

## CHAPTER 1149

### PROGRAMS AND ACTIVITIES ADMINISTERED BY THE SECRETARY OF STATE

H.F. 2252

**AN ACT** relating to programs and activities administered by the secretary of state, including the safe at home program, special election dates, candidate and voter registration filing requirements, election audits, voting systems, and civil office vacancies, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. [Section 9E.2, subsection 6](#), paragraph b, Code 2018, is amended to read as follows:

b. For purposes of [this subsection](#), a person determined to be a sexually violent predator pursuant to [section 229A.7](#), a person required to register as a sex offender under [chapter 692A](#), or a person determined to be a sexually violent predator or required to register as a sex offender pursuant to similar law laws of another state is not an eligible person.

Sec. 2. [Section 39.2, subsection 4](#), paragraph c, Code 2018, is amended to read as follows:

c. For a school district or merged area, in the odd-numbered year, the first Tuesday in February, the first Tuesday in April, the last Tuesday in June, or the second Tuesday in September. For a school district or merged area, in the even-numbered year, the first Tuesday in February, the first Tuesday in April, the second Tuesday in September, or the ~~first~~ second Tuesday in December.

Sec. 3. [Section 44.4, subsection 2](#), paragraph a, subparagraph (1), Code 2018, is amended to read as follows:

(1) Those filed with the state commissioner, not less than ~~seventy-four~~ sixty-eight days before the date of the election.

Sec. 4. [Section 48A.2](#), Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. “Document” means, for purposes of satisfying proof of residence under [this chapter](#), information that is inscribed on a tangible medium or that is stored in an electronic record and is retrievable in perceivable form.

Sec. 5. [Section 48A.30, subsection 1](#), paragraph a, Code 2018, is amended to read as follows:

a. The registered voter dies. For the purposes of [this subsection](#), the commissioner may accept as evidence of death a notice from the state registrar of vital statistics forwarded by the state registrar of voters, a written statement from a ~~member of the registered voter’s household~~ person related to the registered voter within the second degree of consanguinity or first degree of affinity, an obituary in a newspaper or that appears on the internet site of a funeral establishment licensed under [chapter 156](#) or by the proper authority of another state, a written statement from an election official or personal representative of the registered voter’s estate, or a notice from the county recorder of the county where the registered voter died.

Sec. 6. [Section 48A.7A, subsection 1](#), paragraph c, Code 2018, is amended to read as follows:

c. In lieu of paragraph “b”, a person wishing to vote may establish identity and residency in the precinct by written oath of a person who is registered to vote in the precinct. Before signing an oath under this paragraph, the attesting registered voter shall present to the precinct election official proof of the voter’s identity, as described in [section 49.78, subsection 2 or 3](#). The registered voter’s oath shall attest to the stated identity of the person wishing to vote and that the person is a current resident of the precinct. The oath must be signed by the attesting registered voter in the presence of the appropriate precinct election official. A registered voter who has signed an oath on election day attesting to a person’s identity

and residency as provided in this paragraph is prohibited from signing any further oaths as provided in this paragraph on that day.

Sec. 7. [Section 49.78, subsection 5](#), Code 2018, is amended to read as follows:

5. The form of the written oath required of a registered voter attesting to the identity and residency of the voter unable to present a form of identification shall read as follows:

I, ..... (name of attesting registered voter), do solemnly swear or affirm all of the following:

I am a preregistered voter in this precinct or I registered to vote in this precinct today, and a registered voter did not sign an oath on my behalf. ~~I have not signed~~ will not sign more than ~~one oath~~ two oaths attesting to the identity and residence of any other person in this election.

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

I reside at ..... (street address) in ..... (city or township).

I personally know ..... (name of voter), and I personally know that ..... (name of voter) is a resident of the ... precinct, ..... ward or township, city of ....., county of ....., Iowa.

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

.....

Signature of Attesting Registered Voter

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

.....

Signature of Precinct Election Official

Sec. 8. [Section 50.51, subsection 2](#), Code 2018, is amended to read as follows:

2. The state commissioner shall determine the number of counties and precincts to be audited and shall select the precincts to be audited by lot. The absentee ballot and special voters precinct for each county, established pursuant to [section 53.20](#), shall be included with all other precincts of the county for selection by lot. In every precinct selected, the commissioner shall conduct a hand count of all ballots cast in the preceding general election for president of the United States or governor, as the case may be. The hand count ~~shall be observed by a representative selected by each of the two political parties whose candidates received the highest number of votes statewide in the preceding general election~~ may be of less than all ballots cast, in accordance with rules adopted by the state commissioner.

a. A representative selected by each of the two political parties whose candidates received the highest number of votes statewide in the preceding general election shall be invited to observe the hand count. The commissioner shall notify the county chairperson of each political party a minimum of two days before the hand count of the time and place of the hand count.

b. If an invited representative does not appear at the hand count, the commissioner shall notify the state commissioner.

Sec. 9. [Section 52.4, subsection 2](#), Code 2018, is amended to read as follows:

2. At least one of the examiners shall have been trained in computer programming and operations or cybersecurity. The other two members shall be directly involved in the administration of elections and shall have experience in the use of optical scan voting systems.

Sec. 10. [Section 53.10, subsection 2](#), Code 2018, is amended to read as follows:

2. 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. The registered voter shall immediately mark the ballot; enclose the ballot in a secrecy envelope, if necessary, and seal it in the envelope marked with the affidavit; subscribe to the affidavit on the reverse side of the envelope; and return 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.

*b.* For purposes of [this subsection](#), “*voter verification number*” means the registered voter’s driver’s license number or nonoperator’s identification card number assigned to the voter by the department of transportation or the registered voter’s identification number assigned to the voter by the state commissioner pursuant to [section 47.7, subsection 2](#).

Sec. 11. [Section 69.2, subsection 1](#), paragraph f, Code 2018, is amended to read as follows:

*f.* The conviction of the incumbent of a felony, ~~an aggravated misdemeanor~~, or of any public offense involving the violation of the incumbent’s oath of office.

Sec. 12. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 16, 2018