

House File 2164 - Introduced

HOUSE FILE 2164

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A BILL FOR

1 An Act relating to the casting of provisional ballots by persons
2 registering to vote on election day or when casting an
3 in-person absentee ballot.

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

unofficial

1 Section 1. Section 48A.7A, subsection 5, Code 2026, is
2 amended to read as follows:

3 5. ~~α. If a person registers to vote under this section at~~
4 ~~a polling place that has access to an electronic poll book,~~
5 ~~the precinct election official shall verify against a database~~
6 ~~maintained by the state commissioner that the person has not been~~
7 ~~convicted of a felony or, if the person has been convicted of a~~
8 ~~felony, the person has had the person's voting rights restored.~~
9 ~~If the precinct election official determines that the person has~~
10 ~~not been convicted of a felony or has been convicted of a felony~~
11 ~~but the person's voting rights have been restored, the precinct~~
12 ~~election official shall furnish a ballot to the voter. If the~~
13 ~~database indicates that the person has been convicted of a felony~~
14 ~~and that the person's voting rights have not been restored,~~
15 ~~the precinct election official shall challenge the person under~~
16 ~~section 49.79.~~

17 b. ~~If a~~ A ~~person who~~ registers to vote under this section
18 ~~at a polling place that does not have access to an electronic~~
19 ~~poll book, the person shall be permitted to cast a provisional~~
20 ~~ballot under section 49.81, and the absentee and special voters~~
21 ~~precinct board, appointed pursuant to section 53.23, shall verify~~
22 ~~against a database maintained by the state commissioner that the~~
23 ~~person has not been convicted of a felony or, if the person~~
24 ~~has been convicted of a felony, the person's voting rights have~~
25 ~~been restored. If information in the database indicates that the~~
26 ~~person has not been convicted of a felony or, if the person has~~
27 ~~been convicted of a felony, the person's voting rights have been~~
28 ~~restored, the voter's provisional ballot shall be counted. If~~
29 ~~the database indicates that the person has been convicted of a~~
30 ~~felony and the person's voting rights have not been restored, the~~
31 ~~voter's provisional ballot shall be rejected.~~

32 Sec. 2. Section 48A.14, subsection 4, Code 2026, is amended
33 to read as follows:

34 4. A challenge may be filed at any time. A challenge filed
35 less than seventy days before a regularly scheduled election

1 shall not be processed until after the pending election unless
2 the challenge is filed within twenty days of the commissioner's
3 receipt of the challenged registrant's registration form or
4 notice of change to an existing registration. ~~A challenge filed
5 against a person registering to vote pursuant to section 48A.7A
6 is considered a challenge to a person offering to vote and must
7 be filed under section 49.79.~~

8 Sec. 3. Section 49.77, subsection 3, paragraph b, Code 2026,
9 is amended to read as follows:

10 b. If the voter informs the precinct election official that
11 the voter resides in the precinct and is not registered to
12 vote, the voter may register to vote pursuant to section 48A.7A
13 and cast a ballot. ~~If such a voter is unable to establish
14 identity and residency in the manner provided in section 48A.7A,
15 subsection 1, paragraph "b" or "c", the voter shall be allowed to
16 cast a ballot in the manner prescribed by section 49.81.~~

17 EXPLANATION

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

20 This bill requires a person registering to vote on election
21 day or when casting an in-person absentee ballot to cast a
22 provisional ballot. The absentee and special voters precinct
23 board shall then count the provisional ballot only if the board
24 determines that the voter was eligible to vote. Under current
25 law, a person registering to vote on election day or when casting
26 an in-person absentee ballot may cast a regular ballot if the
27 polling place can verify the voter's eligibility to vote using an
28 electronic poll book.