

House File 2597 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 623)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the conduct of elections by requiring voters
2 to provide certain identification when voting absentee or in
3 person at the polling place and by requiring that direct
4 recording electronic voting machines used in the state produce
5 paper records to be verified by voters, including other
6 properly related matters, and including an effective date
7 provision.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 HF 2597
10 sc/es/25

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1 1 Section 1. Section 48A.8, Code 2005, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:

1 4 48A.8 REGISTRATION BY MAIL.

1 5 An eligible elector may register to vote by completing a
1 6 mail registration form. The form may be mailed or delivered
1 7 by the registrant or the registrant's designee to the
1 8 commissioner in the county where the person resides. A
1 9 separate registration form shall be signed by each individual
1 10 registrant.

1 11 Sec. 2. Section 48A.26, subsection 2, Code 2005, is
1 12 amended to read as follows:

1 13 2. If the registration form appears on its face to be
1 14 complete and proper, the acknowledgment shall state that the
1 15 registrant is now a registered voter of the county. The
1 16 acknowledgment shall also specify the name of the precinct and
1 17 the usual polling place for the precinct in which the person
1 18 is now registered. The acknowledgment shall include a

1 19 statement informing the registered voter that the voter is
1 20 required to show valid and current identification issued by
1 21 the federal government, a tribal government, the state of
1 22 Iowa, or an Iowa local government before the person will be
1 23 allowed to vote. The identification must contain a photograph

1 24 of the voter, the printed name of the voter, and a validity
1 25 expiration date. The acknowledgment may include the political
1 26 party affiliation most recently recorded by the registrant.

1 27 Sec. 3. Section 48A.27, subsection 4, paragraph c,
1 28 unnumbered paragraph 2, Code 2005, is amended to read as
1 29 follows:

1 30 The notice shall be sent by forwardable mail, and shall
1 31 include a postage paid preaddressed return card on which the
1 32 registered voter may state the registered voter's current
1 33 address. The notice shall contain a statement in
1 34 substantially the following form: "Information received from
1 35 the United States postal service indicates that you are no
2 1 longer a resident of, and therefore not eligible to vote in
2 2 (name of county) County, Iowa. If this information is not
2 3 correct, and you still live in (name of county) County, please
2 4 complete and mail the attached postage paid card at least ten
2 5 days before the primary or general election and at least
2 6 eleven days before any other election at which you wish to
2 7 vote. If the information is correct and you have moved,
2 8 please contact a local official in your new area for
2 9 assistance in registering there. If you do not mail in the
2 10 card, you may be required to show identification to prove
2 11 residency before being allowed to vote in (name of county)
2 12 County. If you do not return the card, and you do not vote in

2 13 an election in (name of county) County, Iowa, on or before
2 14 (date of second general election following the date of the
2 15 notice) your name will be removed from the list of voters in
2 16 that county. To ensure you receive this notice, it is being
2 17 sent to both your most recent registration address and to your
2 18 new address as reported by the postal service."

2 19 Sec. 4. Section 48A.29, subsection 1, unnumbered paragraph
2 20 2, Code 2005, is amended to read as follows:

2 21 The notice shall be sent by forwardable mail, and shall
2 22 include a postage paid preaddressed return card on which the
2 23 registered voter may state the registered voter's current
2 24 address. The notice shall contain a statement in
2 25 substantially the following form: "Information received from
2 26 the United States postal service indicates that you are no
2 27 longer a resident of (residence address) in (name of county)
2 28 County, Iowa. If this information is not correct, and you
2 29 still live in (name of county) County, please complete and
2 30 mail the attached postage paid card at least ten days before
2 31 the primary or general election and at least eleven days
2 32 before any other election at which you wish to vote. If the
2 33 information is correct, and you have moved, please contact a
2 34 local official in your new area for assistance in registering
2 35 there. If you do not mail in the card, you may be required to
3 1 show identification to prove residency before being allowed to
3 2 vote in (name of county) County. If you do not return the
3 3 card, and you do not vote in some election in (name of county)
3 4 County, Iowa, on or before (date of second general election
3 5 following the date of the notice) your name will be removed
3 6 from the list of voters in that county."

3 7 Sec. 5. Section 48A.29, subsection 3, unnumbered paragraph
3 8 2, Code 2005, is amended to read as follows:

3 9 The notice shall be sent by forwardable mail, and shall
3 10 include a postage paid preaddressed return card on which the
3 11 registered voter may state the registered voter's current
3 12 address. The notice shall contain a statement in
3 13 substantially the following form: "Information received by
3 14 this office indicates that you are no longer a resident of
3 15 (residence address) in (name of county) County, Iowa. If the
3 16 information is not correct, and you still live at that
3 17 address, please complete and mail the attached postage paid
3 18 card at least ten days before the primary or general election
3 19 and at least eleven days before any other election at which
3 20 you wish to vote. If the information is correct, and you have
3 21 moved within the county, you may update your registration by
3 22 listing your new address on the card and mailing it back. If
3 23 you have moved outside the county, please contact a local
3 24 official in your new area for assistance in registering there.
3 25 If you do not mail in the card, you may be required to show
3 26 identification to prove residency before being allowed to vote
3 27 in (name of county) County. If you do not return the card,
3 28 and you do not vote in some election in (name of county)
3 29 County, Iowa, on or before (date of second general election
3 30 following the date of the notice) your name will be removed
3 31 from the list of registered voters in that county."

3 32 Sec. 6. Section 49.77, subsection 3, Code 2005, is amended
3 33 to read as follows:

~~3 34 3. A precinct election official shall require any person
3 35 whose name does not appear on the election register as an
4 1 active voter to show identification. Specific documents which
4 2 are acceptable forms of identification shall be prescribed by
4 3 the state commissioner.~~

4 4 3. A precinct election official may shall require of that
4 5 the voter unknown to the official, identification upon which
4 6 the voter's signature or mark appears produce for inspection
4 7 valid and current identification issued by the federal
4 8 government, a tribal government, the state of Iowa, or an Iowa
4 9 local government. The identification must contain a
4 10 photograph of the voter, the printed name of the voter, and a
4 11 validity expiration date. If identification required under
4 12 this subsection is established to the satisfaction of the
4 13 precinct election officials, the person may then be allowed to
4 14 vote.

4 15 Sec. 7. Section 49.77, subsection 4, unnumbered paragraph
4 16 1, Code 2005, is amended to read as follows:

~~4 17 A precinct election official shall require any person whose
4 18 name does not appear on the election register as an active
4 19 voter to show identification to prove residency in the
4 20 precinct. Specific documents which are acceptable forms of
4 21 identification under this subsection shall be prescribed by
4 22 the state commissioner. A person whose name does not appear
4 23 on the election register of the precinct in which that person~~

4 24 claims the right to vote shall not be permitted to vote,
4 25 unless the person affirms that the person is currently
4 26 registered in the county and presents ~~proof of identity~~
4 27 identification to prove residency, or the commissioner informs
4 28 the precinct election officials that an error has occurred and
4 29 that the person is a registered voter of that precinct. If
4 30 the commissioner finds no record of the person's registration
4 31 but the person insists that the person is a registered voter
4 32 of that precinct, the precinct election officials shall allow
4 33 the person to cast a ballot in the manner prescribed by
4 34 section 49.81.

4 35 Sec. 8. Section 49.81, subsection 1, Code 2005, is amended
5 1 to read as follows:

5 2 1. A prospective voter who is prohibited under section
5 3 ~~48A.8, subsection 4, section~~ 49.77, subsection 4, or section
5 4 49.80 from voting except under this section shall be notified
5 5 by the appropriate precinct election official that the voter
5 6 may cast a provisional ballot. If a booth meeting the
5 7 requirement of section 49.25 is not available at that polling
5 8 place, the precinct election officials shall make alternative
5 9 arrangements to insure the challenged voter the opportunity to
5 10 vote in secret. The marked ballot, folded as required by
5 11 section 49.84, shall be delivered to a precinct election
5 12 official who shall immediately seal it in an envelope of the
5 13 type prescribed by subsection 4. The sealed envelope shall be
5 14 deposited in an envelope marked "provisional ballots" and
5 15 shall be considered as having been cast in the special
5 16 precinct established by section 53.20 for purposes of the
5 17 postelection canvass.

5 18 Sec. 9. Section 52.7, Code 2005, is amended by striking
5 19 the section and inserting in lieu thereof the following:

5 20 52.7 CONSTRUCTION OF MACHINE APPROVED == REQUIREMENTS.

5 21 1. A voting machine approved by the state board of
5 22 examiners for voting machines and electronic voting systems
5 23 shall meet all of the following requirements:

5 24 a. Provide facilities for voting for the candidates of at
5 25 least seven different political parties or nonparty political
5 26 organizations.

5 27 b. Permit a voter to vote for any person for any office,
5 28 although not nominated as a candidate by any party or
5 29 organization.

5 30 c. Permit voting in absolute secrecy.

5 31 d. Prevent voting for more than one person for the same
5 32 office, except where a voter is lawfully entitled to vote for
5 33 more than one person for that office.

5 34 e. Afford a voter an opportunity to vote for any or all
5 35 persons for that office as the voter is by law entitled to
6 1 vote for and no more, at the same time preventing a voter from
6 2 voting for the same person twice.

6 3 f. Provide a voter with an opportunity to change a vote
6 4 before the ballot is recorded and counted.

6 5 g. Present together the names of each team of candidates
6 6 for president and vice president and for governor and
6 7 lieutenant governor. The votes for a team shall be counted as
6 8 a vote for both candidates of the team.

6 9 h. Provide a voter with a method for casting write-in
6 10 votes for paired offices so that the voter can specify one
6 11 person as a candidate for president or for governor and one
6 12 person as a candidate for vice president or for lieutenant
6 13 governor.

6 14 i. Accurately account for every vote cast upon it.

6 15 j. Remove information from the ballot identifying the
6 16 voter before the ballot is recorded and counted.

6 17 2. In addition to the requirements in subsection 1, a
6 18 voting machine that is a direct recording electronic device
6 19 approved by the state board of examiners for voting machines
6 20 and electronic voting systems shall meet all of the following
6 21 requirements:

6 22 a. Permit straight party voting, pursuant to section
6 23 49.94, for all political parties and nonparty political
6 24 organizations on the ballot.

6 25 b. Store an electronic image of each ballot cast separate
6 26 from the ballot tabulation function, which ballot image may be
6 27 reproduced on paper and considered as evidence in the case of
6 28 a recount, manual audit, or machine malfunction.

6 29 c. Provide an individual paper record as provided in
6 30 section 52.7A.

6 31 Sec. 10. NEW SECTION. 52.7A DIRECT RECORDING ELECTRONIC
6 32 DEVICES == PAPER RECORD REQUIRED.

6 33 1. A voting machine that is a direct recording electronic
6 34 device shall be capable of producing an individual paper

6 35 record that the voter may review before the voter casts the
7 1 voter's ballot. The paper record shall meet all of the
7 2 following requirements:
7 3 a. Be printed on paper separate from all other individual
7 4 paper records.
7 5 b. Be readable by the voter without the use of an
7 6 electronic device. It may also be machine-readable by an
7 7 electronic voting system as described in section 52.26.
7 8 c. Not contain any information that will identify the
7 9 person who cast the ballot.
7 10 d. Be stored at the polling place in a secure container.
7 11 A voter shall not be permitted to remove the individual paper
7 12 record from the polling place.

7 13 2. After the polls close, the precinct election officials
7 14 shall seal all individual paper records in the manner
7 15 prescribed in section 50.12. The county commissioner of
7 16 elections shall preserve the sealed individual paper records
7 17 for twenty-two months following federal elections and for six
7 18 months after all other elections.

7 19 3. The paper record produced pursuant to this section may
7 20 be considered as evidence in the event of a recount, manual
7 21 audit, or machine malfunction.

7 22 4. Until voting systems performance and test standards
7 23 relating to paper records required in subsection 1 are adopted
7 24 by the federal elections assistance commission, the board of
7 25 examiners shall contract with a testing authority to examine
7 26 any direct recording electronic device that is capable of
7 27 producing a paper record when the board receives a request for
7 28 examination of such a device pursuant to section 52.5. The
7 29 fees of the testing authority shall be paid by the person who
7 30 requested the certification.

7 31 Sec. 11. Section 53.10, unnumbered paragraph 2, Code
7 32 Supplement 2005, is amended to read as follows:

7 33 Each person who wishes to vote by absentee ballot at the
7 34 commissioner's office shall first sign an application for a
7 35 ballot including the following information: name, current
8 1 address, and the election for which the ballot is requested.
8 2 The person may report a change of address or other information
8 3 on the person's voter registration record at that time. After
8 4 completing the application, the voter shall produce for
8 5 inspection valid and current identification issued by the
8 6 federal government, a tribal government, the state of Iowa, or
8 7 an Iowa local government. The identification must contain a
8 8 photograph of the voter, the printed name of the voter, and a
8 9 validity expiration date. If identification is established to
8 10 the satisfaction of the proper official, the person may then
8 11 be allowed to vote. The registered voter shall immediately

8 12 mark the ballot; enclose the ballot in a secrecy envelope, if
8 13 necessary, and seal it in a ballot envelope; subscribe to the
8 14 affidavit on the reverse side of the envelope; and return the
8 15 absentee ballot to the commissioner. The commissioner shall
8 16 record the numbers appearing on the application and ballot
8 17 envelope along with the name of the registered voter.

8 18 Sec. 12. NEW SECTION. 53.16A IDENTIFICATION REQUIRED.

8 19 A photocopy of valid and current identification issued by
8 20 the federal government, a tribal government, the state of
8 21 Iowa, or an Iowa local government and the sealed envelope
8 22 containing the absentee ballot shall be enclosed in a carrier
8 23 envelope which shall be securely sealed. The identification
8 24 must contain a photograph of the voter, the printed name of
8 25 the voter, and a validity expiration date.

8 26 A voter described in section 53.22 is not required to
8 27 include a photocopy of the required identification when
8 28 casting an absentee ballot pursuant to that section.

8 29 Sec. 13. Section 53.17, subsection 1, unnumbered paragraph
8 30 1, Code 2005, is amended to read as follows:

8 31 ~~The sealed envelope containing the absentee ballot shall be~~
8 32 ~~enclosed in a carrier envelope which shall be securely sealed.~~
8 33 The sealed carrier envelope shall be returned to the
8 34 commissioner by one of the following methods:

8 35 Sec. 14. Section 53.25, unnumbered paragraph 1, Code 2005,
9 1 is amended to read as follows:

9 2 In case the absentee voter's affidavit is found to be
9 3 insufficient, ~~or that the voter did not include a photocopy of~~
9 4 ~~the required identification,~~ or that the applicant is not a
9 5 duly registered voter in such precinct, or that the ballot
9 6 envelope is open, or has been opened and resealed, or that the
9 7 ballot envelope contains more than one ballot of any one kind,
9 8 or that said voter has voted in person, such vote shall not be
9 9 accepted or counted.

9 10 Sec. 15. PRIORITIZATION OF HELP AMERICA VOTE ACT FUNDS.

9 11 The secretary of state shall prepare by August 1, 2006, a list
9 12 of planned expenditures of remaining funds previously
9 13 appropriated under federal or state law for implementation of
9 14 the federal Help America Vote Act. The list shall be in order
9 15 of priority. The first item on the list shall be to provide
9 16 funds to counties required to purchase new equipment in order
9 17 to meet the requirements of section 52.7A relating to direct
9 18 recording electronic devices. The secretary of state shall
9 19 provide the list to each member of the general assembly as
9 20 soon as possible after the list is completed.
9 21 Sec. 16. EFFECTIVE DATE. The sections of this Act
9 22 amending section 52.7 and enacting section 52.7A take effect
9 23 December 31, 2007.
9 24 HF 2597
9 25 sc:rj/es/25