HOUSE FILE 2610
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 697)

(COMPANION TO LSB 6288SV BY COMMITTEE ON STATE GOVERNMENT)

(As Amended and Passed by the House March 5, 2024)

[= New Language by the House

A BILL FOR

An Act relating to the duties of the secretary of state, including the address confidentiality program and the conduct of elections[, and including effective date provisions].

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

DIVISION I

ADDRESS CONFIDENTIALITY PROGRAM

Section 1. Section 9E.3, subsection 1, paragraphs e and f, Code 2024, are amended to read as follows:

e. The residential address of the eligible person, disclosure of which could lead to an increased risk of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking. If the eligible person's residential address is a shelter known to the program, the applicant may provide the shelter's name and other contact information in lieu of the shelter's physical address.

f. If mail cannot be delivered to the residential address of the eligible person, the address to which mail can be sent to the eligible person. If the eligible person's mailing address is a shelter known to the program, the applicant may provide the shelter's name and other contact information in lieu of the shelter's physical address.

Sec. 2. Section 9E.4, subsection 2, Code 2024, is amended to read as follows:

2. The secretary shall cancel a program participant's certification ~~if the~~ for any of the following reasons:

a. The program participant's application contains false information.

b. The secretary receives information from a reliable source that the program participant has died.

Sec. 3. Section 9E.5, subsection 3, Code 2024, is amended to read as follows:

3. The secretary shall forward all mail sent to the designated address to the program participant. At the request of the program participant, the secretary may hold the program participant's mail for up to thirty days.

[Sec. 4. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.]

DIVISION II

CANDIDATE ELIGIBILITY OBJECTIONS

Sec. 5. Section 43.18, subsection 9, Code 2024, is amended to read as follows:

9. ~~A~~ For a candidate for an office other than a federal office, a statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 6. Section 43.24, subsection 1, Code 2024, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* Objections to the eligibility of a candidate for a federal office shall not be sustained unless the objection is limited to the legal sufficiency of the nomination petition or certificate of nomination, or to the residency, age, or citizenship requirements as described in the Constitution of the United States.

Sec. 7. Section 44.3, subsection 2, paragraph i, Code 2024, is amended to read as follows:

i. ~~A~~ For a candidate for an office other than a federal office, a statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 8. Section 44.6, Code 2024, is amended to read as follows:

44.6 Hearing before state commissioner.

Objections filed with the state commissioner shall be considered by the secretary of state and auditor of state and attorney general, and a majority decision shall be final. However, if the objection is to the certificate of nomination of one or more of the above named officers, the officer or officers objected to shall not pass upon the objection, but their places shall be filled, respectively, by the treasurer of state, the governor, and the secretary of agriculture.

Objections relating to incorrect or incomplete information for information that is required under section 44.3 shall be sustained. Objections to the eligibility of a candidate for a federal office shall not be sustained unless the objection is limited to the legal sufficiency of the nomination petition or certificate of nomination, or to the residency, age, or citizenship requirements as described in the Constitution of the United States.

Sec. 9. Section 45.3, subsection 9, Code 2024, is amended to read as follows:

9. ~~A~~ For a candidate for an office other than a federal office, a statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 10. Section 54.5, Code 2024, is amended by adding the following new subsection:

NEW SUBSECTION. 5. An objection to a nomination made under this section on any grounds other than the legal sufficiency of the certificate of nomination shall not be sustained. The certificate of nomination shall be presumed valid.

[Sec. 11. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.]

DIVISION III

RANKED CHOICE VOTING

Sec. 12. Section 49.93, Code 2024, is amended to read as follows:

49.93 Number of votes for each office.

1. For an office to which one person is to be elected, a voter shall not vote for more than one candidate. If two or more persons are to be elected to an office, the voter shall vote for no more than the number of persons to be elected. If a person votes for more than the permitted number of candidates, the vote for that office shall not count. Valid votes cast on

the rest of the ballot shall be counted.

2. *a.* An election in this state shall not be conducted using ranked choice voting or instant runoff voting.

b. For the purposes of this section, "*ranked choice voting*" or "*instant runoff voting*" means a method of casting and tabulating votes in which a voter ranks candidates in order of preference, tabulation of ballots proceeds in rounds such that in each round either a candidate is elected or the candidate receiving the fewest votes is defeated, votes are transferred from elected or defeated candidates to a voter's next-ranked candidate in order of preference, and tabulation ends when a candidate receives the majority of votes cast or the number of candidates elected equals the number of offices to be filled, as applicable.

[Sec. 13. EFFECTIVE DATE. This division of this Act takes effect January 1, 2025.]

DIVISION IV

ABSENT VOTERS

Sec. 14. Section 39A.4, subsection 1, paragraph c, subparagraphs (10) and (11), Code 2024, 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 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 prohibited to collect and deliver a completed ballot pursuant to section 53.33.

Sec. 15. NEW SECTION. **53.1B Definitions.**

For purposes of this subchapter, unless the context otherwise requires:

1. "*Affidavit envelope*" means an envelope that includes a serial number and bears on the back an affidavit for a

registered voter to mark the registered voter's signature and voter verification number in a form prescribed by the state commissioner.

2. *"Delivery envelope"* means an envelope that bears on its face the name and address of the registered voter requesting an absentee ballot, the words "county commissioner of elections", the address of the commissioner's office, and the same serial number that appears on the affidavit envelope and return envelope.

3. *"Return envelope"* means an envelope that is addressed to the commissioner's office, bears appropriate return postage or a postal permit guaranteeing that the commissioner will pay the return postage, and includes the same serial number as the affidavit envelope and delivery envelope.

4. *"Secrecy envelope"* means an envelope, folder, or sleeve that hides all votes on a ballot when folded.

Sec. 16. Section 53.4, subsection 1, paragraph c, subparagraph (2), Code 2024, is amended by striking the subparagraph.

Sec. 17. Section 53.8, subsection 1, Code 2024, is amended to read as follows:

1. *a.* Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, but not more than ~~twenty~~ twenty-two 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. The absentee ballot shall be ~~sent to the registered voter by one of the following methods:~~ enclosed in an unsealed affidavit envelope. The absentee ballot and affidavit envelope shall be enclosed in or with an unsealed return envelope. The absentee ballot, affidavit envelope, and return envelope shall be enclosed in the delivery envelope. If the ballot cannot be folded so that all the votes on the ballot will be hidden, the commissioner shall also enclose a secrecy envelope with the absentee ballot.

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

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

b. The ~~affidavit shall be marked on the appropriate envelope in a form prescribed by the state commissioner of elections~~ registered voter requesting and receiving an absentee ballot shall subscribe to the affidavit by signing and marking the registered voter's voter verification number on the affidavit envelope.

c. All domestic return envelope flaps or backs shall also be printed or stamped with a notice of the deadline to return a completed absentee ballot and the manner to track the status of the ballot in a form prescribed by the state commissioner.

~~*c.*~~ *d.* For envelopes mailed at any election other than the primary election, the commissioner shall not mark any envelope with any information related to the party affiliation of the applicant.

Sec. 18. Section 53.8, subsection 2, paragraph a, Code 2024, 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 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 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 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. 19. Section 53.10, subsection 2, paragraph a, Code 2024, is amended to read as follows:

a. Each person who wishes to vote by absentee ballot at the commissioner's office shall first sign an application for a ballot including the following information: name, current address, voter verification number, and the election for which the ballot is requested. The person may report a change of address or other information on the person's voter registration record at that time. Prior to furnishing a ballot, the commissioner shall verify the person's identity as provided in section 49.78. The registered voter shall immediately mark the ballot; enclose the ballot in a secrecy envelope, if necessary, and seal ~~it~~ the ballot in the ~~envelope marked with the~~ affidavit envelope; subscribe to the affidavit ~~on the reverse side of the envelope~~ by signing and marking the registered voter's voter verification number; and return the sealed affidavit envelope containing the absentee ballot to the commissioner. The commissioner shall record the numbers

appearing on the application and affidavit envelope along with the name of the registered voter.

Sec. 20. Section 53.12, Code 2024, is amended by striking the section and inserting in lieu thereof the following:

53.12 Duty of commissioner.

The commissioner shall affix to the application the same serial number that appears on the affidavit envelope, return envelope, and delivery envelope.

Sec. 21. Section 53.16, Code 2024, is amended by striking the section and inserting in lieu thereof the following:

53.16 Subscribing to affidavit.

After marking the ballot, the voter shall enclose the ballot in a secrecy envelope, if necessary, and seal the ballot in the affidavit envelope; subscribe to the affidavit by signing and marking the registered voter's voter verification number; place the sealed affidavit envelope in the return envelope; and securely seal the return envelope.

Sec. 22. Section 53.17, subsection 1, unnumbered paragraph 1, Code 2024, is amended to read as follows:

~~If the commissioner mailed the ballot pursuant to section 53.8, subsection 1, paragraph "a", subparagraph (1), the sealed envelope bearing the voter's affidavit and containing the absentee ballot shall be enclosed in a return envelope which shall be securely sealed. If the commissioner mailed the ballot pursuant to section 53.8, subsection 1, paragraph "a", subparagraph (2), the absentee ballot shall be enclosed in the return envelope which shall be securely sealed.~~ The sealed return envelope shall be returned to the commissioner by one of the following methods:

Sec. 23. Section 53.17, subsection 1, paragraph a, Code 2024, is amended to read as follows:

a. The sealed return envelope may be delivered by the registered voter, by the voter's designee, or by the special precinct election officials designated pursuant to section 53.22, subsection 2, to the commissioner's office no later

than ~~the time the polls are closed~~ 5:00 p.m. on the day before 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 by 5:00 p.m. on the day before ~~the closing of the polls on~~ election day, whichever is earlier.

Sec. 24. Section 53.17, subsection 1, paragraph c, Code 2024, is amended by striking the paragraph.

Sec. 25. Section 53.17, subsection 2, Code 2024, 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 by 5:00 p.m. on the day before ~~the polls close on~~ election day and recorded as received by the commissioner by 11:59 p.m. on the day before election day.

Sec. 26. Section 53.17, subsection 4, paragraph f, Code 2024, 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 by the close of business on the day 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.

Sec. 27. Section 53.17A, subsection 3, paragraph a, Code 2024, is amended to read as follows:

a. An absentee ballot received after the ~~polls close~~ close of business on the day before election day but prior to the official canvass shall be counted if the commissioner determines that the ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22. The date of entry of such an absentee ballot into the federal mail system shall only be verified as provided in paragraph "*b*".

Sec. 28. Section 53.18, subsections 2 and 3, Code 2024, are 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~~ open the return envelope, if applicable, and review the affidavit marked on the affidavit envelope for completeness. If the affidavit lacks the signature or voter verification number 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.

3. If the affidavit envelope ~~or the return envelope marked with the affidavit~~ contains a defect that would cause the absentee ballot to be rejected by the absentee and special voters precinct board, the commissioner shall immediately notify the voter of that fact and that the voter's absentee ballot shall not be counted unless the voter requests and returns a replacement ballot in the time permitted under section 53.17, subsection 2. For the purposes of this section, ~~a return~~ an affidavit envelope ~~marked with the affidavit~~ shall be considered to contain a defect if ~~it appears to the commissioner that the signature on the envelope has been signed by someone other than the registered voter, in comparing the signature on the envelope to the signature on record of the registered voter named on the envelope. A signature or marking made in accordance with section 39.3, subsection 17, shall not be considered a defect for purposes of this section~~ the voter verification number provided does not match the voter verification number associated with the voter's voter registration. The voter may request a replacement

ballot in person, in writing, or over the telephone. The same serial number that was assigned to the records of the original absentee ballot application shall be used on the ~~envelope~~ envelopes and records of the replacement ballot. The affidavit envelope ~~marked with the affidavit and~~ containing the completed replacement ballot shall be marked "Replacement ballot". The affidavit envelope ~~marked with the affidavit and~~ containing the original ballot shall be marked ~~"Defective" and~~ ~~the~~ "Defective". The replacement ballot shall be attached to ~~such~~ the affidavit envelope containing the original ballot and shall be stored in a secure place until they are delivered to the absentee and special voters precinct board, notwithstanding sections 53.26 and 53.27.

Sec. 29. Section 53.19, subsection 1, Code 2024, 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, 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~~,~~ or 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. 30. Section 53.21, subsection 2, paragraph b, Code 2024, is amended to read as follows:

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

Sec. 31. Section 53.23, subsection 3, paragraph b, subparagraph (1), Code 2024, is amended to read as follows:

(1) The commissioner may direct the board to meet on the day before the election for the purpose of reviewing the absentee voters' affidavits appearing on the sealed envelopes. If in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, the members of the board may open the sealed affidavit envelopes and remove the secrecy envelope containing the ballot, but under no circumstances shall a secrecy envelope or ~~a return~~ an affidavit envelope ~~marked with an affidavit~~ be opened before the board convenes on election day, except as provided in paragraph "c". If the affidavit envelopes are opened before election day pursuant to this paragraph "b", the observers appointed by each political party, as defined in section 43.2, shall witness the proceedings. Each political party may appoint up to five observers under this paragraph "b". The observers shall be appointed by the county chairperson or, if the county chairperson fails to make an appointment, by the state chairperson. However, if either or both political parties fail to appoint an observer, the commissioner may continue with the proceedings.

Sec. 32. Section 53.23, subsection 5, Code 2024, is amended to read as follows:

5. The special precinct election board shall preserve the secrecy of all absentee and provisional ballots. After the affidavits on the affidavit envelopes have been reviewed and the qualifications of the persons casting the ballots have been determined, those that have been accepted for counting shall be opened. The ballots shall be removed from the affidavit envelopes ~~or return envelopes marked with the affidavit, as applicable,~~ without being unfolded or examined, and then shall be thoroughly intermingled, after which they shall be unfolded and tabulated. If secrecy ~~folders or~~ envelopes are used with provisional paper ballots, the ballots shall be removed from the secrecy ~~folders~~ envelopes after the ballots have been intermingled.

Sec. 33. Section 53.25, subsection 1, paragraph a, Code 2024, is amended to read as follows:

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

Sec. 34. Section 53.25, subsection 2, Code 2024, is amended to read as follows:

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

Sec. 35. Section 53.30, subsection 2, Code 2024, is amended to read as follows:

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.

Sec. 36. Section 53.32, Code 2024, is amended to read as follows:

53.32 Ballot of deceased voter.

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

Sec. 37. Section 53.33, subsection 7, paragraph a, Code 2024, is amended to read as follows:

a. Deliver the completed absentee ballot in person to the commissioner's office. The delivery agent shall not deliver the completed absentee ballot by mail ~~or to a ballot drop box~~.

[Sec. 38. EFFECTIVE DATE. This division of this Act takes effect January 1, 2025.]

DIVISION V

PERSONS PERMITTED IN VOTING BOOTHS

Sec. 39. Section 49.88, subsection 3, Code 2024, is amended to read as follows:

3. A person standing for election on the ballot before a voter ~~shall not occupy~~ commits a violation of this section by occupying the voting booth with the voter, including to assist the voter.

Sec. 40. Section 49.90, Code 2024, is amended to read as follows:

49.90 Assisting voter.

1. 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.

2. A person standing for election on the ballot before a voter commits a violation of section 49.88 by occupying the voting booth with the voter.

[Sec. 41. EFFECTIVE DATE. This division of this Act takes effect January 1, 2025.]

DIVISION VI

VOTER REGISTRATION DATABASE PILOT PROGRAM

Sec. 42. NEW SECTION. **47.7A Statewide voter registration database verification pilot program.**

1. A statewide voter registration database verification pilot program is established within the office of the state registrar as follows:

a. The state registrar shall 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.

b. During the first quarter of the calendar year 2025, the state registrar shall utilize the program developed or provided by the third-party vendor to verify the status of

records in the statewide voter registration file. The state registrar shall forward the results of the analysis to each county commissioner of registration prior to the date reports are required to be submitted pursuant to section 48A.40.

c. The state registrar shall evaluate the efficacy and cost of the pilot program as compared to the current method of verifying the list of voters in the statewide voter registration file.

2. This section is repealed December 31, 2027.

DIVISION VII

COUNTY HOSPITAL BOARD OF TRUSTEES

Sec. 43. Section 347.9, subsection 3, Code 2024, is amended by striking the subsection.

Sec. 44. TRANSITION. This division of this Act does not alter the term of office of a trustee elected to a county public hospital board of trustees prior to the effective date of this division of this Act.

[Sec. 45. EFFECTIVE DATE. This division of this Act takes effect January 1, 2025.]