

SENATE FILE 261
BY BOLKCOM

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

A BILL FOR

1 An Act authorizing absentee ballot requests by facsimile.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 261
STATE GOVERNMENT

1 Section 1. Section 53.2, unnumbered paragraph 1, Code
2 2001, is amended to read as follows:

3 Any registered voter, under the circumstances specified in
4 section 53.1, may on any day, except election day, and not
5 more than seventy days prior to the date of the election,
6 apply in person for an absentee ballot at the commissioner's
7 office or at any location designated by the commissioner, or
8 make written or facsimile application to the commissioner for
9 an absentee ballot. The state commissioner shall prescribe a
10 form for absentee ballot applications. However, if a
11 registered voter submits an application that includes all of
12 the information required in this section, the prescribed form
13 is not required. Absentee ballot applications may include
14 instructions to send the application directly to the county
15 commissioner of elections. However, no absentee ballot
16 application shall be preaddressed or printed with instructions
17 to send the applications to anyone other than the appropriate
18 commissioner.

19 Sec. 2. Section 53.21, unnumbered paragraph 1, Code 2001,
20 is amended to read as follows:

21 A voter who has requested an absentee ballot may obtain a
22 replacement ballot if the voter declares that the original
23 ballot was lost or did not arrive. The commissioner upon
24 receipt of a written-or written, oral, or facsimile request
25 for a replacement ballot shall provide a duplicate ballot.
26 The same serial number that was assigned to the records of the
27 original absentee ballot request shall be used on the
28 envelopes and records of the replacement ballot.

29 Sec. 3. Section 53.22, subsection 2, Code 2001, is amended
30 to read as follows:

31 2. Any registered voter who becomes a patient or resident
32 of a hospital or health care facility in the county where the
33 voter is registered to vote within three days prior to the
34 date of any election or on election day may request an
35 absentee ballot during that period or on election day. As an

1 alternative to the application procedure prescribed by section
2 53.2, the registered voter may make the request directly to
3 the officers who are delivering and returning absentee ballots
4 under this section. Alternatively, the request may be made by
5 telephone or facsimile to the office of the commissioner not
6 later than four hours before the close of the polls. If the
7 requester is found to be a registered voter of that county,
8 these officers shall deliver the appropriate absentee ballot
9 to the registered voter in the manner prescribed by this
10 section.

11 Sec. 4. Section 53.22, subsection 5, unnumbered paragraph
12 1, Code 2001, is amended to read as follows:

13 If the registered voter becomes a patient or resident of a
14 hospital or health care facility outside the county where the
15 voter is registered to vote within three days before the date
16 of any election or on election day, the voter may designate a
17 person to deliver and return the absentee ballot. The
18 designee may be any person the voter chooses except that no
19 candidate for any office to be voted upon for the election for
20 which the ballot is requested may deliver a ballot under this
21 subsection. The request for an absentee ballot may be made by
22 telephone or facsimile to the office of the commissioner not
23 later than four hours before the close of the polls. If the
24 requester is found to be a registered voter of that county,
25 the ballot shall be delivered by mail or by the person
26 designated by the voter. An application form shall be
27 included with the absentee ballot and shall be signed by the
28 voter and returned with the ballot.

29 EXPLANATION

30 This bill allows a voter to use a facsimile to request an
31 absentee ballot or request a replacement for a lost or spoiled
32 ballot. The bill also allows a confined person to use a
33 facsimile to request delivery of an absentee ballot.

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