

House File 644 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 58)

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

A BILL FOR

1 An Act relating to elections and voter registration by making
2 certain corrective changes, prohibiting the processing of
3 certain voter registration applications, allowing certain
4 voter registrations to be submitted after the deadline,
5 removing the requirement for separate entrances to buildings
6 where polling places for more than one precinct are located,
7 requiring names of candidates for nonpartisan office to be
8 printed on the ballot in alphabetical order, relating to
9 information printed on a certain portion of the ballot,
10 modifying opening hours of the polls at certain elections,
11 allowing the voter's declaration of eligibility to be printed
12 on the election register, relating to the abstract of votes
13 for county offices, relating to appointment of observers
14 present when ballots are counted, allowing absentee voting at
15 the commissioner's office for part of the day of the election
16 for certain elections, modifying the time period during which
17 a person may request an absentee ballot, requiring the
18 registered voter's date of birth on the absentee ballot
19 application, clarifying that certain confined persons may vote
20 an absentee ballot in person at the commissioner's office,
21 changing the deadline for challenging an absentee voter's
1 qualifications, relating to persons nominated for city office
2 by write-in votes, repealing the provisions declaring it
3 unlawful for an absentee voter to fail to return the voter's
4 absentee ballot, and including an applicability date
5 provision.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 HF 644
8 sc/es/25

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1 1 Section 1. Section 2.27, Code 2005, is amended to read as
1 2 follows:
1 3 2.27 CANVASS OF VOTES FOR GOVERNOR.
1 4 The general assembly shall meet in joint session on the
1 5 same day the assembly first convenes in January of 1979 and
1 6 every four years thereafter as soon as both houses have been
1 7 organized, and canvass the votes cast for governor and
1 8 lieutenant governor and determine the election. ~~If an~~
~~1 9 election is necessary under section 69.13 to fill a vacancy in~~
~~1 10 the office of lieutenant governor, the general assembly shall~~
~~1 11 similarly meet on the day it convenes in the January following~~
~~1 12 that election and canvass the vote cast for the office.~~ When
1 13 the canvass is completed, the oath of office shall be
1 14 administered to the persons or person so declared elected.
1 15 Upon being inaugurated the governor shall deliver to the joint
1 16 assembly any message the governor may deem expedient.
1 17 Sec. 2. Section 39A.5, subsection 1, paragraph b,
1 18 subparagraph (2), Code 2005, is amended to read as follows:
1 19 (2) ~~Neglecting or refusing to return an absentee ballot in~~
~~1 20 violation of section 53.35, or violating~~ Violating any other
1 21 provision of chapter 53 for which another penalty is not
1 22 provided.
1 23 Sec. 3. Section 48A.5, subsection 2, paragraph c, Code
1 24 2005, is amended to read as follows:
1 25 c. Be at least eighteen years of age. Completed
1 26 registration forms shall be accepted from registrants who are
1 27 at least seventeen and a half years of age; however, the
1 28 registration shall not be effective until the registrant

1 29 reaches the age of eighteen. The commissioner of registration
1 30 shall ensure that the birth date shown on the registration
1 31 form is at least seventeen and one-half years earlier than the
1 32 date the registration is processed.

1 33 Sec. 4. Section 48A.26, subsection 4, Code 2005, is
1 34 amended to read as follows:

1 35 4. If the registrant applied by mail to register to vote
2 1 and did not answer either "yes" or "no" to the question in
2 2 section 48A.11, subsection 3, paragraph "a", the application
2 3 shall ~~not~~ be processed, ~~but the registration shall be~~
2 4 ~~designated as valid only for elections that do not include~~
2 5 ~~candidates for federal offices on the ballot. The~~
2 6 acknowledgment shall advise the applicant ~~that the status of~~
2 7 ~~the registration is local and the reason for the registration~~
2 8 ~~being assigned local status what additional information is~~
2 9 ~~required.~~ The commissioner shall enclose a new registration
2 10 by mail form for the applicant to use. If the original
2 11 application is received during the twelve days before the
2 12 close of registration for an election that includes candidates
2 13 for federal offices on the ballot, the ~~commissioner~~
2 14 ~~acknowledgment shall provide inform~~ the registrant ~~with an~~
2 15 ~~that the registrant has the~~ opportunity to complete the form
2 16 ~~before the close of registration up until five p.m. on the day~~
2 17 ~~before the election.~~

2 18 Sec. 5. Section 48A.37, subsection 2, Code 2005, is
2 19 amended to read as follows:

2 20 2. Electronic records shall include a status code
2 21 designating whether the records are active, inactive, ~~local,~~
2 22 or pending. Inactive records are records of registered voters
2 23 to whom notices have been sent pursuant to section 48A.28,
2 24 subsection 3, and who have not returned the card or otherwise
2 25 responded to the notice, and those records have been
2 26 designated inactive pursuant to section 48A.29. ~~Local records~~
2 27 ~~are records of applicants who did not answer either "yes" or~~
2 28 ~~"no" to the question in section 48A.11, subsection 3,~~
2 29 ~~paragraph "a".~~ Pending records are records of applicants
2 30 whose applications have not been verified pursuant to section
2 31 48A.25A. All other records are active records. An inactive
2 32 record shall be made active when the registered voter votes at
2 33 an election, registers again, or reports a change of name,
2 34 address, telephone number, or political party affiliation. A
2 35 pending record shall be made active upon verification. ~~A~~
3 1 ~~local record shall be valid for any election for which no~~
3 2 ~~candidates for federal office appear on the ballot. A~~
3 3 ~~registrant with only a local record shall not vote in a~~
3 4 ~~federal election unless the registrant submits a new voter~~
3 5 ~~registration application before election day indicating that~~
3 6 ~~the applicant is a citizen of the United States.~~

3 7 Sec. 6. Section 49.10, subsection 4, Code 2005, is amended
3 8 to read as follows:

3 9 4. ~~No~~ A single room or area of any building or facility
3 10 ~~shall~~ may be fixed as the polling place for more than one
3 11 precinct ~~unless there are separate entrances each. The~~
3 12 ~~location of each polling place shall be~~ clearly marked within
3 13 ~~the room or area~~ on the days on which elections are held as
3 14 ~~the entrance to location~~ of the polling place of a particular
3 15 precinct, and suitable arrangements ~~are~~ shall be made within
3 16 the room or area to prevent direct access from the polling
3 17 place of any precinct to the polling place of any other
3 18 precinct. When the commissioner has fixed such a polling
3 19 place for any precinct it shall remain the polling place at
3 20 all subsequent elections, except elections for which the
3 21 precinct is merged with another precinct as permitted by
3 22 section 49.11, until the boundaries of the precinct are
3 23 changed or the commissioner fixes a new polling place, except
3 24 that the polling place shall be changed to a point within the
3 25 boundaries of the precinct at any time not less than sixty
3 26 days before the next succeeding election that a building or
3 27 facility suitable for such use becomes available within the
3 28 precinct.

3 29 Sec. 7. Section 49.31, subsection 2, unnumbered paragraph
3 30 2, Code 2005, is amended to read as follows:

3 31 On the general election ballot the names of candidates for
3 32 the nonpartisan offices listed in section 39.21 shall be
3 33 ~~arranged by drawing lots for position in alphabetical order by~~
3 34 ~~surname under the heading of the office to be filled. The~~
3 35 ~~board of supervisors shall hold the drawing at its first~~
4 1 ~~meeting following the deadline for receipt of objections and~~
4 2 ~~withdrawals by candidates for the general election.~~

4 3 Sec. 8. Section 49.57, subsection 5, Code 2005, is amended
4 4 to read as follows:

4 5 5. A portion of the ballot, which can be shown to the
4 6 precinct officials without revealing any of the marks made by
4 7 the voter, shall include the words "Official ballot", a
~~4 8 designation of the ballot rotation, if any the unique~~
~~4 9 identification number or name assigned by the commissioner to~~
~~4 10 the ballot style, the date of the election, and a facsimile of~~
4 11 the signature of the commissioner who has caused the ballot to
4 12 be printed pursuant to section 49.51.

4 13 Sec. 9. Section 49.73, subsection 1, paragraph e, Code
4 14 2005, is amended to read as follows:

~~4 15 e. The Any election conducted for the unincorporated area~~
~~4 16 of any a county voting on a local option sales and services~~
~~4 17 tax pursuant to section 423B.1.~~

4 18 Sec. 10. Section 49.77, subsections 1 and 2, Code 2005,
4 19 are amended to read as follows:

4 20 1. The board members of their respective precincts shall
4 21 have charge of the ballots and furnish them to the voters.
4 22 Any person desiring to vote shall sign a voter's declaration
4 23 provided by the officials, in substantially the following
4 24 form:

VOTER'S DECLARATION OF ELIGIBILITY

4 26 I do solemnly swear or affirm that I am a resident of the
4 27 precinct, ward or township, city of, county
4 28 of, Iowa.

4 29 I am a registered voter. I have not voted and will not
4 30 vote in any other precinct in said election.

4 31 I understand that any false statement in this declaration
4 32 is a criminal offense punishable as provided by law.

4 33
4 34 Signature of Voter
4 35
5 1 Address
5 2
5 3 Telephone

5 4 Approved:

5 5
5 6 Board Member

~~5 7 At the discretion of the commissioner, this declaration may~~
~~5 8 be printed on each page of the election register and the voter~~
~~5 9 shall sign the election register next to the voter's printed~~
~~5 10 name. The voter's signature in the election register shall be~~
~~5 11 considered the voter's signed declaration of eligibility~~
~~5 12 affidavit. The state commissioner of elections shall~~
~~5 13 prescribe by rule an alternate method for providing the~~
~~5 14 information in subsection 2 for those counties where the~~
~~5 15 declaration of eligibility is printed in the election~~
~~5 16 register.~~

5 17 2. One of the precinct election officials shall announce
5 18 the voter's name aloud for the benefit of any persons present
5 19 pursuant to section 49.104, subsection 2, 3, or 5. ~~Any If the~~
~~5 20 declaration of eligibility is not printed on each page of the~~
~~5 21 election register, any of those persons may upon request view~~
5 22 the signed declarations of eligibility and may review the
5 23 signed declarations on file so long as the person does not
5 24 interfere with the functions of the precinct election
5 25 officials. ~~If the declaration of eligibility is printed on~~
~~5 26 the election register, the precinct election official shall~~
~~5 27 make available for viewing a listing of those voters who have~~
~~5 28 signed declarations of eligibility. Any of those persons~~
~~5 29 present pursuant to section 49.104, subsection 2, 3, or 5, may~~
~~5 30 upon request view the listing of those voters who have signed~~
~~5 31 declarations of eligibility, so long as the person does not~~
~~5 32 interfere with the functions of the precinct election~~
~~5 33 officials.~~

5 34 Sec. 11. Section 50.25, subsection 7, Code 2005, is
5 35 amended by striking the subsection.

6 1 Sec. 12. Section 50.25, Code 2005, is amended by adding
6 2 the following new unnumbered paragraph:

6 3 NEW UNNUMBERED PARAGRAPH. The abstract of the votes for
6 4 each county office is not required to be made on a different
6 5 sheet.

6 6 Sec. 13. Section 52.36, unnumbered paragraph 1, Code 2005,
6 7 is amended to read as follows:

6 8 All proceedings at the counting center shall be under the
6 9 direction of the commissioner and open to the public. The
6 10 proceedings shall be under the observation of at least one
6 11 member of each of the political parties referred to in section
6 12 49.13, designated by the county chairperson or, if the county
6 13 chairperson fails to make a designation, appointed by the
6 14 ~~commissioner~~ state chairperson. No person except those
6 15 employed and authorized by the commissioner for the purpose

6 16 shall touch any ballot or ballot container.
6 17 Sec. 14. Section 53.2, subsections 1 and 4, Code 2005, are
6 18 amended to read as follows:

6 19 1. Any registered voter, under the circumstances specified
6 20 in section 53.1, may on any day, except election day, and not
6 21 more than seventy days prior to the date of the election,
6 22 apply in person for an absentee ballot at the commissioner's
6 23 office or at any location designated by the commissioner.
6 24 However, for those elections in which the commissioner directs
6 25 the polls be opened at noon pursuant to section 49.73, a voter
6 26 may apply in person for an absentee ballot at the
6 27 commissioner's office from eight a.m. until eleven a.m. on
6 28 election day.

6 29 PARAGRAPH DIVIDED. A registered voter may make written
6 30 application to the commissioner for an absentee ballot. A
6 31 written application for an absentee ballot must be received by
6 32 the commissioner no later than five p.m. on the Friday before
6 33 the election. A written application for an absentee ballot
6 34 delivered to the commissioner and received by the commissioner
6 35 more than seventy days prior to the date of the election shall
7 1 be retained by the commissioner and processed in the same
7 2 manner as a written application received not more than seventy
7 3 days before the date of the election. However, in a general
7 4 election year, if an application for an absentee ballot for
7 5 the general election is received on or before primary election
7 6 day, the commissioner shall return the application to the
7 7 voter and shall enclose a notice stating that the application
7 8 may not be submitted until after the primary election.

7 9 4. Each application shall contain the name and signature
7 10 of the registered voter, the registered voter's date of birth,
7 11 the address at which the voter is registered to vote, and the
7 12 name or date of the election for which the absentee ballot is
7 13 requested, and such other information as may be necessary to
7 14 determine the correct absentee ballot for the registered
7 15 voter. If insufficient information has been provided, the
7 16 commissioner shall, by the best means available, obtain the
7 17 additional necessary information.

7 18 Sec. 15. Section 53.8, subsection 3, unnumbered paragraph
7 19 3, Code 2005, is amended to read as follows:

7 20 Nothing in this subsection nor in section 53.22 shall be
7 21 construed to prohibit a registered voter who is a hospital
7 22 patient or resident of a health care facility, or who
7 23 anticipates entering a hospital or health care facility before
7 24 the date of a forthcoming election, from casting an absentee
7 25 ballot in the manner prescribed by section 53.10 or 53.11.

7 26 Sec. 16. Section 53.23, subsection 3, unnumbered paragraph
7 27 1, Code 2005, is amended to read as follows:

7 28 The commissioner shall set the convening time for the
7 29 board, allowing a reasonable amount of time to complete
7 30 counting all absentee ballots by ten p.m. on election day.
7 31 The commissioner may direct the board to meet on the day
7 32 before the election solely for the purpose of reviewing the
7 33 absentee voters' affidavits appearing on the sealed ballot
7 34 envelopes. If in the commissioner's judgment this procedure
7 35 is necessary due to the number of absentee ballots received,
8 1 the members of the board may open the sealed ballot envelopes
8 2 and remove the secrecy envelope containing the ballot, but
8 3 under no circumstances shall a secrecy envelope be opened
8 4 before the board convenes on election day. If the ballot
8 5 envelopes are opened before election day, two observers, one
8 6 appointed by each of the two political parties referred to in
8 7 section 49.13, subsection 2, shall witness the proceedings.
8 8 However, up to four additional observers, two appointed by
8 9 each of such political parties, may witness the proceedings.

8 10 Sec. 17. Section 53.31, unnumbered paragraph 1, Code 2005,
8 11 is amended to read as follows:

8 12 Any person qualified to vote at the election in progress
8 13 may challenge the qualifications of a person casting an
8 14 absentee ballot by submitting a written challenge to the
8 15 commissioner no later than five p.m. on the ~~day~~ Friday before
8 16 the election. It is the duty of the special precinct
8 17 officials to challenge the absentee ballot of any person whom
8 18 the official knows or suspects is not duly qualified.
8 19 Challenges by members of the special precinct election board
8 20 or observers present pursuant to section 53.23 may be made at
8 21 any time before the close of the polls on election day. The
8 22 challenge shall state the reasons for which the challenge is
8 23 being submitted and shall be signed by the challenger. When a
8 24 challenge is received the absentee ballot shall be set aside
8 25 for consideration by the special precinct election board when
8 26 it meets as required by section 50.22.

8 27 Sec. 18. Section 376.11, unnumbered paragraphs 1 and 2,
8 28 Code 2005, are amended to read as follows:

8 29 Write-in votes are permitted to be cast in all elections
8 30 for city offices. A person who receives a sufficient number
8 31 of write-in votes to be elected to a city office shall be
8 32 declared the winner of the election. If a person who was
8 33 elected by write-in votes chooses not to serve in that office
8 34 the person shall submit a resignation in writing to the city
8 35 clerk not later than five ~~o'clock~~ p.m. on the tenth day
9 1 following the canvass of the election. If a person who was
9 2 elected by write-in votes resigns at a later time, the office
9 3 shall be considered vacant at the end of the term and the
9 4 council shall fill the vacancy pursuant to the provisions of
9 5 section 372.13, subsection 2.

9 6 Except in cities where the council has chosen a runoff
9 7 election in lieu of a primary, following the resignation of a
9 8 person who was elected by write-in votes, the city clerk shall
9 9 notify the person who received the next highest number of
9 10 votes cast for the office that the person may assume the
9 11 office. If the person accepts the position, the person shall
9 12 be considered the duly elected officer unless, within ten days
9 13 after the clerk has given notice, a petition requesting a
9 14 special election is filed by eligible electors of the city
9 15 equal in number to twenty-five percent of the number of
9 16 persons who voted for the office at the election. If the
9 17 person declines, the person shall do so in writing to the city
9 18 clerk within ten days and the office shall be considered
9 19 vacant at the end of the term. The vacancy shall be filled
9 20 pursuant to the provisions of section 372.13, subsection 2.
9 21 If the council chooses to appoint, the appointment may be made
9 22 before the end of the current term.

9 23 Sec. 19. Section 53.35, Code 2005, is repealed.

9 24 Sec. 20. APPLICABILITY DATE. This Act applies to
9 25 elections held on or after January 1, 2006.

9 26 HF 644

9 27 sc:nh/es/25