House Study Bill 664 - Introduced

HOUSE FILE

BY (PROPOSED COMMITTEE ON STATE GOVERNMENT BILL BY CHAIRPERSON KAUFMANN)

A BILL FOR

1	An	Act relating to the conduct of elections, including
2		procedures for proposed amendments to the Iowa Constitution,
3		the issuance of bonds, self-promotion with taxpayer
4		funds, voter registration, and absentee ballots, providing
5		penalties, and including effective date provisions.
6	BE	IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I PROCEDURES FOR PROPOSED AMENDMENTS TO THE IOWA CONSTITUTION 2 Section 1. Section 49.43, subsection 2, Code 2020, is 3 4 amended to read as follows: 5 2. Constitutional amendments and other public measures may 6 shall be summarized by the commissioner as provided in sections 7 49.44 and 52.25. Sec. 2. Section 49.44, subsection 1, Code 2020, is amended 8 9 to read as follows: 1. When a proposed constitutional amendment or other public 10 11 measure to be decided by the voters of the entire state is to 12 be voted upon, the state commissioner shall prepare a written 13 summary of the amendment or measure including the number of 14 the amendment or statewide public measure assigned by the 15 state commissioner. The summary shall be printed immediately 16 preceding the text of the proposed amendment or measure on the 17 paper ballot or optical scan ballot referred to in section 18 49.43. If the complete text of the proposed amendment or 19 public measure will not fit on the ballot it shall be posted 20 inside the voting booth. A copy of the full text shall be 21 included with any absentee ballots. 22 Sec. 3. REPEAL. Sections 49A.10 and 49A.11, Code 2020, are 23 repealed. 24 DIVISION II 25 ISSUANCE OF BONDS 26 Section 49.45, Code 2020, is amended to read as Sec. 4. 27 follows: 28 49.45 General form of ballot. 29 1. Ballots referred to in section 49.43 shall be 30 substantially in the following form: 31 Shall the following amendment to the Constitution (or public 32 measure) be adopted? 33 Yes 34 No

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1 (Here insert the summary, if it is for a constitutional 2 amendment or statewide public measure, and in full the proposed 3 constitutional amendment or public measure. The number 4 assigned by the state commissioner or the letter assigned 5 by the county commissioner shall be included on the ballot 6 centered above the question, "Shall the following amendment to 7 the Constitution [or public measure] be adopted?".) 8 2. A public measure to approve the issuance of a bond 9 pursuant to chapter 75 or 296 shall include on the ballot the 10 current property tax levy, which shall immediately follow 11 the proposed levy, and the term of the bond. Such a public 12 measure shall also include on the ballot the average increase 13 or decrease in the property tax burden of an average home in 14 each county, as well as the average of such averages, according 15 to data provided by the United States census bureau. 16 DIVISION III SELF-PROMOTION WITH TAXPAYER FUNDS 17 Section 68A.405A, subsection 1, paragraph b, Code 18 Sec. 5. 19 2020, is amended by striking the paragraph. 20 Sec. 6. Section 68A.405A, Code 2020, is amended by adding 21 the following new subsections: 22 NEW SUBSECTION. 3. For the purposes of this section, 23 "direct mass mailing" means a mailing, regardless of whether 24 the mailing was sent in response to a request or due to the 25 recipient's enrollment in a program, the purpose of which is to 26 attract public attention to a person, policy, product, service, 27 program, initiative, law, legislation, event, or activity 28 promoted by the statewide elected official that is all of the 29 following: 30 Printed material delivered by the United States mail or a. 31 other delivery service. 32 *b*. Sent to more than two hundred physical addresses. 33 C. Substantially similar or identical as regards each 34 mailing. d. Sent at the same time or within a thirty-day period. 35

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1 NEW SUBSECTION. 4. For the purposes of this section, 2 only moneys appropriated to the offices of the governor and 3 lieutenant governor are considered under the control of the 4 governor or lieutenant governor. 5 DIVISION IV 6 MISCELLANEOUS PROVISIONS 7 Section 54.9, Code 2020, is amended to read as Sec. 7. 8 follows: 9 54.9 Compensation. The electors shall each receive a compensation of 10 11 five dollars one-half of the federal general services 12 administration's per diem rate for the relevant date and 13 location for every day's attendance, and the same mileage as 14 members of the general assembly which shall be paid from funds 15 not otherwise appropriated from the general fund of the state. 16 Sec. 8. Section 68.9, subsection 1, Code 2020, is amended 17 to read as follows: 18 1. When an impeachment is presented, the senate shall, after 19 the hour of final adjournment of the legislature as soon as 20 practicable, be forthwith organized as a court of impeachment 21 for the trial thereof, at the capitol. 22 Sec. 9. Section 68.14, Code 2020, is amended to read as 23 follows: 24 68.14 Compensation — fees — payment. 25 The presiding officer and members of the senate, while 26 sitting as a court of impeachment, and the managers elected 27 by the house of representatives, shall receive the sum of 28 six dollars each per day be compensated the same as for a 29 special session of the general assembly, but shall receive 30 no additional compensation during a regular session of the 31 general assembly, and shall be reimbursed for mileage expense 32 in going from and returning to their places of residence by the 33 ordinary traveled routes; the secretary, sergeant at arms, and 34 all subordinate officers, clerks, and reporters, shall receive 35 such amount as shall be determined upon by a majority vote of

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1 the members of such court. The same fees shall be allowed to 2 witnesses, to officers, and to other persons serving process or 3 orders, as are allowed for like services in criminal cases, but 4 no fees can be demanded in advance. The state treasurer shall, 5 upon the presentation of certificates signed by the presiding 6 officer and secretary of the senate, pay all of the foregoing 7 compensations and the expenses of the senate incurred under the 8 provisions of this chapter. 9 DIVISION V 10 CONDUCT OF ELECTIONS Section 39.12, Code 2020, is amended to read as 11 Sec. 10. 12 follows: 39.12 Failure to vacate. 13 An elected official who has been elected to another elective 14 15 office to which section 39.11 applies shall choose only one 16 office in which to serve. The official shall resign from all 17 but one of the offices to which section 39.11 applies before 18 the beginning of the term of the office to which the person 19 was most recently elected. Failure to submit the required 20 resignation will result in a vacancy in all the first elective 21 offices office to which the person was elected. 22 Sec. 11. Section 43.11, subsection 1, Code 2020, is amended 23 to read as follows: 24 1. For an elective county office, in the office of the 25 county commissioner not earlier than ninety-two days nor later 26 than 5:00 p.m. on the sixty-ninth seventy-fourth day before the 27 day fixed for holding the primary election. 28 Sec. 12. Section 43.16, subsection 2, paragraph b, Code 29 2020, is amended to read as follows: 30 b. A person who has filed nomination papers with the 31 commissioner may withdraw as a candidate not later than the 32 sixty-seventh sixty-ninth day before the primary election by 33 notifying the commissioner in writing. 34 Sec. 13. Section 43.23, Code 2020, is amended to read as 35 follows:

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1 43.23 Death or withdrawal of primary candidate.

1. If a person who has filed nomination papers with the state commissioner as a candidate in a primary election dies or withdraws up to the seventy-sixth day before the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the state commissioner in writing by 5:00 p.m. on the seventy-first day before the date of the primary election. The name of any candidate so submitted shall be included in the appropriate certificate or certificates furnished by the state commissioner under section 43.22.

14 2. If a person who has filed nomination papers with the 15 commissioner as a candidate in a primary election dies or 16 withdraws up to the sixty-seventh sixty-ninth day before 17 the primary election, the appropriate convention or central 18 committee of that person's political party may designate one 19 additional primary election candidate for the nomination 20 that person was seeking, if the designation is submitted to 21 the commissioner in writing by 5:00 p.m. on the sixty-third 22 sixty-fourth day before the primary election. The name of 23 any candidate so submitted shall be placed on the appropriate 24 ballot or ballots by the commissioner.

25 Sec. 14. Section 43.78, subsection 2, Code 2020, is amended 26 to read as follows:

27 2. The name of any candidate designated to fill a vacancy 28 on the general election ballot in accordance with subsection 29 1, paragraph "a", "b", or "c" shall be submitted in writing 30 to the state commissioner not later than 5:00 p.m. on the 31 seventy-third seventy-sixth day before the date of the general 32 election.

33 Sec. 15. Section 43.79, Code 2020, is amended to read as 34 follows:

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35 43.79 Death of candidate after time for withdrawal.

1 The death of a candidate nominated as provided by law for any 2 office to be filled at a general election, during the period 3 beginning on the eighty-first seventy-fifth day before the 4 general election, in the case of any candidate whose nomination 5 papers were filed with the state commissioner, or beginning 6 on the seventy-third day before the general election, in the 7 case of any candidate whose nomination papers were filed with 8 the commissioner, and ending on the last day before at the 9 time the polls close on the day of the general election shall 10 not operate to remove the deceased candidate's name from the 11 general election ballot. If the deceased candidate was seeking 12 the office of senator or representative in the Congress of 13 the United States, governor, attorney general, senator or 14 representative in the general assembly or county supervisor, 15 section 49.58 shall control. If the deceased candidate was 16 seeking any other office, and as a result of the candidate's 17 death a vacancy is subsequently found to exist, the vacancy 18 shall be filled as provided by chapter 69.

19 Sec. 16. Section 44.1, Code 2020, is amended to read as 20 follows:

21 44.1 Political nonparty Nonparty political organizations. Any convention or caucus of eligible electors representing 22 23 a political organization which is not a political party as 24 defined by law, may, for the state, or for any division or 25 municipality thereof, or for any county, or for any subdivision 26 thereof, for which such convention or caucus is held, make one 27 nomination of a candidate for each office to be filled therein 28 at the general election. However, in order to qualify for 29 any nomination made for a statewide elective office by such 30 a political organization there shall be in attendance at the 31 convention or caucus where the nomination is made a minimum of 32 two hundred fifty five hundred eligible electors including at 33 least one eligible elector from each of twenty-five counties. 34 In order to qualify for any nomination to the office of United 35 States representative there shall be in attendance at the

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1 convention or caucus where the nomination is made a minimum 2 of fifty two hundred eligible electors who are residents of 3 the congressional district including at least one eligible 4 elector from each of at least one-half of the counties of 5 the congressional district. In order to qualify for any 6 nomination to an office to be filled by the voters of a county 7 or of a city there shall be in attendance at the convention or 8 caucus where the nomination is made a minimum of ten twenty 9 eligible electors who are residents of the county or city, 10 as the case may be, including at least one eligible elector 11 from at least one-half of the voting precincts in that county 12 or city. In order to qualify for any nomination made for 13 the general assembly there shall be in attendance at the 14 convention or caucus where the nomination is made a minimum 15 of ten twenty-five eligible electors who are residents of the 16 representative district or twenty fifty eligible electors who 17 are residents of the senatorial district, as the case may be, 18 with at least one eligible elector from one-half of the voting 19 precincts in the district in each case. The names of all 20 delegates in attendance at such convention or caucus and such 21 fact shall be certified to the state commissioner together with 22 the other certification requirements of this chapter.

Sec. 17. Section 44.4, subsection 2, paragraph a, subparagraph (1), Code 2020, is amended to read as follows: (1) Those filed with the state commissioner, not less than sixty-eight seventy-four days before the date of the election. Sec. 18. Section 44.9, subsections 1 and 2, Code 2020, are amended to read as follows:

29 1. In the office of the state commissioner, at least 30 sixty-eight days before the date of the election as provided 31 in section 43.76.

32 2. In the office of the appropriate commissioner, at least 33 sixty-four days before the date of the election, except as 34 otherwise provided in subsection 6 as provided in section 35 <u>43.76</u>.

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1 Sec. 19. Section 48A.9, subsection 1, Code 2020, is amended
2 to read as follows:

Registration closes at 5:00 p.m. eleven days before each
election except general elections. For general elections,
registration closes at 5:00 p.m. ten days before the election.
An eligible elector may register during the time registration
is closed in the elector's precinct but the registration shall
not become effective until registration opens again in the
elector's precinct, except as otherwise provided in section
48A.7A.

11 Sec. 20. <u>NEW SECTION</u>. 49.2 Oversight by the state
12 commissioner.

13 The state commissioner, or a designee of the state 14 commissioner, may, at the discretion of the state commissioner, 15 oversee the activities of a county commissioner of elections 16 during a period beginning sixty days before an election and 17 ending sixty days after an election. For the purposes of this 18 section, "oversee" means to observe election-related activity, 19 correct any activity not in accordance with law, and issue a 20 written notice and instructions pursuant to section 39A.6 for 21 any technical infractions that are observed.

22 Sec. 21. <u>NEW SECTION</u>. **49.42B** Form of official ballot — 23 candidates for president and vice president.

When candidates for president and vice president of the Durited States appear on the ballot, the following statement shall appear directly above the section of the ballot listing such candidates:

[A ballot cast for the named candidates for president and vice president of the United States is considered to be cast for the slate of presidential electors nominated by the political party, nonparty political organization, or independent candidate.]

33 Sec. 22. Section 49.53, subsection 1, Code 2020, is amended 34 to read as follows:

35 1. The commissioner shall not less than four nor more than

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1 twenty days before the day of each election, except those for 2 which different publication requirements are prescribed by law, 3 publish notice of the election. The notice shall contain a 4 facsimile of the portion of the ballot containing the first 5 rotation as prescribed by section 49.31, subsection 2, and 6 shall show list the names of all candidates or nominees and the 7 office each seeks, and all public questions, to be voted upon 8 at the election. The sample ballot published as a part of the 9 notice may at the discretion of the commissioner be reduced in 10 size relative to the actual ballot but such reduction shall 11 not cause upper case letters appearing in candidates' names or 12 in summaries of public measures on the published sample ballot 13 to be less than nine point type. The notice shall also state 14 the date of the election, the hours the polls will be open, 15 that each voter is required to provide identification at the 16 polling place before the voter can receive and cast a ballot, 17 the location of each polling place at which voting is to occur 18 in the election, and the names of the precincts voting at each 19 polling place, but the statement need not set forth any fact 20 which is apparent from the portion of the ballot appearing as 21 a part of the same notice. The notice shall include the full 22 text of all public measures to be voted upon at the election. 23 The notice may contain one or more facsimiles of the portion 24 of the ballot containing the first rotation as prescribed by 25 section 49.31, subsection 2.

26 Sec. 23. Section 49.58, subsection 1, Code 2020, is amended 27 to read as follows:

1. If any candidate nominated by a political party, as defined in section 43.2, for the office of senator or representative in the Congress of the United States, governor, attorney general, or senator or representative in the general assembly dies during the period beginning on the eighty-eighth <u>aeighty-first</u> day and ending <u>at the time the polls close</u> on the last day before <u>of</u> the general election, or if any candidate so nominated for the office of county supervisor dies during

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1 the period beginning on the seventy-third seventy-fourth day 2 and ending at the time the polls close on the last day before 3 of the general election, the vote cast at the general election 4 for that office shall not be canvassed as would otherwise be 5 required by chapter 50. Instead, a special election shall be 6 held on the first Tuesday after the second Monday in December, 7 for the purpose of electing a person to fill that office.

8 Sec. 24. Section 49.73, subsection 2, Code 2020, is amended 9 by striking the subsection and inserting in lieu thereof the 10 following:

2. *a.* The commissioner shall not shorten voting hours for 11 12 any election if there is filed in the commissioner's office, at 13 least twenty-five days before the election, a petition signed 14 by at least fifty eligible electors of the school district 15 or city, as the case may be, requesting that the polls be 16 opened not later than 7:00 a.m. All polling places where the 17 candidates of or any public question submitted by any one 18 political subdivision are being voted upon shall be opened at 19 the same hour, except that this requirement shall not apply to 20 merged areas established under chapter 260C. The hours at which 21 the respective precinct polling places are to open shall not 22 be changed after publication of the notice required by section 23 49.53. The polling places shall be closed at 8:00 p.m. for all 24 elections.

25 b. The legislative services agency shall place on the 26 internet site of the agency information regarding the opening 27 and closing times of polling places until and including 28 November 5, 2024. This paragraph is repealed effective July 29 1, 2025.

30 Sec. 25. Section 49.109, Code 2020, is amended to read as 31 follows:

32 49.109 Employees entitled to time to vote.

Any person entitled to vote at an election in this state who does not have three two consecutive hours in the period between the time of the opening and the time of the closing of the polls

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1 during which the person is not required to be present at work 2 for an employer, is entitled to such time off from work time to 3 vote as will in addition to the person's nonworking time total 4 three two consecutive hours during the time the polls are open. 5 Application by any employee for such absence shall be made 6 individually and in writing prior to the date of the election, 7 and the employer shall designate the period of time to be 8 taken. The employee is not liable to any penalty nor shall any 9 deduction be made from the person's regular salary or wages on 10 account of such absence.

11 Sec. 26. Section 49A.6, Code 2020, is amended to read as
12 follows:

13 49A.6 Certification — sample ballot.

14 The state commissioner of elections shall, not less than 15 sixty-nine sixty-three days preceding any election at which a 16 constitutional amendment or public measure is to be submitted 17 to a vote of the entire people of the state, transmit to the 18 county commissioner of elections of each county a certified 19 copy of the amendment or measure and a sample of the ballot to 20 be used in such cases, prepared in accordance with law. 21 Sec. 27. Section 50.44, Code 2020, is amended to read as 22 follows:

23 50.44 Tie vote.

<u>1.</u> If Except as otherwise provided in this section, if more than the requisite number of persons, including presidential electors, are found to have an equal and the highest number of votes, the election of one of them shall be determined by lot. The name of each of such candidates shall be written on separate pieces of paper, as nearly uniform in size and material as possible, and placed in a receptacle so that the names cannot be seen. In the presence of the board of such names, and such person shall be declared elected. The result of such and such person shall be declared elected. The result of such such are votes and duly recorded, and a certificate of election issued to such person,

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1 as provided in this chapter.

2. If more than the requisite number of candidates for 2 3 United States senator or representative to the United States 4 house of representatives are found to have an equal and highest 5 number of votes, a special election shall be held sixty-six 6 days after the final canvass or recount, whichever is later, 7 in which each such candidate shall be the only candidates on 8 the ballot. 9 3. If more than the requisite number of candidates for 10 a statewide elected office, member of the general assembly, 11 member of a board of supervisors, or a partisan office to 12 be filled by a vote of the residents of a whole county, are 13 found to have an equal and highest number of votes, a special 14 election shall be held consistent with section 69.14, in which 15 each such candidate shall be the only candidates on the ballot. 16 4. If more than the requisite number of presidential 17 electors are found to have an equal and the highest number of 18 votes, the presidential electors shall be assigned one-half 19 to each candidate. If there is an odd number of presidential 20 electors, the remaining elector shall be assigned by lot. Sec. 28. Section 50.48, subsection 3, Code 2020, is amended 21 22 by adding the following new paragraph: 23 NEW PARAGRAPH. c. In addition to the persons listed in 24 paragraph a^{\prime} , the candidate requesting the recount and the 25 apparent winning candidate may each submit a request to a 26 commissioner from a county other than the county conducting the 27 recount to be present at the recount. Such a commissioner may 28 report any irregularities observed by the commissioner at any 29 time after the election to the state commissioner. 30 Sec. 29. Section 50.48, subsection 4, paragraph b, Code 31 2020, is amended to read as follows: b. Any member of the recount board may at any time during 32 33 the recount proceedings for an election for a statewide elected 34 official as defined in section 68B.2, a United States senator, 35 or United States representative extend the recount of votes

1 cast for the office or nomination in question to any other 2 precinct or precincts in the same county, or from which the 3 returns were reported to the commissioner responsible for 4 conducting the election, without the necessity of posting 5 additional bond. The recount proceedings for an election for 6 any other office shall include all precincts in which a ballot 7 for the election was cast. 8 Sec. 30. NEW SECTION. 50.52 Enforcement. 9 Members of local law enforcement agencies and the state 10 patrol are authorized to take all reasonable actions to prevent ll violations of this chapter. 12 Sec. 31. Section 53.2, subsection 4, paragraph a, 13 unnumbered paragraph 1, Code 2020, is amended to read as 14 follows: 15 Each application shall contain the following information To 16 request an absentee ballot, a registered voter shall provide: Sec. 32. Section 53.2, subsection 4, paragraph b, Code 2020, 17 18 is amended to read as follows: If insufficient information has been provided, including 19 b. 20 the absence of a voter verification number, either on the 21 prescribed form or on an application created by the applicant, 22 the commissioner shall, by the best means available, obtain 23 the additional necessary information within twenty-four hours 24 after the receipt of the absentee ballot request, contact the 25 applicant by telephone and electronic mail, if such information 26 has been provided by the applicant. If the commissioner is 27 unable to contact the applicant by telephone or electronic 28 mail, the commissioner shall send a notice to the applicant 29 at the address where the applicant is registered to vote, or 30 to the applicant's mailing address if it is different from 31 the residential address. If the applicant has requested the 32 ballot to be sent to an address that is not the applicant's 33 residential or mailing address, the commissioner shall send an 34 additional notice to the address where the applicant requested 35 the ballot to be sent. A commissioner shall not use the voter

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1 registration system to obtain additional necessary information. 2 A voter requesting or casting a ballot pursuant to section 3 53.22 shall not be required to provide a voter verification 4 number. The state commissioner shall adopt rules to implement 5 this section. Sec. 33. Section 53.2, subsection 4, Code 2020, is amended 6 7 by adding the following new paragraph: 8 NEW PARAGRAPH. d. If an applicant does not have current 9 access to the applicant's voter verification number, the 10 commissioner shall verify the applicant's identity prior to ll supplying the voter verification number by asking the applicant 12 to provide at least two of the following facts about the 13 applicant: (1) Date of birth. 14 (2) The last four digits of the applicant's social security 15 16 number, if applicable. (3) Residential address. 17 18 (4) Mailing address. 19 (5) Middle name. 20 (6) Voter verification number as defined in paragraph "c''. Sec. 34. Section 53.10, subsection 2, paragraph a, Code 21 22 2020, is amended to read as follows: 23 Each person who wishes to vote by absentee ballot at a. 24 the commissioner's office shall first sign an application 25 for a ballot including the following information: name, 26 current address, voter verification number, and the election 27 for which the ballot is requested. The person may report a 28 change of address or other information on the person's voter 29 registration record at that time. Prior to furnishing a 30 ballot, the commissioner shall verify the person's identity 31 as provided in section 49.78. The registered voter shall 32 immediately mark the ballot; enclose the ballot in a secrecy 33 envelope, if necessary, and seal it in the envelope marked 34 with the affidavit; subscribe to the affidavit on the reverse 35 side of the envelope; and return the absentee ballot to the

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1 commissioner. The commissioner shall record the numbers

2 appearing on the application and affidavit envelope along with 3 the name of the registered voter.

4 Sec. 35. Section 53.10, subsection 2, Code 2020, is amended 5 by adding the following new paragraph:

6 <u>NEW PARAGRAPH</u>. *Ob.* If an unregistered person offering 7 to vote an absentee ballot pursuant to this section prior to 8 the deadline in section 48A.9 does not have an Iowa driver's 9 license, an Iowa nonoperator's identification card, or a voter 10 identification number assigned to the voter by the state 11 commissioner pursuant to section 47.7, subsection 2, the person 12 may satisfy identity and residence requirements as provided in 13 section 49.78. This section shall also apply to a registered 14 voter casting a ballot pursuant to this section who has not yet 15 received a voter verification number.

16 Sec. 36. Section 53.11, subsection 1, paragraph a, Code
17 2020, is amended to read as follows:

18 a. Not more than twenty-nine days before the date of 19 an election, satellite absentee voting stations may be 20 established throughout the cities and county at the direction 21 of the commissioner and shall be established upon receipt 22 of a petition signed by not less than one hundred eligible 23 electors requesting that a satellite absentee voting station 24 be established at a location to be described on the petition. 25 However, if a special election is scheduled in the county on a 26 date that falls between the date of the regular city election 27 and the date of the city runoff election, the commissioner is 28 not required to establish a satellite absentee voting station 29 for the city runoff election.

30 Sec. 37. Section 53.11, subsection 2, paragraph e, Code 31 2020, is amended to read as follows:

32 e. For a special election, no later than thirty-two eighteen
33 days before the special election.

34 Sec. 38. Section 53.18, subsections 2 and 3, Code 2020, are 35 amended to read as follows:

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1 2. a. If the commissioner receives the return envelope 2 containing the completed absentee ballot by 5:00 p.m. on the 3 Saturday before the election for general elections and by 5:00 4 p.m. on the Friday before the election for all other elections, 5 the commissioner shall review the affidavit marked on the 6 return envelope, if applicable, for completeness or shall open 7 the return envelope to review the affidavit for completeness. 8 If the affidavit is incomplete, the commissioner shall, within 9 twenty-four hours of the time the envelope was received, notify 10 the voter of that fact and that the voter may complete the 11 affidavit in person at the office of the commissioner by 5:00 12 p.m. on the day before the election, vote a replacement ballot 13 in the manner and within the time period provided in subsection 14 3, or appear at the voter's precinct polling place on election 15 day and cast a ballot in accordance with section 53.19, 16 subsection 3. If the affidavit lacks the signature of the 17 registered voter, the commissioner shall, within twenty-four 18 hours of the receipt of the envelope, notify the voter of the 19 deficiency and inform the voter that the voter may vote a 20 replacement ballot as provided in subsection 3, cast a ballot 21 as provided in section 53.19, subsection 3, or complete the 22 affidavit in person at the office of the commissioner not later 23 than noon on the Monday following the election, or if the law 24 authorizing the election specifies that the votes be canvassed 25 earlier than the Monday following the election, before the 26 canvass of the election. 27 b. If the commissioner receives the return envelope 28 containing the completed absentee ballot after the deadline 29 in paragraph "a'', the commissioner shall submit the affidavit 30 to the absentee and special voters precinct board for review. 31 If the absentee and special voters precinct determines that 32 the affidavit is incomplete, the commissioner shall, within 33 twenty-four hours of the determination, notify the voter. If 34 the affidavit lacks the signature of the registered voter, the 35 commissioner shall notify the voter that the voter may complete

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1 the affidavit in person at the office of the commissioner
2 not later than noon on the Monday following the election, or
3 if the law authorizing the election specifies that the votes
4 be canvassed earlier than the Monday following the election,
5 before the canvass of the election.

If the affidavit envelope or the return envelope marked 6 3. 7 with the affidavit contains a defect that would cause the 8 absentee ballot to be rejected by the absentee and special 9 voters precinct board, the commissioner shall immediately 10 notify the voter of that fact and that the voter's absentee 11 ballot shall not be counted unless the voter requests and 12 returns a replacement ballot in the time permitted under 13 section 53.17, subsection 2. For the purposes of this section, 14 a return envelope marked with the affidavit shall be considered 15 to contain a defect if it appears to the commissioner that 16 the signature on the envelope has been signed by someone 17 other than the registered voter, in comparing the signature 18 on the envelope to the signature on record of the registered 19 voter named on the envelope. A signature or marking made 20 in accordance with section 39.3, subsection 17, shall not 21 be considered a defect for purposes of this section. The 22 voter may request a replacement ballot in person, in writing, 23 or over the telephone. The same serial number that was 24 assigned to the records of the original absentee ballot 25 application shall be used on the envelope and records of the 26 replacement ballot. The envelope marked with the affidavit and 27 containing the completed replacement ballot shall be marked 28 "Replacement ballot". The envelope marked with the affidavit 29 and containing the original ballot shall be marked "Defective" 30 and the replacement ballot shall be attached to such envelope 31 containing the original ballot and shall be stored in a secure 32 place until they are delivered to the absentee and special 33 voters precinct board, notwithstanding sections 53.26 and 34 53.27.

35 Sec. 39. Section 53.18, Code 2020, is amended by adding the

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1 following new subsection:

2 <u>NEW SUBSECTION</u>. 04. For the purposes of this section, a 3 return envelope marked with the affidavit shall be considered 4 incomplete if the affidavit lacks the registered voter's 5 signature. A signature or marking made in accordance with 6 section 39.3, subsection 17, shall not cause an affidavit to be 7 considered incomplete.

8 Sec. 40. Section 53.22, subsection 3, Code 2020, is amended 9 to read as follows:

3. Any registered voter who becomes a patient, tenant, or 10 11 resident of a hospital, assisted living program, or health care 12 facility in the county where the voter is registered to vote 13 within three days prior to the date of any election after the 14 deadline to make a written application for an absentee ballot 15 as provided in section 53.2 or on election day may request an 16 absentee ballot during that period or on election day. As an 17 alternative to the application procedure prescribed by section 18 53.2, the registered voter may make the request directly to 19 the officers who are delivering and returning absentee ballots 20 under this section. Alternatively, the request may be made by 21 telephone to the office of the commissioner not later than four 22 hours before the close of the polls. If the requester is found 23 to be a registered voter of that county, these officers shall 24 deliver the appropriate absentee ballot to the registered voter 25 in the manner prescribed by this section.

26 Sec. 41. Section 53.22, subsection 6, paragraph a, Code 27 2020, is amended to read as follows:

a. If the registered voter becomes a patient, tenant, or
resident of a hospital, assisted living program, or health
care facility outside the county where the voter is registered
to vote within three days before the date of any election
<u>after the deadline to make a written application for an</u>
<u>absentee ballot as provided in section 53.2</u> or on election
day, the voter may designate a person to deliver and return
the absentee ballot. The designee may be any person the voter

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1 chooses except that no candidate for any office to be voted 2 upon for the election for which the ballot is requested may 3 deliver a ballot under this subsection. The request for an 4 absentee ballot may be made by telephone to the office of the 5 commissioner not later than four hours before the close of the 6 polls. If the requester is found to be a registered voter of 7 that county, the ballot shall be delivered by mail or by the 8 person designated by the voter. An application form shall be 9 included with the absentee ballot and shall be signed by the 10 voter and returned with the ballot.

11 Sec. 42. Section 58.1, Code 2020, is amended to read as
12 follows:

13 58.1 Notice — grounds.

14 The contestant for the office of governor shall, within 15 thirty fourteen days after the proclamation of the result of 16 the election, deliver to the presiding officer of each house 17 of the general assembly a notice of intent to contest, and a 18 specification of the grounds of such contest, as provided in 19 chapter 62.

20 Sec. 43. Section 58.4, subsections 1 and 2, Code 2020, are 21 amended to read as follows:

1. The names of members of each house, except the presiding officer and the majority and minority leaders, written on similar paper tickets, shall be placed in a box, the names of the senators in their presence by their secretary, and the names of the representatives in their presence by their clerk.
2. The secretary of the senate in the presence of the senate, and the clerk of the house of representatives in their respective in their respective for the names of seven five members each. The majority and minority leaders of each house shall also serve on the contest court.

33 Sec. 44. Section 68A.405, subsection 1, paragraph a,
34 subparagraph (3), Code 2020, is amended to read as follows:
35 (3) *"Published material"* means any newspaper, magazine,

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shopper, outdoor advertising facility, poster, direct mailing,
 brochure, internet site, campaign sign, or any other form of
 printed or electronic general public political advertising.
 "Published material" includes television, video, or motion
 picture advertising, automated telephone calls, and text
 messages.

7 Sec. 45. Section 68A.405, subsection 1, Code 2020, is 8 amended by adding the following new paragraph:

9 <u>NEW PARAGRAPH</u>. *i*. An organization that sends a text message 10 described by this section may abbreviate the words "paid for 11 by" as "Pfb:". An organization may use the full name of the 12 organization or the last name of the candidate followed by 13 the organization's committee identification number. If the 14 organization is a political party, the name of the organization 15 may be abbreviated.

16 Sec. 46. <u>NEW SECTION</u>. 68A.507 Deceptive names prohibited.
17 No person shall place on any published material, as defined
18 in section 68A.405, a name or abbreviation of a name intended
19 to cause a voter to believe that the person represents a
20 political party or nonparty political organization of which the
21 person is not a candidate.

22 Sec. 47. Section 69.9, Code 2020, is amended to read as 23 follows:

24 69.9 Person removed not eligible.

No person can be appointed to fill a vacancy who has been removed from office within one year next preceding.

27 Sec. 48. Section 69.14, Code 2020, is amended to read as 28 follows:

29 69.14 Special election to fill vacancies.

30 <u>1.</u> A special election to fill a vacancy shall be held for a 31 representative in Congress, when Congress is in session or will 32 <u>convene prior to the next general election</u>, or <u>for a</u> senator or 33 representative in the general assembly, when the body in which 34 such vacancy exists is in session, or <u>the general assembly</u> will 35 convene prior to the next general election, and the governor

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shall order, not later than five days from the date the vacancy
 exists, a special election, giving not less than forty days'
 notice of such election.

<u>2.</u> In the event the special election is to fill a vacancy in the general assembly while it is in session or within forty-five days of the convening of any session, the time limit provided in this section shall not apply and the governor shall order such, not later than five days after the day the <u>vacancy occurs, a special election at the earliest practical</u> time, giving at least eighteen twenty-one, but no more than forty-two, days' notice of the special election. Any special election called under this section must be held on a Tuesday and shall not be held on the same day as a school election within the district.

15 Sec. 49. Section 376.5, Code 2020, is amended to read as 16 follows:

17 376.5 Publication of ballot.

Notice containing a copy of the ballot for each regular,
special, primary, or runoff city election must be published by
the county commissioner of elections as provided in section
362.3, except that notice of a regular, primary, or runoff
election may be published not less than four days before the
date of the election. The published notice must contain shall
<u>list</u> the names of all candidates, and may not contain any party
designations. The published notice must contain shall include
any question to be submitted to the voters. <u>The notice may</u>
contain one or more facsimiles of the portion of the ballot
by section 49.31, subsection 2.

30 Sec. 50. Section 445.5, subsection 1, Code 2020, is amended 31 by adding the following new paragraph:

32 <u>NEW PARAGRAPH</u>. *i*. Until November 5, 2024, the hours during 33 which polling places are open on election days. This paragraph 34 is repealed effective July 1, 2025.

35 Sec. 51. EFFECTIVE DATE. The following take effect January

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1 1, 2021: 1. The section of this division of this Act amending section 2 3 43.11. 2. 4 The section of this division of this Act amending section 5 43.16. 3. The section of this division of this Act amending section 6 7 43.23. 4. The section of this division of this Act amending section 8 9 43.78. The section of this division of this Act amending section 10 5. 11 43.79. 12 6. The section of this division of this Act amending section 13 44.1. The section of this division of this Act amending section 14 7. 15 44.4. 16 8. The section of this division of this Act amending section 17 44.9. 18 Sec. 52. EFFECTIVE DATE. The following, being deemed of 19 immediate importance, take effect upon enactment: 20 The section of this division of this Act amending section 1. 21 49.79. 22 2. The section of this division of this Act amending section 23 49.109. 24 DIVISION VI 25 VOTER REGISTRATION 26 Sec. 53. Section 47.7, Code 2020, is amended by adding the 27 following new subsection: 28 NEW SUBSECTION. 3. The state registrar of voters shall use 29 information from the electronic registration information center 30 to update information in the statewide voter registration 31 system, including but not limited to the following reports: a. 32 In-state duplicates. 33 b. In-state updates. 34 c. Cross-state matches. d. Deceased. 35

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1 e. Eligible but unregistered.

2 f. National change of address.

3 Sec. 54. Section 48A.10A, subsection 1, Code 2020, is 4 amended to read as follows:

5 1. The state registrar shall compare lists of persons who 6 are registered to vote with the department of transportation's 7 driver's license and nonoperator's identification card files 8 and shall, on an initial basis, issue a voter identification 9 card to each active, registered voter whose name does not 10 appear in the department of transportation's files. The voter 11 identification card shall include the name of the registered 12 voter, a signature line above which the registered voter shall 13 sign the voter identification card, the registered voter's 14 identification number assigned to the voter pursuant to section 15 47.7, subsection 2, and an additional four-digit personal 16 identification number assigned by the state commissioner, and 17 the times during which polling places will be open on election 18 days.

19 Sec. 55. Section 48A.26B, Code 2020, is amended to read as 20 follows:

21 48A.26B Form of acknowledgment.

The state registrar shall adopt rules pursuant to chapter 17A to prescribe the form of written acknowledgments sent to a registrant by a commissioner pursuant to section 48A.26 or 48A.26A. <u>An acknowledgment sent after March 1, 2023, shall</u> include the times during which polling places will be open on election days.

Sec. 56. Section 48A.27, subsection 4, paragraph c, subparagraph (2), Code 2020, is amended to read as follows: (2) The notice shall contain a statement in substantially sl the following form:

32 Information received from the United States postal service 33 indicates that you are no longer a resident of, and therefore 34 not eligible to vote in (name of county) County, Iowa. If this 35 information is not correct, and you still live in (name of

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1 county) County, please complete and mail the attached postage 2 paid card at least ten days before the primary or general 3 election and at least eleven days before any other election at 4 which you wish to vote. If the information is correct and you 5 have moved, please contact a local official in your new area 6 for assistance in registering there. If you do not mail in 7 the card, you may be required to show identification before 8 being allowed to vote in (name of county) County. If you do not 9 return the card, and you do not vote in an election in (name 10 of county) County, Iowa, on or before (date of second general 11 election following the date of the notice) your name will be 12 removed from the list of voters in that county.

13 Sec. 57. Section 48A.29, subsection 1, paragraph b, Code
14 2020, is amended to read as follows:

15 *b*. The notice shall contain a statement in substantially the 16 following form:

Information received from the United States postal service 17 18 indicates that you are no longer a resident of (residence 19 address) in (name of county) County, Iowa. If this information 20 is not correct, and you still live in (name of county) County, 21 please complete and mail the attached postage paid card at 22 least ten days before the primary or general election and at 23 least eleven days before any other election at which you wish 24 to vote. If the information is correct, and you have moved, 25 please contact a local official in your new area for assistance 26 in registering there. If you do not mail in the card, you may 27 be required to show identification before being allowed to vote 28 in (name of county) County. If you do not return the card, and 29 you do not vote in some election in (name of county) County, 30 Iowa, on or before (date of second general election following 31 the date of the notice) your name will be removed from the list 32 of voters in that county.

33 Sec. 58. Section 48A.29, subsection 3, paragraph b, Code 34 2020, is amended to read as follows:

35 b. The notice shall contain a statement in substantially the

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1 following form:

2 Information received by this office indicates that you are no 3 longer a resident of (residence address) in (name of county) 4 County, Iowa. If the information is not correct, and you still 5 live at that address, please complete and mail the attached 6 postage paid card at least ten days before the primary or 7 general election and at least eleven days before any other 8 election at which you wish to vote. If the information is 9 correct, and you have moved within the county, you may update 10 your registration by listing your new address on the card and 11 mailing it back. If you have moved outside the county, please 12 contact a local official in your new area for assistance in 13 registering there. If you do not mail in the card, you may be 14 required to show identification before being allowed to vote in 15 (name of county) County. If you do not return the card, and you 16 do not vote in some election in (name of county) County, Iowa, 17 on or before (date of second general election following the 18 date of the notice) your name will be removed from the list of 19 registered voters in that county.

20 Sec. 59. <u>NEW SECTION</u>. **48A.39A** Voter list maintenance 21 reports.

1. The commissioner of registration shall annually submit to the state registrar of voters a report regarding the number of voter registration records marked inactive or canceled pursuant to sections 48A.28 through 48A.30. The state registrar of voters shall publish such reports on the internet site of the state registrar of voters.

28 2. The state registrar of voters shall determine by rule the 29 form and submission deadline of reports submitted pursuant to 30 subsection 1.

31EXPLANATION32The inclusion of this explanation does not constitute agreement with33the explanation's substance by the members of the general assembly.

- 34 This bill relates to the conduct of elections.
- 35 DIVISION I PROPOSED CONSTITUTIONAL AMENDMENTS. This

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1 division of the bill relates to the process for amending the 2 Iowa constitution. The bill requires the commissioner of 3 elections to summarize proposed constitutional amendments and 4 public measures and to post the full text of such proposed 5 constitutional amendments and public measures within voting 6 booths. Current law allows the commissioner of elections 7 to summarize proposed constitutional amendments and public 8 measures.

9 DIVISION II — ISSUANCE OF BONDS. This division of the bill 10 relates to the issuance of bonds. The bill requires a public 11 measure to approve the issuance of bonds to include on the 12 ballot the current property tax levy, the term of the bond, 13 and the average increase or decrease in the amount of property 14 tax due on an average home in each county voting on the bond, 15 as well as the average of such averages, according to data 16 provided by the United States census bureau.

17 DIVISION III — SELF-PROMOTION WITH TAXPAYER FUNDS. This 18 division of the bill relates to the prohibition on using 19 taxpayer funds for self-promotion. The bill defines "direct 20 mass mailing" for the purposes of the prohibition as a mailing 21 the purpose of which is to promote a person or idea sent by a 22 statewide elected official that is delivered by a mail service, 23 sent to more than two hundred addresses, is substantially 24 similar as regards each mailing, and all of which mailings are 25 sent at the same time or within 30 days of each other.

26 DIVISION IV — MISCELLANEOUS PROVISIONS. This division of 27 the bill relates to various changes to the Code.

The bill changes the rate of compensation for presidential electors from \$5 per day to one-half of the per diem rate set by the federal general services administration.

The bill changes the time at which the senate shall organize as a court of impeachment from forthwith after the hour of final adjournment to as soon as practicable. The bill also changes the rate of compensation for members serving on a court of impeachment to the same rate as for members serving in a

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special session of the general assembly if the general assembly
 is not in regular session. If the general assembly is in
 regular session, the bill provides that members shall receive
 no additional compensation.

5 DIVISION V — CONDUCT OF ELECTIONS. This division of the 6 bill relates to the conduct of elections.

7 The bill provides that a person who holds an elective office 8 and wins an election for a second office shall automatically 9 vacate the first office if the person does not vacate one of 10 the offices.

11 The bill alters the deadlines for filing a nomination 12 petition, withdrawing a nomination, and filling a ballot 13 vacancy. If a vacancy occurs on a ballot due to the death of a 14 candidate after the date for filling a vacancy until the time 15 the polls close on election day, the election for that office 16 shall not be canvassed and the office shall be filled by a 17 special election.

18 The bill changes the filing deadline for nomination papers 19 of persons seeking to be a nonparty political organization's 20 candidate for elected office. The bill changes the deadlines 21 for filing nomination papers and objections to the same 22 deadline that is applied to persons seeking to be a political 23 party's candidate for elected office.

The bill makes technical changes to the provisions of law governing the content of notices of elections.

26 The bill alters the number of signatures required for a 27 person to obtain a nomination by petition.

The bill moves the voter registration deadline for all elections other than general elections from 11 days before an election to 10 days before an election. The voter registration deadline for general elections is currently 10 days before the election. The bill does not affect election day voter registration.

34 The bill allows the state commissioner of elections to 35 oversee the activities of county commissioners of elections

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1 during a period beginning 60 days prior to an election and 2 ending 60 days after an election.

3 The bill changes the circumstances under which and places at 4 which a county commissioner of elections may create a satellite 5 voting location.

6 The bill changes the closing time for polling places for 7 state primary and general elections, and other partisan 8 elections, and any other election held concurrently therewith, 9 from 9:00 p.m. to 8:00 p.m. The bill requires that the opening 10 and closing times for polling places be placed on the internet 11 site of the legislative services agency, voter identification 12 cards, and property tax statements.

13 The bill reduces the number of hours an employee must have 14 available away from work during the time polls are open on 15 election day from three hours to two hours.

16 The bill requires the state commissioner of elections 17 to transmit a certified copy of a constitutional amendment 18 or public measure and a sample ballot to each county 19 commissioner of elections 63 days before an election at which a 20 constitutional amendment or public measure is to be submitted 21 to a vote of the entire people of the state. Current law 22 requires such certified copies and sample ballots to be sent 69 23 days before the election.

The bill requires any election other than a presidential election or an election for a nonpartisan office that results in a tie to go to a special election. A tied election for president shall result in the electors being split between the candidates.

The bill allows a candidate requesting a recount to request the presence of a county commissioner of elections from another county at the recount. Such a commissioner may report any regularities observed by the commissioner at any time after the election to the state commissioner of elections.

The bill requires a recount for an election other than a statewide election to include all precincts in which a ballot

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1 for the contested election was cast.

2 The bill grants local law enforcement agencies and the state 3 patrol the authority to take all reasonable actions to prevent 4 violations of Code chapter 50 (canvass of votes).

5 The bill makes technical changes to the Code section 6 controlling absentee ballot request forms.

7 The bill requires a county commissioner of elections who 8 receives an incomplete absentee ballot request to inform 9 the applicant within 24 hours of receipt of the request 10 by telephone or electronic mail if such information was 11 provided, and by mail if such information was not provided. 12 The bill prohibits a county commissioner of elections from 13 using the voter registration system to obtain additional 14 necessary information. The bill allows a county commissioner 15 of elections to verify the identity of an applicant for 16 an absentee ballot who cannot access the applicant's voter 17 verification number by asking for at least two of the following 18 from the applicant: date of birth, the last four digits of 19 the applicant's social security number, residential address, 20 mailing address, and middle name.

The bill requires a county commissioner of elections to verify the identity of a person voting absentee in person in the same manner as a poll worker verifying the identity of a person voting at the polls on election day.

The bill allows an unregistered person seeking to vote absentee at the office of a county commissioner of elections prior to the voter registration deadline who does not have an lowa driver's license, nonoperator's identification card, or yoter identification number to vote absentee by satisfying the ovter identification requirements of Code section 49.78.

The bill changes the process by which absentee ballots lacking a signature are verified. If such a ballot is received by 5:00 p.m. on the Saturday before a general election or by states of the friday before any other election, the county commissioner of elections must contact the voter within 24

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1 hours and inform the voter how to remediate the ballot. A
2 ballot received after the applicable deadline is sent to the
3 absentee and special voters precinct board for review. If the
4 absentee and special voters precinct board determines that the
5 affidavit is incomplete, the commissioner shall inform the
6 voter within 24 hours how the ballot may be remediated if the
7 ballot lacks a signature.

8 The bill alters the timeline for contesting a gubernatorial 9 election and the makeup of a contest court for such a 10 challenge.

11 The bill allows certain abbreviations to be used in 12 attribution statements attached to political communications 13 sent by text message.

14 The bill prohibits a person from placing on any published 15 material a name or abbreviation of a name intended to cause a 16 voter to believe that the person represents a political party 17 or nonparty political organization of which the person is not a 18 candidate. A willful violation of the prohibition is a serious 19 misdemeanor.

The bill alters the timeline for holding a special election 21 to fill a vacant office and prohibits a person who has ever 22 been removed from office from being appointed to fill a 23 vacancy.

24 The division includes effective date provisions.

25 DIVISION VI — VOTER REGISTRATION. This division of the bill 26 relates to voter registration.

The bill alters the process for removing inactive voter registration records. The bill requires the state registrar of voters to use information from the electronic registration information center to update the statewide voter registration database. The bill changes the deadline for returning a notification that a person no longer lives in a given county to 11 days before an election. The bill requires voter identification cards and acknowledgments of registration to include the times polls will be open.

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1 The bill requires each county commissioner of registration 2 to submit a report on voter list maintenance activities 3 annually to the state registrar of voters. The state registrar 4 of voters shall publish such reports on the internet site of 5 the state registrar of voters.