

MAR 1 2006
Place On Calendar

HOUSE FILE 2597
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 623)

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

A BILL FOR

1 An Act requiring voters to provide certain identification when
2 voting absentee or in person at the polling place.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2597

1 Section 1. Section 48A.8, Code 2005, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 48A.8 REGISTRATION BY MAIL.

5 An eligible elector may register to vote by completing a
6 mail registration form. The form may be mailed or delivered
7 by the registrant or the registrant's designee to the
8 commissioner in the county where the person resides. A
9 separate registration form shall be signed by each individual
10 registrant.

11 Sec. 2. Section 48A.26, subsection 2, Code 2005, is
12 amended to read as follows:

13 2. If the registration form appears on its face to be
14 complete and proper, the acknowledgment shall state that the
15 registrant is now a registered voter of the county. The
16 acknowledgment shall also specify the name of the precinct and
17 the usual polling place for the precinct in which the person
18 is now registered. The acknowledgment shall include a
19 statement informing the registered voter that the voter is
20 required to show valid and current identification issued by
21 the federal government, a tribal government, the state of
22 Iowa, or an Iowa local government before the person will be
23 allowed to vote. The identification must contain a photograph
24 of the voter, the printed name of the voter, and a validity
25 expiration date. The acknowledgment may include the political
26 party affiliation most recently recorded by the registrant.

27 Sec. 3. Section 48A.27, subsection 4, paragraph c,
28 unnumbered paragraph 2, Code 2005, is amended to read as
29 follows:

30 The notice shall be sent by forwardable mail, and shall
31 include a postage paid preaddressed return card on which the
32 registered voter may state the registered voter's current
33 address. The notice shall contain a statement in
34 substantially the following form: "Information received from
35 the United States postal service indicates that you are no

1 longer a resident of, and therefore not eligible to vote in
2 (name of county) County, Iowa. If this information is not
3 correct, and you still live in (name of county) County, please
4 complete and mail the attached postage paid card at least ten
5 days before the primary or general election and at least
6 eleven days before any other election at which you wish to
7 vote. If the information is correct and you have moved,
8 please contact a local official in your new area for
9 assistance in registering there. If you do not mail in the
10 card, you may be required to show identification to prove
11 residency before being allowed to vote in (name of county)
12 County. If you do not return the card, and you do not vote in
13 an election in (name of county) County, Iowa, on or before
14 (date of second general election following the date of the
15 notice) your name will be removed from the list of voters in
16 that county. To ensure you receive this notice, it is being
17 sent to both your most recent registration address and to your
18 new address as reported by the postal service."

19 Sec. 4. Section 48A.29, subsection 1, unnumbered paragraph
20 2, Code 2005, is amended to read as follows:

21 The notice shall be sent by forwardable mail, and shall
22 include a postage paid preaddressed return card on which the
23 registered voter may state the registered voter's current
24 address. The notice shall contain a statement in
25 substantially the following form: "Information received from
26 the United States postal service indicates that you are no
27 longer a resident of (residence address) in (name of county)
28 County, Iowa. If this information is not correct, and you
29 still live in (name of county) County, please complete and
30 mail the attached postage paid card at least ten days before
31 the primary or general election and at least eleven days
32 before any other election at which you wish to vote. If the
33 information is correct, and you have moved, please contact a
34 local official in your new area for assistance in registering
35 there. If you do not mail in the card, you may be required to

1 show identification to prove residency before being allowed to
2 vote in (name of county) County. If you do not return the
3 card, and you do not vote in some election in (name of county)
4 County, Iowa, on or before (date of second general election
5 following the date of the notice) your name will be removed
6 from the list of voters in that county."

7 Sec. 5. Section 48A.29, subsection 3, unnumbered paragraph
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10 include a postage paid preaddressed return card on which the
11 registered voter may state the registered voter's current
12 address. The notice shall contain a statement in
13 substantially the following form: "Information received by
14 this office indicates that you are no longer a resident of
15 (residence address) in (name of county) County, Iowa. If the
16 information is not correct, and you still live at that
17 address, please complete and mail the attached postage paid
18 card at least ten days before the primary or general election
19 and at least eleven days before any other election at which
20 you wish to vote. If the information is correct, and you have
21 moved within the county, you may update your registration by
22 listing your new address on the card and mailing it back. If
23 you have moved outside the county, please contact a local
24 official in your new area for assistance in registering there.
25 If you do not mail in the card, you may be required to show
26 identification to prove residency before being allowed to vote
27 in (name of county) County. If you do not return the card,
28 and you do not vote in some election in (name of county)
29 County, Iowa, on or before (date of second general election
30 following the date of the notice) your name will be removed
31 from the list of registered voters in that county."

32 Sec. 6. Section 49.77, subsection 3, Code 2005, is amended
33 to read as follows:

34 ~~3--A-precinct-election-official-shall-require-any-person~~
35 ~~whose-name-does-not-appear-on-the-election-register-as-an~~

1 ~~active-voter-to-show-identification.---Specific-documents-which~~
2 ~~are-acceptable-forms-of-identification-shall-be-prescribed-by~~
3 ~~the-state-commissioner.~~

4 3. A precinct election official may shall require of that
5 the voter unknown-to-the-official,--identification-upon-which
6 the-voter's-signature-or-mark-appears produce for inspection
7 valid and current identification issued by the federal
8 government, a tribal government, the state of Iowa, or an Iowa
9 local government. The identification must contain a
10 photograph of the voter, the printed name of the voter, and a
11 validity expiration date. If identification required under
12 this subsection is established to the satisfaction of the
13 precinct election officials, the person may then be allowed to
14 vote.

15 Sec. 7. Section 49.77, subsection 4, unnumbered paragraph
16 1, Code 2005, is amended to read as follows:

17 A precinct election official shall require any person whose
18 name does not appear on the election register as an active
19 voter to show identification to prove residency in the
20 precinct. Specific documents which are acceptable forms of
21 identification under this subsection shall be prescribed by
22 the state commissioner. A person whose name does not appear
23 on the election register of the precinct in which that person
24 claims the right to vote shall not be permitted to vote,
25 unless the person affirms that the person is currently
26 registered in the county and presents proof-of-identity
27 identification to prove residency, or the commissioner informs
28 the precinct election officials that an error has occurred and
29 that the person is a registered voter of that precinct. If
30 the commissioner finds no record of the person's registration
31 but the person insists that the person is a registered voter
32 of that precinct, the precinct election officials shall allow
33 the person to cast a ballot in the manner prescribed by
34 section 49.81.

35 Sec. 8. Section 49.81, subsection 1, Code 2005, is amended

1 to read as follows:

2 1. A prospective voter who is prohibited under section
3 ~~48A-87-subsection-47-section~~ 49.77, subsection 4, or section
4 49.80 from voting except under this section shall be notified
5 by the appropriate precinct election official that the voter
6 may cast a provisional ballot. If a booth meeting the
7 requirement of section 49.25 is not available at that polling
8 place, the precinct election officials shall make alternative
9 arrangements to insure the challenged voter the opportunity to
10 vote in secret. The marked ballot, folded as required by
11 section 49.84, shall be delivered to a precinct election
12 official who shall immediately seal it in an envelope of the
13 type prescribed by subsection 4. The sealed envelope shall be
14 deposited in an envelope marked "provisional ballots" and
15 shall be considered as having been cast in the special
16 precinct established by section 53.20 for purposes of the
17 postelection canvass.

18 Sec. 9. Section 53.10, unnumbered paragraph 2, Code
19 Supplement 2005, is amended to read as follows:

20 Each person who wishes to vote by absentee ballot at the
21 commissioner's office shall first sign an application for a
22 ballot including the following information: name, current
23 address, and the election for which the ballot is requested.
24 The person may report a change of address or other information
25 on the person's voter registration record at that time. After
26 completing the application, the voter shall produce for
27 inspection valid and current identification issued by the
28 federal government, a tribal government, the state of Iowa, or
29 an Iowa local government. The identification must contain a
30 photograph of the voter, the printed name of the voter, and a
31 validity expiration date. If identification is established to
32 the satisfaction of the proper official, the person may then
33 be allowed to vote. The registered voter shall immediately
34 mark the ballot; enclose the ballot in a secrecy envelope, if
35 necessary, and seal it in a ballot envelope; subscribe to the

1 affidavit on the reverse side of the envelope; and return the
2 absentee ballot to the commissioner. The commissioner shall
3 record the numbers appearing on the application and ballot
4 envelope along with the name of the registered voter.

5 Sec. 10. NEW SECTION. 53.16A IDENTIFICATION REQUIRED.

6 A photocopy of valid and current identification issued by
7 the federal government, a tribal government, the state of
8 Iowa, or an Iowa local government and the sealed envelope
9 containing the absentee ballot shall be enclosed in a carrier
10 envelope which shall be securely sealed. The identification
11 must contain a photograph of the voter, the printed name of
12 the voter, and a validity expiration date.

13 A voter described in section 53.22 is not required to
14 include a photocopy of the required identification when
15 casting an absentee ballot pursuant to that section.

16 Sec. 11. Section 53.17, subsection 1, unnumbered paragraph
17 1, Code 2005, is amended to read as follows:

18 ~~The sealed envelope containing the absentee ballot shall be~~
19 ~~enclosed in a carrier envelope which shall be securely sealed.~~

20 The sealed carrier envelope shall be returned to the
21 commissioner by one of the following methods:

22 Sec. 12. Section 53.25, unnumbered paragraph 1, Code 2005,
23 is amended to read as follows:

24 In case the absentee voter's affidavit is found to be
25 insufficient, or that the voter did not include a photocopy of
26 the required identification, or that the applicant is not a
27 duly registered voter in such precinct, or that the ballot
28 envelope is open, or has been opened and resealed, or that the
29 ballot envelope contains more than one ballot of any one kind,
30 or that said voter has voted in person, such vote shall not be
31 accepted or counted.

32 EXPLANATION

33 This bill requires that all voters show valid and current
34 identification issued by the federal government, a tribal
35 government, the state of Iowa, or an Iowa local government

1 before being allowed to vote at the polls, at the
2 commissioner's office, or at a satellite absentee voting
3 station. If a person is voting absentee other than at the
4 commissioner's office or at a satellite absentee voting
5 station, the voter shall include a photocopy of the required
6 identification in the return carrier envelope.
7 Correspondingly, the bill strikes the requirement that certain
8 persons who register by mail and who have not previously voted
9 in a federal election in the county of registration must show
10 identification when voting for the first time in the county at
11 an election with federal offices on the ballot.

12 The bill provides that the requirement to provide a
13 photocopy of the required identification when voting absentee
14 does not apply to a person who is a resident or patient of a
15 health care facility or hospital.

16 The bill also specifies that the requirement in current law
17 that a voter show identification if the voter's name does not
18 appear on the election register or if the voter did not
19 respond to a confirmation card sent by the county commissioner
20 of elections is required in order to establish residency in
21 the precinct. Current law provides that the secretary of
22 state shall provide, by rule, the acceptable forms of
23 identification in these circumstances.

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HOUSE FILE 2597

H-8338

1 Amend House File 2597 as follows:

2 1. Page 5, by inserting after line 17 the
3 following:

4 "Sec. _____. Section 52.7, Code 2005, is amended by
5 striking the section and inserting in lieu thereof the
6 following:

7 52.7 CONSTRUCTION OF MACHINE APPROVED --
8 REQUIREMENTS.

9 1. A voting machine approved by the state board of
10 examiners for voting machines and electronic voting
11 systems shall meet all of the following requirements:

12 a. Provide facilities for voting for the
13 candidates of at least seven different political
14 parties or nonparty political organizations.

15 b. Permit a voter to vote for any person for any
16 office, although not nominated as a candidate by any
17 party or organization.

18 c. Permit voting in absolute secrecy.

19 d. Prevent voting for more than one person for the
20 same office, except where a voter is lawfully entitled
21 to vote for more than one person for that office.

22 e. Afford a voter an opportunity to vote for any
23 or all persons for that office as the voter is by law
24 entitled to vote for and no more, at the same time
25 preventing a voter from voting for the same person
26 twice.

27 f. Provide a voter with an opportunity to change a
28 vote before the ballot is recorded and counted.

29 g. Present together the names of each team of
30 candidates for president and vice president and for
31 governor and lieutenant governor. The votes for a
32 team shall be counted as a vote for both candidates of
33 the team.

34 h. Provide a voter with a method for casting
35 write-in votes for paired offices so that the voter
36 can specify one person as a candidate for president or
37 for governor and one person as a candidate for vice
38 president or for lieutenant governor.

39 i. Accurately account for every vote cast upon it.

40 j. Remove information from the ballot identifying
41 the voter before the ballot is recorded and counted.

42 2. In addition to the requirements in subsection
43 1, a voting machine that is a direct recording
44 electronic device approved by the state board of
45 examiners for voting machines and electronic voting
46 systems shall meet all of the following requirements:

47 a. Permit straight party voting, pursuant to
48 section 49.94, for all political parties and nonparty
49 political organizations on the ballot.

50 b. Store an electronic image of each ballot cast

H-8338

1 separate from the ballot tabulation function, which
2 ballot image may be reproduced on paper and considered
3 as evidence in the case of a recount, manual audit, or
4 machine malfunction.

5 c. Provide an individual paper record as provided
6 in section 52.7A..

7 Sec. ____ . NEW SECTION. 52.7A DIRECT RECORDING
8 ELECTRONIC DEVICES -- PAPER RECORD REQUIRED.

9 1. A voting machine that is a direct recording
10 electronic device shall be capable of producing an
11 individual paper record that the voter may review
12 before the voter casts the voter's ballot. The paper
13 record shall meet all of the following requirements:

14 a. Be printed on paper separate from all other
15 individual paper records.

16 b. Be readable by the voter without the use of an
17 electronic device. It may also be machine-readable by
18 an electronic voting system as described in section
19 52.26.

20 c. Not contain any information that will identify
21 the person who cast the ballot.

22 d. Be stored at the polling place in a secure
23 container. A voter shall not be permitted to remove
24 the individual paper record from the polling place.

25 2. After the polls close, the precinct election
26 officials shall seal all individual paper records in
27 the manner prescribed in section 50.12. The county
28 commissioner of elections shall preserve the sealed
29 individual paper records for twenty-two months
30 following federal elections and for six months after
31 all other elections.

32 3. The paper record produced pursuant to this
33 section may be considered as evidence in the event of
34 a recount, manual audit, or machine malfunction.

35 4. Until voting systems performance and test
36 standards relating to paper records required in
37 subsection 1 are adopted by the federal elections
38 assistance commission, the board of examiners shall
39 contract with a testing authority to examine any
40 direct recording electronic device that is capable of
41 producing a paper record when the board receives a
42 request for examination of such a device pursuant to
43 section 52.5. The fees of the testing authority shall
44 be paid by the person who requested the
45 certification."

46 2. Page 6, by inserting after line 31 the
47 following:

48 "Sec. ____ . EFFECTIVE DATE. The sections of this
49 Act amending section 52.7 and enacting section 52.7A
50 take effect December 31, 2007."

H-8338

Page 3

- 1 3. Title page, line 1, by inserting after the
- 2 word "Act" the following: "relating to the conduct of
- 3 elections by".
- 4 4. Title page, line 2, by inserting after the
- 5 word "place" the following: "and by requiring that
- 6 direct recording electronic voting machines used in
- 7 the state produce paper records to be verified by
- 8 voters and including an effective date provision".
- 9 5. By renumbering as necessary.

By JACOBS of Polk

H-8338 FILED MARCH 21, 2006

HOUSE FILE 2597

H-8206

- 1 Amend House File 2597 as follows:
- 2 1. Page 6, by inserting after line 31 the
- 3 following:
- 4 "Sec. _____. Section 68A.102, Code Supplement 2005,
- 5 is amended by adding the following new subsection:
- 6 NEW SUBSECTION. 23. "527 tax-exempt group" means
- 7 a tax-exempt group organized under section 527 of the
- 8 Internal Revenue Code to raise moneys for political
- 9 activities including voter mobilization efforts, issue
- 10 advocacy, and other political activities.
- 11 Sec. _____. NEW SECTION. 68A.105 CERTAIN ACCOUNTS
- 12 BY CANDIDATES PROHIBITED.
- 13 A candidate for public office shall not establish,
- 14 maintain, advise, conduct fundraising for, or
- 15 determine allocations from a 527 tax-exempt group."
- 16 2. Title page, line 1, by inserting after the
- 17 word "Act" the following: "relating to elections and
- 18 campaign finance by".
- 19 3. Title page, line 2, by inserting after the
- 20 word "place" the following: "and by prohibiting
- 21 candidates from engaging in certain activities for
- 22 certain tax-exempt groups".
- 23 4. By renumbering as necessary.

By MASCHER of Johnson

H-8206 FILED MARCH 13, 2006

HOUSE FILE 2597

H-8347

1 Amend the amendment, H-8338, to House File 2597 as
2 follows:
3 1. Page 1, by striking lines 2 and 3 and
4 inserting the following:
5 "____. By striking everything after the enacting
6 clause and inserting the following:"
7 2. Page 2, by striking lines 46 and 47.
8 3. Page 3, by striking lines 1 through 8 and
9 inserting the following:
10 "____. Title page, by striking lines 1 and 2 and
11 inserting the following: "An Act requiring that
12 direct recording electronic voting machines used in
13 the state produce paper records to be verified by
14 voters and including an effective date provision."
15 4. By renumbering as necessary.

By HUNTER of Polk

H-8347 FILED MARCH 22, 2006

A-LOST B-WITHDRAWN

HOUSE FILE 2597

H-8363

1 Amend the amendment, H-8338, to House File 2597 as
2 follows:
3 1. Page 2, by inserting after line 45 the
4 following:
5 "____. Page 6, by inserting after line 31 the
6 following:
7 "Sec. ____ . PRIORITIZATION OF HELP AMERICA VOTE ACT
8 FUNDS. The secretary of state shall prepare by August
9 1, 2006, a list of planned expenditures of remaining
10 funds previously appropriated under federal or state
11 law for implementation of the federal Help America
12 Vote Act. The list shall be in order of priority.
13 The first item on the list shall be to provide funds
14 to counties required to purchase new equipment in
15 order to meet the requirements of section 52.7A
16 relating to direct recording electronic devices. The
17 secretary of state shall provide the list to each
18 member of the general assembly as soon as possible
19 after the list is completed."
20 2. Page 3, line 8, by inserting after the word
21 "voters" the following: ", including other properly
22 related matters,".
23 3. By renumbering as necessary.

By GRANZOW of Hardin

H-8363 FILED MARCH 22, 2006

ADOPTED

HOUSE FILE 2597
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 623)

(As Amended and Passed by the House March 22, 2006)

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

A BILL FOR

1 An Act relating to the conduct of elections by requiring voters
2 to provide certain identification when voting absentee or in
3 person at the polling place and by requiring that direct
4 recording electronic voting machines used in the state produce
5 paper records to be verified by voters, including other
6 properly related matters, and including an effective date
7 provision.

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

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House Amendments _____

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6 mail registration form. The form may be mailed or delivered
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15 registrant is now a registered voter of the county. The
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17 the usual polling place for the precinct in which the person
18 is now registered. The acknowledgment shall include a
19 statement informing the registered voter that the voter is
20 required to show valid and current identification issued by
21 the federal government, a tribal government, the state of
22 Iowa, or an Iowa local government before the person will be
23 allowed to vote. The identification must contain a photograph
24 of the voter, the printed name of the voter, and a validity
25 expiration date. The acknowledgment may include the political
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1 longer a resident of, and therefore not eligible to vote in
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3 correct, and you still live in (name of county) County, please
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6 eleven days before any other election at which you wish to
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9 assistance in registering there. If you do not mail in the
10 card, you may be required to show identification to prove
11 residency before being allowed to vote in (name of county)
12 County. If you do not return the card, and you do not vote in
13 an election in (name of county) County, Iowa, on or before
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15 notice) your name will be removed from the list of voters in
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21 identification under this subsection shall be prescribed by
22 the state commissioner. A person whose name does not appear
23 on the election register of the precinct in which that person
24 claims the right to vote shall not be permitted to vote,
25 unless the person affirms that the person is currently
26 registered in the county and presents ~~proof-of-identity~~
27 identification to prove residency, or the commissioner informs
28 the precinct election officials that an error has occurred and
29 that the person is a registered voter of that precinct. If
30 the commissioner finds no record of the person's registration
31 but the person insists that the person is a registered voter
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1 to read as follows:

2 1. A prospective voter who is prohibited under section
3 ~~48A:87-subsection-47-section~~ 49.77, subsection 4, or section
4 49.80 from voting except under this section shall be notified
5 by the appropriate precinct election official that the voter
6 may cast a provisional ballot. If a booth meeting the
7 requirement of section 49.25 is not available at that polling
8 place, the precinct election officials shall make alternative
9 arrangements to insure the challenged voter the opportunity to
10 vote in secret. The marked ballot, folded as required by
11 section 49.84, shall be delivered to a precinct election
12 official who shall immediately seal it in an envelope of the
13 type prescribed by subsection 4. The sealed envelope shall be
14 deposited in an envelope marked "provisional ballots" and
15 shall be considered as having been cast in the special
16 precinct established by section 53.20 for purposes of the
17 postelection canvass.

18 Sec. 9. Section 52.7, Code 2005, is amended by striking
19 the section and inserting in lieu thereof the following:

20 52.7 CONSTRUCTION OF MACHINE APPROVED -- REQUIREMENTS.

21 1. A voting machine approved by the state board of
22 examiners for voting machines and electronic voting systems
23 shall meet all of the following requirements:

24 a. Provide facilities for voting for the candidates of at
25 least seven different political parties or nonparty political
26 organizations.

27 b. Permit a voter to vote for any person for any office,
28 although not nominated as a candidate by any party or
29 organization.

30 c. Permit voting in absolute secrecy.

31 d. Prevent voting for more than one person for the same
32 office, except where a voter is lawfully entitled to vote for
33 more than one person for that office.

34 e. Afford a voter an opportunity to vote for any or all
35 persons for that office as the voter is by law entitled to

1 vote for and no more, at the same time preventing a voter from
2 voting for the same person twice.

3 f. Provide a voter with an opportunity to change a vote
4 before the ballot is recorded and counted.

5 g. Present together the names of each team of candidates
6 for president and vice president and for governor and
7 lieutenant governor. The votes for a team shall be counted as
8 a vote for both candidates of the team.

9 h. Provide a voter with a method for casting write-in
10 votes for paired offices so that the voter can specify one
11 person as a candidate for president or for governor and one
12 person as a candidate for vice president or for lieutenant
13 governor.

14 i. Accurately account for every vote cast upon it.

15 j. Remove information from the ballot identifying the
16 voter before the ballot is recorded and counted.

17 2. In addition to the requirements in subsection 1, a
18 voting machine that is a direct recording electronic device
19 approved by the state board of examiners for voting machines
20 and electronic voting systems shall meet all of the following
21 requirements:

22 a. Permit straight party voting, pursuant to section
23 49.94, for all political parties and nonparty political
24 organizations on the ballot.

25 b. Store an electronic image of each ballot cast separate
26 from the ballot tabulation function, which ballot image may be
27 reproduced on paper and considered as evidence in the case of
28 a recount, manual audit, or machine malfunction.

29 c. Provide an individual paper record as provided in
30 section 52.7A.

31 Sec. 10. NEW SECTION. 52.7A DIRECT RECORDING ELECTRONIC
32 DEVICES -- PAPER RECORD REQUIRED.

33 1. A voting machine that is a direct recording electronic
34 device shall be capable of producing an individual paper
35 record that the voter may review before the voter casts the

1 voter's ballot. The paper record shall meet all of the
2 following requirements:

3 a. Be printed on paper separate from all other individual
4 paper records.

5 b. Be readable by the voter without the use of an
6 electronic device. It may also be machine-readable by an
7 electronic voting system as described in section 52.26.

8 c. Not contain any information that will identify the
9 person who cast the ballot.

10 d. Be stored at the polling place in a secure container.
11 A voter shall not be permitted to remove the individual paper
12 record from the polling place.

13 2. After the polls close, the precinct election officials
14 shall seal all individual paper records in the manner
15 prescribed in section 50.12. The county commissioner of
16 elections shall preserve the sealed individual paper records
17 for twenty-two months following federal elections and for six
18 months after all other elections.

19 3. The paper record produced pursuant to this section may
20 be considered as evidence in the event of a recount, manual
21 audit, or machine malfunction.

22 4. Until voting systems performance and test standards
23 relating to paper records required in subsection 1 are adopted
24 by the federal elections assistance commission, the board of
25 examiners shall contract with a testing authority to examine
26 any direct recording electronic device that is capable of
27 producing a paper record when the board receives a request for
28 examination of such a device pursuant to section 52.5. The
29 fees of the testing authority shall be paid by the person who
30 requested the certification.

31 Sec. 11. Section 53.10, unnumbered paragraph 2, Code
32 Supplement 2005, is amended to read as follows:

33 Each person who wishes to vote by absentee ballot at the
34 commissioner's office shall first sign an application for a
35 ballot including the following information: name, current

1 address, and the election for which the ballot is requested.
2 The person may report a change of address or other information
3 on the person's voter registration record at that time. After
4 completing the application, the voter shall produce for
5 inspection valid and current identification issued by the
6 federal government, a tribal government, the state of Iowa, or
7 an Iowa local government. The identification must contain a
8 photograph of the voter, the printed name of the voter, and a
9 validity expiration date. If identification is established to
10 the satisfaction of the proper official, the person may then
11 be allowed to vote. The registered voter shall immediately
12 mark the ballot; enclose the ballot in a secrecy envelope, if
13 necessary, and seal it in a ballot envelope; subscribe to the
14 affidavit on the reverse side of the envelope; and return the
15 absentee ballot to the commissioner. The commissioner shall
16 record the numbers appearing on the application and ballot
17 envelope along with the name of the registered voter.

18 Sec. 12. NEW SECTION. 53.16A IDENTIFICATION REQUIRED.

19 A photocopy of valid and current identification issued by
20 the federal government, a tribal government, the state of
21 Iowa, or an Iowa local government and the sealed envelope
22 containing the absentee ballot shall be enclosed in a carrier
23 envelope which shall be securely sealed. The identification
24 must contain a photograph of the voter, the printed name of
25 the voter, and a validity expiration date.

26 A voter described in section 53.22 is not required to
27 include a photocopy of the required identification when
28 casting an absentee ballot pursuant to that section.

29 Sec. 13. Section 53.17, subsection 1, unnumbered paragraph
30 1, Code 2005, is amended to read as follows:

31 ~~The sealed envelope containing the absentee ballot shall be~~
32 ~~enclosed in a carrier envelope which shall be securely sealed.~~

33 The sealed carrier envelope shall be returned to the
34 commissioner by one of the following methods:

35 Sec. 14. Section 53.25, unnumbered paragraph 1, Code 2005,

1 is amended to read as follows:

2 In case the absentee voter's affidavit is found to be
3 insufficient, or that the voter did not include a photocopy of
4 the required identification, or that the applicant is not a
5 duly registered voter in such precinct, or that the ballot
6 envelope is open, or has been opened and resealed, or that the
7 ballot envelope contains more than one ballot of any one kind,
8 or that said voter has voted in person, such vote shall not be
9 accepted or counted.

10 Sec. 15. PRIORITIZATION OF HELP AMERICA VOTE ACT FUNDS.
11 The secretary of state shall prepare by August 1, 2006, a list
12 of planned expenditures of remaining funds previously
13 appropriated under federal or state law for implementation of
14 the federal Help America Vote Act. The list shall be in order
15 of priority. The first item on the list shall be to provide
16 funds to counties required to purchase new equipment in order
17 to meet the requirements of section 52.7A relating to direct
18 recording electronic devices. The secretary of state shall
19 provide the list to each member of the general assembly as
20 soon as possible after the list is completed.

21 Sec. 16. EFFECTIVE DATE. The sections of this Act
22 amending section 52.7 and enacting section 52.7A take effect
23 December 31, 2007.

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HSB 623

STATE GOVERNMENT

Jacobs, chair
Boal
Gaskill
Greiner
Taylor, T.
Upmeyer
Wendt

HOUSE FILE _____ SF 02597
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON ELGIN)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act requiring voters to provide certain identification when
2 voting absentee or in person at the polling place.

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

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1 Section 1. Section 48A.8, Code 2005, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 48A.8 REGISTRATION BY MAIL.

5 An eligible elector may register to vote by completing a
6 mail registration form. The form may be mailed or delivered
7 by the registrant or the registrant's designee to the
8 commissioner in the county where the person resides. A
9 separate registration form shall be signed by each individual
10 registrant.

11 Sec. 2. Section 48A.26, subsection 2, Code 2005, is
12 amended to read as follows:

13 2. If the registration form appears on its face to be
14 complete and proper, the acknowledgment shall state that the
15 registrant is now a registered voter of the county. The
16 acknowledgment shall also specify the name of the precinct and
17 the usual polling place for the precinct in which the person
18 is now registered. The acknowledgment shall include a
19 statement informing the registered voter that the voter is
20 required to show identification in the form of a valid and
21 current Iowa driver's license or a valid and current Iowa
22 nonoperator's identification card before the person will be
23 allowed to vote. The acknowledgment may include the political
24 party affiliation most recently recorded by the registrant.

25 Sec. 3. Section 48A.27, subsection 4, paragraph c,
26 unnumbered paragraph 2, Code 2005, is amended to read as
27 follows:

28 The notice shall be sent by forwardable mail, and shall
29 include a postage paid preaddressed return card on which the
30 registered voter may state the registered voter's current
31 address. The notice shall contain a statement in
32 substantially the following form: "Information received from
33 the United States postal service indicates that you are no
34 longer a resident of, and therefore not eligible to vote in
35 (name of county) County, Iowa. If this information is not

1 correct, and you still live in (name of county) County, please
2 complete and mail the attached postage paid card at least ten
3 days before the primary or general election and at least
4 eleven days before any other election at which you wish to
5 vote. If the information is correct and you have moved,
6 please contact a local official in your new area for
7 assistance in registering there. If you do not mail in the
8 card, you may be required to show identification to prove
9 residency before being allowed to vote in (name of county)
10 County. If you do not return the card, and you do not vote in
11 an election in (name of county) County, Iowa, on or before
12 (date of second general election following the date of the
13 notice) your name will be removed from the list of voters in
14 that county. To ensure you receive this notice, it is being
15 sent to both your most recent registration address and to your
16 new address as reported by the postal service."

17 Sec. 4. Section 48A.29, subsection 1, unnumbered paragraph
18 2, Code 2005, is amended to read as follows:

19 The notice shall be sent by forwardable mail, and shall
20 include a postage paid preaddressed return card on which the
21 registered voter may state the registered voter's current
22 address. The notice shall contain a statement in
23 substantially the following form: "Information received from
24 the United States postal service indicates that you are no
25 longer a resident of (residence address) in (name of county)
26 County, Iowa. If this information is not correct, and you
27 still live in (name of county) County, please complete and
28 mail the attached postage paid card at least ten days before
29 the primary or general election and at least eleven days
30 before any other election at which you wish to vote. If the
31 information is correct, and you have moved, please contact a
32 local official in your new area for assistance in registering
33 there. If you do not mail in the card, you may be required to
34 show identification to prove residency before being allowed to
35 vote in (name of county) County. If you do not return the

1 card, and you do not vote in some election in (name of county)
2 County, Iowa, on or before (date of second general election
3 following the date of the notice) your name will be removed
4 from the list of voters in that county."

5 Sec. 5. Section 48A.29, subsection 3, unnumbered paragraph
6 2, Code 2005, is amended to read as follows:

7 The notice shall be sent by forwardable mail, and shall
8 include a postage paid preaddressed return card on which the
9 registered voter may state the registered voter's current
10 address. The notice shall contain a statement in
11 substantially the following form: "Information received by
12 this office indicates that you are no longer a resident of
13 (residence address) in (name of county) County, Iowa. If the
14 information is not correct, and you still live at that
15 address, please complete and mail the attached postage paid
16 card at least ten days before the primary or general election
17 and at least eleven days before any other election at which
18 you wish to vote. If the information is correct, and you have
19 moved within the county, you may update your registration by
20 listing your new address on the card and mailing it back. If
21 you have moved outside the county, please contact a local
22 official in your new area for assistance in registering there.
23 If you do not mail in the card, you may be required to show
24 identification to prove residency before being allowed to vote
25 in (name of county) County. If you do not return the card,
26 and you do not vote in some election in (name of county)
27 County, Iowa, on or before (date of second general election
28 following the date of the notice) your name will be removed
29 from the list of registered voters in that county."

30 Sec. 6. Section 49.77, subsection 3, Code 2005, is amended
31 to read as follows:

32 ~~3.--A-precinct-election-official-shall-require-any-person~~
33 ~~whose-name-does-not-appear-on-the-election-register-as-an~~
34 ~~active-voter-to-show-identification.--Specific-documents-which~~
35 ~~are-acceptable-forms-of-identification-shall-be-prescribed-by~~

1 ~~the-state-commissioner-~~

2 3. A precinct election official may shall require of that
3 ~~the voter unknown-to-the-official,-identification-upon-which~~
4 ~~the-voter's-signature-or-mark-appears~~ produce for inspection
5 the voter's current and valid Iowa driver's license or current
6 and valid Iowa nonoperator's identification card. If
7 identification required under this subsection is established
8 to the satisfaction of the precinct election officials, the
9 person may then be allowed to vote.

10 Sec. 7. Section 49.77, subsection 4, unnumbered paragraph
11 1, Code 2005, is amended to read as follows:

12 A precinct election official shall require any person whose
13 name does not appear on the election register as an active
14 voter to show identification to prove residency in the
15 precinct. Specific documents which are acceptable forms of
16 identification under this subsection shall be prescribed by
17 the state commissioner. A person whose name does not appear
18 on the election register of the precinct in which that person
19 claims the right to vote shall not be permitted to vote,
20 unless the person affirms that the person is currently
21 registered in the county and presents ~~proof-of-identity~~
22 identification to prove residency, or the commissioner informs
23 the precinct election officials that an error has occurred and
24 that the person is a registered voter of that precinct. If
25 the commissioner finds no record of the person's registration
26 but the person insists that the person is a registered voter
27 of that precinct, the precinct election officials shall allow
28 the person to cast a ballot in the manner prescribed by
29 section 49.81.

30 Sec. 8. Section 49.81, subsection 1, Code 2005, is amended
31 to read as follows:

32 1. A prospective voter who is prohibited under section
33 ~~48A-87-subsection-47-section~~ 49.77, subsection 4, or section
34 49.80 from voting except under this section shall be notified
35 by the appropriate precinct election official that the voter

1 may cast a provisional ballot. If a booth meeting the
2 requirement of section 49.25 is not available at that polling
3 place, the precinct election officials shall make alternative
4 arrangements to insure the challenged voter the opportunity to
5 vote in secret. The marked ballot, folded as required by
6 section 49.84, shall be delivered to a precinct election
7 official who shall immediately seal it in an envelope of the
8 type prescribed by subsection 4. The sealed envelope shall be
9 deposited in an envelope marked "provisional ballots" and
10 shall be considered as having been cast in the special
11 precinct established by section 53.20 for purposes of the
12 postelection canvass.

13 Sec. 9. Section 53.10, unnumbered paragraph 2, Code
14 Supplement 2005, is amended to read as follows:

15 Each person who wishes to vote by absentee ballot at the
16 commissioner's office shall first sign an application for a
17 ballot including the following information: name, current
18 address, and the election for which the ballot is requested.
19 The person may report a change of address or other information
20 on the person's voter registration record at that time. After
21 completing the application, the voter shall produce for
22 inspection the voter's current and valid Iowa driver's license
23 or current and valid Iowa nonoperator's identification card,
24 and if identification is established to the satisfaction of
25 the proper official, the person may then be allowed to vote.
26 The registered voter shall immediately mark the ballot;
27 enclose the ballot in a secrecy envelope, if necessary, and
28 seal it in a ballot envelope; subscribe to the affidavit on
29 the reverse side of the envelope; and return the absentee
30 ballot to the commissioner. The commissioner shall record the
31 numbers appearing on the application and ballot envelope along
32 with the name of the registered voter.

33 Sec. 10. NEW SECTION. 53.16A IDENTIFICATION REQUIRED.

34 A photocopy of the voter's current and valid Iowa driver's
35 license or current and valid Iowa nonoperator's identification

1 card and the sealed envelope containing the absentee ballot
2 shall be enclosed in a carrier envelope which shall be
3 securely sealed.

4 Sec. 11. Section 53.17, subsection 1, unnumbered paragraph
5 1, Code 2005, is amended to read as follows:

6 ~~The sealed envelope containing the absentee ballot shall be~~
7 ~~enclosed in a carrier envelope which shall be securely sealed.~~
8 The sealed carrier envelope shall be returned to the
9 commissioner by one of the following methods:

10 Sec. 12. Section 53.25, unnumbered paragraph 1, Code 2005,
11 is amended to read as follows:

12 In case the absentee voter's affidavit is found to be
13 insufficient, or that the voter did not include a photocopy of
14 the required identification, or that the applicant is not a
15 duly registered voter in such precinct, or that the ballot
16 envelope is open, or has been opened and resealed, or that the
17 ballot envelope contains more than one ballot of any one kind,
18 or that said voter has voted in person, such vote shall not be
19 accepted or counted.

20 EXPLANATION

21 This bill requires that all voters show a current and valid
22 Iowa driver's license or a current and valid Iowa
23 nonoperator's identification card before being allowed to vote
24 at the polls, at the commissioner's office, or at a satellite
25 absentee voting station. If a person is voting absentee other
26 than at the commissioner's office or at a satellite absentee
27 voting station, the voter shall include a photocopy of the
28 required identification in the return carrier envelope.

29 Correspondingly, the bill strikes the requirement that certain
30 persons who register by mail and who have not previously voted
31 in a federal election in the county of registration must show
32 identification when voting for the first time in the county at
33 an election with federal offices on the ballot.

34 The bill also specifies that the requirement in current law
35 that a voter show identification if the voter's name does not

S.F. _____ H.F. _____

1 appear on the election register or if the voter did not
2 respond to a confirmation card sent by the county commissioner
3 of elections is required in order to establish residency in
4 the precinct. Current law provides that the secretary of
5 state shall provide, by rule, the acceptable forms of
6 identification in these circumstances.

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