

FEB 4 2005  
STATE GOVERNMENT

HOUSE FILE 209  
BY MASCHER

(COMPANION TO LSB 2158SS  
BY BOLKCOM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for special late voter registration to enable an  
2 eligible elector to vote at the polling place on election day  
3 and providing a durational residency requirement for voting.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 48A.5, Code 2005, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3A. If a person is registering under the  
4 provisions of section 48A.9A, the person shall be a resident  
5 of the county in which the election is held for ten days  
6 immediately preceding the election, subject to the provisions  
7 of subsection 3 and section 48A.27, subsection 2, paragraph  
8 "a", subparagraph (3).

9 Sec. 2. Section 48A.9, subsection 1, Code 2005, is amended  
10 to read as follows:

11 1. Registration closes at five p.m. eleven days before  
12 each election except primary and general elections. For  
13 primary and general elections, registration closes at five  
14 p.m. ten days before the election. An eligible elector may  
15 register during the time registration is closed in the  
16 elector's precinct but the registration shall not become  
17 effective until registration opens again in the elector's  
18 precinct unless the elector obtains an affidavit of special  
19 late registration as provided in section 48A.9A.

20 Sec. 3. NEW SECTION. 48A.9A SPECIAL LATE REGISTRATION.

21 1. Notwithstanding the voter registration deadlines in  
22 section 48A.9, an eligible elector may register in person to  
23 vote on any day after registration has closed in the elector's  
24 precinct, including on election day.

25 2. The commissioner shall record the information required  
26 of an eligible elector on the election register for the county  
27 precinct of the eligible elector or shall provide a separate  
28 listing of the information required of an eligible elector to  
29 the county precinct of the eligible elector who registers in  
30 person at the commissioner's office or at any alternative  
31 location designated by the commissioner for special late  
32 registration on any day after registration has closed in the  
33 elector's precinct, including on election day.

34 3. If the commissioner is unable to make available to a  
35 county precinct the information required of an eligible

1 elector who registers through special late registration  
2 procedures, on the election register of a county precinct or  
3 through the provision of a separate listing of the eligible  
4 electors who register through special late registration  
5 procedures, an eligible elector may obtain from the  
6 commissioner of registration a form of affidavit prescribed by  
7 the state commissioner of elections to serve as evidence of  
8 special late registration. If the affidavit is completed by  
9 the elector and notarized by the commissioner of registration,  
10 the elector is deemed registered under special late  
11 registration procedures and may present the affidavit at the  
12 elector's polling place on election day as proof that the  
13 elector is registered to vote. The election officials of the  
14 elector's precinct shall accept the elector's affidavit of  
15 special late registration and shall proceed as if the  
16 elector's name were listed in the election register.

17 The election officials shall preserve all affidavits  
18 submitted pursuant to this section and forward them to the  
19 commissioner of registration at the time the election register  
20 is returned. A registration under this section is subject to  
21 verification as provided in section 48A.26.

22 4. The commissioner may designate alternative locations,  
23 in addition to the commissioner's office, to provide access to  
24 special late registration procedures. The commissioner shall  
25 designate each polling place as a special late registration  
26 location. At the polling place, the commissioner or an  
27 employee of the commissioner shall process special late  
28 registrations at a table separate from the precinct election  
29 officials, in order to reduce congestion at the polling place  
30 and to avoid discouraging voters from casting a ballot.

31 Sec. 4. Section 48A.11, subsection 1, paragraph c, Code  
32 2005, is amended to read as follows:

33 c. The address at which the registrant resides and claims  
34 as the registrant's residence for voting purposes. The  
35 commissioner may require proof of residency if the registrant

1 is registering pursuant to section 48A.9A. The state  
2 commissioner of elections shall designate which documents are  
3 acceptable to show proof of residency.

4 Sec. 5. Section 48A.26, subsections 1 and 6, Code 2005,  
5 are amended to read as follows:

6 1. Within seven working days of receipt of a voter  
7 registration form or change of information in a voter  
8 registration record the commissioner shall send an  
9 acknowledgment to the registrant at the mailing address shown  
10 on the registration form. However, in the case of special  
11 late registrations, the commissioner shall send the  
12 acknowledgment within ten days of receipt of the special late  
13 registration. The acknowledgment shall be sent by  
14 nonforwardable mail.

15 6. If the acknowledgment is returned as undeliverable by  
16 the United States postal service, the commissioner shall  
17 follow the procedure described in section 48A.29, subsection  
18 1. However, if the acknowledgment mailed for a special late  
19 registration is returned as undeliverable by the postal  
20 service, the commissioner shall cancel the registration and  
21 shall immediately notify the state commissioner of  
22 registration and the county attorney.

23 Sec. 6. Section 48A.26, Code 2005, is amended by adding  
24 the following new subsection:

25 NEW SUBSECTION. 1A. Within ten working days after  
26 receiving a special late registration pursuant to section  
27 48A.9A, the commissioner shall send an acknowledgment to the  
28 registrant at the mailing address shown on the registration  
29 form. The acknowledgment shall be sent by nonforwardable  
30 mail.

31 Sec. 7. Section 48A.30, subsection 1, Code 2005, is  
32 amended by adding the following new paragraph:

33 NEW PARAGRAPH. g. The acknowledgment of a voter who  
34 registered to vote under the special late registration  
35 provisions is returned pursuant to section 48A.29, subsection

1 1 or 2.

2 Sec. 8. Section 49.77, Code 2005, is amended by adding the  
3 following new subsection:

4 NEW SUBSECTION. 6. A person whose name does not appear on  
5 the election register of the precinct who registers under  
6 section 48A.9A shall be allowed to cast a ballot and the  
7 precinct election official is not under a duty to require that  
8 the ballot be cast under section 49.81.

9 Sec. 9. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
10 3, shall not apply to this Act.

11 EXPLANATION

12 This bill provides for a special late voter registration  
13 procedure which would enable an eligible elector to vote at  
14 the polling place on election day. The person is required to  
15 have been a resident of the county in which the election is  
16 held for 10 days immediately preceding the election. The  
17 person is also required to show proof of residency when  
18 registering. The state commissioner of elections, i.e., the  
19 secretary of state, shall designate which documents are  
20 acceptable to show proof of residency.

21 The bill provides for the issuance of special late  
22 registration affidavits to serve as proof of voting  
23 eligibility if the county commissioner of registration is  
24 unable to make the information required of an eligible elector  
25 available on the election register of a county precinct.

26 The bill requires the county commissioner to mail  
27 acknowledgment to the late registrant within 10 days of  
28 registering. If the acknowledgment is returned as  
29 undeliverable by the postal service, the commissioner is  
30 directed to cancel the registration and immediately notify the  
31 state commissioner of registration and the county attorney.

32 The bill may include a state mandate as defined in Code  
33 section 25B.3. The bill makes inapplicable Code section  
34 25B.2, subsection 3, which would relieve a political  
35 subdivision from complying with a state mandate if funding for

1 the cost of the state mandate is not provided or specified.  
2 Therefore, political subdivisions are required to comply with  
3 any state mandate included in the bill.

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