

House File 653 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 204)

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

A BILL FOR

1 An Act allowing a voter to register to vote and to vote after
2 regular registration and prior to voting in an election and
3 making a penalty applicable and providing an applicability
4 date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 39A.2, subsection 1, paragraph a, Code
1 2 2007, is amended to read as follows:

1 3 a. REGISTRATION FRAUD.

1 4 (1) Produces, procures, submits, or accepts a voter
1 5 registration application that is known by the person to be
1 6 materially false, fictitious, forged, or fraudulent.

1 7 (2) Falsely swears to an oath required pursuant to section
1 8 48A.7A.

1 9 Sec. 2. NEW SECTION. 48A.7A ELECTION DAY AND IN=PERSON
1 10 ABSENTEE REGISTRATION.

1 11 1. a. A person who is eligible to register to vote and to
1 12 vote may register on election day by appearing in person at
1 13 the polling place for the precinct in which the individual
1 14 resides and completing a voter registration application,
1 15 making written oath, and providing proof of identity and
1 16 residence.

1 17 b. (1) For purposes of this section, a person may
1 18 establish identity and residence by presenting to the
1 19 appropriate precinct election official a current and valid
1 20 Iowa driver's license or Iowa nonoperator's identification
1 21 card or by presenting any of the following current and valid
1 22 forms of identification if such identification contains the
1 23 person's photograph and a validity expiration date:

1 24 (a) An out-of-state driver's license or nonoperator's
1 25 identification card.

1 26 (b) A United States passport.

1 27 (c) A United States military identification card.

1 28 (d) An identification card issued by an employer.

1 29 (e) A student identification card issued by an Iowa high
1 30 school or an Iowa postsecondary educational institution.

1 31 (2) If the photographic identification presented does not
1 32 contain the person's current address in the precinct, the
1 33 person shall also present one of the following documents that
1 34 shows the person's name and address in the precinct:

1 35 (a) Residential lease.

2 1 (b) Property tax statement.

2 2 (c) Utility bill.

2 3 (d) Bank statement.

2 4 (e) Paycheck.

2 5 (f) Government check.

2 6 (g) Other government document.

2 7 c. In lieu of paragraph "b", a person wishing to vote may
2 8 establish identity and residency in the precinct by written
2 9 oath of a person who is registered to vote in the precinct.

2 10 The registered voter's oath shall attest to the stated

2 11 identity of the person wishing to vote and that the person is

2 12 a current resident of the precinct. The oath must be signed

2 13 by the attesting registered voter in the presence of the

2 14 appropriate precinct election official. A registered voter

2 15 who has signed an oath on election day attesting to a person's

2 16 identity and residency as provided in this paragraph is
2 17 prohibited from signing any further oaths as provided in this
2 18 paragraph on that day.

2 19 2. The oath required in subsection 1, paragraph "a", and
2 20 in paragraph "c", if applicable, shall be attached to the
2 21 voter registration application.

2 22 3. At any time before election day, a person who appears
2 23 in person at the commissioner's office or at a satellite
2 24 absentee voting station after the deadline for registration in
2 25 section 48A.9, may register to vote and vote an absentee
2 26 ballot by following the procedure in this section for
2 27 registering to vote on election day. A person who wishes to
2 28 vote in person at the polling place on election day and who
2 29 has not registered to vote before the deadline for registering
2 30 in section 48A.9, is required to register to vote at the
2 31 polling place on election day following the procedure in this
2 32 section. However, the person may complete the voter
2 33 registration application at the commissioner's office and,
2 34 after the commissioner has reviewed the completed application,
2 35 may present the application to the appropriate precinct

3 1 election official along with proof of identity and residency.

3 2 4. a. The form of the written oath required of the person
3 3 registering under this section shall read as follows:

3 4 I, (name of registrant), do solemnly swear or affirm all of
3 5 the following:

3 6 I am a resident of the precinct, ward
3 7 or township, city of, county of, Iowa.

3 8 I am the person named above.

3 9 I live at the address listed below.

3 10 I do not claim the right to vote anywhere else.

3 11 I have not voted and will not vote in any other precinct in
3 12 this election.

3 13 I understand that any false statement in this oath is a
3 14 class "D" felony punishable by no more than five years in
3 15 confinement and a fine of at least seven hundred fifty dollars
3 16 but not more than seven thousand five hundred dollars.

3 17

3 18 Signature of Registrant

3 19

3 20 Address

3 21

3 22 Telephone (optional to provide)

3 23 Subscribed and sworn before me on (date).

3 24

3 25 Signature of Precinct Election Official

3 26 b. The form of the written oath required of a person
3 27 attesting to the identity and residency of the registrant
3 28 shall read as follows:

3 29 I, (name of registered voter), do solemnly swear or affirm
3 30 all of the following:

3 31 I am a preregistered voter in this precinct or I registered
3 32 to vote in this precinct today, and a registered voter did not
3 33 sign an oath on my behalf.

3 34 I am a resident of the precinct, ward
3 35 or township, city of, county of, Iowa.

4 1 I reside at in
4 2 (street address) (city or township)

4 3 I personally know, and I personally know
4 4 (name or registrant)

4 5 that is a resident of the precinct,
4 6 (name of registrant)

4 7 ward or township, city of, county of
4 8, Iowa.

4 9 I understand that any false statement in this oath is a
4 10 class "D" felony punishable by no more than five years in
4 11 confinement and a fine of at least seven hundred fifty dollars
4 12 but not more than seven thousand five hundred dollars.

4 13

4 14 Signature of Registered Voter

4 15 Subscribed and sworn before me on (date).

4 16

4 17 Signature of Precinct Election Official

4 18 Sec. 3. Section 48A.9, subsection 1, Code 2007, is amended
4 19 to read as follows:

4 20 1. Registration closes at five p.m. eleven days before
4 21 each election except primary and general elections. For
4 22 primary and general elections, registration closes at five
4 23 p.m. ten days before the election. An eligible elector may
4 24 register during the time registration is closed in the
4 25 elector's precinct but the registration shall not become
4 26 effective until registration opens again in the elector's

4 27 precinct, except as otherwise provided in section 48A.7A.

4 28 Sec. 4. NEW SECTION. 48A.26A ACKNOWLEDGMENT OF ELECTION
4 29 DAY AND IN-PERSON ABSENTEE REGISTRATION FORM.

4 30 1. Within forty-five days of receiving a voter
4 31 registration form completed under section 48A.7A, the
4 32 commissioner shall send an acknowledgment to the registrant,
4 33 in the manner provided in section 48A.26, subsections 2
4 34 through 5, as applicable, at the mailing address shown on the
4 35 registration form. The acknowledgment shall be sent by
5 1 nonforwardable mail.

5 2 2. If the acknowledgment is returned as undeliverable by
5 3 the postal service, the commissioner shall attempt to contact
5 4 the voter by forwardable mail. If a response is not received
5 5 from the voter within fourteen days after the notice is
5 6 mailed, the commissioner shall change the status of the
5 7 registration to inactive status and shall immediately notify
5 8 the state registrar of voters and the county attorney.

5 9 Sec. 5. Section 48A.37, subsection 2, Code 2007, is
5 10 amended to read as follows:

5 11 2. Electronic records shall include a status code
5 12 designating whether the records are active, inactive, local,
5 13 or pending. Inactive records are records of registered voters
5 14 to whom notices have been sent pursuant to section 48A.28,
5 15 subsection 3, and who have not returned the card or otherwise
5 16 responded to the notice, and those records have been
5 17 designated inactive pursuant to section 48A.29. Inactive
5 18 records are also records of registered voters to whom notices
5 19 have been sent pursuant to section 48A.26A and who have not

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

6 1 Sec. 6. Section 49.77, subsection 4, Code 2007, is amended
6 2 to read as follows:

6 3 4. a. A person whose name does not appear on the election
6 4 register of the precinct in which that person claims the right
6 5 to vote shall not be permitted to vote, unless the person
6 6 affirms that the person is currently registered in the county
6 7 and presents proof of identity, or the commissioner informs
6 8 the precinct election officials that an error has occurred and
6 9 that the person is a registered voter of that precinct. If
6 10 the commissioner finds no record of the person's registration
6 11 but the person insists that the person is a registered voter
6 12 of that precinct, the precinct election officials shall allow
6 13 the person to cast a ballot in the manner prescribed by
6 14 section 49.81.

6 15 b. If the voter informs the precinct election official
6 16 that the voter resides in the precinct and is not registered
6 17 to vote, the voter may register to vote pursuant to section
6 18 48A.7A and cast a ballot. If such a voter is unable to
6 19 establish identity and residency in the manner provided in
6 20 section 48A.7A, subsection 1, paragraph "b" or "c", the voter
6 21 shall be allowed to cast a ballot in the manner prescribed by
6 22 section 49.81.

6 23 c. A person who has been sent an absentee ballot by mail
6 24 but for any reason has not received it shall be permitted to
6 25 cast a ballot in person pursuant to section 53.19 and in the
6 26 manner prescribed by section 49.81.

6 27 Sec. 7. APPLICABILITY DATE. This Act applies to elections
6 28 held on or after January 1, 2008.

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