

House File 2164 - Introduced

HOUSE FILE 2164

BY GOLDING, LARSON, HAYES,
THOMSON, DIEKEN, FETT,
GERHOLD, WILLIAMS, SMITH,
GEARHART, THOMPSON,
BRADLEY, and ANDREWS

A BILL FOR

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

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

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

3 5. ~~a. 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
7 been convicted of a felony or, if the person has been convicted
8 of a felony, the person has had the person's voting rights
9 restored. If the precinct election official determines that
10 the person has not been convicted of a felony or has been
11 convicted of a felony but the person's voting rights have been
12 restored, the precinct election official shall furnish a ballot
13 to the voter. If the database indicates that the person has
14 been convicted of a felony and that the person's voting rights
15 have not been restored, the precinct election official shall
16 challenge the person under [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
22 verify against a database maintained by the state commissioner
23 that the person has not been convicted of a felony or, if the
24 person has been convicted of a felony, the person's voting
25 rights have been restored. If information in the database
26 indicates that the person has not been convicted of a felony
27 or, if the person has been convicted of a felony, the person's
28 voting rights have been restored, the voter's provisional
29 ballot shall be counted. If the database indicates that the
30 person has been convicted of a felony and the person's voting
31 rights have not been restored, the voter's provisional ballot
32 shall be rejected.~~

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

35 4. A challenge may be filed at any time. A challenge filed

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

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

11 b. If the voter informs the precinct election official that
12 the voter resides in the precinct and is not registered to
13 vote, the voter may register to vote pursuant to [section 48A.7A](#)
14 ~~and cast a ballot. If such a voter is unable to establish~~
15 ~~identity and residency in the manner provided in section~~
16 ~~48A.7A, subsection 1, paragraph "b" or "c", the voter shall be~~
17 ~~allowed to cast a ballot in the manner prescribed by section~~
18 ~~49.81.~~

19 EXPLANATION

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

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