SENATE FILE 413
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1199)

(COMPANION TO 2298HV BY
COMMITTEE ON STATE GOVERNMENT)

(As Amended and Passed by the Senate February 23, 2021)

_____ and [= New Language by the Senate

* = Language Stricken by the Senate

A BILL FOR

An Act relating to the conduct of elections, including absentee ballots and voter list maintenance activities, making penalties applicable, and including effective date and applicability provisions.

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

Section 1. Section 9E.6, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. The program participant shall complete the ballot and return it to the state commissioner of elections, who shall review the ballot in the manner provided by sections 53.18 and 53.19 if the return envelope is received in the state commissioner's office before the polls close on election day or is clearly postmarked by an officially authorized postal service or bears a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A. If the materials comply with the requirements of section 53.18, the materials shall be certified by the state commissioner of elections as the ballot of a program participant, and shall be forwarded to the appropriate county commissioner of elections for tabulation by the special voters precinct election board appointed pursuant to section 53.23.

Sec. 2. NEW SECTION. **39.13 Conference boards — appointment — limitations.**

1. Notwithstanding section 441.2, for the purposes of conducting the business of a conference board established pursuant to section 441.2, a person shall not serve in a voting unit of a conference board if such service would be incompatible with another office held by that person.

2. If a person is a member of more than one body whose members make up a voting unit on the conference board, that person shall waive the person's position on the conference board for all but one of the bodies the person represents. A waiver pursuant to this subsection does not cause the person to vacate any elective office.

Sec. 3. Section 39A.2, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *g. Failure to perform duties.* As an election official, fails to perform duties prescribed by chapters 39 through 53, except for section 48A.41, or fails to

follow or implement guidance issued pursuant to section 47.1, or performs those duties and responsibilities in such a way as to hinder or disregard the object of the law.

Sec. 4. Section 39A.3, subsection 1, paragraph b, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) Fails to perform voter list maintenance in violation of section 48A.41.

Sec. 5. Section 39A.4, subsection 1, paragraph b, subparagraph (1), Code 2021, is amended to read as follows:

(1) Serving as a member of a challenging committee or observer under section 49.104, subsection ~~2, 5, or 6,~~ 1, paragraph "b", "e", or "f", while serving as a precinct election official at the polls.

Sec. 6. Section 39A.4, subsection 1, paragraph b, subparagraph (2), Code 2021, is amended by striking the subparagraph.

Sec. 7. Section 39A.4, subsection 1, paragraph b, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (14) Interferes with a person permitted at a polling place pursuant to section 49.104.

Sec. 8. Section 39A.4, subsection 1, paragraph c, subparagraphs (10) and (11), Code 2021, are amended to read as follows:

(10) Returning a voted absentee ballot~~,~~ by mail, to a ballot drop box, or in person, to the commissioner's office and the person returning the ballot is ~~not the voter, the voter's designee, or a special precinct election official designated pursuant to section 53.22, subsection 2~~ a person prohibited to collect and deliver a completed ballot pursuant to section 53.33.

(11) Making a false or untrue statement reporting that a voted absentee ballot was returned to the commissioner's office, by mail or in person, or to a ballot drop box, by a person ~~other than the voter, the voter's designee, or a special precinct election official designated pursuant to~~

~~section 53.22, subsection 2~~ prohibited to collect and deliver a completed ballot pursuant to section 53.33.

Sec. 9. Section 39A.6, subsection 3, Code 2021, is amended to read as follows:

3. *a.* ~~This notice is not a final determination of facts or law in the matter, and does not entitle a person to a proceeding under chapter 17A.~~ Upon issuance of a technical infraction to a county commissioner, the state commissioner shall also impose a fine not to exceed ten thousand dollars to be deposited in the general fund.

b. A county commissioner shall pay a fine issued pursuant to this section or file an appeal pursuant to chapter 17A within sixty days. A county commissioner who fails to pay a fine that was not dismissed pursuant to chapter 17A shall be suspended from office for a period not to exceed two years pursuant to sections 66.7 and 66.8.

c. If a county commissioner is suspended pursuant to paragraph "*b*", the state commissioner shall direct the deputy of the county commissioner to oversee the functions of the office until the suspension is revoked or the office is vacated and a successor is elected. The state commissioner may direct the state commissioner's staff to assist in the performance of the duties of the county commissioner.

Sec. 10. Section 39A.6, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Upon issuing a technical infraction, the state commissioner shall immediately inform the attorney general and relevant county attorney if the apparent violation constitutes or may constitute election misconduct under this chapter.

Sec. 11. NEW SECTION. **39A.7 Election misconduct — investigation.**

1. The attorney general or county attorney shall investigate allegations of election misconduct reported to the attorney general or county attorney. Election misconduct by an

election official shall also be investigated for prosecution under chapter 721.

2. Upon the completion of an investigation required by this section, the attorney general or county attorney shall submit the results of the investigation to the state commissioner and explain whether the attorney general or county attorney will pursue charges.

Sec. 12. NEW SECTION. **43.17 Preclusion of partisan nomination.**

A person shall not file nomination papers under this chapter on behalf of a candidate if nomination papers have been filed pursuant to section 44.4 on behalf of the candidate for the same office and election year.

Sec. 13. Section 43.20, subsection 1, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

1. *a.* Except as provided in paragraph "*b*", nomination papers shall be signed by eligible electors as provided in section 45.1.

b. Nomination papers for an office to be filled by the voters of the county or for the office of county supervisor elected from a district within the county, shall be signed by at least two percent of the party vote in the county or supervisor district, as shown by the last general election, or by at least one hundred persons, whichever is less.

Sec. 14. Section 43.20, subsection 2, Code 2021, is amended by striking the subsection.

Sec. 15. Section 44.1, Code 2021, is amended to read as follows:

44.1 ~~Political nonparty~~ Nonparty political organizations.

1. Any convention or caucus of eligible electors representing a political organization which is not a political party as defined by law, may, for the state, or for any division or municipality thereof, or for any county, or for any subdivision thereof, for which such convention or caucus

is held, make one nomination of a candidate for each office to be filled therein at the general election. However, in order to qualify for any nomination made for a statewide elective office by such a political organization there shall be in attendance at the convention or caucus where the nomination is made a minimum of ~~two hundred fifty~~ five hundred eligible electors including at least one eligible elector from each of twenty-five counties. In order to qualify for any nomination to the office of United States representative there shall be in attendance at the convention or caucus where the nomination is made a minimum of ~~fifty~~ two hundred eligible electors who are residents of the congressional district including at least one eligible elector from each of at least one-half of the counties of the congressional district. In order to qualify for any nomination to an office to be filled by the voters of a county or of a city there shall be in attendance at the convention or caucus where the nomination is made a minimum of ~~ten~~ twenty eligible electors who are residents of the county or city, as the case may be, including at least one eligible elector from at least one-half of the voting precincts in that county or city. In order to qualify for any nomination made for the general assembly there shall be in attendance at the convention or caucus where the nomination is made a minimum of ~~ten~~ twenty-five eligible electors who are residents of the representative district or ~~twenty~~ fifty eligible electors who are residents of the senatorial district, as the case may be, with at least one eligible elector from one-half of the voting precincts in the district in each case. The names of all delegates in attendance at such convention or caucus and such fact shall be certified to the state commissioner together with the other certification requirements of this chapter.

2. A candidate who has been nominated under a political party under chapter 43 shall not be eligible for nomination under this chapter for the same office in the same election year.

Sec. 16. Section 45.1, subsections 1 and 2, Code 2021, are amended to read as follows:

1. Nominations for candidates for president and vice president, governor and lieutenant governor, and for ~~other statewide elected offices~~ United States senator may be made by nomination petitions signed by not less than ~~one thousand five hundred eligible electors residing in not less than ten counties of the state~~ three thousand five hundred eligible electors, including at least one hundred eligible electors each from at least nineteen counties of the state.

2. Nominations for candidates for a representative in the United States house of representatives may be made by nomination petitions signed by not less than ~~the number of eligible electors equal to the number of signatures required in subsection 1 divided by the number of congressional districts. Signers of the petition shall be eligible electors who are residents of the congressional district~~ one thousand seven hundred twenty-six eligible electors who are residents of the congressional district, including at least forty-seven eligible electors each from at least one-half of the counties in the congressional district.

Sec. 17. Section 45.1, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Nominations for candidates for statewide offices other than those listed in subsection 1 may be made by nomination petitions signed by not less than two thousand five hundred eligible electors, including at least seventy-seven eligible electors from not less than eighteen counties of the state.

Sec. 18. Section 47.1, subsection 1, Code 2021, is amended to read as follows:

1. The secretary of state is designated as the state commissioner of elections and shall supervise the activities of the county commissioners of elections. There is established within the office of the secretary of state a division of

elections which shall be under the direction of the state commissioner of elections. The state commissioner of elections may appoint a person to be in charge of the division of elections who shall perform the duties assigned by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures, shall prescribe the necessary forms required for the conduct of elections, shall assign a number to each proposed constitutional amendment and statewide public measure for identification purposes, and shall adopt rules, pursuant to chapter 17A, to carry out this section. The state commissioner of elections may issue guidance that is not subject to the rulemaking process to clarify election laws and rules.

Sec. 19. Section 47.2, subsection 1, Code 2021, is amended to read as follows:

1. The county auditor of each county is designated as the county commissioner of elections in each county. The county commissioner of elections shall conduct voter registration pursuant to chapter 48A and conduct all elections within the county. The county commissioner of elections does not possess home rule powers with respect to the exercise of powers or duties related to the conduct of elections prescribed by statute or rule, or guidance issued pursuant to section 47.1.

Sec. 20. Section 47.7, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* (1) The state registrar shall, in the first quarter of each calendar year, conduct a verification of all voters in the statewide voter registration file, which shall include cross-referencing the records in the statewide voter registration file with similar records maintained by other states. The state registrar of voters shall cancel the registration of a voter found to be ineligible pursuant to section 48A.30. The state registrar shall submit a report to the general assembly by April 30 of each year regarding the number of voter registrations canceled pursuant to this

paragraph. The state registrar shall also publish this report on the internet site of the state registrar.

(2) The state registrar may contract with a third-party vendor to develop or provide a program to allow the state registrar to verify the status of records in the statewide voter registration file and identify ineligible voters on an ongoing basis.

Sec. 21. Section 47.7, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The state registrar of voters shall use information from the electronic registration information center to update information in the statewide voter registration system, including but not limited to the following reports:

a. In-state duplicates.

b. In-state updates.

c. Cross-state matches.

d. Deceased.

e. Eligible but unregistered.

f. National change of address.

Sec. 22. Section 48A.9, subsection 1, Code 2021, is amended to read as follows:

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

Sec. 23. Section 48A.10A, subsection 1, Code 2021, is amended to read as follows:

1. The state registrar shall compare lists of persons who are registered to vote with the department of transportation's driver's license and nonoperator's identification card files and shall, on an initial basis, issue a voter identification

card to each active, registered voter whose name does not appear in the department of transportation's files. The voter identification card shall include the name of the registered voter, a signature line above which the registered voter shall sign the voter identification card, the registered voter's identification number assigned to the voter pursuant to section 47.7, subsection 2, ~~and~~ an additional four-digit personal identification number assigned by the state commissioner, and the times during which polling places will be open on election days.

Sec. 24. Section 48A.27, subsection 4, paragraph c, subparagraph (2), Code 2021, is amended to read as follows:

(2) The notice shall contain a statement in substantially the following form:

Information received from the United States postal service indicates that you are no longer a resident of, and therefore not eligible to vote in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ~~ten days before the primary or general election and at least eleven~~ fifteen days before any ~~other~~ election at which you wish to vote. If the information is correct and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in an election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county.

Sec. 25. Section 48A.28, subsections 1 and 2, Code 2021, are amended to read as follows:

1. Each commissioner shall conduct a systematic program that makes a reasonable effort to remove from the official list

of registered voters the names of registered voters who have changed residence from their registration addresses. ~~Either or both of the methods described in this section may be used.~~

2. *a.* A commissioner ~~may~~ shall participate in the United States postal service national change of address program, as provided in section 48A.27. The state voter registration commission shall adopt rules establishing specific requirements for participation and use of the national change of address program.

b. A commissioner participating in the national change of address program, in the first quarter of each calendar year, shall send a notice and preaddressed, postage paid return card by forwardable mail to each registered voter whose name was not reported by the national change of address program and who has not voted in ~~two or more consecutive general elections~~ the most recent general election and has not registered again~~,~~ or who has not reported a change to an existing registration~~, or who has not responded to a notice from the commissioner or registrar during the period between and following the previous two general elections~~. Registered voters receiving such notice shall be marked inactive. The form and language of the notice and return card shall be specified by the state voter registration commission by rule. A registered voter shall not be sent a notice and return card under this subsection more frequently than once in a four-year period.

Sec. 26. Section 48A.28, subsection 3, Code 2021, is amended by striking the subsection.

Sec. 27. Section 48A.29, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. The notice shall contain a statement in substantially the following form:

Information received from the United States postal service indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County,

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please complete and mail the attached postage paid card ~~at least ten days before the primary or general election and~~ at least ~~eleven~~ fifteen days before any ~~other~~ election at which you wish to vote. If the information is correct, and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county.

Sec. 28. Section 48A.29, subsection 3, paragraph b, Code 2021, is amended to read as follows:

b. The notice shall contain a statement in substantially the following form:

Information received by this office indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If the information is not correct, and you still live at that address, please complete and mail the attached postage paid card ~~at least ten days before the primary or general election and~~ at least ~~eleven~~ fifteen days before any ~~other~~ election at which you wish to vote. If the information is correct, and you have moved within the county, you may update your registration by listing your new address on the card and mailing it back. If you have moved outside the county, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of registered voters in that county.

Sec. 29. Section 48A.30, subsection 1, paragraph g, Code

2021, is amended to read as follows:

g. The registered voter's registration record has been inactive pursuant to section 48A.28 or 48A.29 for two successive general elections.

Sec. 30. Section 48A.37, subsection 2, Code 2021, is amended to read as follows:

2. Electronic records shall include a status code designating whether the records are active, inactive, incomplete, pending, or canceled. Inactive records are records of registered voters to whom notices have been sent pursuant to section 48A.28, ~~subsection 3,~~ and who have not returned the card or otherwise responded to the notice, and those records have been designated inactive pursuant to section 48A.29. Inactive records are also records of registered voters to whom notices have been sent pursuant to section 48A.26A and who have not responded to the notice. Incomplete records are records missing required information pursuant to section 48A.11, subsection 8. Pending records are records of applicants whose applications have not been verified pursuant to section 48A.25A. Canceled records are records that have been canceled pursuant to section 48A.30. All other records are active records. An inactive record shall be made active when the registered voter requests an absentee ballot, votes at an election, registers again, or reports a change of name, address, telephone number, or political party or organization affiliation. An incomplete record shall be made active when a completed application is received from the applicant and verified pursuant to section 48A.25A. A pending record shall be made active upon verification or upon the voter providing identification pursuant to section 48A.8.

Sec. 31. NEW SECTION. **48A.40 Voter list maintenance reports.**

1. The commissioner of registration shall annually submit to the state registrar of voters a report regarding the number of voter registration records marked inactive or

canceled pursuant to sections 48A.28 through 48A.30. The state registrar of voters shall publish such reports on the internet site of the state registrar of voters.

2. The state registrar of voters shall determine by rule the form and submission deadline of reports submitted pursuant to subsection 1.

Sec. 32. NEW SECTION. **48A.41 Voter registration maintenance audits — investigations.**

1. The state registrar of voters shall conduct an audit of voter registration maintenance by each commissioner of registration in April of each odd-numbered year, on a schedule determined by the commissioner.

2. If in the course of an audit under this section the state registrar of voters finds that a commissioner of registration has failed to perform required voter list maintenance, the state registrar of voters shall submit the audit to the relevant county attorney and attorney general within twenty-four hours for investigation of a violation of section 39A.3, subsection 1, paragraph *"b"*, subparagraph (9), or other provision of law.

Sec. 33. NEW SECTION. **49.2 Oversight by the state commissioner.**

The state commissioner, or a designee of the state commissioner, may, at the discretion of the state commissioner, oversee the activities of a county commissioner of elections during a period beginning sixty days before an election and ending sixty days after an election. For the purposes of this section, *"oversee"* means to observe election-related activity, correct any activity not in accordance with law, and issue a written notice and instructions pursuant to section 39A.6 for any technical infractions that are observed.

Sec. 34. Section 49.13, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A person serving on a precinct election board pursuant to subsection 2 or 3 who changes the political

party of which the person is a member within thirty days before an election shall be immediately removed from the board and a substitute shall be appointed pursuant to section 49.14.

Sec. 35. Section 49.23, Code 2021, is amended to read as follows:

49.23 Notice of change.

When a change is made from the usual polling place for the precinct or when the precinct polling place for any primary or general election is different from that used for the precinct at the last preceding primary or general election, notice of such change shall be ~~given by publication in a newspaper of general circulation in the precinct~~ mailed to all registered voters in the precinct and posted prominently in the county commissioner's office and on the county commissioner's internet site not more than twenty nor less than ~~four~~ seven days before the day on which the election is to be held. In addition a notice of the present polling place for the precinct shall be posted, not later than the hour at which the polls open on the day of the election, on each door to the usual or former polling place in the precinct and shall remain there until the polls have closed.

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Sec. 36. Section 49.73, subsection 2, Code 2021, is amended to read as follows:

2. *a.* All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour. The hours at which the respective precinct polling places are to open shall not be changed after publication of the notice required by section 49.53. The polling places shall be closed at ~~9:00 p.m. for state primary and general elections and other partisan elections, and for any other election held concurrently therewith, and at~~ 8:00 p.m. for all ~~other~~ elections.

b. The legislative services agency shall place on the internet site of the agency information regarding the opening and closing times of polling places until and including

November 7, 2024. This paragraph is repealed effective July 1, 2025.

Sec. 37. Section 49.77, subsection 2, Code 2021, is amended to read as follows:

2. If the declaration of eligibility is not printed on each page of the election register, any of those persons present pursuant to section 49.104, subsection ~~2, 3, 5, or 6,~~ 1, paragraph "b", "c", "e", or "f", may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person does not interfere with the functions of the precinct election officials. If the declaration of eligibility is printed on the election register, voters shall also sign a voter roster which the precinct election official shall make available for viewing. Any of those persons present pursuant to section 49.104, subsection ~~2, 3, 5, or 6,~~ 1, paragraph "b", "c", "e", or "f", may upon request view the roster of those voters who have signed declarations of eligibility, so long as the person does not interfere with the functions of the precinct election officials.

Sec. 38. Section 49.88, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person standing for election on the ballot before a voter shall not occupy the voting booth with the voter, including to assist the voter.

Sec. 39. Section 49.90, Code 2021, is amended to read as follows:

49.90 Assisting voter.

Any voter who may declare upon oath that the voter is blind, cannot read the English language, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance, shall, upon request, be assisted by the two officers as provided in section 49.89, or alternatively by any other person the voter may select in casting the vote, except that the voter shall not select a person standing for election on the ballot. The officers, or the person selected

by the voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the vote cast. If any elector because of a disability cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the elector with a disability and allow the elector to cast the ballot in the vehicle. Ballots cast by voters with disabilities shall be deposited in the regular ballot box, or inserted in the tabulating device, and counted in the usual manner.

Sec. 40. Section 49.104, Code 2021, is amended to read as follows:

49.104 Persons permitted at polling places.

1. The following persons shall be permitted to be present at and in the immediate vicinity of the polling places, provided they do not solicit votes:

~~1.~~ *a.* Any person who is by law authorized to perform or is charged with the performance of official duties at the election.

~~2.~~ *b.* Any number of persons, not exceeding three at a time from each political party having candidates to be voted for at such election, to act as challenging committees, who are appointed and accredited by the executive or central committee of such political party or organization.

~~3.~~ *c.* Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as prescribed in ~~subsection 2~~ paragraph *"b"* for challenging committees, and any number of persons not exceeding three at a time appointed as observers under ~~subsection 5~~ paragraph *"e"*, to witness the counting of ballots.

~~4.~~ *d.* Any peace officer assigned or called upon to keep order or maintain compliance with the provisions of this chapter, upon request of the commissioner or of the chairperson of the precinct election board.

~~5.~~ *e.* One observer at a time representing any nonparty

political organization, any candidate nominated by petition pursuant to chapter 45, or any other nonpartisan candidate in a city or school election, appearing on the ballot of the election in progress. Candidates who send observers to the polls shall provide each observer with a letter of appointment in the form prescribed by the state commissioner.

~~6.~~ *f.* Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner before election day. If more than three persons file a notice of intent to serve at the same time with respect to ballot issues at an election, the commissioner shall appoint from those submitting a notice of intent the three persons who may serve at that time as observers, and shall provide a schedule to all persons who filed notices of intent. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues.

~~7.~~ *g.* Any person authorized by the commissioner, in consultation with the secretary of state, for the purposes of conducting and attending educational voting programs.

~~8.~~ *h.* Reporters, photographers, and other staff representing the news media. However, representatives of the news media, while present at or in the immediate vicinity of the polling places, shall not interfere with the election process in any way.

2. A precinct election official or county commissioner shall not obstruct or interfere with a person fulfilling that person's role or performing that person's duty under subsection 1. A person who violates this subsection is guilty of election misconduct in the third degree.

Sec. 41. Section 49.109, Code 2021, is amended to read as follows:

49.109 Employees entitled to time to vote.

Any person entitled to vote at an election in this state who

does not have ~~three~~ two consecutive hours in the period between the time of the opening and the time of the closing of the polls during which the person is not required to be present at work for an employer, is entitled to such time off from work time to vote as will in addition to the person's nonworking time total ~~three~~ two consecutive hours during the time the polls are open. Application by any employee for such absence shall be made individually and in writing prior to the date of the election, and the employer shall designate the period of time to be taken. The employee is not liable to any penalty nor shall any deduction be made from the person's regular salary or wages on account of such absence.

Sec. 42. NEW SECTION. **50.52 Enforcement.**

Members of local law enforcement agencies and the state patrol are authorized to take all reasonable actions to prevent violations of this chapter.

Sec. 43. Section 53.2, subsection 1, Code 2021, is amended to read as follows:

1. *a.* Any registered voter, under the circumstances specified in section 53.1, may on any day, except election day, and not more than ~~one hundred twenty~~ seventy days prior to the date of the election, apply in person for an absentee ballot at the commissioner's office or at any location designated by the commissioner. However, for those elections in which the commissioner directs the polls be opened at noon pursuant to section 49.73, a voter may apply in person for an absentee ballot at the commissioner's office from 8:00 a.m. until 11:00 a.m. on election day.

b. A registered voter may make written application to the commissioner for an absentee ballot. A written application for an absentee ballot must be received by the commissioner no later than 5:00 p.m. on the same day as the voter registration deadline provided in section 48A.9 for the election for which the ballot is requested, except when the absentee ballot is requested and voted at the commissioner's office pursuant to

section 53.10. A written application for an absentee ballot delivered to the commissioner and received by the commissioner more than ~~one hundred twenty~~ seventy days prior to the date of the election shall be returned to the voter with a notification of the date when the applications will be accepted.

c. The commissioner may send an absentee ballot application to a registered voter at the request of the registered voter. The commissioner shall not send an absentee ballot application to a person who has not submitted such a request.

d. In the event of a public health disaster declared by the governor pursuant to section 29C.6, the general assembly may by resolution direct the state commissioner to send an absentee ballot application to each registered voter prior to a primary or general election held in an even-numbered year. If the general assembly is not in session, the legislative council may so direct the state commissioner by a majority vote.

Sec. 44. Section 53.2, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* No absentee ballot application shall be provided to a registered voter with any field prefilled, except that the absentee ballot application may have the fields for the type and date of the election prefilled.

Sec. 45. Section 53.2, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 11. If an application for an absentee ballot is received between 5:00 p.m. on the fifteenth day before an election and 5:00 p.m. on the seventh day before an election, the commissioner shall notify the registered voter within twenty-four hours that the absentee ballot request cannot be processed and notify the registered voter of ways the registered voter may participate in the election. A notification sent pursuant to this subsection shall be transmitted in the same manner as a notification transmitted pursuant to subsection 4, paragraph "*b*".

Sec. 46. NEW SECTION. **53.4 Absentee ballots — reports.**

1. Beginning on the first day that absentee ballots are mailed in each primary and general election and each special election pursuant to section 69.14, and through election day, the state commissioner shall publish a report regarding absentee ballots on a daily basis. The report shall include, at a minimum, all of the following information:

a. The number of absentee ballot request forms received by a county commissioner.

b. The number of absentee ballots sent by a county commissioner.

c. The total number of absentee ballots received by a county commissioner, and the total delivered by each of the following methods:

(1) Mail.

(2) Delivery to a drop box.

(3) Delivery by hand.

(4) Voted in person at a satellite location.

2. Each county commissioner shall provide all information necessary under this section to the state commissioner in a manner prescribed by the state commissioner.

Sec. 47. Section 53.8, subsection 1, paragraph a, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, but not more than ~~twenty-nine~~ twenty days before the election, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. ~~When the United States post office is closed in observance of a federal holiday and is not delivering mail on the twenty-ninth day before the election, the first day to mail absentee ballots is the next business day on which mail delivery is available.~~ The absentee ballot shall be sent to the registered voter by one of the following methods:

Sec. 48. Section 53.8, subsection 2, paragraph a, Code 2021,

is amended to read as follows:

a. The commissioner shall enclose with the absentee ballot a statement informing the applicant that the sealed return envelope may be mailed to the commissioner by the registered voter or ~~the voter's designee~~ a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33, may be returned to a drop box established by the commissioner pursuant to section 53.17, subsection 1, by the registered voter or a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33, only if the commissioner has established such a drop box, or may be personally delivered to the commissioner's office by the registered voter or ~~the voter's designee~~ a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33. The statement shall also inform the voter that the voter may request that the ~~voter's designee~~ person not prohibited to collect and deliver a completed ballot pursuant to section 53.33 complete a receipt when retrieving the ballot from the voter. A blank receipt shall be enclosed with the absentee ballot.

Sec. 49. Section 53.8, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The commissioner and the state commissioner shall not mail an absentee ballot to a person who has not submitted an application for an absentee ballot.

Sec. 50. Section 53.10, subsection 1, Code 2021, is amended to read as follows:

1. Not more than ~~twenty-nine~~ twenty days before the date of the primary election or the general election, the commissioner shall provide facilities for absentee voting in person at the commissioner's office. This service shall also be provided for other elections as soon as the ballots are ready, but in no case shall absentee ballots be available under this section more than ~~twenty-nine~~ twenty days before an election.

Sec. 51. Section 53.11, subsection 1, Code 2021, is amended

to read as follows:

1. *a.* Not more than ~~twenty-nine~~ twenty days before the date of an election, satellite absentee voting stations ~~may be established throughout the cities and county at the direction of the commissioner and~~ shall be established upon receipt of a petition signed by not less than one hundred eligible electors requesting that a satellite absentee voting station be established at a location to be described on the petition. However, if a special election is scheduled in the county on a date that falls between the date of the regular city election and the date of the city runoff election, the commissioner is not required to establish a satellite absentee voting station for the city runoff election.

b. A satellite absentee voting station established by petition must be open at least one day for a minimum of six hours~~. A satellite absentee voting station established at the direction of the commissioner or by petition~~ and may remain open until 5:00 p.m. on the day before the election.

Sec. 52. Section 53.17, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. The sealed return envelope may be mailed to the commissioner by the registered voter or by the voter's designee. If mailed by the voter's designee, the envelope must be mailed within seventy-two hours of retrieving it from the voter ~~or within time to be postmarked or, if applicable, to have the postal service barcode traced to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, whichever is earlier~~.

Sec. 53. Section 53.17, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* The sealed return envelope may be delivered by a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33 to a ballot drop box established by the commissioner no later than the time the polls are closed on election day. However, if delivered by

the voter's designee, the envelope shall be delivered within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier. A commissioner is not required to establish a ballot drop box. A ballot drop box must meet all of the following requirements:

(1) A commissioner shall not establish more than one ballot drop box, which shall be located at the office of the commissioner, or on property owned and maintained by the county that directly surrounds the building where the office is located. For the purposes of this subparagraph, "*office of the commissioner*" means a location where a voter may receive services pursuant to section 48A.17, 50.20, 53.10, or 53.18.

(2) The ballot drop box shall not be used for any purpose other than the collection of absentee ballots.

(3) The commissioner shall implement all reasonable and necessary measures to ensure that the ballot drop box is accessible and secure. Security measures may include placing the ballot drop box in a place regularly viewed by the commissioner or the commissioner's staff.

(4) A video surveillance system shall be used to monitor all activity at the ballot drop box at all times while the ballot drop box is in place. The system shall create a recording, which shall be reviewed by the state commissioner, county attorney, and law enforcement in the event that misconduct occurs.

(5) A ballot drop box shall be available no sooner than the time that absentee ballots are allowed to be mailed pursuant to section 53.8. The ballot drop box shall be removed or restricted from accepting deliveries immediately upon the closure of polls on election day.

(6) While available, a ballot drop box shall be securely fastened to a stationary surface or an immovable object.

(7) The ballot drop box shall be secured by a lock and shall include a tamper-evident seal. Only the commissioner or an employee of the commissioner shall have access to the means to

unfasten the lock.

(8) Materials delivered to the ballot drop box shall be retrieved in an expeditious manner, but no less often than four times per day.

(9) The commissioner shall maintain a log of each time materials are retrieved from the ballot drop box, including the date and time materials were retrieved, and the name of the person who retrieved the materials. The commissioner or the commissioner's employee shall record on the ballot, near the portion of the envelope including the affidavit signed by the voter, that the materials were retrieved from a drop box, the date and time of the retrieval, and the initials of the person who retrieved the materials.

(10) A ballot retrieved from a ballot drop box shall be processed in the same manner as a ballot returned pursuant to paragraph *"a"*.

Sec. 54. Section 53.17, subsection 2, Code 2021, is amended to read as follows:

2. In order for the ballot to be counted, the return envelope must be received in the commissioner's office before the polls close on election day ~~or be clearly postmarked by an officially authorized postal service or bear a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, and received by the commissioner not later than noon on the Monday following the election~~.

Sec. 55. Section 53.17, subsection 4, paragraph f, Code 2021, is amended to read as follows:

f. A statement that the completed absentee ballot will be delivered to the commissioner's office within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier, or that the completed absentee ballot will be mailed to the commissioner within seventy-two hours of retrieving it from the voter ~~or within time to be postmarked or, if applicable, to have the~~

~~postal service barcode traced to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, whichever is earlier~~.

Sec. 56. Section 53.17, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 5. For the purposes of this section, *"voter's designee"* means a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33.

Sec. 57. Section 53.17A, subsection 2, paragraphs a and b, Code 2021, are amended by striking the paragraphs.

Sec. 58. Section 53.18, subsection 2, Code 2021, is amended to read as follows:

2. If the commissioner receives the return envelope containing the completed absentee ballot by 5:00 p.m. on the Saturday before the election for general elections and by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall review the affidavit marked on the return envelope, if applicable, for completeness or shall open the return envelope to review the affidavit for completeness. ~~If the affidavit is incomplete, the commissioner shall, within twenty-four hours of the time the envelope was received, notify the voter of that fact and that the voter may complete the affidavit in person at the office of the commissioner by 5:00 p.m. on the day before the election, vote a replacement ballot in the manner and within the time period provided in subsection 3, or appear at the voter's precinct polling place on election day and cast a ballot in accordance with section 53.19, subsection 3.~~ If the affidavit lacks the signature of the registered voter, the commissioner shall, within twenty-four hours of the receipt of the envelope, notify the voter of the deficiency and inform the voter that the voter may vote a replacement ballot as provided in subsection 3, cast a ballot as provided in section 53.19, subsection 3, or complete the affidavit in person at the office of the commissioner not later than the time polls close on election day.

Sec. 59. Section 53.18, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 04. For the purposes of this section, a return envelope marked with the affidavit shall be considered incomplete if the affidavit lacks the registered voter's signature. A signature or marking made in accordance with section 39.3, subsection 17, shall not cause an affidavit to be considered incomplete.

Sec. 60. Section 53.19, subsection 1, Code 2021, is amended to read as follows:

1. The commissioner shall maintain a list of the absentee ballots provided to registered voters, the serial number appearing on the unsealed envelope, the date the application for the absentee ballot was received, ~~and~~ the date the absentee ballot was sent to the registered voter requesting the absentee ballot, the date the absentee ballot was received by the commissioner, the date the absentee ballot outer envelope was opened, and whether the ballot was delivered by mail, in person, to a ballot drop box, or cast in person at a satellite location. The information under this subsection shall be reported separately at the same time as the information reported under section 53.30, subsection 3.

Sec. 61. Section 53.22, subsection 3, Code 2021, is amended to read as follows:

3. Any registered voter who becomes a patient, tenant, or resident of a hospital, assisted living program, or health care facility in the county where the voter is registered to vote ~~within three days prior to the date of any election~~ after the deadline to make a written application for an absentee ballot as provided in section 53.2 or on election day may request an absentee ballot during that period or on election day. As an alternative to the application procedure prescribed by section 53.2, the registered voter may make the request directly to the officers who are delivering and returning absentee ballots under this section. Alternatively, the request may be made by

telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a registered voter of that county, these officers shall deliver the appropriate absentee ballot to the registered voter in the manner prescribed by this section.

Sec. 62. Section 53.22, subsection 6, paragraph a, Code 2021, is amended to read as follows:

a. If the registered voter becomes a patient, tenant, or resident of a hospital, assisted living program, or health care facility outside the county where the voter is registered to vote ~~within three days before the date of any election~~ after the deadline to make a written application for an absentee ballot as provided in section 53.2 or on election day, the voter may designate a person to deliver and return the absentee ballot. The designee ~~may be any person the voter chooses except that no candidate for any office to be voted upon for the election for which the ballot is requested may deliver a ballot under this subsection~~ shall be a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33. The request for an absentee ballot may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a registered voter of that county, the ballot shall be delivered by mail or by the person designated by the voter. An application form shall be included with the absentee ballot and shall be signed by the voter and returned with the ballot.

Sec. 63. Section 53.23, subsection 3, paragraph c, Code 2021, is amended to read as follows:

c. ~~For the general election, the~~ The commissioner may convene the special precinct election board on the day before the election to begin counting absentee ballots. However, if in the preceding general election the counting of absentee ballots was not completed by 10:00 p.m. on election day, the commissioner shall convene the special precinct election board on the day before the next general election to begin counting

absentee ballots. The board shall not release the results of its tabulation pursuant to this paragraph until the count is completed on election day.

Sec. 64. Section 53.30, Code 2021, is amended to read as follows:

53.30 Ballots, ballot envelopes, and other information preserved.

1. At the conclusion of each meeting of the absentee and special voter precinct board, the board shall reconcile the number of signed affidavits provided to the board by the commissioner and the number of ballots that were counted and tabulated. The board shall record the number of ballots that were rejected prior to opening the affidavit envelope, the number of absentee ballots that have been challenged and are currently unopened, and the number of absentee ballots that were accepted for counting and tabulation. The board shall also reconcile the number of provisional ballots provided to the board by the commissioner, the number of provisional ballots that were accepted for counting and tabulation, and the number of provisional ballots that were rejected.

2. At the conclusion of each meeting of the absentee and special voters precinct board, the board shall securely seal all ballots counted by them in the manner prescribed in section 50.12. The ballot envelopes, including the affidavit envelope if an affidavit envelope was provided, the return envelope, and secrecy envelope bearing the signatures of precinct election officials, as required by section 53.23, shall be preserved. All applications for absentee ballots, ballots rejected without being opened, absentee ballot logs, and any other documents pertaining to the absentee ballot process shall be preserved until such time as the documents may be destroyed pursuant to section 50.19.

3. Following each primary and general election, commissioners shall report to the state commissioner the number of voted absentee ballots received by the commissioner,

the total number of absentee ballots counted and tabulated by the board, and the number of absentee ballots rejected by the board. The commissioner shall also provide the number of provisional ballots cast, the number of provisional ballots rejected, and the number of provisional ballots that were counted and tabulated by the board.

Sec. 65. NEW SECTION. **53.33 Unlawful return of ballot.**

Notwithstanding any provision of law to the contrary, no person other than the registered voter or an individual who lives in the same household as the registered voter, the registered voter's immediate family member, an individual serving as a caretaker for the registered voter, or an individual pursuant to section 53.22 shall collect a completed ballot and return the ballot by mail or in person to the county auditor's office or other election location. A violation of this section constitutes election misconduct in the third degree under section 39A.4.

Sec. 66. Section 53.44, subsection 2, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

2. In order for the ballot to be counted, the return envelope must be received in the commissioner's office before the polls close on election day or be clearly postmarked by an officially authorized postal service or bear a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, and received by the commissioner not later than noon on the Monday following the election.

Sec. 67. Section 53.53, subsection 4, paragraphs b and c, Code 2021, are amended to read as follows:

b. The voter's completed regular or special Iowa absentee ballot was received by the deadline for return of absentee ballots established in section ~~53.17~~ 53.44.

c. The voter's federal write-in ballot was received after the deadline for return of absentee ballots established in

New

section ~~53.17~~ 53.44.

Sec. 68. Section 66.1A, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 8. For failure to pay a fine imposed pursuant to section 39A.6 and not dismissed pursuant to chapter 17A.

Sec. 69. Section 69.14A, subsection 2, paragraph a, subparagraphs (1) and (2), Code 2021, are amended to read as follows:

(1) The appointment shall be for the period until the next ~~pending election as defined in section 69.12~~ general election, and shall be made within forty days after the vacancy occurs. If the board of supervisors chooses to proceed under this paragraph, the board shall publish notice in the manner prescribed by section 331.305 stating that the board intends to fill the vacancy by appointment but that the electors of the county have the right to file a petition requiring that the vacancy be filled by special election. The board may publish notice in advance if an elected official submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. A person appointed to an office under this subsection, except for a county attorney, shall have actually resided in the county which the appointee represents sixty days prior to appointment. A person appointed to the office of county attorney shall be a resident of the county at the time of appointment.

(2) However, if ~~within fourteen days after publication of the notice or~~ within fourteen days after the appointment is made, a petition is circulated and filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306. A signature shall not be considered valid if the signature is dated prior to the date on

which the appointment was made.

Sec. 70. Section 69.14A, subsection 2, paragraph b, subparagraph (1), Code 2021, is amended to read as follows:

(1) The board of supervisors may, on its own motion, or shall, upon receipt of a petition as provided in paragraph "a", call for a special election to fill the vacancy in lieu of appointment. The supervisors shall order the special election at the earliest practicable date, but giving at least thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday ~~and shall not be held on the same day as a school election within the county~~.

Sec. 71. Section 331.756, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 75. Bring actions under chapter 66 for failure to pay fines imposed pursuant to section 39A.6 and not dismissed pursuant to chapter 17A.

Sec. 72. Section 445.5, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* Until November 7, 2024, the hours during which polling places are open on election days. This paragraph is repealed effective July 1, 2025.

Sec. 73. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 74. APPLICABILITY. The following apply to all candidates seeking election to an office that will appear on a ballot in or after 2022:

1. The sections of this Act amending section 43.20.
2. The section of this Act amending section 44.1.
3. The section of this Act amending section 45.1.