

Senate File 413 - Introduced

SENATE FILE 413
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1199)

(COMPANION TO 2298HV BY
COMMITTEE ON STATE GOVERNMENT)

A BILL FOR

1 An Act relating to the conduct of elections, including
2 absentee ballots and voter list maintenance activities,
3 making penalties applicable, and including effective date
4 provisions.

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

1 Section 1. Section 39A.2, subsection 1, Code 2021, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *g. Failure to perform duties.* As an
4 election official, fails to perform duties prescribed by
5 chapters 39 through 53, except for section 48A.41, or fails to
6 follow or implement guidance issued pursuant to section 47.1,
7 or performs those duties and responsibilities in such a way as
8 to hinder or disregard the object of the law.

9 Sec. 2. Section 39A.3, subsection 1, paragraph b, Code 2021,
10 is amended by adding the following new subparagraph:

11 NEW SUBPARAGRAPH. (9) Fails to adequately perform voter
12 list maintenance in violation of section 48A.41.

13 Sec. 3. Section 39A.4, subsection 1, paragraph b,
14 subparagraph (1), Code 2021, is amended to read as follows:

15 (1) Serving as a member of a challenging committee or
16 observer under section 49.104, subsection 2, 5, or 6, 1,
17 paragraph "b", "e", or "f", while serving as a precinct election
18 official at the polls.

19 Sec. 4. Section 39A.4, subsection 1, paragraph b,
20 subparagraph (2), Code 2021, is amended by striking the
21 subparagraph.

22 Sec. 5. Section 39A.4, subsection 1, paragraph b, Code 2021,
23 is amended by adding the following new subparagraph:

24 NEW SUBPARAGRAPH. (14) Interferes with a person permitted
25 at a polling place pursuant to section 49.104.

26 Sec. 6. Section 39A.4, subsection 1, paragraph c,
27 subparagraphs (10) and (11), Code 2021, are amended to read as
28 follows:

29 (10) Returning a voted absentee ballot, by mail, to a ballot
30 drop box, or in person, to the commissioner's office and the
31 person returning the ballot is not the voter, the voter's
32 designee, or a special precinct election official designated
33 pursuant to section 53.22, subsection 2 a person prohibited
34 to collect and deliver a completed ballot pursuant to section
35 53.33.

1 (11) Making a false or untrue statement reporting that
2 a voted absentee ballot was returned to the commissioner's
3 office, by mail or in person, or to a ballot drop box, by
4 a person ~~other than the voter, the voter's designee, or a~~
5 ~~special precinct election official designated pursuant to~~
6 section 53.22, subsection 2 prohibited to collect and deliver a
7 completed ballot pursuant to section 53.33.

8 Sec. 7. Section 39A.6, subsection 3, Code 2021, is amended
9 to read as follows:

10 3. a. ~~This notice is not a final determination of facts~~
11 ~~or law in the matter, and does not entitle a person to a~~
12 ~~proceeding under chapter 17A.~~ Upon issuance of a technical
13 infraction to a county commissioner, the state commissioner
14 shall also impose a fine not to exceed ten thousand dollars to
15 be deposited in the general fund.

16 b. A county commissioner shall pay a fine issued pursuant to
17 this section or file an appeal pursuant to chapter 17A within
18 sixty days. A county commissioner who fails to pay a fine that
19 was not dismissed pursuant to chapter 17A shall be suspended
20 from office for a period not to exceed two years pursuant to
21 sections 66.7 and 66.8.

22 c. If a county commissioner is suspended pursuant to
23 paragraph "b", the state commissioner shall direct the deputy of
24 the county commissioner to oversee the functions of the office
25 until the suspension is revoked or the office is vacated and a
26 successor is elected. The state commissioner may direct the
27 state commissioner's staff to assist in the performance of the
28 duties of the county commissioner.

29 Sec. 8. Section 39A.6, Code 2021, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 4. Upon issuing a technical infraction,
32 the state commissioner shall immediately inform the attorney
33 general and relevant county attorney if the apparent violation
34 constitutes or may constitute election misconduct under this
35 chapter.

1 Sec. 9. NEW SECTION. 39A.7 Election misconduct —
2 investigation.

3 1. The attorney general or county attorney shall
4 investigate allegations of election misconduct reported to the
5 attorney general or county attorney. Election misconduct by an
6 election official shall also be investigated for prosecution
7 under chapter 721.

8 2. Upon the completion of an investigation required by this
9 section, the attorney general or county attorney shall submit
10 the results of the investigation to the state commissioner and
11 explain whether the attorney general or county attorney will
12 pursue charges.

13 Sec. 10. Section 43.20, subsection 1, Code 2021, is amended
14 by striking the subsection and inserting in lieu thereof the
15 following:

16 1. Nomination papers shall be signed by eligible electors as
17 provided in section 45.1.

18 Sec. 11. Section 43.20, subsection 2, Code 2021, is amended
19 by striking the subsection.

20 Sec. 12. Section 44.1, Code 2021, is amended to read as
21 follows:

22 **44.1 ~~Political nonparty~~ Nonparty political organizations.**

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

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

24 2. A candidate who has been nominated under a political
 25 party under chapter 43 shall not be eligible for nomination
 26 under this chapter for the same office in the same election
 27 year.

28 Sec. 13. Section 45.1, Code 2021, is amended to read as
 29 follows:

30 **45.1 Nominations by petition.**

31 1. Nominations for candidates for president and vice
 32 president, governor and lieutenant governor, and for ~~other~~
 33 ~~statewide elected offices~~ United States senator may be made
 34 by nomination petitions signed by not less than ~~one thousand~~
 35 ~~five hundred eligible electors residing in not less than ten~~

1 ~~counties of the state~~ three thousand five hundred eligible
2 electors, including at least one hundred eligible electors each
3 from at least nineteen counties of the state.

4 1A. Nominations for candidates for statewide offices other
5 than those listed in subsection 1 may be made by nomination
6 petitions signed by not less than two thousand five hundred
7 eligible electors, including at least seventy-seven eligible
8 electors from not less than eighteen counties of the state.

9 2. Nominations for candidates for a representative in
10 the United States house of representatives may be made by
11 nomination petitions signed by not less than ~~the number of~~
12 ~~eligible electors equal to the number of signatures required in~~
13 ~~subsection 1~~ divided by the number of congressional districts.
14 ~~Signers of the petition shall be eligible electors who are~~
15 ~~residents of the congressional district~~ one thousand seven
16 hundred twenty-six eligible electors who are residents of the
17 congressional district, including at least forty-seven eligible
18 electors each from at least one-half of the counties in the
19 congressional district.

20 3. Nominations for candidates for the state senate may
21 be made by nomination petitions signed by not less than one
22 hundred eligible electors who are residents of the senate
23 district.

24 4. Nominations for candidates for the state house of
25 representatives may be made by nomination petitions signed by
26 not less than fifty eligible electors who are residents of the
27 representative district.

28 5. Nominations for candidates for offices filled by the
29 voters of a whole county may be made by nomination petitions
30 signed by not less than one hundred fifty eligible electors who
31 are residents of the county ~~equal in number to at least one~~
32 ~~percent of the number of registered voters in the county on~~
33 ~~July 1 in the year preceding the year in which the office will~~
34 ~~appear on the ballot, or by at least two hundred fifty eligible~~
35 ~~electors who are residents of the county, whichever is less.~~

1 6. Nominations for candidates for the office of county
2 supervisor elected by the voters of a supervisor district
3 may be made by nomination petitions signed by not less than
4 one hundred fifty eligible electors who are residents of the
5 supervisor district ~~equal in number to at least one percent~~
6 ~~of the number of registered voters in the supervisor district~~
7 ~~on July 1 in the year preceding the year in which the office~~
8 ~~will appear on the ballot, or by at least one hundred fifty~~
9 ~~eligible electors who are residents of the supervisor district,~~
10 ~~whichever is less.~~

11 7. *a.* Nomination papers for the offices of president and
12 vice president shall include the names of the candidates for
13 both offices on each page of the petition. A certificate
14 listing the names of the candidates for presidential electors,
15 one from each congressional district and two from the state at
16 large, shall be filed in the state commissioner's office at the
17 same time the nomination papers are filed.

18 *b.* Nomination papers for the offices of governor and
19 lieutenant governor shall include the names of candidates for
20 both offices on each page of the petition. Nomination papers
21 for other statewide elected offices and all other offices shall
22 include the name of the candidate on each page of the petition.

23 8. Nominations for candidates for elective offices in
24 cities where the council has adopted nominations under this
25 chapter may be submitted as follows:

26 *a.* Except as otherwise provided in [subsection 9](#), in cities
27 having a population of ~~three thousand five hundred~~ twenty
28 thousand or greater according to the most recent federal
29 decennial census, nominations may be made by nomination papers
30 signed by not less than ~~twenty-five~~ one hundred eligible
31 electors who are residents of the city or ward.

32 *b.* In cities having a population of ~~one hundred~~ five
33 thousand or greater, but less than ~~three thousand five hundred~~
34 twenty thousand, according to the most recent federal decennial
35 census, nominations may be made by nomination papers signed by

1 not less than ~~ten~~ fifty eligible electors who are residents of
2 the city or ward.

3 *c.* In cities having a population of ~~less than one hundred~~
4 one thousand or greater, but less than five thousand, according
5 to the most recent federal decennial census, nominations may
6 be made by nomination papers signed by not less than ~~five~~
7 twenty-five eligible electors who are residents of the city.

8 *d.* In cities having a population of less than one thousand
9 according to the most recent decennial census, nominations
10 may be made by nomination papers signed by not less than ten
11 eligible electors who are residents of the city.

12 9. Nominations for ~~candidates, other than partisan~~
13 ~~candidates, for elective offices in special charter cities~~
14 ~~subject to [section 43.112](#) may be submitted as follows:~~

15 *a.* ~~For the office of mayor, and alderman at large,~~
16 nominations and ward alderman in special charter cities subject
17 to the provisions of section 43.112 may be made by nomination
18 papers signed by not less than one hundred eligible electors
19 residing in the city ~~equal in number to at least two percent of~~
20 ~~the total vote received by all candidates for mayor at the last~~
21 ~~preceding city election.~~

22 *b.* ~~For the office of ward alderman, nominations may be made~~
23 ~~by nomination papers signed by eligible electors residing in~~
24 ~~the ward equal in number to at least two percent of the total~~
25 ~~vote received by all candidates for ward alderman in that ward~~
26 ~~at the last preceding city election.~~

27 Sec. 14. Section 47.1, subsection 1, Code 2021, is amended
28 to read as follows:

29 1. The secretary of state is designated as the state
30 commissioner of elections and shall supervise the activities of
31 the county commissioners of elections. There is established
32 within the office of the secretary of state a division of
33 elections which shall be under the direction of the state
34 commissioner of elections. The state commissioner of
35 elections may appoint a person to be in charge of the division

1 of elections who shall perform the duties assigned by the
2 state commissioner of elections. The state commissioner of
3 elections shall prescribe uniform election practices and
4 procedures, shall prescribe the necessary forms required
5 for the conduct of elections, shall assign a number to each
6 proposed constitutional amendment and statewide public measure
7 for identification purposes, and shall adopt rules, pursuant to
8 chapter 17A, to carry out [this section](#). The state commissioner
9 of elections may issue guidance that is not subject to the
10 rulemaking process to clarify election laws and rules.

11 Sec. 15. Section 47.2, subsection 1, Code 2021, is amended
12 to read as follows:

13 1. The county auditor of each county is designated as the
14 county commissioner of elections in each county. The county
15 commissioner of elections shall conduct voter registration
16 pursuant to [chapter 48A](#) and conduct all elections within the
17 county. The county commissioner of elections does not possess
18 home rule powers with respect to the exercise of powers or
19 duties related to the conduct of elections prescribed by
20 statute or rule, or guidance issued pursuant to section 47.1.

21 Sec. 16. Section 47.7, subsection 2, Code 2021, is amended
22 by adding the following new paragraph:

23 NEW PARAGRAPH. *f.* (1) The state registrar shall, in the
24 first quarter of each calendar year, conduct a verification
25 of all voters in the statewide voter registration file, which
26 shall include cross-referencing the records in the statewide
27 voter registration file with similar records maintained by
28 other states. The state registrar of voters shall cancel the
29 registration of a voter found to be ineligible pursuant to
30 section 48A.30. The state registrar shall submit a report
31 to the general assembly by April 30 of each year regarding
32 the number of voter registrations canceled pursuant to this
33 paragraph. The state registrar shall also publish this report
34 on the internet site of the state registrar.

35 (2) The state registrar may contract with a third-party

1 vendor to develop or provide a program to allow the state
2 registrar to verify the status of records in the statewide
3 voter registration file and identify ineligible voters on an
4 ongoing basis.

5 Sec. 17. Section 47.7, Code 2021, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 3. The state registrar of voters shall use
8 information from the electronic registration information center
9 to update information in the statewide voter registration
10 system, including but not limited to the following reports:

- 11 a. In-state duplicates.
- 12 b. In-state updates.
- 13 c. Cross-state matches.
- 14 d. Deceased.
- 15 e. Eligible but unregistered.
- 16 f. National change of address.

17 Sec. 18. Section 48A.28, subsections 1 and 2, Code 2021, are
18 amended to read as follows:

19 1. Each commissioner shall conduct a systematic program
20 that makes a reasonable effort to remove from the official list
21 of registered voters the names of registered voters who have
22 changed residence from their registration addresses. ~~Either or~~
23 ~~both of the methods described in [this section](#) may be used.~~

24 2. a. A commissioner ~~may~~ shall participate in the United
25 States postal service national change of address program, as
26 provided in [section 48A.27](#). The state voter registration
27 commission shall adopt rules establishing specific requirements
28 for participation and use of the national change of address
29 program.

30 b. A commissioner participating in the national change of
31 address program, in the first quarter of each calendar year,
32 shall send a notice and preaddressed, postage paid return card
33 by forwardable mail to each registered voter whose name was
34 not reported by the national change of address program and who
35 has not voted in ~~two or more consecutive general elections~~ the

1 most recent general election and has not registered again, or
2 who has not reported a change to an existing registration, ~~or~~
3 ~~who has not responded to a notice from the commissioner or~~
4 ~~registrar during the period between and following the previous~~
5 ~~two general elections.~~ Registered voters receiving such
6 notice shall be marked inactive. The form and language of the
7 notice and return card shall be specified by the state voter
8 registration commission by rule. A registered voter shall not
9 be sent a notice and return card under [this subsection](#) more
10 frequently than once in a four-year period.

11 Sec. 19. Section 48A.28, subsection 3, Code 2021, is amended
12 by striking the subsection.

13 Sec. 20. Section 48A.30, subsection 1, paragraph g, Code
14 2021, is amended to read as follows:

15 *g.* The registered voter's registration record has been
16 inactive pursuant to section 48A.28 or 48A.29 for two
17 successive general elections.

18 Sec. 21. Section 48A.37, subsection 2, Code 2021, is amended
19 to read as follows:

20 2. Electronic records shall include a status code
21 designating whether the records are active, inactive,
22 incomplete, pending, or canceled. Inactive records are records
23 of registered voters to whom notices have been sent pursuant
24 to section 48A.28, ~~subsection 3,~~ and who have not returned
25 the card or otherwise responded to the notice, and those
26 records have been designated inactive pursuant to section
27 48A.29. Inactive records are also records of registered
28 voters to whom notices have been sent pursuant to section
29 48A.26A and who have not responded to the notice. Incomplete
30 records are records missing required information pursuant to
31 section 48A.11, subsection 8. Pending records are records of
32 applicants whose applications have not been verified pursuant
33 to [section 48A.25A](#). Canceled records are records that have
34 been canceled pursuant to [section 48A.30](#). All other records
35 are active records. An inactive record shall be made active

1 when the registered voter requests an absentee ballot, votes
2 at an election, registers again, or reports a change of name,
3 address, telephone number, or political party or organization
4 affiliation. An incomplete record shall be made active when
5 a completed application is received from the applicant and
6 verified pursuant to [section 48A.25A](#). A pending record shall
7 be made active upon verification or upon the voter providing
8 identification pursuant to [section 48A.8](#).

9 **Sec. 22. NEW SECTION. 48A.40 Voter list maintenance**
10 **reports.**

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

17 2. The state registrar of voters shall determine by rule the
18 form and submission deadline of reports submitted pursuant to
19 subsection 1.

20 **Sec. 23. NEW SECTION. 48A.41 Voter registration maintenance**
21 **audits — investigations.**

22 1. The state registrar of voters shall conduct an audit
23 of voter registration maintenance by each commissioner of
24 registration in April of each odd-numbered year, on a schedule
25 determined by the commissioner.

26 2. If in the course of an audit under this section the
27 state registrar of voters finds that a commissioner of
28 registration has failed to adequately perform required voter
29 list maintenance, the state registrar of voters shall submit
30 the audit to the relevant county attorney and attorney general
31 within twenty-four hours for investigation of a violation of
32 section 39A.3, subsection 1, paragraph "b", subparagraph (9),
33 or other provision of law.

34 **Sec. 24. NEW SECTION. 49.2 Oversight by the state**
35 **commissioner.**

1 The state commissioner, or a designee of the state
2 commissioner, may, at the discretion of the state commissioner,
3 oversee the activities of a county commissioner of elections
4 during a period beginning sixty days before an election and
5 ending sixty days after an election. For the purposes of this
6 section, "oversee" means to observe election-related activity,
7 correct any activity not in accordance with law, and issue a
8 written notice and instructions pursuant to section 39A.6 for
9 any technical infractions that are observed.

10 Sec. 25. Section 49.13, Code 2021, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 7. A person serving on a precinct election
13 board pursuant to subsection 2 or 3 who changes the political
14 party of which the person is a member within thirty days before
15 an election shall be immediately removed from the board and a
16 substitute shall be appointed pursuant to section 49.14.

17 Sec. 26. Section 49.77, subsection 2, Code 2021, is amended
18 to read as follows:

19 2. If the declaration of eligibility is not printed on
20 each page of the election register, any of those persons
21 present pursuant to section 49.104, subsection 2, 3, 5, or 6,
22 1, paragraph "b", "c", "e", or "f", may upon request view the
23 signed declarations of eligibility and may review the signed
24 declarations on file so long as the person does not interfere
25 with the functions of the precinct election officials. If the
26 declaration of eligibility is printed on the election register,
27 voters shall also sign a voter roster which the precinct
28 election official shall make available for viewing. Any of
29 those persons present pursuant to section 49.104, subsection ~~2,~~
30 ~~3, 5, or 6,~~ 1, paragraph "b", "c", "e", or "f", may upon request
31 view the roster of those voters who have signed declarations of
32 eligibility, so long as the person does not interfere with the
33 functions of the precinct election officials.

34 Sec. 27. Section 49.90, Code 2021, is amended to read as
35 follows:

1 **49.90 Assisting voter.**

2 Any voter who may declare upon oath that the voter is blind,
3 cannot read the English language, or is, by reason of any
4 physical disability other than intoxication, unable to cast a
5 vote without assistance, shall, upon request, be assisted by
6 the two officers as provided in [section 49.89](#), or alternatively
7 by any other person the voter may select in casting the vote,
8 except that the voter shall not select a person standing for
9 election on the ballot. The officers, or the person selected
10 by the voter, shall cast the vote of the voter requiring
11 assistance, and shall thereafter give no information regarding
12 the vote cast. If any elector because of a disability cannot
13 enter the building where the polling place for the elector's
14 precinct of residence is located, the two officers shall take
15 a paper ballot to the vehicle occupied by the elector with
16 a disability and allow the elector to cast the ballot in
17 the vehicle. Ballots cast by voters with disabilities shall
18 be deposited in the regular ballot box, or inserted in the
19 tabulating device, and counted in the usual manner.

20 Sec. 28. Section 49.104, Code 2021, is amended to read as
21 follows:

22 **49.104 Persons permitted at polling places.**

23 1. The following persons shall be permitted to be present at
24 and in the immediate vicinity of the polling places, provided
25 they do not solicit votes:

26 ~~1-~~ a. Any person who is by law authorized to perform or
27 is charged with the performance of official duties at the
28 election.

29 ~~2-~~ b. Any number of persons, not exceeding three at a time
30 from each political party having candidates to be voted for
31 at such election, to act as challenging committees, who are
32 appointed and accredited by the executive or central committee
33 of such political party or organization.

34 ~~3-~~ c. Any number of persons not exceeding three at a time
35 from each of such political parties, appointed and accredited

1 in the same manner as prescribed in ~~subsection 2~~ paragraph
2 "b" for challenging committees, and any number of persons
3 not exceeding three at a time appointed as observers under
4 ~~subsection 5~~ paragraph "e", to witness the counting of ballots.

5 ~~4.~~ d. Any peace officer assigned or called upon to keep
6 order or maintain compliance with the provisions of this
7 chapter, upon request of the commissioner or of the chairperson
8 of the precinct election board.

9 ~~5.~~ e. One observer at a time representing any nonparty
10 political organization, any candidate nominated by petition
11 pursuant to ~~chapter 45~~, or any other nonpartisan candidate
12 in a city or school election, appearing on the ballot of the
13 election in progress. Candidates who send observers to the
14 polls shall provide each observer with a letter of appointment
15 in the form prescribed by the state commissioner.

16 ~~6.~~ f. Any persons expressing an interest in a ballot issue
17 to be voted upon at an election except a general or primary
18 election. Any such person shall file a notice of intent to
19 serve as an observer with the commissioner before election
20 day. If more than three persons file a notice of intent to
21 serve at the same time with respect to ballot issues at an
22 election, the commissioner shall appoint from those submitting
23 a notice of intent the three persons who may serve at that time
24 as observers, and shall provide a schedule to all persons who
25 filed notices of intent. The appointees, whenever possible,
26 shall include both opponents and proponents of the ballot
27 issues.

28 ~~7.~~ g. Any person authorized by the commissioner, in
29 consultation with the secretary of state, for the purposes of
30 conducting and attending educational voting programs.

31 ~~8.~~ h. Reporters, photographers, and other staff
32 representing the news media. However, representatives of the
33 news media, while present at or in the immediate vicinity of
34 the polling places, shall not interfere with the election
35 process in any way.

1 2. A precinct election official or county commissioner
2 shall not obstruct or interfere with a person fulfilling that
3 person's role or performing that person's duty under subsection
4 1. A person who violates this subsection is guilty of election
5 misconduct in the third degree.

6 Sec. 29. NEW SECTION. 50.52 Enforcement.

7 Members of local law enforcement agencies and the state
8 patrol are authorized to take all reasonable actions to prevent
9 violations of this chapter.

10 Sec. 30. Section 53.2, subsection 1, Code 2021, is amended
11 to read as follows:

12 1. *a.* Any registered voter, under the circumstances
13 specified in [section 53.1](#), may on any day, except election day,
14 and not more than ~~one hundred twenty~~ seventy days prior to the
15 date of the election, apply in person for an absentee ballot
16 at the commissioner's office or at any location designated by
17 the commissioner. However, for those elections in which the
18 commissioner directs the polls be opened at noon pursuant to
19 section 49.73, a voter may apply in person for an absentee
20 ballot at the commissioner's office from 8:00 a.m. until 11:00
21 a.m. on election day.

22 *b.* A registered voter may make written application to the
23 commissioner for an absentee ballot. A written application
24 for an absentee ballot must be received by the commissioner no
25 later than 5:00 p.m. on the same day as the voter registration
26 deadline provided in [section 48A.9](#) for the election for which
27 the ballot is requested, except when the absentee ballot is
28 requested and voted at the commissioner's office pursuant to
29 section 53.10. A written application for an absentee ballot
30 delivered to the commissioner and received by the commissioner
31 more than ~~one hundred twenty~~ seventy days prior to the date of
32 the election shall be returned to the voter with a notification
33 of the date when the applications will be accepted.

34 *c.* The commissioner shall not send an absentee ballot
35 application to a voter.

1 d. In the event of a public health disaster declared by the
2 governor pursuant to section 29C.6, the general assembly may by
3 resolution direct the state commissioner to send an absentee
4 ballot application to each registered voter prior to a primary
5 or general election held in an even-numbered year. If the
6 general assembly is not in session, the legislative council may
7 so direct the state commissioner by a majority vote.

8 Sec. 31. Section 53.2, subsection 2, Code 2021, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. d. No absentee ballot application shall be
11 provided to a registered voter with any field prefilled, except
12 that the absentee ballot application may have the fields for
13 the type and date of the election prefilled.

14 Sec. 32. Section 53.2, Code 2021, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 11. If an application for an absentee
17 ballot is received between 5:00 p.m. on the eleventh day
18 before an election and 5:00 p.m. on the seventh day before
19 an election, the commissioner shall notify the registered
20 voter within twenty-four hours that the absentee ballot
21 request cannot be processed and notify the registered voter
22 of ways the registered voter may participate in the election.
23 A notification sent pursuant to this subsection shall be
24 transmitted in the same manner as a notification transmitted
25 pursuant to subsection 4, paragraph "b".

26 Sec. 33. NEW SECTION. 53.4 **Absentee ballots — reports.**

27 1. Beginning on the first day that absentee ballots are
28 mailed in each primary and general election and each special
29 election pursuant to section 69.14, and through election
30 day, the state commissioner shall publish a report regarding
31 absentee ballots on a daily basis. The report shall include,
32 at a minimum, all of the following information:

33 a. The number of absentee ballot request forms received by
34 a county commissioner.

35 b. The number of absentee ballots sent by a county

1 commissioner.

2 c. The total number of absentee ballots received by a county
3 commissioner, and the total delivered by each of the following
4 methods:

5 (1) Mail.

6 (2) Delivery to a drop box.

7 (3) Delivery by hand.

8 (4) Voted in person at a satellite location.

9 2. Each county commissioner shall provide all information
10 necessary under this section to the state commissioner in a
11 manner prescribed by the state commissioner.

12 Sec. 34. Section 53.8, subsection 1, paragraph a,
13 unnumbered paragraph 1, Code 2021, is amended to read as
14 follows:

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

26 Sec. 35. Section 53.8, subsection 2, paragraph a, Code 2021,
27 is amended to read as follows:

28 a. The commissioner shall enclose with the absentee ballot
29 a statement informing the applicant that the sealed return
30 envelope may be mailed to the commissioner by the registered
31 voter or the voter's designee, may be returned to a drop box
32 established by the commissioner pursuant to section 53.17,
33 subsection 1, by the registered voter or the voter's designee,
34 only if the commissioner has established such a drop box, or
35 may be personally delivered to the commissioner's office by

1 the registered voter or the voter's designee. The statement
2 shall also inform the voter that the voter may request that the
3 voter's designee complete a receipt when retrieving the ballot
4 from the voter. A blank receipt shall be enclosed with the
5 absentee ballot.

6 Sec. 36. Section 53.8, Code 2021, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 4. The commissioner and the state
9 commissioner shall not mail an absentee ballot to a person who
10 has not submitted an application for an absentee ballot.

11 Sec. 37. Section 53.10, subsection 1, Code 2021, is amended
12 to read as follows:

13 1. Not more than ~~twenty-nine~~ eighteen days before the
14 date of the primary election or the general election, the
15 commissioner shall provide facilities for absentee voting in
16 person at the commissioner's office. This service shall also
17 be provided for other elections as soon as the ballots are
18 ready, but in no case shall absentee ballots be available under
19 this section more than ~~twenty-nine~~ eighteen days before an
20 election.

21 Sec. 38. Section 53.11, subsection 1, paragraph a, Code
22 2021, is amended to read as follows:

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

35 Sec. 39. Section 53.17, subsection 1, paragraph b, Code

1 2021, is amended to read as follows:

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

10 Sec. 40. Section 53.17, subsection 1, Code 2021, is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. **c.** The sealed return envelope may be
13 delivered by a person not prohibited to collect and deliver a
14 completed ballot pursuant to section 53.33 to a ballot drop
15 box established by the commissioner no later than the time the
16 polls are closed on election day. However, if delivered by
17 the voter's designee, the envelope shall be delivered within
18 seventy-two hours of retrieving it from the voter or before the
19 closing of the polls on election day, whichever is earlier. A
20 commissioner is not required to establish a ballot drop box. A
21 ballot drop box must meet all of the following requirements:

22 (1) A commissioner shall not establish more than one
23 ballot drop box, which shall be located at the office of
24 the commissioner, or on property owned and maintained by the
25 county that directly surrounds the building where the office
26 is located. For the purposes of this subparagraph, "*office of*
27 *the commissioner*" means a location where a voter may receive
28 services pursuant to section 48A.17, 50.20, 53.10, or 53.18.

29 (2) The ballot drop box shall not be used for any purpose
30 other than the collection of absentee ballots.

31 (3) The commissioner shall implement all reasonable
32 and necessary measures to ensure that the ballot drop box
33 is accessible and secure. Security measures may include
34 placing the ballot drop box in a place regularly viewed by the
35 commissioner or the commissioner's staff.

1 (4) A video surveillance system shall be used to monitor all
2 activity at the ballot drop box at all times while the ballot
3 drop box is in place. The system shall create a recording,
4 which shall be reviewed by the state commissioner, county
5 attorney, and law enforcement in the event that misconduct
6 occurs.

7 (5) A ballot drop box shall be available no sooner than the
8 time that absentee ballots are allowed to be mailed pursuant
9 to section 53.8. The ballot drop box shall be removed or
10 restricted from accepting deliveries immediately upon the
11 closure of polls on election day.

12 (6) While available, a ballot drop box shall be securely
13 fastened to a stationary surface or an immovable object.

14 (7) The ballot drop box shall be secured by a lock and shall
15 include a tamper-evident seal. Only the commissioner or an
16 employee of the commissioner shall have access to the means to
17 unfasten the lock.

18 (8) Materials delivered to the ballot drop box shall be
19 retrieved in an expeditious manner, but no less often than four
20 times per day.

21 (9) The commissioner shall maintain a log of each time
22 materials are retrieved from the ballot drop box, including the
23 date and time materials were retrieved, and the name of the
24 person who retrieved the materials. The commissioner or the
25 commissioner's employee shall record on the ballot, near the
26 portion of the envelope including the affidavit signed by the
27 voter, that the materials were retrieved from a drop box, the
28 date and time of the retrieval, and the initials of the person
29 who retrieved the materials.

30 (10) A ballot retrieved from a ballot drop box shall be
31 processed in the same manner as a ballot returned pursuant to
32 paragraph "a".

33 Sec. 41. Section 53.17, subsection 2, Code 2021, is amended
34 to read as follows:

35 2. In order for the ballot to be counted, the return

1 envelope must be received in the commissioner's office before
2 the polls close on election day or ~~be clearly postmarked by an~~
3 ~~officially authorized postal service or~~ bear a postal service
4 barcode traceable to a date of entry into the federal mail
5 system not later than the day before the election, as provided
6 in [section 53.17A](#), and received by the commissioner not later
7 than noon on the Monday following the election.

8 Sec. 42. Section 53.17, subsection 4, paragraph f, Code
9 2021, is amended to read as follows:

10 *f.* A statement that the completed absentee ballot will
11 be delivered to the commissioner's office within seventy-two
12 hours of retrieving it from the voter or before the closing of
13 the polls on election day, whichever is earlier, or that the
14 completed absentee ballot will be mailed to the commissioner
15 within seventy-two hours of retrieving it from the voter or
16 within time ~~to be postmarked or, if applicable,~~ to have the
17 postal service barcode traced to a date of entry into the
18 federal mail system not later than the day before the election,
19 as provided in [section 53.17A](#), whichever is earlier.

20 Sec. 43. Section 53.17, Code 2021, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 5. For the purposes of this section,
23 "*voter's designee*" means a person not prohibited to collect and
24 deliver a completed ballot pursuant to section 53.33.

25 Sec. 44. Section 53.17A, subsection 2, paragraphs a and b,
26 Code 2021, are amended by striking the paragraphs.

27 Sec. 45. Section 53.17A, subsection 3, paragraph b, Code
28 2021, is amended to read as follows:

29 *b.* (1) ~~If the postmark indicates that the absentee ballot~~
30 ~~entered the federal mail system by the deadline specified~~
31 ~~in [section 53.17](#) or [53.22](#), the ballot shall be included for~~
32 ~~canvass by the absentee and special voters precinct board.~~

33 (2) ~~If the postmark is illegible, missing, or dated on~~
34 ~~or after election day, the~~ The commissioner shall attempt
35 to verify the ballot's date of entry into the federal mail

1 system by querying the postal service barcode in the tracking
 2 information database. If the tracking information database
 3 indicates that the absentee ballot entered the federal mail
 4 system by the deadline specified in [section 53.17](#) or [53.22](#),
 5 the ballot shall be included for canvass by the absentee and
 6 special voters precinct board. A postmark shall not be used
 7 to verify the date the absentee ballot entered the federal
 8 mail system. The commissioner shall provide a report to the
 9 absentee and special voters precinct board regarding the
 10 information available in the tracking information database.

11 ~~(3) If there is a discrepancy between the date indicated by~~
 12 ~~the postmark and the postal service barcode, the earlier of the~~
 13 ~~two shall determine the date of entry of the absentee ballot~~
 14 ~~into the federal mail system.~~

15 ~~(4)~~ (2) (a) If neither the postmark nor the postal service
 16 barcode ~~indicates~~ does not indicate that the absentee ballot
 17 entered the federal mail system by the deadline specified in
 18 [section 53.17](#) or [53.22](#), the absentee ballot shall be sent to
 19 the absentee and special voters precinct board pursuant to
 20 subparagraph division (b) with the numeric value assigned to
 21 the postal service barcode and a full report from the tracking
 22 information database.

23 (b) Up to five absentee and special voters precinct board
 24 members from each political party for partisan elections,
 25 or any two members of the board for nonpartisan elections,
 26 shall review the postal service barcode and tracking database
 27 information report of each absentee ballot submitted pursuant
 28 to subparagraph division (a) and certify that the tracking
 29 information database report corresponds to the absentee ballot
 30 by initialing the report and the absentee ballot envelope.
 31 If the board concludes that the postal service barcode and
 32 tracking information database report verify that the absentee
 33 ballot entered the federal mail system by the deadline
 34 specified in [section 53.17](#) or [53.22](#), the ballot shall be
 35 counted. Otherwise, the ballot shall not be counted.

1 Sec. 46. Section 53.18, subsection 2, Code 2021, is amended
2 to read as follows:

3 2. a. If the commissioner receives the return envelope
4 containing the completed absentee ballot by 5:00 p.m. on the
5 Saturday before the election for general elections and by 5:00
6 p.m. on the Friday before the election for all other elections,
7 the commissioner shall review the affidavit marked on the
8 return envelope, if applicable, for completeness or shall open
9 the return envelope to review the affidavit for completeness.
10 ~~If the affidavit is incomplete, the commissioner shall, within~~
11 ~~twenty-four hours of the time the envelope was received, notify~~
12 ~~the voter of that fact and that the voter may complete the~~
13 ~~affidavit in person at the office of the commissioner by 5:00~~
14 ~~p.m. on the day before the election, vote a replacement ballot~~
15 ~~in the manner and within the time period provided in subsection~~
16 ~~3, or appear at the voter's precinct polling place on election~~
17 ~~day and cast a ballot in accordance with section 53.19,~~
18 subsection 3. If the affidavit lacks the signature of the
19 registered voter, the commissioner shall, within twenty-four
20 hours of the receipt of the envelope, notify the voter of the
21 deficiency and inform the voter that the voter may vote a
22 replacement ballot as provided in subsection 3, cast a ballot
23 as provided in section 53.19, subsection 3, or complete the
24 affidavit in person at the office of the commissioner not later
25 than the time polls close on election day.

26 b. If the commissioner receives the return envelope
27 containing the completed absentee ballot after the deadline
28 in paragraph "a", the commissioner shall submit the affidavit
29 to the absentee and special voters precinct board for review.
30 If the absentee and special voters precinct determines that
31 the affidavit is incomplete, the commissioner shall, within
32 twenty-four hours of the determination, notify the voter. If
33 the affidavit lacks the signature of the registered voter, the
34 commissioner shall notify the voter that the voter may complete
35 the affidavit in person at the office of the commissioner

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

5 Sec. 47. Section 53.18, Code 2021, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 04. For the purposes of this section, a
8 return envelope marked with the affidavit shall be considered
9 incomplete if the affidavit lacks the registered voter's
10 signature. A signature or marking made in accordance with
11 section 39.3, subsection 17, shall not cause an affidavit to be
12 considered incomplete.

13 Sec. 48. Section 53.19, subsection 1, Code 2021, is amended
14 to read as follows:

15 1. The commissioner shall maintain a list of the absentee
16 ballots provided to registered voters, the serial number
17 appearing on the unsealed envelope, the date the application
18 for the absentee ballot was received, ~~and~~ the date the absentee
19 ballot was sent to the registered voter requesting the absentee
20 ballot, the date the absentee ballot was received by the
21 commissioner, the date the absentee ballot outer envelope
22 was opened, and whether the ballot was delivered by mail,
23 in person, or cast in person at a satellite location. The
24 information under this subsection shall be reported separately
25 at the same time as the information reported under section
26 53.30, subsection 3.

27 Sec. 49. Section 53.22, subsection 3, Code 2021, is amended
28 to read as follows:

29 3. Any registered voter who becomes a patient, tenant, or
30 resident of a hospital, assisted living program, or health care
31 facility in the county where the voter is registered to vote
32 ~~within three days prior to the date of any election~~ after the
33 deadline to make a written application for an absentee ballot
34 as provided in section 53.2 or on election day may request an
35 absentee ballot during that period or on election day. As an

1 alternative to the application procedure prescribed by section
 2 53.2, the registered voter may make the request directly to
 3 the officers who are delivering and returning absentee ballots
 4 under [this section](#). Alternatively, the request may be made by
 5 telephone to the office of the commissioner not later than four
 6 hours before the close of the polls. If the requester is found
 7 to be a registered voter of that county, these officers shall
 8 deliver the appropriate absentee ballot to the registered voter
 9 in the manner prescribed by [this section](#).

10 Sec. 50. Section 53.22, subsection 6, Code 2021, is amended
 11 to read as follows:

12 6. *a.* If the registered voter becomes a patient, tenant, or
 13 resident of a hospital, assisted living program, or health care
 14 facility outside the county where the voter is registered to
 15 ~~vote within three days before the date of any election~~ after
 16 the deadline to make a written application for an absentee
 17 ballot as provided in section 53.2 or on election day, the
 18 voter may designate a person to deliver and return the absentee
 19 ballot. ~~The designee may be any person the voter chooses~~
 20 ~~except that no candidate for any office to be voted upon for~~
 21 ~~the election for which the ballot is requested may deliver a~~
 22 ~~ballot under [this subsection](#)~~ shall be a person not prohibited
 23 to collect and deliver a completed ballot pursuant to section
 24 53.33. The request for an absentee ballot may be made by
 25 telephone to the office of the commissioner not later than four
 26 hours before the close of the polls. If the requester is found
 27 to be a registered voter of that county, the ballot shall be
 28 delivered by mail or by the person designated by the voter. An
 29 application form shall be included with the absentee ballot and
 30 shall be signed by the voter and returned with the ballot.

31 *b.* Absentee ballots voted under [this subsection](#) shall be
 32 delivered to the commissioner no later than the time the polls
 33 are closed on election day. If the ballot is returned by mail
 34 the return envelope must be received by the time the polls
 35 close, ~~or be clearly postmarked by an officially authorized~~

1 ~~postal service or~~ bear a postal service barcode traceable to a
2 date of entry into the federal mail system not later than the
3 day before the election, as provided in [section 53.17A](#), and
4 received by the commissioner no later than the time established
5 for the canvass by the board of supervisors for that election.

6 Sec. 51. Section 53.30, Code 2021, is amended to read as
7 follows:

8 **53.30 Ballots, ballot envelopes, and other information**
9 **preserved.**

10 1. At the conclusion of each meeting of the absentee and
11 special voter precinct board, the board shall reconcile the
12 number of signed affidavits provided to the board by the
13 commissioner and the number of ballots that were counted and
14 tabulated. The board shall record the number of ballots that
15 were rejected prior to opening the affidavit envelope, the
16 number of absentee ballots that have been challenged and are
17 currently unopened, and the number of absentee ballots that
18 were accepted for counting and tabulation. The board shall
19 also reconcile the number of provisional ballots provided
20 to the board by the commissioner, the number of provisional
21 ballots that were accepted for counting and tabulation, and the
22 number of provisional ballots that were rejected.

23 2. At the conclusion of each meeting of the absentee and
24 special voters precinct board, the board shall securely seal
25 all ballots counted by them in the manner prescribed in section
26 50.12. The ballot envelopes, including the affidavit envelope
27 if an affidavit envelope was provided, the return envelope, and
28 secrecy envelope bearing the signatures of precinct election
29 officials, as required by [section 53.23](#), shall be preserved.
30 All applications for absentee ballots, ballots rejected without
31 being opened, absentee ballot logs, and any other documents
32 pertaining to the absentee ballot process shall be preserved
33 until such time as the documents may be destroyed pursuant to
34 section 50.19.

35 3. Following each primary and general election,

1 commissioners shall report to the state commissioner the
2 number of voted absentee ballots received by the commissioner,
3 the total number of absentee ballots counted and tabulated
4 by the board, and the number of absentee ballots rejected by
5 the board. The commissioner shall also provide the number of
6 provisional ballots cast, the number of provisional ballots
7 rejected, and the number of provisional ballots that were
8 counted and tabulated by the board.

9 **Sec. 52. NEW SECTION. 53.33 Unlawful return of ballot.**

10 Notwithstanding any provision of law to the contrary, no
11 person other than the registered voter or an individual who
12 lives in the same household as the registered voter, the
13 registered voter's immediate family member, an individual
14 serving as a caretaker for the registered voter, or an
15 individual pursuant to section 53.22 shall collect a completed
16 ballot and return the ballot by mail or in person to the county
17 auditor's office or other election location. A violation of
18 this section constitutes election misconduct in the third
19 degree under section 39A.4.

20 **Sec. 53.** Section 66.1A, Code 2021, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 8. For failure to pay a fine imposed
23 pursuant to section 39A.6 and not dismissed pursuant to chapter
24 17A.

25 **Sec. 54.** Section 69.14A, subsection 2, paragraph a,
26 subparagraphs (1) and (2), Code 2021, are amended to read as
27 follows:

28 (1) The appointment shall be for the period until the
29 next ~~pending election as defined in [section 69.12](#)~~ general
30 election, and shall be made within forty days after the vacancy
31 occurs. If the board of supervisors chooses to proceed under
32 this paragraph, the board shall publish notice in the manner
33 prescribed by [section 331.305](#) stating that the board intends
34 to fill the vacancy by appointment but that the electors of
35 the county have the right to file a petition requiring that

1 the vacancy be filled by special election. The board may
2 publish notice in advance if an elected official submits a
3 resignation to take effect at a future date. The board may
4 make an appointment to fill the vacancy after the notice is
5 published or after the vacancy occurs, whichever is later. A
6 person appointed to an office under [this subsection](#), except for
7 a county attorney, shall have actually resided in the county
8 which the appointee represents sixty days prior to appointment.
9 A person appointed to the office of county attorney shall be a
10 resident of the county at the time of appointment.

11 (2) However, if ~~within fourteen days after publication~~
12 ~~of the notice or~~ within fourteen days after the appointment
13 is made, a petition is circulated and filed with the county
14 auditor requesting a special election to fill the vacancy,
15 the appointment is temporary and a special election shall be
16 called as provided in paragraph "b". The petition shall meet
17 the requirements of [section 331.306](#). A signature shall not be
18 considered valid if the signature is dated prior to the date on
19 which the appointment was made.

20 Sec. 55. Section 69.14A, subsection 2, paragraph b,
21 subparagraph (1), Code 2021, is amended to read as follows:

22 (1) The board of supervisors may, on its own motion, or
23 shall, upon receipt of a petition as provided in paragraph
24 "a", call for a special election to fill the vacancy in lieu
25 of appointment. The supervisors shall order the special
26 election at the earliest practicable date, but giving at least
27 thirty-two days' notice of the election. A special election
28 called under [this section](#) shall be held on a Tuesday and ~~shall~~
29 ~~not be held on the same day as a school election within the~~
30 ~~county.~~

31 Sec. 56. Section 331.756, Code 2021, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 75. Bring actions under chapter 66 for
34 failure to pay fines imposed pursuant to section 39A.6 and not
35 dismissed pursuant to chapter 17A.

1 Sec. 57. EFFECTIVE DATE. This Act, being deemed of
2 immediate importance, takes effect upon enactment.

3 Sec. 58. APPLICABILITY. The following apply to all
4 candidates seeking election to an office that will appear on a
5 ballot in or after 2022:

6 1. The sections of this Act amending section 43.20.

7 2. The section of this Act amending section 44.1.

8 3. The section of this Act amending section 45.1.

9

EXPLANATION

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

12 This bill relates to the conduct of elections.

13 The bill allows the state commissioner of elections to issue
14 guidance outside of the rulemaking process to clarify election
15 laws and rules. The bill makes failure to follow or implement
16 such guidance election misconduct in the first degree, which
17 is a class "D" felony. A class "D" felony is punishable by
18 confinement for no more than five years and a fine of at least
19 \$1,025 but not more than \$10,245. The bill also makes the
20 failure to perform election duties and performance of election
21 duties in such a way as to hinder or disregard the object of the
22 law election misconduct in the first degree.

23 The bill makes interference by a precinct election official
24 or county commissioner with a person who is allowed to be at a
25 polling place election misconduct in the third degree, which
26 is a serious misdemeanor. A serious misdemeanor is punishable
27 by confinement for no more than one year and a fine of at least
28 \$430 but not more than \$2,560.

29 The bill expressly grants state and local law enforcement
30 agencies the authority to take all reasonable actions to
31 prevent the violation of Code chapter 50 (canvass of votes).

32 The bill makes failure to adequately perform voter list
33 maintenance by an election official election misconduct in
34 the second degree, an aggravated misdemeanor. An aggravated
35 misdemeanor is punishable by confinement for no more than two

1 years and a fine of at least \$855 but not more than \$8,540.

2 The bill allows a county commissioner of elections to
3 establish a single drop box where voters can return completed
4 absentee ballots. The bill requires the drop box to be located
5 at or near the office of the county commissioner and sets
6 certain requirements regarding the security, maintenance, and
7 documentation of ballot drop boxes. The bill makes conforming
8 changes regarding the return of absentee ballots.

9 The bill requires the state commissioner of elections to
10 issue a fine of up to \$10,000, to be paid into the general
11 fund, to a county commissioner of elections when the state
12 commissioner issues a technical infraction to a county
13 commissioner. A county commissioner shall pay or appeal the
14 fine within 60 days. A county commissioner who fails to pay a
15 fine that is not dismissed within 60 days shall be suspended
16 from office for no longer than two years. If a county
17 commissioner is suspended from office, the state commissioner
18 shall direct the deputy county commissioner to fulfill the
19 duties of the office, and the state commissioner may direct
20 the state commissioner's staff to assist the deputy county
21 commissioner. The bill also requires the state commissioner
22 to report a technical infraction to the attorney general and
23 relevant county attorney if the infraction constitutes or
24 may constitute election misconduct. The attorney general or
25 county attorney shall report the results of the investigation
26 to the state commissioner of elections and explain whether the
27 attorney will pursue charges.

28 The bill requires the attorney general or county attorney
29 to investigate allegations of election misconduct, and to
30 investigate misconduct by election officials for prosecution
31 under Code chapter 721 (official misconduct).

32 The bill prohibits a person who has been nominated by a
33 political party from being nominated by a nonparty political
34 organization for the same office in the same election.

35 The bill changes the number of signatures required to be

1 received for the nomination of candidates for partisan office
2 to be the same as provided for in Code section 45.1. The bill
3 sets the signature requirements for candidates for president
4 and vice president, governor and lieutenant governor, and
5 United States senator to 3,500 signatures, with at least 100
6 signatures each from at least 19 counties; for other statewide
7 offices to 2,500 signatures, with at least 77 signatures each
8 from at least 18 counties; and for representative in the United
9 States house of representatives to 1,726 signatures, with at
10 least 47 signatures from at least half of the counties in the
11 congressional district.

12 The bill changes the required convention or caucus size for
13 nominees from nonparty political organizations.

14 The bill prohibits county commissioners of elections from
15 exercising home rule powers with respect to the administration
16 of elections.

17 The bill requires the state registrar of voters to verify
18 each record in the statewide voter registration file in
19 the first quarter of each calendar year. The verification
20 procedure shall include cross-referencing the records in
21 the statewide voter registration file with similar records
22 maintained by other states. If the state registrar identifies
23 an invalid registration, the state registrar shall cancel that
24 registration. The bill requires the state registrar to submit
25 a report to the general assembly by April 30 of each year
26 regarding the number of registrations canceled pursuant to the
27 provisions of the bill. The state registrar shall also post
28 the report on the state registrar's internet site.

29 The bill allows the state registrar to contract with a
30 third-party vendor to develop or provide a program to allow
31 the state registrar to verify the status of records in the
32 statewide voter registration file and identify ineligible
33 voters on an ongoing basis.

34 The bill changes the earliest date before an election on
35 which a registered voter may request an absentee ballot from

1 120 days before the election to 70 days before the election.
2 The bill prohibits county commissioners of elections from
3 sending an absentee ballot application to a voter. In the
4 event of a public health disaster declared by the governor, the
5 bill allows the general assembly to, by resolution, direct the
6 state commissioner to send an absentee ballot application to
7 each registered voter prior to a primary or general election
8 held in an even-numbered year. If the general assembly is
9 not in session, the bill allows the legislative council to so
10 direct the state commissioner by a majority vote.

11 The bill prohibits an absentee ballot application from being
12 provided to a voter with any information other than the date
13 and type of election prefilled. The bill requires a county
14 commissioner who receives an application for an absentee ballot
15 between 5:00 p.m. on the 11th day before an election and 5:00
16 p.m. on the 7th day before an election to notify the registered
17 voter within 24 hours that the application cannot be processed
18 and provide options for the registered voter to participate in
19 the election.

20 The bill requires the state commissioner of elections to
21 publish daily reports regarding absentee ballots during the
22 duration of certain elections. The bill requires county
23 commissioners of elections to provide any necessary information
24 for such reports to the state commissioner of elections.

25 The bill requires the state registrar of voters to use
26 information from the electronic registration information center
27 to update information in the statewide voter registration
28 system. The bill enumerates certain reports that the state
29 registrar of voters is required to use.

30 The bill requires each county commissioner of registration
31 to participate in the United States postal service national
32 change of address program. The bill requires the county
33 commissioner to send a notice to and mark as inactive a voter
34 who has not participated in the most recent general election
35 and who has not reported a change of address or registered

1 again. Current law requires that such voters be marked
2 inactive after having not voted in two consecutive general
3 elections. The bill repeals an alternative to participation in
4 the national change of address program.

5 The bill requires each commissioner of registration to
6 annually submit to the state registrar of voters a report
7 regarding voter registration maintenance activities. The state
8 registrar of voters shall publish such reports on the internet
9 site of the state registrar of voters.

10 The bill requires the state registrar of voters to conduct
11 an audit of the voter registration maintenance activities of
12 each county commissioner of registration in April of each
13 odd-numbered year. If the state registrar of voters discovers
14 that a county commissioner of registration has failed to
15 perform adequate maintenance activities, the state registrar of
16 voters shall transmit the audit to the relevant county attorney
17 and attorney general for investigation of election misconduct.

18 The bill allows the state commissioner of elections to
19 oversee the activities of a county commissioner of elections
20 during a period beginning 60 days before an election and ending
21 60 days after an election. The state commissioner may correct
22 any activity not in accordance with law, including by the
23 issuance of technical infractions.

24 The bill requires that a person serving on a precinct
25 election board for an election including partisan offices or
26 for an election in which candidates' names appear under the
27 heading of political parties who changes party affiliation
28 within 30 days before an election shall be immediately removed
29 from the board and replaced with a substitute.

30 The bill prohibits a voter from selecting as a person to
31 assist the voter in casting a ballot at the polling place a
32 person who is standing for election on the ballot.

33 The bill changes the earliest date before an election on
34 which a county commissioner of elections may mail an absentee
35 ballot from 29 days before the election to 18 days before the

1 election. The bill strikes a provision altering the first
2 day on which an absentee ballot may be mailed when the United
3 States post office is closed and not delivering mail on that
4 day.

5 The bill prohibits the county commissioner of elections
6 and state commissioner of elections from mailing an absentee
7 ballot to a person who has not submitted an application for an
8 absentee ballot.

9 The bill repeals a provision allowing a county commissioner
10 of elections to establish satellite absentee voting locations
11 at the commissioner's discretion. The bill does not alter
12 a provision requiring a county commissioner of elections to
13 establish satellite absentee voting locations upon receipt of
14 a petition.

15 The bill changes the earliest date on which a person can vote
16 absentee in person at the county commissioner's office from 29
17 days before an election to 18 days before an election.

18 The bill removes a postmark as a method by which the date on
19 which an absentee ballot was mailed may be verified. The bill
20 prohibits a postmark from being used for such purpose.

21 The bill removes certain requirements that county
22 commissioners of elections must meet before implementing or
23 discontinuing the use of a postal service barcode for the
24 purpose of tracking absentee ballots.

25 The bill changes the process for a county commissioner to
26 notify a voter that an absentee ballot affidavit is incomplete.
27 The bill requires a county commissioner to notify a voter
28 within 24 hours of receipt of an affidavit lacking a signature
29 that the voter may vote a replacement ballot, cast a ballot
30 at the polls, or complete the affidavit at the office of the
31 county commissioner. If the county commissioner receives
32 an absentee ballot after 5:00 p.m. on the Saturday before
33 a general election or after 5:00 p.m. on the Friday before
34 any other election, the county commissioner shall submit the
35 affidavit to the special voters precinct board. If the board

1 finds that the affidavit is incomplete, the county commissioner
2 shall notify the voter that the voter may complete the
3 affidavit in person at the county commissioner's office. The
4 bill defines an incomplete affidavit as one lacking the voter's
5 signature.

6 The bill adds the date the absentee ballot was received by
7 the county commissioner, the date the absentee ballot outer
8 envelope was opened, and how the ballot was delivered to
9 the county commissioner to the information that the county
10 commissioner must maintain regarding absentee ballots. The
11 bill requires such information to be reported to the state
12 commissioner of elections.

13 The bill allows a person who becomes a patient, tenant, or
14 resident of a hospital, assisted living program, or health
15 care facility in the county where the voter is registered to
16 vote after the deadline to make a written application for an
17 absentee ballot to request an absentee ballot by phone or in
18 person to election officers delivering or collecting such
19 ballots.

20 The bill requires the absentee and special voter precinct
21 board to reconcile the number of signed affidavits provided
22 by the county commissioner of elections with the number of
23 ballots counted and tabulated by the board, as well as the
24 number of provisional ballots provided to the board, the number
25 rejected by the board, and the number counted and tabulated by
26 the board. The board shall also record the number of ballots
27 rejected prior to opening the affidavit envelope, the number
28 of absentee ballots that have been challenged and remain
29 unopened, and the number of absentee ballots that were accepted
30 for counting and tabulation. Following each primary and
31 general election, the bill requires the county commissioner to
32 report to the state commissioner certain information regarding
33 absentee ballots.

34 The bill prohibits a person other than a registered voter,
35 the registered voter's immediate family member, an individual

1 in the voter's household, an individual acting as a caretaker
2 for the registered voter, or an election official assisting
3 a confined person from collecting and returning a completed
4 absentee ballot, including to a ballot drop box. A person who
5 violates this provision of the bill commits election misconduct
6 in the third degree and is guilty of a serious misdemeanor. A
7 serious misdemeanor is punishable by confinement for no more
8 than one year and a fine of at least \$430 but not more than
9 \$2,560.

10 The bill changes the period of appointment for a person
11 appointed to fill a vacancy in an elected county office from
12 until the next pending election to until the next general
13 election. For petitions requesting a special election to fill
14 the vacancy, the bill requires a petition to be circulated and
15 filed within 14 days after the appointment. The bill requires
16 signatures on such a petition to be dated on or after the
17 date of the appointment. The bill repeals a prohibition on a
18 special election to fill a vacancy in a county elected office
19 being held on the same day as a school election within the
20 county.

21 The bill takes effect upon enactment. The provisions of the
22 bill relating to nominations of candidates apply to candidates
23 seeking election to an office on a ballot in or after 2022.