precinct board.

20 If neither the postmark nor the postal service barcode
21 indicates that the ballot entered the federal mail system by
22 the deadline, the ballot shall be sent to the absentee and
23 special voters precinct board with the numeric value assigned
24 to the postal service barcode and a report from the tracking
25 information database. A member of the board for each party,
26 or, for nonpartisan elections, any two members of the board,
27 shall examine the barcode and tracking information and verify
28 that they correspond to the absentee ballot. If the board
29 concludes that the postal service barcode and the report from
30 the tracking information database indicate that the absentee
31 ballot entered the federal mail system by the deadline, the
32 ballot shall be counted. Otherwise, the ballot shall not be
33 counted.

34 The bill requires each commissioner to file a report
35 regarding absentee ballot tracking and counting for each

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1 general election no later than December 1 following each
2 general election in a form prescribed by the state commissioner
3 of elections.