

House Study Bill 545 - Introduced

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

A BILL FOR

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

1 Section 1. NEW SECTION. 39.5 Petitions — requirements.

2 In addition to any other information required by law, a
3 petition relating to any elective office, election, or the
4 administration of elections must include the printed name,
5 signature, address, and phone number of the person responsible
6 for circulating the petition page.

7 Sec. 2. Section 43.36, Code 2020, is amended to read as
8 follows:

9 **43.36 Australian ballot.**

10 The Australian ballot system as now used in this state,
11 except as herein modified, shall be used at said primary
12 election. The endorsement of the precinct election officials
13 and the county auditor's seal shall appear upon the ballots
14 as provided for general elections. The county auditor's
15 seal shall contain the name of the county, the word "county"
16 which may be abbreviated, and the word "Iowa", and the seal
17 may contain the word "auditor" which may be abbreviated, but
18 shall not contain the name of the county auditor or any elected
19 official.

20 Sec. 3. Section 48A.30, subsection 1, paragraph a, Code
21 2020, is amended to read as follows:

22 a. The registered voter dies. For the purposes of this
23 subsection, the commissioner may accept as evidence of death a
24 notice from the state registrar of vital statistics forwarded
25 by the state registrar of voters, a notice from the federal
26 social security administration, a written statement from a
27 person related to the registered voter within the second degree
28 of consanguinity or first degree of affinity, an obituary
29 in a newspaper or that appears on the internet site of a
30 funeral establishment licensed under [chapter 156](#) or by the
31 proper authority of another state, a written statement from an
32 election official or personal representative of the registered
33 voter's estate, or a notice from the county recorder of the
34 county where the registered voter died.

35 Sec. 4. Section 49.31, subsection 2, paragraph c, Code 2020,

1 is amended to read as follows:

2 c. On the general election ballot the names of candidates
3 for the nonpartisan offices listed in [section 39.21](#) shall
4 be arranged by drawing lots for position. The commissioner
5 shall hold the drawing on the ~~first business day following the~~
6 ~~deadline for filing of nomination certificates or petitions~~
7 ~~with the commissioner for the general election pursuant to~~
8 ~~section 44.4~~ sixty-eighth day before the general election. If
9 a candidate withdraws, dies, or is removed from the ballot
10 after the ballot position of names has been determined, such
11 candidate's name shall be removed from the ballot, and the
12 order of the remaining names shall not be changed.

13 Sec. 5. Section 49.51, Code 2020, is amended to read as
14 follows:

15 **49.51 Commissioner to control printing.**

16 The commissioner shall have charge of the printing of the
17 ballots to be used for any election held in the county. The
18 ballot shall include the seal of the county auditor under
19 whose direction the ballot is printed. The county auditor's
20 seal shall contain the name of the county, the word "county"
21 which may be abbreviated, and the word "Iowa", and the seal
22 may contain the word "auditor" which may be abbreviated, but
23 shall not contain the name of the county auditor or any elected
24 official.

25 Sec. 6. Section 49.57, subsection 6, Code 2020, is amended
26 to read as follows:

27 6. A portion of the ballot shall include the words "Official
28 ballot", the unique identification number or name assigned by
29 the commissioner to the ballot style, the date of the election,
30 and the county auditor's seal of the county of the commissioner
31 who has caused the ballot to be printed pursuant to section
32 49.51. The county auditor's seal shall contain the name of
33 the county, the word "county" which may be abbreviated, and
34 the word "Iowa", and the seal may contain the word "auditor"
35 which may be abbreviated, but shall not contain the name of the

1 county auditor or any elected official.

2 Sec. 7. Section 49.75, Code 2020, is amended to read as
3 follows:

4 **49.75 Oath.**

5 Before opening the polls, each of the board members shall
6 take the following oath:

7 I, A. B., do solemnly swear or affirm that I will
8 impartially, and to the best of my knowledge and ability,
9 perform the duties of precinct election official of this
10 election, and will studiously endeavor to prevent fraud,
11 deceit, and abuse in conducting the election.

12 I understand that as a precinct election official, I have
13 access to certain information that is considered confidential
14 and is protected under Code chapters 22, 48A, and 715C. Due to
15 this protected status, I agree to only release this information
16 in accordance with Iowa law.

17 Additionally, I understand that the prohibition on sharing
18 confidential information extends before and after the hours
19 that my assigned polling place is open.

20 Sec. 8. Section 49.78, subsection 4, Code 2020, is amended
21 to read as follows:

22 4. A person who is registered to vote but is unable
23 to present a form of identification under **subsection 2** or
24 3 may establish identity and residency in the precinct by
25 written oath of a person who is also registered to vote in
26 the precinct. Before signing an oath under this subsection,
27 the attesting registered voter shall present to the precinct
28 election official proof of the voter's identity as provided
29 in subsection 2 or 3. The attesting registered voter's oath
30 shall attest to the stated identity of the person wishing to
31 vote and that the person is a current resident of the precinct.
32 The oath must be signed by the attesting registered voter in
33 the presence of the appropriate precinct election official.
34 A registered voter who has signed two oaths on election day
35 attesting to a person's identity and residency as provided in

1 this subsection is prohibited from signing any further oaths as
2 provided in [this subsection](#) on that day.

3 Sec. 9. Section 50.51, subsection 5, Code 2020, is amended
4 to read as follows:

5 5. In advance of ~~any~~ all other ~~election~~ elections, the state
6 commissioner ~~may~~ shall order an audit of the election in the
7 manner provided in [this section](#).

8 Sec. 10. Section 53.2, subsection 4, paragraph a,
9 unnumbered paragraph 1, Code 2020, is amended to read as
10 follows:

11 ~~Each application shall contain~~ To request an absentee
12 ballot, a registered voter shall provide the following
13 information:

14 Sec. 11. Section 53.2, subsection 4, paragraph b, Code 2020,
15 is amended to read as follows:

16 b. If insufficient information has been provided, including
17 the absence of a voter verification number, either on the
18 prescribed form or on an application created by the applicant,
19 the commissioner shall, ~~by the best means available,~~ contact
20 the voter to obtain the additional necessary information
21 directly from the voter. A voter requesting or casting a
22 ballot pursuant to [section 53.22](#) shall not be required to
23 provide a voter verification number.

24 Sec. 12. Section 53.22, subsection 3, Code 2020, is amended
25 to read as follows:

26 3. Any registered voter who becomes a patient, tenant, or
27 resident of a hospital, assisted living program, or health care
28 facility in the county where the voter is registered to vote
29 ~~within three days prior to the date of any election~~ after the
30 deadline to make a written application for an absentee ballot
31 pursuant to section 53.2 or on election day may request an
32 absentee ballot during that period or on election day. As an
33 alternative to the application procedure prescribed by section
34 53.2, the registered voter may make the request directly to
35 the officers who are delivering and returning absentee ballots

1 under [this section](#). Alternatively, the request may be made by
2 telephone to the office of the commissioner not later than four
3 hours before the close of the polls. If the requester is found
4 to be a registered voter of that county, these officers shall
5 deliver the appropriate absentee ballot to the registered voter
6 in the manner prescribed by [this section](#).

7 Sec. 13. Section 53.22, subsection 6, paragraph a, Code
8 2020, is amended to read as follows:

9 a. If the registered voter becomes a patient, tenant, or
10 resident of a hospital, assisted living program, or health
11 care facility outside the county where the voter is registered
12 to vote ~~within three days before the date of any election~~
13 after the deadline to make a written application for an
14 absentee ballot pursuant to section 53.2 or on election day,
15 the voter may designate a person to deliver and return the
16 absentee ballot. The designee may be any person the voter
17 chooses except that no candidate for any office to be voted
18 upon for the election for which the ballot is requested may
19 deliver a ballot under [this subsection](#). The request for an
20 absentee ballot may be made by telephone to the office of the
21 commissioner not later than four hours before the close of the
22 polls. If the requester is found to be a registered voter of
23 that county, the ballot shall be delivered by mail or by the
24 person designated by the voter. An application form shall be
25 included with the absentee ballot and shall be signed by the
26 voter and returned with the ballot.

27 Sec. 14. Section 53.49, Code 2020, is amended to read as
28 follows:

29 **53.49 Applicable to armed forces and other citizens.**

30 The provisions of [this subchapter](#) as to absent voting shall
31 apply only to absent voters in the armed forces of the United
32 States as defined for the purpose of absentee voting in section
33 53.37. The provisions of sections 53.1 through ~~53.34~~ 53.33
34 shall apply to all other voters not members of the armed forces
35 of the United States.

1 Sec. 15. Section 99F.7, subsection 11, paragraph a, Code
2 2020, is amended to read as follows:

3 a. A license to conduct gambling games in a county shall
4 be issued only if the county electorate approves the conduct
5 of the gambling games as provided in [this subsection](#). The
6 board of supervisors, upon receipt of a valid petition meeting
7 the requirements of [section 331.306](#), and subject to the
8 requirements of paragraph "e", shall direct the commissioner of
9 elections to submit to the registered voters of the county a
10 proposition to approve or disapprove the conduct of gambling
11 games in the county. The proposition shall be submitted at an
12 election held on a date specified in section 39.2, subsection
13 4, paragraph "a". ~~To be submitted at a general election, the~~
14 ~~petition must be received by the board of supervisors at least~~
15 ~~five working days before the last day for candidates for county~~
16 ~~offices to file nomination papers for the general election~~
17 ~~pursuant to [section 44.4](#).~~ If a majority of the county voters
18 voting on the proposition favor the conduct of gambling games,
19 the commission may issue one or more licenses as provided in
20 this chapter. If a majority of the county voters voting on
21 the proposition do not favor the conduct of gambling games, a
22 license to conduct gambling games in the county shall not be
23 issued.

24 Sec. 16. Section 277.4, subsection 4, Code 2020, is amended
25 to read as follows:

26 4. Any person on whose behalf nomination petitions have
27 been filed under [this section](#) may withdraw as a candidate by
28 filing a signed statement to that effect with the secretary at
29 ~~any time prior to 5:00 p.m. on the thirty-fifth day before the~~
30 ~~election~~ consistent with section 44.9, subsection 5.

31 Sec. 17. REPEAL. Section 53.34, Code 2020, is repealed.

32 Sec. 18. REPEAL. 2017 Iowa Acts, chapter 155, section 1,
33 is repealed.

34 Sec. 19. EFFECTIVE DATE. This Act, being deemed of
35 immediate importance, takes effect upon enactment.

1

EXPLANATION

2

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

3

4 This bill relates to the conduct of elections.

5 The bill requires all petitions relating to any elective
6 office, election, or the administration of elections to include
7 the printed name, signature, address, and phone number of the
8 person responsible for circulating each page of the petition.

9 The bill requires all ballots to include the seal of the
10 county auditor of the county of the county commissioner of
11 elections responsible for printing the ballot. The seal of
12 the county auditor shall contain the name of the county, the
13 word "county", and the word "Iowa", and may contain the word
14 "auditor". The seal shall not contain the name of the auditor
15 or any elected official.

16 The bill allows a county commissioner of registration to
17 cancel a voter's registration if the commissioner receives
18 notice of the voter's death from the federal social security
19 administration.

20 The bill sets the date for the drawing of lots for the
21 arrangement of candidates on a nonpartisan ballot to the
22 sixty-eighth day prior to the general election.

23 The bill adds provisions regarding the safeguarding of
24 confidential information to the oath taken by precinct election
25 officials.

26 The bill requires a voter who is attesting to the
27 identity of a registered voter who is unable to produce voter
28 identification to first provide proof of the attesting voter's
29 identity.

30 The bill requires the state commissioner of elections to
31 order election audits prior to all elections other than general
32 elections.

33 The bill requires a county commissioner of elections who
34 receives an incomplete application for an absentee ballot to
35 contact the voter and obtain the missing information directly

1 from the voter. The bill removes a provision allowing a county
2 commissioner of elections to obtain such information by the
3 best means available.

4 The bill allows a registered voter who becomes a patient,
5 tenant, or resident of a hospital, assisted living program,
6 or health care facility in the county where the voter is
7 registered to vote after the deadline for making a written
8 application for an absentee ballot to request an absentee
9 ballot during that period, including election day. Current law
10 allows a person who becomes so confined within three days prior
11 to the date of an election to request an absentee ballot.

12 The bill removes a special deadline for the receipt of
13 petitions for ballot propositions to approve the conduct of
14 gambling games in a county. The bill requires such petitions
15 to be submitted as required for other petitions.

16 The bill changes the withdrawal deadline for candidates for
17 school district office from 35 days before the election to 25
18 days before the election.

19 The bill repeals a section of 2017 Iowa Acts, chapter 155,
20 that was not codified and is inconsistent with current law.

21 The bill removes a provision making the willful false
22 swearing of an affidavit a fraudulent practice. Such conduct
23 remains election misconduct in the first degree.

24 The bill takes effect upon enactment.