

**House File 322 - Introduced**

HOUSE FILE 322

BY STAED, ANDERSON, EHLERT,  
and MASCHER

**A BILL FOR**

1 An Act relating to the electronic delivery of ballots to  
2 persons with certain physical disabilities.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 53.2, subsection 2, Code 2021, is amended  
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* Absentee ballot applications shall  
4 include a space for a registered voter with a physical  
5 disability that prevents the registered voter from reading  
6 or marking a printed ballot without assistance from another  
7 person to request that an absentee ballot be delivered to the  
8 registered voter electronically. A voter requesting that an  
9 absentee ballot be delivered electronically shall explain  
10 why the voter cannot read or mark a physical absentee ballot  
11 without assistance from another person. The state commissioner  
12 shall adopt rules regarding the form of electronic absentee  
13 ballots.

14 Sec. 2. Section 53.8, subsection 1, paragraph a, unnumbered  
15 paragraph 1, Code 2021, is amended to read as 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 or 4. When the United States post office is  
22 closed in observance of a federal holiday and is not delivering  
23 mail on the twenty-ninth day before the election, the first day  
24 to 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. 3. Section 53.8, subsection 3, paragraph c, Code 2021,  
28 is amended to read as follows:

29 *c.* Nothing in [this subsection](#) nor in [section 53.22](#)  
30 shall be construed to prohibit a registered voter who is a  
31 hospital patient or resident of a health care facility, or who  
32 anticipates entering a hospital or health care facility before  
33 the date of a forthcoming election, from casting an absentee  
34 ballot in the manner prescribed by [section 53.10](#) or [53.11](#), or  
35 from completing an electronic absentee ballot in the manner

1 prescribed by subsection 4.

2     Sec. 4. Section 53.8, Code 2021, is amended by adding the  
3 following new subsection:

4     NEW SUBSECTION. 4. *a.* (1) When an application for an  
5 absentee ballot is received by the commissioner from a voter  
6 who has indicated that the voter has a physical disability that  
7 prevents the voter from reading or marking a printed ballot  
8 without assistance from another person, the commissioner shall  
9 determine whether the voter qualifies to receive an electronic  
10 absentee ballot. If the commissioner determines that the  
11 voter qualifies to receive an electronic absentee ballot, the  
12 commissioner shall transmit an electronic absentee ballot to  
13 the voter in a form that allows the voter to electronically  
14 read and mark the ballot on a personal computer without the  
15 assistance of another person. An electronic absentee ballot  
16 shall not be transmitted prior to the mailing of physical  
17 absentee ballots. In addition to an electronic absentee  
18 ballot, the commissioner shall mail all physical materials  
19 other than an absentee ballot as provided in subsections 1 and  
20 2.

21     (2) If the commissioner determines that the voter does  
22 not qualify to receive an electronic absentee ballot, the  
23 commissioner shall inform the voter by the best means available  
24 that the voter does not qualify to receive an electronic  
25 absentee ballot, the reason for the rejection, and that the  
26 voter shall be mailed a physical absentee ballot.

27     *b.* An electronic absentee ballot completed pursuant to  
28 paragraph "a" shall be printed by the voter and returned to  
29 the commissioner as provided in section 53.17, using the same  
30 method as required for physical absentee ballots in that  
31 election. An electronic absentee ballot shall not be returned  
32 electronically.

33     *c.* The state commissioner shall adopt rules for the  
34 transmission and marking of electronic absentee ballots.

35     Sec. 5. Section 53.22, subsection 2, paragraph a,

1 subparagraph (1), Code 2021, is amended to read as follows:

2 (1) A registered voter who has applied for an absentee  
3 ballot, in a manner other than that prescribed by section  
4 53.10 or 53.11, or by section 53.8, subsection 4, and who  
5 is a resident, tenant, or patient in a health care facility,  
6 assisted living program, or hospital located in the county to  
7 which the application has been submitted shall be delivered  
8 the appropriate absentee ballot by two special precinct  
9 election officers, one of whom shall be a member of each of the  
10 political parties referred to in section 49.13, who shall be  
11 appointed by the commissioner from the election board panel  
12 for the special precinct established by section 53.20. The  
13 special precinct election officers shall be sworn in the manner  
14 provided by section 49.75 for election board members, shall  
15 receive compensation as provided in section 49.20, and shall  
16 perform their duties during the ten calendar days after the  
17 ballots are printed if the commissioner so elects, during the  
18 fourteen calendar days preceding the election, and on election  
19 day if all ballots requested under section 53.8, subsection 3,  
20 have not previously been delivered and returned.

21 EXPLANATION

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

24 This bill relates to the electronic delivery of absentee  
25 ballots to certain persons. The bill requires the state  
26 commissioner of elections to include a space on absentee ballot  
27 request forms for a voter to indicate that the voter wants to  
28 receive an electronic absentee ballot because the voter has a  
29 physical disability that prevents the voter from reading and  
30 marking a physical ballot without the assistance of another  
31 person. If, upon receipt of an absentee ballot request form,  
32 the county commissioner of elections determines that the voter  
33 qualifies to receive an electronic absentee ballot, the county  
34 commissioner shall transmit an electronic absentee ballot  
35 to the voter at the time that physical absentee ballots are

1 mailed. If the county commissioner determines that the voter  
2 does not qualify to receive an electronic absentee ballot, the  
3 county commissioner shall inform the voter of the rejection,  
4 the reason therefore, and that the voter will receive a  
5 physical absentee ballot.

6 The bill requires an electronic absentee ballot to be  
7 transmitted in a form that allows the voter to read and mark  
8 the ballot using a personal computer. The bill then requires  
9 the voter to print the absentee ballot and return it in the  
10 same manner as prescribed for physical absentee ballots. The  
11 bill does not allow a voter to return an absentee ballot  
12 electronically. The bill requires the state commissioner of  
13 elections to adopt rules regarding the form, transmission, and  
14 marking of electronic absentee ballots.