

House Study Bill 49 - Introduced

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

A BILL FOR

1 An Act relating to the administration of elections, providing
2 penalties, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.2, subsection 4, paragraph b, as
2 amended by 2017 Iowa Acts, chapter 155, section 13, is amended
3 to read as follows:

4 b. For a city, in the odd-numbered year, the first
5 Tuesday in March, the first Tuesday in May, the first Tuesday
6 in August, or the first Tuesday after the first Monday in
7 November. For a city, in the even-numbered year, the first
8 Tuesday in March, the first Tuesday in May, or the first
9 Tuesday in August, ~~or the first Tuesday in December.~~

10 Sec. 2. Section 39.2, subsection 4, paragraph c, Code 2019,
11 is amended to read as follows:

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

19 Sec. 3. Section 39A.3, subsection 1, paragraph a, Code 2019,
20 is amended by adding the following new subparagraph:

21 NEW SUBPARAGRAPH. (5) Falsely or fraudulently signs
22 nomination papers on behalf of another person.

23 Sec. 4. Section 39A.3, subsection 1, Code 2019, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. c. *Miscellaneous offenses.* Uses voter
26 registration information, including resale or redistribution
27 of the voter registration list without written permission of
28 the state registrar, for purposes other than those permitted
29 by section 48A.39.

30 Sec. 5. Section 39A.4, subsection 1, paragraph c,
31 subparagraph (5), Code 2019, is amended by striking the
32 subparagraph.

33 Sec. 6. Section 39A.6, Code 2019, is amended to read as
34 follows:

35 **39A.6 Technical infractions — notice.**

1 1. If the state commissioner or county commissioner becomes
2 aware of an apparent technical violation of a provision of
3 chapters 39 through 53, the state commissioner or county
4 commissioner may administratively provide a written notice
5 and letter of instruction to the responsible person regarding
6 proper compliance procedures.

7 2. If the state commissioner sends a notice of such a
8 technical infraction to a county commissioner, the state
9 commissioner may require a written explanation of the
10 occurrence, and measures that the person took to redress the
11 issues contained within the notice.

12 3. This notice is not a final determination of facts or law
13 in the matter, and does not entitle a person to a proceeding
14 under [chapter 17A](#).

15 Sec. 7. Section 43.14, subsection 1, Code 2019, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. *g.* The printed name, signature, address,
18 and phone number of the person responsible for circulating the
19 petition page.

20 Sec. 8. Section 43.14, subsection 2, Code 2019, is amended
21 to read as follows:

22 2. *a.* Signatures on a petition page shall be counted only
23 if the information required in [subsection 1](#) is written or
24 printed at the top of the page.

25 b. Nomination papers on behalf of candidates for seats in
26 the general assembly need only designate the number of the
27 senatorial or representative district, as appropriate, and
28 not the county or counties, in which the candidate and the
29 petitioners reside.

30 c. A signature line shall not be counted if the line
31 lacks the signature of the eligible elector and the signer's
32 residential address, with street and number, if any, and city.
33 A signature line shall not be counted if an eligible elector
34 supplies only a partial address or a post office box address,
35 or if the signer's address is obviously outside the boundaries

1 of the district.

2 d. A signature line shall not be counted if any of the
3 required information is crossed out or redacted at the time
4 the nomination papers are filed with the state commissioner or
5 commissioner.

6 Sec. 9. Section 43.14, subsection 4, Code 2019, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. f. Any other information required by section
9 43.18.

10 Sec. 10. Section 43.15, subsection 2, Code 2019, is amended
11 to read as follows:

12 2. Each signer shall add the signer's ~~residence~~ residential
13 address, with street and number, if any, and the date of
14 signing.

15 Sec. 11. Section 43.22, unnumbered paragraph 1, Code 2019,
16 is amended to read as follows:

17 The state commissioner shall, at least sixty-nine days
18 before a primary election, or as soon as practicable if an
19 objection under section 43.24 is pending, furnish to the
20 commissioner of each county a certificate under the state
21 commissioner's hand and seal, which certificate shall show:

22 Sec. 12. Section 43.24, subsection 1, paragraph b,
23 subparagraphs (1) and (2), Code 2019, are amended to read as
24 follows:

25 (1) Those filed with the state commissioner, not less than
26 seventy-four days before the date of the election, or for
27 certificates of nomination filed under section 43.23, not less
28 than seventy days before the date of the election.

29 (2) Those filed with the commissioner, not less than
30 sixty-four days before the date of the election, or for
31 certificates of nomination filed under section 43.23, not less
32 than sixty-two days before the date of the election.

33 Sec. 13. Section 45.5, subsection 1, Code 2019, is amended
34 by adding the following new paragraph:

35 NEW PARAGRAPH. f. The printed name, signature, address,

1 and phone number of the person responsible for circulating the
2 petition page.

3 Sec. 14. Section 45.5, subsection 2, Code 2019, is amended
4 to read as follows:

5 2. a. Signatures on a petition page shall be counted only
6 if the information required in subsection 1 is written or
7 printed at the top of the page.

8 b. Nomination papers on behalf of candidates for seats in
9 the general assembly need only designate the number of the
10 senatorial or representative district, as appropriate, and
11 not the county or counties, in which the candidate and the
12 petitioners reside.

13 c. A signature line in a nomination petition shall not be
14 counted if the line lacks the signature of the eligible elector
15 and the signer's residential address, with street and number,
16 if any, and city. A signature line shall not be counted if
17 an eligible elector supplies only a partial address or a post
18 office box address, or if the signer's address is obviously
19 outside the boundaries of the appropriate ward, city, school
20 district or school district director district, legislative
21 district, or other district.

22 d. A signature line shall not be counted if any of the
23 required information is crossed out or redacted at the time
24 the nomination papers are filed with the state commissioner or
25 commissioner.

26 Sec. 15. Section 45.6, subsection 2, Code 2019, is amended
27 to read as follows:

28 2. Each signer shall add the signer's residence residential
29 address, with street and number, if any, and city.

30 Sec. 16. Section 47.1, subsection 6, Code 2019, is amended
31 to read as follows:

32 6. The state commissioner may, at the state commissioner's
33 discretion, examine the records of a commissioner to evaluate
34 complaints and to ensure compliance with the provisions
35 of chapters 39 through 53. This examination shall include

1 assessments conducted or authorized by private or government
2 entities to evaluate a county's security readiness for
3 elections-related technology or physical facilities. The state
4 commissioner shall adopt rules pursuant to **chapter 17A** to
5 require a commissioner to provide written explanations related
6 to examinations conducted pursuant to **this subsection.** Any
7 information that is requested by or in the possession of the
8 state commissioner pursuant to this chapter shall not lose its
9 confidential status pursuant to section 22.7, subsection 50.

10 Sec. 17. Section 47.1, Code 2019, is amended by adding the
11 following new subsections:

12 NEW SUBSECTION. 7. The state commissioner may share
13 information a county provides to an appropriate government
14 agency to safeguard against cybersecurity or physical threats.

15 NEW SUBSECTION. 8. The state commissioner may adopt rules
16 pursuant to chapter 17A to create minimum security protocols
17 applicable to county commissioners of elections. If a county
18 fails to adhere to these protocols, the state commissioner may
19 limit access to the statewide voter registration system.

20 Sec. 18. Section 47.2, Code 2019, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 7. The county commissioner of elections
23 shall, to maintain election security, do all of the following:

24 *a.* When the county commissioner believes that a
25 cybersecurity incident or data breach has occurred, the county
26 commissioner shall immediately inform the state commissioner
27 of elections.

28 *b.* If the county commissioner has no reason to believe
29 that a cybersecurity incident or data breach has occurred,
30 the county commissioner shall certify that fact to the state
31 commissioner on an annual basis.

32 Sec. 19. Section 47.7, subsection 2, paragraph d, Code 2019,
33 is amended to read as follows:

34 *d.* The state registrar shall prescribe by rule the
35 procedures for access to the state voter registration file,

1 ~~security requirements, and access protocols for adding,~~
2 ~~changing, or deleting information from the state voter~~
3 ~~registration file including all of the following:~~

4 (1) Access protocols for adding, changing, or deleting
5 information from the state voter registration file.

6 (2) Training requirements for all state voter registration
7 file users.

8 (3) Technology safeguards, including county information
9 technology network requirements, necessary to access the state
10 voter registration file.

11 (4) Breach incident response requirements and protocols on
12 all matters related to elections.

13 Sec. 20. Section 47.7, subsection 2, Code 2019, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. e. The state registrar may rescind access to
16 the statewide voter registration file from a user who is not in
17 compliance with the prescribed rules.

18 Sec. 21. Section 48A.9, subsection 4, Code 2019, is amended
19 to read as follows:

20 4. Registration forms submitted to voter registration
21 agencies, to motor vehicle driver's license stations, and to
22 county treasurer's offices participating in county issuance of
23 driver's licenses under [chapter 321M](#) shall be considered on
24 time if they are received no later than ~~5:00~~ 11:59 p.m. on the
25 day registration closes for that election. Offices or agencies
26 other than the county commissioner's office are not required
27 to be open for voter registration purposes at times other than
28 their usual office hours.

29 Sec. 22. Section 48A.26, subsection 1, Code 2019, is amended
30 to read as follows:

31 1. a. Except as otherwise provided in ~~paragraph~~ paragraphs
32 "b" and "c" of this subsection, or section 48A.26A, within seven
33 working days of receipt of a voter registration form or change
34 of information in a voter registration record the commissioner
35 shall send an acknowledgment to the registrant at the mailing

1 address shown on the registration form. The acknowledgment
2 shall be sent by nonforwardable mail.

3 *b.* For a voter registration form or change of information
4 in a voter registration record submitted at a precinct caucus,
5 the commissioner shall send an acknowledgment within forty-five
6 days of receipt of the form or change of information.

7 *c.* For a voter registration form or change of information in
8 a voter registration record submitted within fourteen days of a
9 regularly scheduled election, the commissioner shall send an
10 acknowledgment within forty-eight hours of receipt of the form
11 or change of information.

12 Sec. 23. Section 49.11, Code 2019, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 4. Notice of changes made pursuant to
15 subsection 3 shall be reported to the state commissioner at
16 least twenty-five days before the next election in which the
17 temporary precinct will be active, or, for elections held
18 pursuant to section 69.14 while the general assembly is in
19 session or within forty-five days of the convening of a session
20 of the general assembly, at least ten days before election day.

21 Sec. 24. Section 49.31, subsection 1, paragraph a, Code
22 2019, is amended to read as follows:

23 *a.* All ballots shall be arranged with the names of
24 candidates for each office listed below the office title.
25 For partisan elections the name of the political party or
26 organization which nominated each candidate shall be listed
27 after or below each candidate's name. The state commissioner
28 may prescribe, and a county commissioner may use, uniform
29 abbreviations for political parties and organizations.

30 Sec. 25. Section 49.57, subsection 2, Code 2019, is amended
31 to read as follows:

32 2. After the name of each candidate for a partisan office
33 the name of the candidate's political party shall be printed
34 in at least six point type. The names of political parties
35 and nonparty political organizations may be abbreviated on

1 the remainder of the ballot if both the full name and the
2 abbreviation appear in the voter instruction area of the
3 ballot.

4 Sec. 26. Section 50.51, subsection 6, Code 2019, is amended
5 to read as follows:

6 6. The state commissioner shall adopt rules, pursuant
7 to chapter 17A, to implement this section, which may include
8 the establishment of pilot programs related to post-election
9 audits.

10 Sec. 27. NEW SECTION. 53.1A Rules.

11 The state commissioner shall adopt rules pursuant to chapter
12 17A for the implementation of this chapter.

13 Sec. 28. Section 53.8, subsection 1, paragraph a,
14 unnumbered paragraph 1, Code 2019, is amended to read as
15 follows:

16 Upon receipt of an application for an absentee ballot
17 and immediately after the absentee ballots are printed,
18 but not more than twenty-nine days before the election, the
19 commissioner shall mail an absentee ballot to the applicant
20 within twenty-four hours, except as otherwise provided in
21 subsection 3. When the United States post office is closed
22 in observance of a federal holiday and is not delivering mail
23 on the twenty-ninth day before the election, the first day to
24 mail absentee ballots is the next business day on which mail
25 delivery is available. The absentee ballot shall be sent to
26 the registered voter by one of the following methods:

27 Sec. 29. EFFECTIVE DATE. This Act, being deemed of
28 immediate importance, takes effect upon enactment.

29 EXPLANATION

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

32 This bill relates to the administration of elections.

33 The bill eliminates the second Tuesday in December as a
34 possible date for a special election on a public measure in
35 a school district or merged area in an even-numbered year.

1 The bill also eliminates the first Tuesday in December as a
2 possible date for a special election on a public measure in a
3 city in an even-numbered year.

4 The bill makes the false or fraudulent signing of nomination
5 papers on behalf of another person and the misuse of voter
6 registration information election misconduct in the second
7 degree. Under current law, misuse of voter registration
8 information is election misconduct in the third degree. A
9 person who commits election misconduct in the second degree is
10 guilty of an aggravated misdemeanor. An aggravated misdemeanor
11 is punishable by confinement for no more than two years and a
12 fine of at least \$625 but not more than \$6,250.

13 The bill permits the state commissioner of elections to
14 require a written explanation from a county commissioner who
15 has been issued a notice of technical infraction. Such an
16 explanation must contain measures the county commissioner took
17 to redress the issues in the notice.

18 The bill requires a person circulating a petition for
19 nomination to include that person's name, signature, address,
20 and phone number. The bill also specifies that a signature
21 line must contain a signer's residential address. The bill
22 prohibits a signature line from being counted if the signature
23 line contains a partial address or a post office box address,
24 or if any of the required information is crossed out or
25 redacted at the time of filing. The bill requires nomination
26 papers to be rejected if they do not contain information
27 required by Code section 43.18 (affidavit of candidacy).

28 The bill requires the state commissioner to issue a
29 certificate of nomination to each county commissioner as soon
30 as is practicable if a challenge to the nomination pursuant
31 to section 43.24 is pending. Current law requires the state
32 commissioner to issue such a certificate at least 69 days
33 before a primary election.

34 The bill permits objections to be filed to certificates of
35 nomination for candidates to replace candidates who have died

1 or withdrawn their nomination.

2 The bill permits the state commissioner to examine election
3 security assessments conducted or authorized by government or
4 private entities. Such information retains its confidential
5 status. The bill also permits the state commissioner to share
6 information provided by a county to an appropriate government
7 agency to safeguard against cybersecurity or physical threats
8 and to adopt rules for minimum security standards to which
9 county commissioners must adhere. The state commissioner may
10 limit access to the statewide voter registration system if a
11 county commissioner fails to meet these standards.

12 The bill requires a county commissioner of elections
13 to report to the state commissioner of elections when the
14 county commissioner believes that a cybersecurity incident or
15 data breach has occurred. The bill also requires a county
16 commissioner to report to the state commissioner on an annual
17 basis if the county commissioner has no reason to believe that
18 a cybersecurity incident or data breach has occurred.

19 The bill requires the state registrar of voters to adopt
20 rules regarding access to the statewide voter registration
21 system and training requirements, technology safeguards, and
22 breach incident response requirements.

23 The bill extends the deadline by which voter registration
24 forms must be submitted to voter registration agencies, motor
25 vehicle driver's license stations, and county treasurer's
26 offices participating in county issuance of driver's licenses
27 from 5:00 p.m. to 11:59 p.m. on the day registration closes for
28 an election.

29 The bill changes the time frame for the state commissioner
30 of elections to send an acknowledgment of receipt of a voter
31 registration form or change of information, if that form was
32 submitted within 14 days of a regularly scheduled election,
33 from within 7 days to within 48 hours.

34 The bill requires county commissioners of elections to
35 report temporary combinations of precincts to the state

1 commissioner of elections at least 25 days before the next
2 election for which the precinct will be active, or at least 10
3 days prior to an election held pursuant to section 69.14.

4 The bill allows the state commissioner of elections to
5 prescribe, and county commissioners of elections to place
6 on ballots, uniform abbreviations for political parties and
7 organizations. The bill allows abbreviations for the names of
8 political parties and organizations to be used on the remainder
9 of the ballot if the full name and abbreviation appear in the
10 voter instruction portion of the ballot.

11 The bill allows the state commissioner of elections to adopt
12 rules to establish pilot programs related to post-election
13 audits.

14 The bill requires the state commissioner of elections to
15 adopt rules for the implementation of the absentee voting
16 system.

17 The bill moves the first day to mail absentee ballots to
18 the first business day on which mail delivery is available
19 following the 29th day before an election in the event that the
20 United States post office is closed and not delivering mail on
21 the 29th day before an election.

22 The bill takes effect upon enactment.