

Senate File 2301 - Reprinted

SENATE FILE 2301
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3131)

(As Amended and Passed by the Senate March 4, 2014)

A BILL FOR

1 An Act relating to the administration of elections and voter
2 registration by modifying the close of registration prior
3 to a primary election, modifying the deadline for receipt
4 of absentee ballots by the commissioner, and allowing for
5 changes to the envelopes provided to absentee voters.

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

1 Section 1. Section 48A.9, subsection 1, Code 2014, is
2 amended to read as follows:

3 1. Registration closes at 5:00 p.m. eleven days before each
4 election except ~~primary and~~ general elections. For ~~primary and~~
5 general elections, registration closes at 5:00 p.m. ten days
6 before the election. An eligible elector may register during
7 the time registration is closed in the elector's precinct but
8 the registration shall not become effective until registration
9 opens again in the elector's precinct, except as otherwise
10 provided in section 48A.7A.

11 Sec. 2. Section 48A.26, subsection 3, Code 2014, is amended
12 to read as follows:

13 3. If the registration form is missing required information
14 pursuant to section 48A.11, subsection 8, the acknowledgment
15 shall advise the applicant what additional information is
16 required. The commissioner shall enclose a new registration
17 form for the applicant to use. If the registration form has
18 no address, the commissioner shall make a reasonable effort
19 to determine where the acknowledgment should be sent. If the
20 incomplete registration form is received during the period in
21 which registration is closed pursuant to section 48A.9 but
22 by 5:00 p.m. on the Saturday before the election for general
23 ~~and primary~~ elections or by 5:00 p.m. on the Friday before the
24 election for all other elections, the commissioner shall send
25 a notice advising the applicant of election day and in-person
26 absentee registration procedures under section 48A.7A.

27 Sec. 3. Section 50.20, Code 2014, is amended to read as
28 follows:

29 **50.20 Notice of number of provisional ballots.**

30 The commissioner shall compile a list of the number of
31 provisional ballots cast under section 49.81 in each precinct.
32 The list shall be made available to the public as soon as
33 possible, but in no case later than 9:00 a.m. on the second
34 day following the election. Any elector may examine the
35 list during normal office hours, and may also examine the

1 ~~affidavit~~ affidavits on the envelopes bearing containing the
2 ballots of challenged electors until the reconvening of the
3 special precinct board as required by this chapter. Only those
4 persons so permitted by section 53.23, subsection 4, shall have
5 access to the affidavits while that board is in session. Any
6 elector may present written statements or documents, supporting
7 or opposing the counting of any provisional ballot, at the
8 commissioner's office until the reconvening of the special
9 precinct board.

10 Sec. 4. Section 53.2, subsection 6, Code 2014, is amended
11 to read as follows:

12 6. If an application for an absentee ballot is received
13 from an eligible elector who is not a registered voter
14 the commissioner shall send the eligible elector a voter
15 registration form and another absentee ballot application form.
16 If the application is received after the time registration
17 closes pursuant to section 48A.9 but by 5:00 p.m. on the
18 Saturday before the election for general ~~and primary~~ elections
19 or by 5:00 p.m. on the Friday before the election for all other
20 elections, the commissioner shall notify the applicant by
21 mail of the election day and in-person absentee registration
22 provisions of section 48A.7A. In addition to notification
23 by mail, the commissioner shall also attempt to contact the
24 applicant by any other method available to the commissioner.

25 Sec. 5. Section 53.8, subsection 1, Code 2014, is amended
26 to read as follows:

27 1. a. Upon receipt of an application for an absentee ballot
28 and immediately after the absentee ballots are printed, the
29 commissioner shall mail an absentee ballot to the applicant
30 within twenty-four hours, except as otherwise provided in
31 subsection 3. The absentee ballot shall be sent to the
32 registered voter by one of the following methods:

33 (1) The absentee ballot shall be enclosed in an unsealed
34 envelope ~~bearing~~ marked with a serial number and affidavit.
35 The absentee ballot and ~~unsealed~~ affidavit envelope shall

1 be enclosed in or with a an unsealed return envelope marked
2 postage paid which bears the same serial number as the ~~unsealed~~
3 affidavit envelope. The absentee ballot, ~~unsealed~~ affidavit
4 envelope, and return envelope shall be enclosed in a third
5 envelope to be sent to the registered voter. If the ballot
6 cannot be folded so that all of the votes cast on the ballot
7 will be hidden, the commissioner shall also enclose a secrecy
8 envelope with the absentee ballot.

9 (2) The absentee ballot shall be enclosed in an unsealed
10 return envelope marked with a serial number and affidavit
11 and marked postage paid. The absentee ballot and return
12 envelope shall be enclosed in a second envelope to be sent
13 to the registered voter. If the ballot cannot be folded so
14 that all of the votes cast on the ballot will be hidden, the
15 commissioner shall also enclose a secrecy envelope with the
16 absentee ballot.

17 b. The affidavit shall be marked on the appropriate envelope
18 in a form prescribed by the state commissioner of elections.

19 Sec. 6. Section 53.10, subsection 2, Code 2014, is amended
20 to read as follows:

21 2. Each person who wishes to vote by absentee ballot at
22 the commissioner's office shall first sign an application for
23 a ballot including the following information: name, current
24 address, and the election for which the ballot is requested.
25 The person may report a change of address or other information
26 on the person's voter registration record at that time. The
27 registered voter shall immediately mark the ballot; enclose the
28 ballot in a secrecy envelope, if necessary, and seal it in an
29 ~~affidavit~~ the envelope marked with the affidavit; subscribe to
30 the affidavit on the reverse side of the envelope; and return
31 the absentee ballot to the commissioner. The commissioner
32 shall record the numbers appearing on the application and
33 affidavit envelope along with the name of the registered voter.

34 Sec. 7. Section 53.16, Code 2014, is amended to read as
35 follows:

1 **53.16 Subscribing to affidavit.**

2 After marking the ballot, the voter shall make and subscribe
3 to the affidavit on the ~~reverse side of the~~ affidavit envelope
4 or on the return envelope marked with the affidavit, and
5 fold the ballot or ballots, separately, so as to conceal
6 the markings on them, and deposit them in the envelope, and
7 securely seal the envelope.

8 Sec. 8. Section 53.17, subsection 1, unnumbered paragraph
9 1, Code 2014, is amended to read as follows:

10 ~~The~~ If the commissioner mailed the ballot pursuant to
11 section 53.8, subsection 1, paragraph "a", subparagraph (1),
12 the sealed affidavit envelope containing the absentee ballot
13 shall be enclosed in a return envelope which shall be securely
14 sealed. If the commissioner mailed the ballot pursuant to
15 section 53.8, subsection 1, paragraph "a", subparagraph (2),
16 the absentee ballot shall be enclosed in the return envelope
17 which shall be securely sealed. The sealed return envelope
18 shall be returned to the commissioner by one of the following
19 methods:

20 Sec. 9. Section 53.17, subsection 2, Code 2014, is amended
21 to read as follows:

22 2. In order for the ballot to be counted, the return
23 envelope must be received in the commissioner's office before
24 the polls close on election day or must be clearly postmarked
25 by an officially authorized postal service not later than the
26 day before the election and received by the commissioner not
27 later than noon on the Monday following the election or must
28 be clearly postmarked by received by the commissioner through
29 an officially authorized postal service not later than 5:00
30 p.m. on the day before after the election and received by the
31 commissioner not later than noon on the Monday following the
32 election.

33 Sec. 10. Section 53.18, subsections 2 and 3, Code 2014, are
34 amended to read as follows:

35 2. If the commissioner receives the return envelope

1 containing the completed absentee ballot by 5:00 p.m. on the
2 Saturday before the election for general ~~and primary~~ elections
3 and by 5:00 p.m. on the Friday before the election for all
4 other elections, the commissioner shall review the affidavit
5 marked on the return envelope, if applicable, for completeness
6 or shall open the return envelope to review the affidavit for
7 completeness. If the affidavit is incomplete, the commissioner
8 shall, within twenty-four hours of the time the envelope was
9 received, notify the voter of that fact and that the voter
10 may complete the affidavit in person at the office of the
11 commissioner by 5:00 p.m. on the day before the election, vote
12 a replacement ballot in the manner and within the time period
13 provided in subsection 3, or appear at the voter's precinct
14 polling place on election day and cast a ballot in accordance
15 with section 53.19, subsection 3.

16 3. If the affidavit envelope or the return envelope marked
17 with the affidavit contains a defect that would cause the
18 absentee ballot to be rejected by the absentee and special
19 voters precinct board, the commissioner shall immediately
20 notify the voter of that fact and that the voter's absentee
21 ballot shall not be counted unless the voter requests
22 and returns a replacement ballot in the time permitted
23 under section 53.17, subsection 2. The voter may request
24 a replacement ballot in person, in writing, or over the
25 telephone. The same serial number that was assigned to the
26 records of the original absentee ballot application shall be
27 used on the envelope and records of the replacement ballot.
28 The ~~affidavit~~ envelope marked with the affidavit and containing
29 the completed replacement ballot shall be marked "Replacement
30 ballot". The ~~affidavit~~ envelope marked with the affidavit and
31 containing the original ballot shall be marked "Defective" and
32 the replacement ballot shall be attached to ~~the affidavit~~ such
33 envelope containing the original ballot and shall be stored in
34 a secure place until they are delivered to the absentee and
35 special voters precinct board, notwithstanding sections 53.26

1 and 53.27.

2 Sec. 11. Section 53.21, subsection 2, paragraph b, Code
3 2014, is amended to read as follows:

4 b. The voter shall enclose one copy of the above statement
5 in the return envelope along with the affidavit envelope, if
6 the voter was mailed a separate affidavit envelope, and shall
7 retain a copy for the voter's records.

8 Sec. 12. Section 53.23, subsection 3, paragraph b,
9 subparagraph (1), Code 2014, is amended to read as follows:

10 (1) The commissioner may direct the board to meet on the day
11 before the election for the purpose of reviewing the absentee
12 voters' affidavits appearing on the sealed ~~affidavit~~ envelopes.
13 If in the commissioner's judgment this procedure is necessary
14 due to the number of absentee ballots received, the members of
15 the board may open the sealed affidavit envelopes and remove
16 the secrecy envelope containing the ballot, but under no
17 circumstances shall a secrecy envelope or a return envelope
18 marked with an affidavit be opened before the board convenes
19 on election day, except as provided in paragraph "c". If the
20 affidavit envelopes are opened before election day pursuant
21 to this paragraph "b", two observers, one appointed by each
22 of the two political parties referred to in section 49.13,
23 subsection 2, shall witness the proceedings. The observers
24 shall be appointed by the county chairperson or, if the
25 county chairperson fails to make an appointment, by the state
26 chairperson. However, if either or both political parties fail
27 to appoint an observer, the commissioner may continue with the
28 proceedings.

29 Sec. 13. Section 53.23, subsection 5, Code 2014, is amended
30 to read as follows:

31 5. The special precinct election board shall preserve
32 the secrecy of all absentee and provisional ballots. After
33 the affidavits on the envelopes have been reviewed and the
34 qualifications of the persons casting the ballots have been
35 determined, those that have been accepted for counting shall

1 be opened. The ballots shall be removed from the affidavit
2 envelopes or return envelopes marked with the affidavit, as
3 applicable, without being unfolded or examined, and then shall
4 be thoroughly intermingled, after which they shall be unfolded
5 and tabulated. If secrecy folders or envelopes are used with
6 provisional paper ballots, the ballots shall be removed from
7 the secrecy folders after the ballots have been intermingled.

8 Sec. 14. Section 53.25, Code 2014, is amended to read as
9 follows:

10 **53.25 Rejecting ballot.**

11 1. If the absentee voter's affidavit lacks the voter's
12 signature, if the applicant is not a duly registered voter on
13 election day in the precinct where the absentee ballot was
14 cast, if the ~~affidavit~~ envelope marked with the affidavit
15 contains more than one ballot of any one kind, or if the
16 voter has voted in person, such vote shall be rejected by the
17 absentee and special voters precinct board. If the affidavit
18 envelope or return envelope marked with the affidavit is
19 open, or has been opened and resealed, or if the ballot is
20 not enclosed in ~~the affidavit~~ such envelope, and an affidavit
21 envelope or return envelope marked with the affidavit with
22 the same serial number and marked "Replacement ballot" is
23 not attached as provided in section 53.18, the vote shall be
24 rejected by the absentee and special voters precinct board.

25 2. If the absentee ballot is rejected prior to the opening
26 of the affidavit envelope or return envelope marked with the
27 affidavit, the voter casting the ballot shall be notified by a
28 precinct election official by the time the canvass is completed
29 of the reason for the rejection on a form prescribed by the
30 state commissioner of elections.

31 Sec. 15. Section 53.27, Code 2014, is amended to read as
32 follows:

33 **53.27 Rejection of ballot — return of envelope.**

34 If the ballot is rejected, the ~~affidavit~~ envelope, marked
35 with the affidavit ~~of~~, with the voter-endorsed voter's

1 endorsement thereon, shall be returned with the rejected ballot
2 in the envelope endorsed "Defective ballots".

3 Sec. 16. Section 53.30, Code 2014, is amended to read as
4 follows:

5 **53.30 Ballots, ballot envelopes, and other information**
6 **preserved.**

7 At the conclusion of each meeting of the absentee and
8 special voter's precinct board, the board shall securely
9 seal all ballots counted by them in the manner prescribed in
10 section 50.12. The ballot envelopes, including the affidavit
11 ~~envelope having the registered voter's affidavit on it if an~~
12 affidavit envelope was provided, the return envelope, and
13 secrecy envelope bearing the signatures of precinct election
14 officials, as required by section 53.23, shall be preserved.
15 All applications for absentee ballots, ballots rejected without
16 being opened, absentee ballot logs, and any other documents
17 pertaining to the absentee ballot process shall be preserved
18 until such time as the documents may be destroyed pursuant to
19 section 50.19.

20 Sec. 17. Section 53.32, Code 2014, is amended to read as
21 follows:

22 **53.32 Ballot of deceased voter.**

23 When it shall be made to appear by due proof to the precinct
24 election officials that any elector, who has so marked and
25 forwarded a ballot, has died before the affidavit envelope
26 marked with the affidavit is opened, then the ballot of such
27 deceased voter shall be endorsed, "Rejected because voter is
28 dead", and be returned to the commissioner; ~~but the~~. The
29 casting of the ballot of a deceased voter shall not invalidate
30 the election.

31 Sec. 18. Section 53.38, Code 2014, is amended to read as
32 follows:

33 **53.38 What constitutes registration.**

34 Whenever a ballot is requested pursuant to section 53.39 or
35 53.45 on behalf of a voter in the armed forces of the United

1 States, the affidavit upon the ~~affidavit~~ envelope marked
2 with the affidavit of such voter, if the voter is found to
3 be an eligible elector of the county to which the ballot is
4 submitted, shall constitute a sufficient registration under
5 chapter 48A. A completed federal postcard registration and
6 federal absentee ballot request form submitted by such eligible
7 elector shall also constitute a sufficient registration under
8 chapter 48A. The commissioner shall place the voter's name
9 on the registration record as a registered voter if it does
10 not already appear there. The identification requirements of
11 section 48A.8 and the verification requirements of section
12 48A.25A do not apply to persons who register to vote under this
13 division.

14 Sec. 19. Section 53.40, subsection 3, Code 2014, is amended
15 to read as follows:

16 3. If the affidavit on the ~~affidavit~~ envelope marked
17 with the affidavit shows that the affiant is not a qualified
18 voter on the day of the election at which the ballot is
19 offered for voting, the envelope shall not be opened, but
20 the envelope and ballot contained in the envelope shall be
21 preserved and returned by the precinct election officials to
22 the commissioner, who shall preserve them for the period of
23 time and under the conditions provided for in sections 50.12,
24 50.13, 50.15, and 50.19.

25 Sec. 20. Section 53.44, Code 2014, is amended to read as
26 follows:

27 **53.44 Affidavit to be signed and returned.**

28 1. The affidavit on the ~~affidavit~~ envelope marked with the
29 affidavit used in connection with voting by absentee ballot
30 under this division by members of the armed forces of the
31 United States need not be notarized or witnessed, but the
32 affidavit on such envelope shall be completed and signed by the
33 voter.

34 2. Absentee ballots issued under this division shall be
35 returned in the same manner and within the same time limits

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1 specified in section 53.17.

2 Sec. 21. REPEAL. Sections 53.13 and 53.14, Code 2014, are

3 repealed.