

House File 169 - Introduced

HOUSE FILE 169

BY GOLDING

A BILL FOR

1 An Act relating to the casting and canvassing of absentee
2 ballots.

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

1 Section 1. Section 9E.6, subsection 2, paragraph b, Code
2 2023, is amended to read as follows:

3 b. The program participant shall complete the ballot and
4 return it to the state commissioner of elections, who shall
5 review the ballot in the manner provided by sections 53.18
6 and 53.19 if the return envelope is received in the state
7 commissioner's office before the ~~polls close on election day~~
8 close of business on the day before the election or is clearly
9 postmarked by an officially authorized postal service or bears
10 a postal service barcode traceable to a date of entry into the
11 federal mail system not later than the day before the election,
12 as provided in section 53.17A. If the materials comply
13 with the requirements of section 53.18, the materials shall
14 be certified by the state commissioner of elections as the
15 ballot of a program participant, and shall be forwarded to the
16 appropriate county commissioner of elections for tabulation by
17 the special voters precinct election board appointed pursuant
18 to section 53.23.

19 Sec. 2. Section 50.22, subsection 4, Code 2023, is amended
20 to read as follows:

21 4. The special precinct board shall also canvass any
22 absentee ballots which were received after the ~~polls closed~~
23 close of business on the day before the election in accordance
24 with section 53.17. If necessary, they shall reconvene again
25 on the day of the canvass by the board of supervisors to
26 canvass any absentee ballots which were timely received. The
27 special precinct board shall submit their tally list to the
28 supervisors before the conclusion of the canvass by the board.

29 Sec. 3. Section 50.24, subsection 2, Code 2023, is amended
30 to read as follows:

31 2. Upon convening, the board shall open and canvass the
32 tally lists and shall prepare abstracts stating the number of
33 votes cast in the county, or in that portion of the county
34 in which the election was held, for each office and on each
35 question on the ballot for the election. The board shall

1 contact the chairperson of the special precinct board before
2 adjourning and include in the canvass any write-in votes
3 tallied and recorded by the special precinct board or any
4 absentee ballots which were received after the ~~polls closed~~
5 close of business on the day before the election in accordance
6 with [section 53.17](#) and which were canvassed by the special
7 precinct board after election day. The abstract shall further
8 indicate the name of each person who received votes for each
9 office on the ballot, and the number of votes each person named
10 received for that office, and the number of votes for and
11 against each question submitted to the voters at the election.
12 The votes of all write-in candidates who each received less
13 than five percent of the votes cast for an office or who
14 each received fewer than ten votes and was not determined to
15 be elected shall be reported collectively under the heading
16 "scattering".

17 Sec. 4. Section 53.17, subsection 1, paragraph a, Code 2023,
18 is amended to read as follows:

19 a. The sealed return envelope may be delivered by the
20 registered voter, by the voter's designee, or by the special
21 precinct election officials designated pursuant to section
22 53.22, subsection 2, to the commissioner's office no later
23 than the ~~time the polls are closed~~ close of business on the
24 day before election day. However, if delivered by the voter's
25 designee, the envelope shall be delivered within seventy-two
26 hours of retrieving it from the voter or before the closing of
27 the polls on election day, whichever is earlier.

28 Sec. 5. Section 53.17, subsection 1, paragraph c,
29 unnumbered paragraph 1, Code 2023, is amended to read as
30 follows:

31 The sealed return envelope may be delivered by a person
32 not prohibited to collect and deliver a completed ballot
33 pursuant to [section 53.33](#) to a ballot drop box established by
34 the commissioner no later than the ~~time the polls are closed~~
35 close of business on the day before election day. However,

1 if delivered by the voter's designee, the envelope shall be
2 delivered within seventy-two hours of retrieving it from the
3 voter or before the closing of the polls on election day,
4 whichever is earlier. A commissioner is not required to
5 establish a ballot drop box. A ballot drop box must meet all
6 of the following requirements:

7 Sec. 6. Section 53.17, subsection 1, paragraph c,
8 subparagraph (5), Code 2023, is amended to read as follows:

9 (5) A ballot drop box shall be available no sooner than the
10 time that absentee ballots are allowed to be mailed pursuant
11 to [section 53.8](#). The ballot drop box shall be removed or
12 restricted from accepting deliveries immediately upon the
13 ~~closure of polls~~ close of business on the day before election
14 day.

15 Sec. 7. Section 53.17, subsection 2, Code 2023, is amended
16 to read as follows:

17 2. In order for the ballot to be counted, the return
18 envelope must be received in the commissioner's office before
19 the ~~polls close on election~~ close of business on the day before
20 election day.

21 Sec. 8. Section 53.17, subsection 4, paragraph f, Code 2023,
22 is amended to read as follows:

23 *f.* A statement that the completed absentee ballot will
24 be delivered to the commissioner's office within seventy-two
25 hours of retrieving it from the voter or before the ~~closing of~~
26 ~~the polls~~ close of business on the day before election day,
27 whichever is earlier, or that the completed absentee ballot
28 will be mailed to the commissioner within seventy-two hours of
29 retrieving it from the voter.

30 Sec. 9. Section 53.17A, subsection 3, Code 2023, is amended
31 to read as follows:

32 3. *a.* An absentee ballot received after the ~~polls~~ close
33 of business on the day before election day but prior to
34 the official canvass shall be counted if the commissioner
35 determines that the ballot entered the federal mail system by

1 the deadline specified in section ~~53.17~~ or 53.22. The date of
2 entry of such an absentee ballot into the federal mail system
3 shall only be verified as provided in paragraph "b".

4 *b.* (1) If the postmark indicates that the absentee ballot
5 entered the federal mail system by the deadline specified
6 in section ~~53.17~~ or 53.22, the ballot shall be included for
7 canvass by the absentee and special voters precinct board.

8 (2) If the postmark is illegible, missing, or dated on or
9 after election day, the commissioner shall attempt to verify
10 the ballot's date of entry into the federal mail system by
11 querying the postal service barcode in the tracking information
12 database. If the tracking information database indicates that
13 the absentee ballot entered the federal mail system by the
14 deadline specified in section ~~53.17~~ or 53.22, the ballot shall
15 be included for canvass by the absentee and special voters
16 precinct board. The commissioner shall provide a report to
17 the absentee and special voters precinct board regarding the
18 information available in the tracking information database.

19 (3) If there is a discrepancy between the date indicated by
20 the postmark and the postal service barcode, the earlier of the
21 two shall determine the date of entry of the absentee ballot
22 into the federal mail system.

23 (4) (a) If neither the postmark nor the postal service
24 barcode indicates that the absentee ballot entered the federal
25 mail system by the deadline specified in section ~~53.17~~ or
26 53.22, the absentee ballot shall be sent to the absentee
27 and special voters precinct board pursuant to subparagraph
28 division (b) with the numeric value assigned to the postal
29 service barcode and a full report from the tracking information
30 database.

31 (b) Up to five absentee and special voters precinct board
32 members from each political party for partisan elections,
33 or any two members of the board for nonpartisan elections,
34 shall review the postal service barcode and tracking database
35 information report of each absentee ballot submitted pursuant

1 to subparagraph division (a) and certify that the tracking
2 information database report corresponds to the absentee ballot
3 by initialing the report and the absentee ballot envelope.
4 If the board concludes that the postal service barcode and
5 tracking information database report verify that the absentee
6 ballot entered the federal mail system by the deadline
7 specified in section ~~53.17~~ or 53.22, the ballot shall be
8 counted. Otherwise, the ballot shall not be counted.

9 Sec. 10. Section 53.18, subsection 2, Code 2023, is amended
10 to read as follows:

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

27 Sec. 11. Section 53.23, subsection 5, Code 2023, is amended
28 to read as follows:

29 5. a. The special precinct election board shall preserve
30 the secrecy of all absentee and provisional ballots. After
31 the affidavits on the envelopes have been reviewed and the
32 qualifications of the persons casting the ballots have been
33 determined, those that have been accepted for counting shall
34 be opened. The ballots shall be removed from the affidavit
35 envelopes or return envelopes marked with the affidavit, as

1 applicable, without being unfolded or examined, and then shall
2 be thoroughly intermingled, after which they shall be unfolded
3 and tabulated. If secrecy folders or envelopes are used with
4 provisional paper ballots, the ballots shall be removed from
5 the secrecy folders after the ballots have been intermingled.

6 b. The board shall not tabulate absentee ballots in excess
7 of the number reported received by the commissioner as of
8 the close of business on the day before the election. This
9 paragraph does not apply to a ballot cast pursuant to section
10 9E.6 or sections 53.37 through 53.53.

11 EXPLANATION

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

14 This bill relates to the casting and canvassing of absentee
15 ballots. The bill requires absentee ballots to be received
16 in the office of the county commissioner of elections before
17 the close of business on the day before the election. Under
18 current law, absentee ballots must be received in the office
19 of the county commissioner of elections by the time the polls
20 close on election day. The bill does not amend the deadline
21 under current law for the receipt of absentee ballots from
22 confined persons.

23 The bill prohibits the special precinct election board
24 from tabulating absentee ballots in excess of the number
25 reported received by the commissioner as of the close of
26 business on the day before the election, except for ballots
27 cast by participants in the address confidentiality program or
28 uniformed and overseas citizens.