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SENATE FILE 364
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1198)

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

A BILL FOR

1 An Act relating to the conduct of elections and voter
2 registration and including effective date and applicability
3 provisions.

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

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SF 364

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DIVISION I
GENERAL PROVISIONS RELATING
TO CONDUCT OF ELECTIONS

Section 1. Section 43.6, subsection 2, Code 2005, is amended to read as follows:

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section 39.17 and more than seventy days remain in the term of office following the next general election, the office shall be filled for the balance of the unexpired term at that general election unless the vacancy has been filled by a special election called more than seventy-three days before the primary election. If the vacancy occurs more than seventy-three days before the primary election, political party candidates for that office at the next general election shall be nominated at the primary election. If an appointment to fill the vacancy in office is made eighty-eight or more days before the primary election and a petition requesting a special election has not been received within fourteen days after the appointment is made, candidates for the office shall be nominated at the primary election.

Sec. 2. Section 43.14, Code 2005, is amended to read as follows:

43.14 FORM OF NOMINATION PAPERS.

1. Nomination papers shall include a petition and an affidavit of candidacy. All nomination petitions shall be eight and one-half by eleven inches in size and in substantially the form prescribed by the state commissioner of elections. They shall include or provide spaces for the following information:

- a. A statement identifying the signers of the petition as eligible electors of the appropriate county or legislative district and of the state.
- b. The name of the candidate nominated by the petition.
- c. For nomination petitions for candidates for the general assembly, a statement that the residence of the candidate is

1 within the appropriate legislative district, or if that is not
2 true, that the candidate will reside there within sixty days
3 before the election. For other offices, a statement of the
4 name of the county where the candidate resides.

5 d. The political party with which the candidate is a
6 registered voter.

7 e. The office sought by the candidate, including the
8 district number, if any.

9 f. The date of the primary election for which the
10 candidate is nominated.

11 2. Signatures on a petition page shall be counted only if
12 the required information required in subsection 1 is written
13 or printed at the top of the page. Nomination papers on
14 behalf of candidates for seats in the general assembly need
15 only designate the number of the senatorial or representative
16 district, as appropriate, and not the county or counties, in
17 which the candidate and the petitioners reside. A signature
18 line shall not be counted if the line lacks the signature of
19 the eligible elector and the signer's address and city. ~~The~~
20 ~~person-examining-the-petition-shall-mark-any-deficiencies-on~~
21 ~~the-petition-and-affidavit.~~ A signature line shall not be
22 counted if the signer's address is obviously outside the
23 boundaries of the district.

24 ~~2-~~ 3. The person examining the petition shall mark any
25 deficiencies on the petition and affidavit. Signed nomination
26 petitions and the signed and notarized affidavit of candidacy
27 shall not be altered to correct deficiencies noted during
28 examination. If the nomination petition lacks a sufficient
29 number of acceptable signatures, the nomination petition shall
30 be rejected and shall be returned to the candidate.

31 4. The nomination papers shall be rejected if the
32 affidavit lacks any of the following:

33 a. The candidate's name.

34 b. The name of the office sought, including the district,
35 if any.

- 1 c. The political party name.
- 2 d. The signature of the candidate.
- 3 e. The signature of a notary public or other officer
- 4 empowered to witness oaths.

5 5. The candidate may replace a deficient affidavit with a
6 corrected affidavit only if the replacement affidavit is filed
7 before the filing deadline. The candidate may resubmit a
8 nomination petition that has been rejected by adding a
9 sufficient number of pages or signatures to correct the
10 deficiency. A nomination petition and affidavit filed to
11 replace rejected nomination papers shall be filed together
12 before the deadline for filing.

13 Sec. 3. Section 45.5, Code 2005, is amended to read as
14 follows:

15 45.5 FORM OF NOMINATION PAPERS.

16 1. Nomination papers shall include a petition and an
17 affidavit of candidacy. All nomination petitions shall be
18 eight and one-half by eleven inches in size and shall be in
19 substantially the form prescribed by the state commissioner of
20 elections. They shall provide spaces for the following
21 information:

22 a. A statement identifying the signers of the petition as
23 eligible electors of the appropriate ward, city, county,
24 school district or school district director district, or
25 legislative district and of the state of Iowa.

26 b. The name of the candidate nominated by the petition.

27 c. A statement that the candidate is or will be a resident
28 of the appropriate ward, city, county, school district, or
29 legislative or other district as required by section 39.27.

30 d. The office sought by the candidate, including the
31 district number, if any.

32 e. The name and date of the election for which the
33 candidate is nominated.

34 2. Signatures on a petition page shall be counted only if
35 the required information required in subsection 1 is written

1 or printed at the top of the page. Nomination papers on
2 behalf of candidates for seats in the general assembly need
3 only designate the number of the senatorial or representative
4 district, as appropriate, and not the county or counties, in
5 which the candidate and the petitioners reside. A signature
6 line in a nomination petition shall not be counted if the line
7 lacks the signature of the eligible elector and the signer's
8 address and city. ~~The person examining the petition shall~~
9 ~~mark any deficiencies on the petition.~~ A signature line shall
10 not be counted if the signer's address is obviously outside
11 the boundaries of the appropriate ward, city, school district
12 or school district director district, or other district.

13 2- 3. The pages of the petition shall be securely
14 fastened together to form a single bundle. Nomination
15 petitions that are not bound shall be returned without further
16 examination. The state commissioner shall prescribe by rule
17 the acceptable methods for binding nomination petitions.

18 3- 4. The person examining the petition shall mark any
19 deficiencies on the petition. Signed nomination petitions and
20 the signed and notarized affidavit of candidacy shall not be
21 altered to correct deficiencies noted during the examination.
22 If the nomination petition lacks a sufficient number of
23 acceptable signatures, the nomination papers shall be rejected
24 and returned to the candidate.

25 5. The nomination papers shall be rejected if the
26 affidavit lacks any of the following:

- 27 a. The candidate's name.
- 28 b. The name of the office sought, including the district,
29 if any.
- 30 c. The signature of the candidate.
- 31 d. The signature of a notary public or other officer
32 empowered to witness oaths.

33 6. The candidate may replace a deficient affidavit with a
34 corrected one only if the replacement is filed before the
35 filing deadline. The candidate may resubmit a nomination

1 petition that has been rejected by adding a sufficient number
2 of pages or signatures to correct the deficiency. A
3 nomination petition and affidavit filed to replace rejected
4 nomination papers shall be filed together before the deadline
5 for filing.

6 Sec. 4. Section 45.6, subsection 3, Code 2005, is amended
7 to read as follows:

8 3. All signers, for all nominations, of each separate part
9 of a nomination petition, shall reside in the appropriate
10 ward, city, county, school district, ~~or~~ legislative district,
11 or other district as required by section 45.1.

12 Sec. 5. Section 49.10, subsection 4, Code 2005, is amended
13 to read as follows:

14 4. ~~No~~ A single room or area of any building or facility
15 ~~shall~~ may be fixed as the polling place for more than one
16 precinct ~~unless there are separate entrances each.~~ The
17 location of each polling place shall be clearly marked within
18 the room or area on the days on which elections are held as
19 the ~~entrance to~~ location of the polling place of a particular
20 precinct, and suitable arrangements ~~are~~ shall be made within
21 the room or area to prevent direct access from the polling
22 place of any precinct to the polling place of any other
23 precinct. When the commissioner has fixed such a polling
24 place for any precinct it shall remain the polling place at
25 all subsequent elections, except elections for which the
26 precinct is merged with another precinct as permitted by
27 section 49.11, until the boundaries of the precinct are
28 changed or the commissioner fixes a new polling place, except
29 that the polling place shall be changed to a point within the
30 boundaries of the precinct at any time not less than sixty
31 days before the next succeeding election that a building or
32 facility suitable for such use becomes available within the
33 precinct.

34 Sec. 6. Section 49.14, subsection 1, Code 2005, is amended
35 to read as follows:

1 1. The commissioner may appoint substitute precinct
2 election officials as alternates for election board members.
3 ~~A-majority-of-the-original-election-board-members-shall-be~~
4 ~~present-at-the-precinct-polling-place-at-all-times; However,~~
5 at partisan elections such the majority of election board
6 members at the precinct polling place shall include at least
7 one precinct election official from each political party. ~~If~~
8 ~~the-chairperson-leaves-the-polling-place,-the-chairperson~~
9 ~~shall-designate-another-member-of-the-board-to-serve-as~~
10 ~~chairperson-until-the-chairperson-returns.~~ The
11 responsibilities and duties of a precinct election official,
12 other than the chairperson, present at the time the polling
13 place was opened on the day of an election may be assumed at
14 any later time that day by a substitute appointed as an
15 alternate. The substitute shall serve either for the balance
16 of that election day or for any shorter period of time the
17 commissioner may designate.

18 Sec. 7. Section 49.31, subsection 2, unnumbered paragraph
19 2, Code 2005, is amended to read as follows:

20 On the general election ballot the names of candidates for
21 the nonpartisan offices listed in section 39.21 shall be
22 arranged by-drawing-lots-for-position in alphabetical order by
23 surname under the heading of the office to be filled. ~~The~~
24 ~~board-of-supervisors-shall-hold-the-drawing-at-its-first~~
25 ~~meeting-following-the-deadline-for-receipt-of-objections-and~~
26 ~~withdrawals-by-candidates-for-the-general-election.~~

27 Sec. 8. Section 49.57, subsections 2 and 3, Code 2005, are
28 amended to read as follows:

29 2. In the area of the general election ballot for straight
30 party voting, the party or organization names shall be printed
31 in ~~capital~~ upper case and lower case letters of using a
32 uniform font size,-in for each political party or nonparty
33 political organization. The font size shall be not less than
34 twelve point type. After the name of each candidate for a
35 partisan office the name of the candidate's political party

1 shall be printed in at least six point type. The names of
2 political parties and nonparty political organizations may be
3 abbreviated on the remainder of the ballot if both the full
4 name and the abbreviation appear in the "Straight Party" and
5 "Other Political Party" areas of the ballot.

6 3. The names of candidates shall be printed in ~~capital~~
7 upper case and lower case letters, ~~of using a uniform font~~
8 size throughout the ballot, ~~in.~~ The font size shall be not
9 less than ten point type.

10 Sec. 9. Section 49.57, Code 2005, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 3A. In no case shall the font size for
13 public measures, constitutional amendments, and constitutional
14 convention questions, and summaries thereof, be less than ten
15 point type.

16 Sec. 10. Section 49.57, subsection 5, Code 2005, is
17 amended to read as follows:

18 5. A portion of the ballot, which can be shown to the
19 precinct officials without revealing any of the marks made by
20 the voter, shall include the words "Official ballot", a
21 ~~designation of the ballot rotation, if any~~ the unique
22 identification number or name assigned by the commissioner to
23 the ballot style, the date of the election, and a facsimile of
24 the signature of the commissioner who has caused the ballot to
25 be printed pursuant to section 49.51.

26 Sec. 11. Section 49.73, subsection 1, paragraph e, Code
27 2005, is amended to read as follows:

28 e. ~~The~~ Any election conducted for the unincorporated area
29 of any a county ~~voting on a local option sales and services~~
30 ~~tax pursuant to section 423B-1.~~

31 Sec. 12. Section 49.77, subsections 1 and 2, Code 2005,
32 are amended to read as follows:

33 1. The board members of their respective precincts shall
34 have charge of the ballots and furnish them to the voters.

35 Any person desiring to vote shall sign a voter's declaration

1 provided by the officials, in substantially the following
2 form:

3 VOTER'S DECLARATION OF ELIGIBILITY

4 I do solemnly swear or affirm that I am a resident of the
5 precinct, ward or township, city of, county
6 of, Iowa.

7 I am a registered voter. I have not voted and will not
8 vote in any other precinct in said election.

9 I understand that any false statement in this declaration
10 is a criminal offense punishable as provided by law.

11

12 Signature of Voter

13

14 Address

15

16 Telephone

17 Approved:

18

19 Board Member

20 At the discretion of the commissioner, this declaration may
21 be printed on each page of the election register and the voter
22 shall sign the election register next to the voter's printed
23 name. The voter's signature in the election register shall be
24 considered the voter's signed declaration of eligibility
25 affidavit. The state commissioner of elections shall
26 prescribe by rule an alternate method for providing the
27 information in subsection 2 for those counties where the
28 declaration of eligibility is printed in the election
29 register.

30 2. One of the precinct election officials shall announce
31 the voter's name aloud for the benefit of any persons present
32 pursuant to section 49.104, subsection 2, 3, or 5. Any If the
33 declaration of eligibility is not printed on each page of the
34 election register, any of those persons may upon request view
35 the signed declarations of eligibility and may review the

1 signed declarations on file so long as the person does not
2 interfere with the functions of the precinct election
3 officials. If the declaration of eligibility is printed on
4 the election register, the precinct election official shall
5 make available for viewing a listing of those voters who have
6 signed declarations of eligibility. Any of those persons
7 present pursuant to section 49.104, subsection 2, 3, or 5, may
8 upon request view the listing of those voters who have signed
9 declarations of eligibility, so long as the person does not
10 interfere with the functions of the precinct election
11 officials.

12 Sec. 13. Section 49.79, Code 2005, is amended to read as
13 follows:

14 49.79 CHALLENGES.

15 1. Any person offering to vote may be challenged as
16 unqualified by any precinct election official or registered
17 voter. It is the duty of each official to challenge any
18 person offering to vote whom the official knows or suspects is
19 not duly qualified. A ballot shall be received from a voter
20 who is challenged, but only in accordance with section 49.81.

21 2. A person may be challenged for any of the following
22 reasons:

23 a. The challenged person is not a citizen of the United
24 States.

25 b. The challenged person is less than eighteen years of
26 age as of the date of the election at which the person is
27 offering to vote.

28 c. The challenged person is not a resident at the address
29 where the person is registered. However, a person who is
30 reporting a change of address at the polls on election day
31 pursuant to section 48A.27, subsection 2, paragraph "a",
32 subparagraph (3) shall not be challenged for this reason.

33 d. The challenged person is not a resident of the precinct
34 where the person is offering to vote.

35 e. The challenged person has falsified information on the

1 person's registration form or on the person's declaration of
2 eligibility.

3 f. The challenged person has been convicted of a felony,
4 and the person's voting rights have not been restored.

5 g. The challenged person has been adjudged by a court of
6 law to be a person who is incompetent to vote and no
7 subsequent proceeding has reversed that finding.

8 Sec. 14. Section 50.16, Code 2005, is amended to read as
9 follows:

10 50.16 TALLY LIST OF BOARD.

11 The tally list shall be prepared in writing by the election
12 board giving, in legibly printed numerals, the total number of
13 people who cast ballots in the precinct, the total number of
14 ballots cast for each officer office, except those rejected,
15 the name of each person voted for, and the number of votes
16 given to each person for each different office. The tally
17 list shall be signed by the precinct election officials, and
18 be substantially as follows:

19 At an election at in township, or in
20 precinct of city or township, in county, state of
21 Iowa, on the ... day of ~~A-D~~ .., there were ... ballots
22 cast for the office of of which
23 (Candidate's name) had .. votes.
24 (Candidate's name) had .. votes.
25 (and in the same manner for any other officer).

26 A true tally list:

27 (Name) Election Board
28 (Name) Members.
29 (Name)

30 Attest:

31 (Name) Designated
32 (Name) Tally Keepers.

33 Sec. 15. Section 50.25, subsection 7, Code 2005, is
34 amended by striking the subsection.

35 Sec. 16. Section 50.25, Code 2005, is amended by adding

1 the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. The abstract of the votes for
3 each county office is not required to be made on a different
4 sheet.

5 Sec. 17. Section 52.25, unnumbered paragraph 2, Code 2005,
6 is amended to read as follows:

7 The entire convention question, amendment, or public
8 measure shall be printed and displayed prominently in at least
9 four places within the voting precinct, and inside each voting
10 booth, or on the left-hand side inside the curtain of each
11 voting machine, the printing to be in conformity with the
12 provisions of chapter 49. The question, amendment, or
13 measure, and summaries thereof, shall be printed on the
14 special paper ballots or on the inserts used in the voting
15 machines. In no case shall the font size be less than ten
16 point type. The public measure shall be summarized by the
17 commissioner ~~and-in-the-largest-type-possible-printed-on-the~~
18 ~~special-paper-ballots-or-inserts-used-in-the-voting-machines,~~
19 except that:

20 Sec. 18. Section 376.11, unnumbered paragraphs 1 and 2,
21 Code 2005, are amended to read as follows:

22 Write-in votes are permitted to be cast in all elections
23 for city offices. A person who receives a sufficient number
24 of write-in votes to be elected to a city office shall be
25 declared the winner of the election. If a person who was
26 elected by write-in votes chooses not to serve in that office
27 the person shall submit a resignation in writing to the city
28 clerk not later than five o'clock p.m. on the tenth day
29 following the canvass of the election. If a person who was
30 elected by write-in votes resigns at a later time, the office
31 shall be considered vacant at the end of the term and the
32 council shall fill the vacancy pursuant to the provisions of
33 section 372.13, subsection 2.

34 Except in cities where the council has chosen a runoff
35 election in lieu of a primary, following the resignation of a

1 person who was elected by write-in votes, the city clerk shall
2 notify the person who received the next highest number of
3 votes cast for the office that the person may assume the
4 office. If the person accepts the position, the person shall
5 be considered the duly elected officer unless, within ten days
6 after the clerk has given notice, a petition requesting a
7 special election is filed by eligible electors of the city
8 equal in number to twenty-five percent of the number of
9 persons who voted for the office at the election. If the
10 person declines, the person shall do so in writing to the city
11 clerk within ten days and the office shall be considered
12 vacant at the end of the term. The vacancy shall be filled
13 pursuant to the provisions of section 372.13, subsection 2. If
14 the council chooses to appoint, the appointment may be made
15 before the end of the current term.

16 Sec. 19. EFFECTIVE AND APPLICABILITY DATES.

17 1. The section of this division of this Act amending
18 section 49.77, being deemed of immediate importance, takes
19 effect upon enactment and applies to elections held on or
20 after that date.

21 2. The remainder of this division of this Act applies to
22 elections held on or after January 1, 2006.

23 DIVISION II

24 ABSENTEE VOTING

25 Sec. 20. Section 39A.4, subsection 1, paragraph c,
26 subparagraphs (10), (11), and (12), Code 2005, are amended to
27 read as follows:

28 (10) As an incumbent officeholder of, or a candidate for,
29 an office being voted for at the election in progress, serving
30 as a member of a challenging committee or observer under
31 section 49.104, subsection 2, 5, or 6, or section 53.23,
32 subsection 4.

33 (11) Returning a voted absentee ballot, by mail or in
34 person, to the commissioner's office and the person returning
35 the ballot is not the voter, an immediate family member of the

1 voter, an absentee ballot courier, a special precinct election
2 official designated pursuant to section 53.22, subsection 1,
3 or the designee of a voter described in section 53.22,
4 subsection 5.

5 (12) Making a false or untrue statement reporting that a
6 voted absentee ballot was returned to the commissioner's
7 office, by mail or in person, by a person other than the
8 voter, an immediate family member of the voter, an absentee
9 ballot courier, a special precinct election official
10 designated pursuant to section 53.22, subsection 1, or the
11 designee of a voter described in section 53.22, subsection 5.

12 Sec. 21. Section 39A.5, subsection 1, paragraph b,
13 subparagraph (2), Code 2005, is amended to read as follows:

14 ~~(2) Neglecting-or-refusing-to-return-an-absentee-ballot-in~~
15 ~~violation-of-section-53-357-or-violating~~ Violating any other
16 provision of chapter 53 for which another penalty is not
17 provided.

18 Sec. 22. Section 49.63, Code 2005, is amended to read as
19 follows:

20 49.63 TIME OF PRINTING -- INSPECTION AND CORRECTION.

21 Ballots shall be printed and in the possession of the
22 commissioner in time to enable the commissioner to furnish
23 ballots to absent voters as provided by sections 53.8, 53.10,
24 and 53.11. The printed ballots shall be subject to the
25 inspection of candidates and their agents. If mistakes are
26 discovered, they shall be corrected without delay, in the
27 manner provided in this chapter.

28 Sec. 23. Section 53.2, subsections 1 and 4, Code 2005, are
29 amended to read as follows:

30 1. Any registered voter, under the circumstances specified
31 in section 53.1, may on any day, except election day, and not
32 more than seventy days prior to the date of the election,
33 apply in person for an absentee ballot at the commissioner's
34 office or at any location designated by the commissioner.
35 However, for those elections in which the commissioner directs

1 the polls be opened at noon pursuant to section 49.73, a voter
2 may apply in person for an absentee ballot at the
3 commissioner's office from eight a.m. until eleven a.m. on
4 election day.

5 PARAGRAPH DIVIDED. A registered voter may make written
6 application to the commissioner for an absentee ballot. A
7 written application for an absentee ballot must be received by
8 the commissioner no later than five p.m. on the Friday before
9 the election. A written application for an absentee ballot
10 delivered to the commissioner and received by the commissioner
11 more than seventy days prior to the date of the election shall
12 be retained by the commissioner and processed in the same
13 manner as a written application received not more than seventy
14 days before the date of the election. However, in a general
15 election year, if an application for an absentee ballot for
16 the general election is received on or before primary election
17 day, the commissioner shall return the application to the
18 voter and shall enclose a notice stating that the application
19 may not be submitted until after the primary election.

20 4. Each application shall contain the name and signature
21 of the registered voter, the registered voter's date of birth,
22 the address at which the voter is registered to vote, and the
23 name or date of the election for which the absentee ballot is
24 requested, and such other information as may be necessary to
25 determine the correct absentee ballot for the registered
26 voter. If insufficient information has been provided, the
27 commissioner shall, by the best means available, obtain the
28 additional necessary information.

29 Sec. 24. Section 53.7, subsection 1, Code 2005, is amended
30 to read as follows:

31 1. It shall be unlawful for any employee of the state or
32 any employee of a political subdivision to solicit any
33 application or request for application for an absentee ballot,
34 or to take an affidavit in connection with any absentee ballot
35 while the employee is on the employer's premises or otherwise

1 in the course of employment. However, any such employee may
2 take such affidavit in connection with an absentee ballot
3 which is cast by the registered voter in person in the office
4 where such employee is employed in accordance with section
5 53.10 or 53.11. This subsection shall not apply to any
6 elected official.

7 Sec. 25. Section 53.8, subsection 2, Code 2005, is amended
8 to read as follows:

9 2. If an application is received so late that it is
10 unlikely that the absentee ballot can be returned in time to
11 be counted on election day, the commissioner shall enclose
12 with the absentee ballot a statement to that effect. The
13 statement shall also point out that it is possible for the
14 applicant, an immediate family member of the applicant, or the
15 applicant's designee if the absentee ballot is voted by a
16 voter described in section 53.22, subsection 5, to personally
17 deliver the completed absentee ballot to the office of the
18 commissioner at any time before the closing of the polls on
19 election day. The statement shall also point out that it is
20 possible for an absentee ballot courier to personally deliver
21 the completed absentee ballot to the office of the
22 commissioner within seventy-two hours of retrieving the
23 completed ballot or before the closing of the polls on
24 election day, whichever is earlier.

25 Sec. 26. Section 53.8, subsection 3, unnumbered paragraph
26 3, Code 2005, is amended to read as follows:

27 Nothing in this subsection nor in section 53.22 shall be
28 construed to prohibit a registered voter who is a hospital
29 patient or resident of a health care facility, or who
30 anticipates entering a hospital or health care facility before
31 the date of a forthcoming election, from casting an absentee
32 ballot in the manner prescribed by section 53.10 or 53.11.

33 Sec. 27. Section 53.17, subsection 1, paragraph a, Code
34 2005, is amended to read as follows:

35 a. The sealed carrier envelope may be delivered by the

1 person who was elected by write-in votes, the city clerk shall
2 notify the person who received the next highest number of
3 votes cast for the office that the person may assume the
4 office. If the person accepts the position, the person shall
5 be considered the duly elected officer unless, within ten days
6 after the clerk has given notice, a petition requesting a
7 special election is filed by eligible electors of the city
8 equal in number to twenty-five percent of the number of
9 persons who voted for the office at the election. If the
10 person declines, the person shall do so in writing to the city
11 clerk within ten days and the office shall be considered
12 vacant at the end of the term. The vacancy shall be filled
13 pursuant to the provisions of section 372.13, subsection 2. If
14 the council chooses to appoint, the appointment may be made
15 before the end of the current term.

16 Sec. 19. EFFECTIVE AND APPLICABILITY DATES.

17 1. The section of this division of this Act amending
18 section 49.77, being deemed of immediate importance, takes
19 effect upon enactment and applies to elections held on or
20 after that date.

21 2. The remainder of this division of this Act applies to
22 elections held on or after January 1, 2006.

23 DIVISION II

24 ABSENTEE VOTING

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26 subparagraphs (10), (11), and (12), Code 2005, are amended to
27 read as follows:

28 (10) As an incumbent officeholder of, or a candidate for,
29 an office being voted for at the election in progress, serving
30 as a member of a challenging committee or observer under
31 section 49.104, subsection 2, 5, or 6, or section 53.23,
32 subsection 4.

33 (11) Returning a voted absentee ballot, by mail or in
34 person, to the commissioner's office and the person returning
35 the ballot is not the voter, an immediate family member of the

1 voter, an absentee ballot courier, a special precinct election
2 official designated pursuant to section 53.22, subsection 1,
3 or the designee of a voter described in section 53.22,
4 subsection 5.

5 (12) Making a false or untrue statement reporting that a
6 voted absentee ballot was returned to the commissioner's
7 office, by mail or in person, by a person other than the
8 voter, an immediate family member of the voter, an absentee
9 ballot courier, a special precinct election official
10 designated pursuant to section 53.22, subsection 1, or the
11 designee of a voter described in section 53.22, subsection 5.

12 Sec. 21. Section 39A.5, subsection 1, paragraph b,
13 subparagraph (2), Code 2005, is amended to read as follows:

14 (2) ~~Neglecting-or-refusing-to-return-an-absentee-ballot-in~~
15 ~~violation-of-section-53-357-or-violating~~ Violating any other
16 provision of chapter 53 for which another penalty is not
17 provided.

18 Sec. 22. Section 49.63, Code 2005, is amended to read as
19 follows:

20 49.63 TIME OF PRINTING -- INSPECTION AND CORRECTION.

21 Ballots shall be printed and in the possession of the
22 commissioner in time to enable the commissioner to furnish
23 ballots to absent voters as provided by sections 53.8, 53.10,
24 and 53.11. The printed ballots shall be subject to the
25 inspection of candidates and their agents. If mistakes are
26 discovered, they shall be corrected without delay, in the
27 manner provided in this chapter.

28 Sec. 23. Section 53.2, subsections 1 and 4, Code 2005, are
29 amended to read as follows:

30 1. Any registered voter, under the circumstances specified
31 in section 53.1, may on any day, except election day, and not
32 more than seventy days prior to the date of the election,
33 apply in person for an absentee ballot at the commissioner's
34 office or at any location designated by the commissioner.
35 However, for those elections in which the commissioner directs

1 In case the absentee voter's affidavit is found to be
2 insufficient, or that the applicant is not a duly registered
3 voter in such precinct, or that the ballot envelope is open,
4 or has been opened and resealed, or that the ballot envelope
5 contains more than one ballot of any one kind, or that said
6 voter has voted in person, such vote shall not be accepted or
7 counted. If the return carrier envelope is open, or has been
8 opened and resealed, and a sealed return carrier envelope with
9 the same serial number and marked "Replacement ballot" is not
10 attached, the vote shall not be accepted or counted.

11 Sec. 31. Section 53.31, unnumbered paragraph 1, Code 2005,
12 is amended to read as follows:

13 Any person qualified to vote at the election in progress
14 may challenge the qualifications of a person casting an
15 absentee ballot by submitting a written challenge to the
16 commissioner no later than five p.m. on the day Friday before
17 the election. It is the duty of the special precinct
18 officials to challenge the absentee ballot of any person whom
19 the official knows or suspects is not duly qualified.
20 Challenges by members of the special precinct election board
21 or observers present pursuant to section 53.23 may be made at
22 any time before the close of the polls on election day. The
23 challenge shall state the reasons for which the challenge is
24 being submitted and shall be signed by the challenger. When a
25 challenge is received the absentee ballot shall be set aside
26 for consideration by the special precinct election board when
27 it meets as required by section 50.22.

28 Sec. 32. Section 53.37, Code 2005, is amended to read as
29 follows:

30 53.37 DEFINITIONS.

31 1. This division is intended to implement the federal
32 Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. §
33 1973ff et seq.

34 2. The term "armed forces of the United States", as used
35 in this division, shall mean the army, navy, marine corps,

1 coast guard, and air force of the United States.

2 3. For the purpose of absentee voting only, there shall be
3 included in the term "armed forces of the United States" the
4 following:

5 ~~1-~~ a. Spouses and dependents of members of the armed
6 forces while in active service.

7 ~~2-~~ b. Members of the merchant marine of the United States
8 and their spouses and dependents.

9 ~~3-~~ c. Civilian employees of the United States in all
10 categories serving outside the territorial limits of the
11 several states of the United States and the District of
12 Columbia and their spouses and dependents when residing with
13 or accompanying them, whether or not the employee is subject
14 to the civil service laws and the Classification Act of 1949,
15 and whether or not paid from funds appropriated by the
16 Congress.

17 ~~4-~~ d. Members of religious groups or welfare agencies
18 assisting members of the armed forces, who are officially
19 attached to and serving with the armed forces, and their
20 spouses and dependents.

21 ~~5-~~ e. Citizens of the United States who do not fall under
22 any of the categories described in subsections 1 to 4, but who
23 are entitled to register and vote pursuant to section 48A.5,
24 subsection 4.

25 4. For the purposes of this division, "qualified voter"
26 means a person who is included within the term "armed forces
27 of the United States" as described in this section, who would
28 be qualified to register to vote under section 48A.5,
29 subsection 2, except for residency, and who is not
30 disqualified from registering to vote and voting under section
31 48A.6.

32 Sec. 33. Section 53.38, Code 2005, is amended to read as
33 follows:

34 53.38 WHAT CONSTITUTES REGISTRATION.

35 Whenever a ballot is requested pursuant to section 53.39 or

1 53.45 on behalf of a voter in the armed forces of the United
2 States, the affidavit upon the ballot envelope of such voter,
3 if the voter is found to be an eligible elector of the county
4 to which the ballot is submitted, shall constitute a
5 sufficient registration under chapter 48A. A completed
6 federal postcard registration and federal absentee ballot
7 request form submitted by such eligible elector shall also
8 constitute a sufficient registration under chapter 48A. The
9 commissioner shall place the voter's name on the registration
10 record as a registered voter if it does not already appear
11 there. The identification requirements of section 48A.8 and
12 the verification requirements of section 48A.25A do not apply
13 to persons who register to vote under this division.

14 Sec. 34. Section 53.41, Code 2005, is amended to read as
15 follows:

16 53.41 RECORDS BY COMMISSIONER -- EXCESS REQUESTS OR
17 BALLOTS.

18 The commissioner of each county shall establish and
19 maintain a record of all requests for ballots which are made,
20 and of all ballots transmitted, and the manner of transmittal,
21 from and received in the commissioner's office under the
22 provisions of this division.

23 PARAGRAPH DIVIDED. If more than one request for absent
24 voter's ballot for a particular election is made to the
25 commissioner before the ballots are ready to mail by or on
26 behalf of a voter in the armed forces of the United States,
27 the last request ~~first~~ received shall be honored, except that
28 if one of the requests is made by the voter, ~~and a request on~~
29 ~~the voter's behalf has not been previously honored,~~ the
30 request of the voter shall be honored in preference to a
31 request made on the voter's behalf by another.

32 PARAGRAPH DIVIDED. Not more than one ballot shall be
33 transmitted by the commissioner to any voter for a particular
34 election unless after the ballot has been mailed the voter
35 reports a change in the address to which the ballot should be

1 sent. A ballot shall be mailed using a serial number that
2 indicates that this is a replacement sent to an updated
3 address. The original ballot shall be counted only if the
4 replacement ballot does not arrive. If the commissioner
5 receives more than one absent voter's ballot, provided for by
6 this division, from or purporting to be from any one voter for
7 a particular election, all of the ballots so received from or
8 purporting to be from such voter are void, and the
9 commissioner shall not deliver any of the ballots to the
10 precinct election officials, but shall retain them in the
11 commissioner's office, and preserve them for the period and
12 under the conditions provided for in sections 50.12 through
13 50.15 and section 50.19.

14 Sec. 35. Section 53.44, unnumbered paragraph 2, Code 2005,
15 is amended to read as follows:

16 Absentee ballots issued under this division shall be
17 returned ~~in-the-same-manner~~ either by mail by the voter or a
18 person designated by the voter or by personal delivery by the
19 voter or a person designated by the voter and within the same
20 time limits specified in section 53.17.

21 Sec. 36. Section 53.53, subsection 4, paragraph a, Code
22 2005, is amended to read as follows:

23 a. The ballot was submitted from within the United States,
24 unless the voter is a member of the armed forces of the United
25 States, as described in section 53.37, subsection 2, on active
26 duty and away from the voter's county of residence for
27 purposes of serving on active duty.

28 Sec. 37. Section 53.53, subsection 4, paragraph b, Code
29 2005, is amended to read as follows:

30 b. The voter's application for a regular absentee ballot
31 was received by the commissioner less than ~~thirty~~ fourteen
32 days prior to the election.

33 Sec. 38. Section 53.35, Code 2005, is repealed.

34 Sec. 39. APPLICABILITY DATE. This division of this Act
35 applies to elections held on or after January 1, 2006.

1 DIVISION III
2 VOTER REGISTRATION

3 Sec. 40. Section 48A.2, Code 2005, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 6. "Voter registration list" means a
6 compilation of voter registration records produced, upon
7 request, from the electronic voter registration file or by
8 viewing, upon request, the original, completed voter
9 registration applications and forms.

10 Sec. 41. Section 48A.11, subsection 8, Code 2005, is
11 amended to read as follows:

12 8. A voter registration application lacking the
13 registrant's name, sex, date of birth, or residence address or
14 description shall not be processed. A voter registration
15 application lacking the registrant's driver's license number,
16 Iowa nonoperator's identification card number, or the last
17 four digits of the registrant's social security number shall
18 not be processed. A voter registration application lacking
19 the registrant's signature shall not be processed. A
20 registrant whose registration is not processed pursuant to
21 this subsection shall be notified pursuant to section 48A.26,
22 subsection 3. A registrant who does not have an Iowa driver's
23 license number, an Iowa nonoperator's identification number,
24 or a social security number and who notifies the registrar of
25 such shall be assigned a unique identifying number that shall
26 serve to identify the registrant for voter registration
27 purposes.

28 Sec. 42. Section 48A.25A, Code 2005, is amended to read as
29 follows:

30 48A.25A VERIFICATION OF VOTER REGISTRATION INFORMATION.

31 Upon receipt of an application for voter registration by
32 mail, the state registrar of voters shall compare the driver's
33 license number, the Iowa nonoperator's identification card
34 number, or the last four numerals of the social security
35 number provided by the registrant with the records of the

1 state department of transportation or the social security
2 administration. To be verified, the voter registration record
3 shall contain the same name, date of birth, and driver's
4 license number or Iowa nonoperator's identification card
5 number or whole or partial social security number as the
6 records of the state department of transportation or social
7 security administration. If the information cannot be
8 verified, the application shall be rejected and the registrant
9 shall be notified of the reason for the rejection. If the
10 information can be verified, a record shall be made of the
11 verification and the application shall be accepted.

12 The voter registration commission shall adopt rules in
13 accordance with chapter 17A to provide procedures for
14 processing registration applications if the ~~state-department~~
15 ~~of-transportation-does-not~~ applications cannot be verified
16 before the close of registration for an election for which the
17 voter registration otherwise would be effective ~~-if-verified-~~
18 ~~provide-a-report-that-the-information-on-the-application-has~~
19 ~~matched-or-not-matched-the-records-of-the-department.~~

20 This section does not apply to persons described in section
21 53.37 who are entitled to register to vote and to vote
22 ~~pursuant-to-section-48A-5-subsection-4.~~

23 Sec. 43. Section 48A.26, subsection 4, Code 2005, is
24 amended to read as follows:

25 4. If the registrant applied by mail to register to vote
26 and did not answer either "yes" or "no" to the question in
27 section 48A.11, subsection 3, paragraph "a", the application
28 shall be processed ~~-but-the-registration-shall-be-designated~~
29 ~~as-valid-only-for-elections-that-do-not-include-candidates-for~~
30 ~~federal-offices-on-the-ballot.~~ The acknowledgment shall
31 advise the applicant that the ~~status-of-the-registration-is~~
32 ~~local-and-the-reason-for-the-registration-being-assigned-local~~
33 status applicant must submit a new form with the appropriate
34 box checked. The commissioner shall enclose a new
35 registration by mail form for the applicant to use. If the

1 original application is received during the twelve days before
2 the close of registration for an election that includes
3 candidates for federal offices on the ballot, the commissioner
4 shall provide the registrant with an opportunity to complete
5 the form before the close of registration.

6 Sec. 44. Section 48A.37, subsection 2, Code 2005, is
7 amended to read as follows:

8 2. Electronic records shall include a status code
9 designating whether the records are active, inactive, ~~local,~~
10 or pending. Inactive records are records of registered voters
11 to whom notices have been sent pursuant to section 48A.28,
12 subsection 3, and who have not returned the card or otherwise
13 responded to the notice, and those records have been
14 designated inactive pursuant to section 48A.29. ~~Local records~~
15 ~~are records of applicants who did not answer either "yes" or~~
16 ~~"no" to the question in section 48A.11, subsection 3,~~
17 ~~paragraph "a".~~ Pending records are records of applicants
18 whose applications have not been verified pursuant to section
19 48A.25A. All other records are active records. An inactive
20 record shall be made active when the registered voter votes at
21 an election, registers again, or reports a change of name,
22 address, telephone number, or political party affiliation. A
23 pending record shall be made active upon verification. A
24 ~~local record shall be valid for any election for which no~~
25 ~~candidates for federal office appear on the ballot. A~~
26 ~~registrant with only a local record shall not vote in a~~
27 ~~federal election unless the registrant submits a new voter~~
28 ~~registration application before election day indicating that~~
29 ~~the applicant is a citizen of the United States.~~

30 Sec. 45. APPLICABILITY DATE. This division of this Act
31 applies to elections held on or after January 1, 2006.

32 EXPLANATION

33 This bill makes various changes to the Code relating to the
34 conduct of elections, voting, and voter registration.

35 Division I of the bill amends provisions relating to the

1 conduct of elections as follows:

2 Code section 43.6 is amended to provide that if a vacancy
3 in a county office occurs more than 73 days before the primary
4 election, political party candidates to fill that office at
5 the general elections shall be nominated at the primary
6 election.

7 Code sections 43.14 and 45.5, relating to the form of
8 nomination papers filed for the primary election or filed by
9 persons nominated by petition, are amended to provide that a
10 signature line shall not be counted if the signer's address is
11 obviously outside of the appropriate area or district. Code
12 section 45.5 is further amended, along with Code section 45.6,
13 to clarify that a person signing a nomination petition must be
14 a resident of the appropriate ward, city, county, or district.

15 Code section 49.10 is amended to remove the requirement
16 that a room or area containing a polling place for more than
17 one precinct maintain separate entrances.

18 Code section 49.14 is amended to remove the requirement
19 that a majority of the members of the original precinct
20 election board be present at the precinct polling place at all
21 times on election day. However, the division does require
22 that the chairperson of the precinct election board be present
23 at the precinct polling place at all times on election day.

24 Code section 49.31 is amended to provide that on general
25 election ballots the names of candidates for nonpartisan
26 office shall be arranged in alphabetical order by surname.
27 Currently, the arrangement of such names is determined by lot
28 drawn by the board of supervisors.

29 Code section 49.57 is amended to provide that a ballot
30 shall be printed to contain the unique identification number
31 or name assigned by the commissioner to the ballot style
32 rather than a designation of the ballot rotation.

33 Code section 49.57 is amended to remove the requirement
34 that the names of candidates and political parties appear in
35 all capital letters on ballots. The section is also amended

1 to allow the names of political parties and nonparty political
2 organizations to be abbreviated on ballots if the
3 abbreviations are printed with the full name in the "Straight
4 Party" and "Other Political Party" areas of the ballot.

5 Finally, the Code section is amended to require a minimum font
6 size on ballots for constitutional convention questions,
7 constitutional amendments, and public measures. A
8 corresponding amendment is made to Code section 52.25.

9 Code section 49.73 is amended to provide that the polls may
10 open at noon, rather than 7 a.m., for any election conducted
11 for the unincorporated area of a county. Currently, the polls
12 may open at noon for an election in the unincorporated area of
13 the county only if it is an election on a local option sales
14 and services tax.

15 Code section 49.77 is amended to allow a county
16 commissioner of elections to print the affidavit of
17 eligibility on each page of the election register and the
18 signature of the voter in the register next to the voter's
19 printed name serves as that voter's declaration of
20 eligibility. The section is also amended to require the
21 precinct election official to make available for viewing a
22 listing of voters who have signed declarations of eligibility
23 for observers allowed at the polling place to know the
24 identification of the voter who has arrived at the polls to
25 vote. The state commissioner of elections is required to
26 adopt rules providing an alternative method for observers
27 allowed at the polling place to know the identification of the
28 voter who has arrived at the polls to vote. The changes to
29 Code section 49.77 take effect upon enactment and apply to
30 elections held on or after that date.

31 Code section 49.79 is amended to provide a specific list of
32 reasons that a person may be challenged as unqualified to
33 vote.

34 Code section 50.16, relating to preparation of tally lists,
35 is amended to make a technical correction changing "officer"

1 to "office" and is further amended to remove the A.D. (anno
2 Domini) abbreviation from the space for the date on the tally
3 list.

4 Code section 50.25 is amended to provide that the abstract
5 of votes in the general election may be made on one sheet for
6 county offices, rather than a separate sheet for each county
7 officer.

8 Code section 376.11, relating to write-in votes for city
9 offices, is amended to provide that if a person elected by
10 write-in votes at a regular city election chooses not to
11 serve, the person shall submit the person's resignation to the
12 city clerk by 5 p.m. on the tenth day following the canvass of
13 that election. Currently, the resignation is required by 5
14 p.m. on the day following the canvass of the election.

15 Code section 376.11 is also amended to establish a deadline
16 for filing a petition to request a special election if a
17 write-in candidate who wins a city election declines the
18 office, and the candidate receiving the next highest number of
19 votes is declared the winner. The deadline established for
20 filing the petition is within 10 days after the clerk has
21 notified the candidate next declared the winner.

22 This division of the bill applies to elections held on or
23 after January 1, 2006.

24 Division II of the bill makes changes relating to absentee
25 voting.

26 Code section 39A.4 is amended to prohibit incumbent
27 officeholders and candidates seeking offices on the ballot
28 from serving as observers or challengers of the process of
29 counting absentee ballots. Candidates and officeholders are
30 currently prohibited from serving in this capacity at the
31 polls on election day.

32 Code sections 49.63, 53.7, 53.8, and 53.22 are amended to
33 add voting in person at the commissioner's office to those
34 sections that also reference satellite absentee voting.

35 Code section 53.2 is amended to allow a voter to apply in

1 person at the commissioner's office for an absentee ballot
2 from 8 a.m. until 11 a.m. on the day of the election if it is
3 an election at which the commissioner has directed that the
4 polls shall open at noon. The county commissioner of
5 elections may, by law, direct that the polls be opened at noon
6 for any school district election, city elections in cities of
7 3,500 or less population, for cities above 3,500 population if
8 there is no contested election or public measure on the
9 ballot, any benefited district, and elections on local option
10 sales and services tax in the unincorporated area of the
11 county.

12 Code section 53.2 is further amended to provide that, in a
13 general election year, any application for a general election
14 absentee ballot which is received by the commissioner on or
15 before the date of the primary election shall be returned to
16 the applicant with a notice stating that the application may
17 not be submitted until after the primary election.

18 Code section 53.2 is also amended to provide that an
19 application for an absentee ballot require the date of birth
20 of the registered voter who is applying for the absentee
21 ballot.

22 Code section 53.8 is amended to clarify that voters who
23 expect to be patients or residents of health care facilities
24 or hospitals on election day are not prohibited from voting
25 absentee in person at the commissioner's office.

26 Code section 53.17 is amended to allow an immediate family
27 member of an absentee voter to deliver the voted ballot to the
28 commissioner's office. Corresponding amendments are made to
29 Code sections 39A.4 and 53.8.

30 Code section 53.18 is amended to require the county
31 commissioner of elections to open the return carrier envelope
32 and to review the affidavit on the affidavit envelope. If
33 there is a deficiency in the affidavit, the commissioner is to
34 immediately contact the voter and inform the voter of the
35 deficiency and that the deficiency may be corrected by the

1 voter in the time allowed by statute for returning an absentee
2 ballot.

3 Code section 53.18 is also amended to require the county
4 commissioner of elections to notify an absentee voter if the
5 voter's completed absentee ballot is returned in a return
6 carrier envelope that is unsealed or that has been opened and
7 resealed. The commissioner shall allow the voter to complete
8 another application and a replacement ballot in the time
9 allowed by statute for returning an absentee ballot. A
10 corresponding amendment is made to Code section 53.25.

11 Code section 53.31 is amended to change the deadline for
12 filing a challenge to an absentee voter from 5 p.m. on the day
13 before the election to 5 p.m. on the Friday before the
14 election.

15 Code section 53.35, which makes it unlawful for a person to
16 fail to return an absentee ballot, is repealed. A
17 corresponding amendment is made to Code section 39A.5.

18 Code section 53.38 is amended to provide that military and
19 overseas voters are not subject to the requirement for persons
20 registering by mail to provide identification when voting nor
21 are they subject to the requirement that identification
22 numbers on absentee ballots be verified.

23 Code section 53.41 is amended to provide that if more than
24 one request is received by the commissioner for an absentee
25 ballot for a military and overseas voter, the last request
26 received shall be honored, except that the voter's request
27 shall take preference over a request made by another person on
28 the voter's behalf. Code section 53.41 is also amended to
29 allow military and overseas voters to update their absentee
30 ballot requests with new address information during the two-
31 year period covered by the original application. The Code
32 section is also amended to permit the mailing of a replacement
33 absentee ballot to a military or overseas voter who reports a
34 change of address after a ballot has been mailed to the voter.

35 Code section 53.44 is amended to exempt military and

1 overseas voters from the restrictions that apply to returning
2 absentee ballots.

3 Code section 53.53 is amended to allow a member of the
4 armed forces to return an absentee ballot from within the
5 United States if the person is on active duty within the
6 United States. The Code section is also amended to provide
7 that a federal write-in ballot shall not be counted if the
8 voter's application for a regular absentee ballot was received
9 by the commissioner less than 14 days before the election.
10 Currently, the receipt date is 30 days before the election.

11 This division of the bill applies to elections held on or
12 after January 1, 2006.

13 Division III of the bill makes changes relating to voter
14 registration.

15 Code section 48A.2 is amended to add a definition of "voter
16 registration list".

17 Code section 48A.11 is amended to provide that a voter
18 registration application lacking the signature of the
19 registrant shall not be processed.

20 Code section 48A.25A is amended to include the social
21 security administration, along with the state department of
22 transportation, as a source for verifying the last four digits
23 of the social security number provided by a voter registration
24 applicant. The Code section is also amended to clarify that
25 it is the county commissioner of registration who is
26 responsible for verifying voter registration application
27 information. Finally, the Code section is amended to provide
28 that all military and overseas voters are exempt from the
29 verification requirements.

30 Code sections 48A.26 and 48A.37 are amended to remove the
31 status of "local" registration for those persons who
32 registered by mail and neglected to answer or answered "no" to
33 the question pertaining to United States citizenship. Code
34 section 48A.26 is amended to require the county registrar of
35 voters to include a new registration form along with the

1 acknowledgment mailed to the registrant and to inform the
2 registrant that a new form must be submitted.

3 This division of the bill applies to elections held on or
4 after January 1, 2006.

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SENATE FILE 364

S-3024

1 Amend Senate File 364 as follows:

2 1. Page 6, by striking lines 20 through 26, and
3 inserting the following:

4 "On the general election ballot the names of
5 candidates for the nonpartisan offices listed in
6 section 39.21 shall be arranged by drawing lots for
7 position. The board of supervisors shall hold the
8 drawing at its first meeting following the deadline
9 for ~~receipt of objections and withdrawals by~~
10 candidates filing of nomination certificates or
11 petitions with the commissioner for the general
12 election pursuant to section 44.4."

By MAGGIE TINSMAN

S-3024 FILED MARCH 15, 2005

SENATE FILE 364

S-3026

1 Amend Senate File 364 as follows:

2 1. By striking page 16, line 25 through page 17,
3 line 13.

4 2. Page 18, line 2, by striking the word
5 "insufficient," and inserting the following:
6 "insufficient by the special precinct election
7 board,".

8 3. Page 18, by striking lines 7 through 10, and
9 inserting the following: "counted."

By JEFF DANIELSON

S-3026 FILED MARCH 15, 2005

SENATE FILE 364

S-3051

1 Amend Senate File 364 as follows:

2 1. Page 14, by striking lines 14 through 19, and
3 inserting the following: "days before the date of the
4 election."

By MICHAEL E. GRONSTAL

S-3051 FILED MARCH 23, 2005

SENATE FILE 364

S-3059

1 Amend Senate File 364 as follows:

2 1. Page 16, line 25, by striking the words

3 "return carrier" and inserting the following:

4 "affidavit".

5 2. Page 17, line 3, by striking the word

6 "envelope" and inserting the following: "envelopes".

7 3. Page 18, line 2, by striking the word

8 "insufficient," and inserting the following:

9 "insufficient by the special precinct election

10 board,".

11 4. Page 18, line 7, by striking the words "return

12 carrier" and inserting the following: "affidavit".

By JEFF DANIELSON

S-3059 FILED MARCH 23, 2005

Danielson co-chair
Kettering co-chair
Wood
Ward

SSB# 1198

Succeeded
HF 364 State Government

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CO-CHAIRPERSON HORN)

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

A BILL FOR

1 An Act relating to the conduct of elections and voter
2 registration and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
GENERAL PROVISIONS RELATING
TO CONDUCT OF ELECTIONS

Section 1. Section 43.6, subsection 2, Code 2005, is amended to read as follows:

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section 39.17 and more than seventy days remain in the term of office following the next general election, the office shall be filled for the balance of the unexpired term at that general election unless the vacancy has been filled by a special election called more than seventy-three days before the primary election. If the vacancy occurs more than seventy-three days before the primary election, political party candidates for that office at the next general election shall be nominated at the primary election. If an appointment to fill the vacancy in office is made eighty-eight or more days before the primary election and a petition requesting a special election has not been received within fourteen days after the appointment is made, candidates for the office shall be nominated at the primary election.

Sec. 2. Section 43.14, Code 2005, is amended to read as follows:

43.14 FORM OF NOMINATION PAPERS.

1. Nomination papers shall include a petition and an affidavit of candidacy. All nomination petitions shall be eight and one-half by eleven inches in size and in substantially the form prescribed by the state commissioner of elections. They shall include or provide spaces for the following information:

a. A statement identifying the signers of the petition as eligible electors of the appropriate county or legislative district and of the state.

b. The name of the candidate nominated by the petition.

c. For nomination petitions for candidates for the general assembly, a statement that the residence of the candidate is

1 within the appropriate legislative district, or if that is not
2 true, that the candidate will reside there within sixty days
3 before the election. For other offices, a statement of the
4 name of the county where the candidate resides.

5 d. The political party with which the candidate is a
6 registered voter.

7 e. The office sought by the candidate, including the
8 district number, if any.

9 f. The date of the primary election for which the
10 candidate is nominated.

11 2. Signatures on a petition page shall be counted only if
12 the required information required in subsection 1 is written
13 or printed at the top of the page. Nomination papers on
14 behalf of candidates for seats in the general assembly need
15 only designate the number of the senatorial or representative
16 district, as appropriate, and not the county or counties, in
17 which the candidate and the petitioners reside. A signature
18 line shall not be counted if the line lacks the signature of
19 the eligible elector and the signer's address and city. ~~The~~
20 ~~person-examining-the-petition-shall-mark-any-deficiencies-on~~
21 ~~the-petition-and-affidavit.~~ A signature line shall not be
22 counted if the signer's address is obviously outside the
23 boundaries of the district.

24 ~~2-~~ 3. The person examining the petition shall mark any
25 deficiencies on the petition and affidavit. Signed nomination
26 petitions and the signed and notarized affidavit of candidacy
27 shall not be altered to correct deficiencies noted during
28 examination. If the nomination petition lacks a sufficient
29 number of acceptable signatures, the nomination petition shall
30 be rejected and shall be returned to the candidate.

31 4. The nomination papers shall be rejected if the
32 affidavit lacks any of the following:

33 a. The candidate's name.

34 b. The name of the office sought, including the district,
35 if any.

- 1 c. The political party name.
- 2 d. The signature of the candidate.
- 3 e. The signature of a notary public or other officer
- 4 empowered to witness oaths.

5 5. The candidate may replace a deficient affidavit with a
6 corrected affidavit only if the replacement affidavit is filed
7 before the filing deadline. The candidate may resubmit a
8 nomination petition that has been rejected by adding a
9 sufficient number of pages or signatures to correct the
10 deficiency. A nomination petition and affidavit filed to
11 replace rejected nomination papers shall be filed together
12 before the deadline for filing.

13 Sec. 3. Section 45.5, Code 2005, is amended to read as
14 follows:

15 45.5 FORM OF NOMINATION PAPERS.

16 1. Nomination papers shall include a petition and an
17 affidavit of candidacy. All nomination petitions shall be
18 eight and one-half by eleven inches in size and shall be in
19 substantially the form prescribed by the state commissioner of
20 elections. They shall provide spaces for the following
21 information:

22 a. A statement identifying the signers of the petition as
23 eligible electors of the appropriate ward, city, county,
24 school district or school district director district, or
25 legislative district and of the state of Iowa.

26 b. The name of the candidate nominated by the petition.

27 c. A statement that the candidate is or will be a resident
28 of the appropriate ward, city, county, school district, or
29 legislative or other district as required by section 39.27.

30 d. The office sought by the candidate, including the
31 district number, if any.

32 e. The name and date of the election for which the
33 candidate is nominated.

34 2. Signatures on a petition page shall be counted only if
35 the required information required in subsection 1 is written

1 or printed at the top of the page. Nomination papers on
2 behalf of candidates for seats in the general assembly need
3 only designate the number of the senatorial or representative
4 district, as appropriate, and not the county or counties, in
5 which the candidate and the petitioners reside. A signature
6 line in a nomination petition shall not be counted if the line
7 lacks the signature of the eligible elector and the signer's
8 address and city. ~~The person examining the petition shall~~
9 ~~mark any deficiencies on the petition.~~ A signature line shall
10 not be counted if the signer's address is obviously outside
11 the boundaries of the appropriate ward, city, school district
12 or school district director district, or other district.

13 2- 3. The pages of the petition shall be securely
14 fastened together to form a single bundle. Nomination
15 petitions that are not bound shall be returned without further
16 examination. The state commissioner shall prescribe by rule
17 the acceptable methods for binding nomination petitions.

18 3- 4. The person examining the petition shall mark any
19 deficiencies on the petition. Signed nomination petitions and
20 the signed and notarized affidavit of candidacy shall not be
21 altered to correct deficiencies noted during the examination.
22 If the nomination petition lacks a sufficient number of
23 acceptable signatures, the nomination papers shall be rejected
24 and returned to the candidate.

25 5. The nomination papers shall be rejected if the
26 affidavit lacks any of the following:

- 27 a. The candidate's name.
28 b. The name of the office sought, including the district,
29 if any.
30 c. The signature of the candidate.
31 d. The signature of a notary public or other officer
32 empowered to witness oaths.

33 6. The candidate may replace a deficient affidavit with a
34 corrected one only if the replacement is filed before the
35 filing deadline. The candidate may resubmit a nomination

1 petition that has been rejected by adding a sufficient number
2 of pages or signatures to correct the deficiency. A
3 nomination petition and affidavit filed to replace rejected
4 nomination papers shall be filed together before the deadline
5 for filing.

6 Sec. 4. Section 45.6, subsection 3, Code 2005, is amended
7 to read as follows:

8 3. All signers, for all nominations, of each separate part
9 of a nomination petition, shall reside in the appropriate
10 ward, city, county, school district, or legislative district,
11 or other district as required by section 45.1.

12 Sec. 5. Section 49.10, subsection 4, Code 2005, is amended
13 to read as follows:

14 4. ~~No~~ A single room or area of any building or facility
15 ~~shall~~ may be fixed as the polling place for more than one
16 precinct ~~unless-there-are-separate-entrances-each.~~ The
17 location of each polling place shall be clearly marked within
18 the room or area on the days on which elections are held as
19 ~~the entrance-to~~ location of the polling place of a particular
20 precinct, and suitable arrangements ~~are~~ shall be made within
21 the room or area to prevent direct access from the polling
22 place of any precinct to the polling place of any other
23 precinct. When the commissioner has fixed such a polling
24 place for any precinct it shall remain the polling place at
25 all subsequent elections, except elections for which the
26 precinct is merged with another precinct as permitted by
27 section 49.11, until the boundaries of the precinct are
28 changed or the commissioner fixes a new polling place, except
29 that the polling place shall be changed to a point within the
30 boundaries of the precinct at any time not less than sixty
31 days before the next succeeding election that a building or
32 facility suitable for such use becomes available within the
33 precinct.

34 Sec. 6. Section 49.14, subsection 1, Code 2005, is amended
35 to read as follows:

1 1. The commissioner may appoint substitute precinct
2 election officials as alternates for election board members.
3 ~~A majority of the original election board members shall be~~
4 ~~present at the precinct polling place at all times; However,~~
5 at partisan elections such the majority of election board
6 members at the precinct polling place shall include at least
7 one precinct election official from each political party. ~~If~~
8 ~~the chairperson leaves the polling place, the chairperson~~
9 ~~shall designate another member of the board to serve as~~
10 ~~chairperson until the chairperson returns.~~ The
11 responsibilities and duties of a precinct election official,
12 other than the chairperson, present at the time the polling
13 place was opened on the day of an election may be assumed at
14 any later time that day by a substitute appointed as an
15 alternate. The substitute shall serve either for the balance
16 of that election day or for any shorter period of time the
17 commissioner may designate.

18 Sec. 7. Section 49.26, subsection 2, Code 2005, is amended
19 to read as follows:

20 2. When voting machines are available for an election
21 precinct, the commissioner shall determine in advance of each
22 regular city election, or special city election, conducted for
23 a city of three thousand five hundred or less population or
24 any regular school election, or school district special
25 election, conducted for a school district in which voting
26 occurs in that precinct whether voting there shall be by
27 machine or paper ballot. ~~If the commissioner concludes, on~~
28 ~~the basis of voter turnout for recent similar elections and~~
29 ~~factors considered likely to affect voter turnout for the~~
30 ~~forthcoming election, that voting will probably be so light as~~
31 ~~to make preparation and use of paper ballots less expensive~~
32 ~~than preparation and use of a voting machine, paper ballots~~
33 ~~shall be used.~~

34 Sec. 8. Section 49.31, subsection 2, unnumbered paragraph
35 2, Code 2005, is amended to read as follows:

1 On the general election ballot the names of candidates for
2 the nonpartisan offices listed in section 39.21 shall be
3 arranged ~~by drawing lots for position~~ in alphabetical order by
4 surname under the heading of the office to be filled. The
5 ~~board of supervisors shall hold the drawing at its first~~
6 ~~meeting following the deadline for receipt of objections and~~
7 ~~withdrawals by candidates for the general election.~~

8 Sec. 9. Section 49.57, subsections 2 and 3, Code 2005, are
9 amended to read as follows:

10 2. In the area of the general election ballot for straight
11 party voting, the party or organization names shall be printed
12 in ~~capital~~ upper case and lower case letters of using a
13 uniform font size, ~~in~~ for each political party or nonparty
14 political organization. The font size shall be not less than
15 twelve point type. After the name of each candidate for a
16 partisan office the name of the candidate's political party
17 shall be printed in at least six point type. The names of
18 political parties and nonparty political organizations may be
19 abbreviated on the remainder of the ballot if both the full
20 name and the abbreviation appear in the "Straight Party" and
21 "Other Political Party" areas of the ballot.

22 3. The names of candidates shall be printed in ~~capital~~
23 upper case and lower case letters, ~~of~~ using a uniform font
24 size throughout the ballot, ~~in.~~ The font size shall be not
25 less than ten point type.

26 Sec. 10. Section 49.57, Code 2005, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 3A. In no case shall the font size for
29 public measures, constitutional amendments, and constitutional
30 convention questions, and summaries thereof, be less than ten
31 point type.

32 Sec. 11. Section 49.57, subsection 5, Code 2005, is
33 amended to read as follows:

34 5. A portion of the ballot, which can be shown to the
35 precinct officials without revealing any of the marks made by

1 the voter, shall include the words "Official ballot", a
2 ~~designation-of-the-ballot-retention,-if-any~~ the unique
3 identification number or name assigned by the commissioner to
4 the ballot style, the date of the election, and a facsimile of
5 the signature of the commissioner who has caused the ballot to
6 be printed pursuant to section 49.51.

7 Sec. 12. Section 49.73, subsection 1, paragraph e, Code
8 2005, is amended to read as follows:

9 e. ~~The Any election conducted for the unincorporated area~~
10 ~~of any a county voting-on-a-local-option-sales-and-services~~
11 ~~tax-pursuant-to-section-423B-1.~~

12 Sec. 13. Section 49.77, subsections 1 and 2, Code 2005,
13 are amended to read as follows:

14 1. The board members of their respective precincts shall
15 have charge of the ballots and furnish them to the voters.
16 Any person desiring to vote shall sign a voter's declaration
17 provided by the officials, in substantially the following
18 form:

19 VOTER'S DECLARATION OF ELIGIBILITY

20 I do solemnly swear or affirm that I am a resident of the
21 precinct, ward or township, city of, county
22 of, Iowa.

23 I am a registered voter. I have not voted and will not
24 vote in any other precinct in said election.

25 I understand that any false statement in this declaration
26 is a criminal offense punishable as provided by law.

27
28 Signature of Voter
29
30 Address
31
32 Telephone

33 Approved:
34
35 Board Member

1 This declaration shall be printed on each page of the
2 election register and the voter shall sign the election
3 register next to the voter's printed name. The voter's
4 signature in the election register shall be considered the
5 voter's signed declaration of eligibility affidavit.

6 ~~2. One-of-the-precinct-election-officials-shall-announce~~
7 ~~the-voter's-name-aloud~~ The precinct election official shall
8 make available for viewing a listing of those voters who have
9 signed declarations of eligibility for the benefit of any
10 persons present pursuant to section 49.104, subsection 2, 3,
11 or 5. Any of those persons may upon request view the signed
12 ~~declarations-of-eligibility-and-may-review-the-signed~~
13 ~~declarations-on-file~~ listing of those voters who have signed
14 declarations of eligibility, so long as the person does not
15 interfere with the functions of the precinct election
16 officials.

17 Sec. 14. Section 49.79, Code 2005, is amended to read as
18 follows:

19 49.79 CHALLENGES.

20 1. Any person offering to vote may be challenged as
21 unqualified by any precinct election official or registered
22 voter. It is the duty of each official to challenge any
23 person offering to vote whom the official knows or suspects is
24 not duly qualified. A ballot shall be received from a voter
25 who is challenged, but only in accordance with section 49.81.

26 2. A person may be challenged for any of the following
27 reasons:

28 a. The challenged person is not a citizen of the United
29 States.

30 b. The challenged person is less than eighteen years of
31 age as of the date of the election at which the person is
32 offering to vote.

33 c. The challenged person is not a resident at the address
34 where the person is registered. However, a person who is
35 reporting a change of address at the polls on election day

1 pursuant to section 48A.27, subsection 2, paragraph "a",
2 subparagraph (3) shall not be challenged for this reason.

3 d. The challenged person is not a resident of the precinct
4 where the person is offering to vote.

5 e. The challenged person has falsified information on the
6 person's registration form or on the person's declaration of
7 eligibility.

8 f. The challenged person has been convicted of a felony,
9 and the person's voting rights have not been restored.

10 g. The challenged person has been adjudged by a court of
11 law to be a person who is incompetent to vote and no
12 subsequent proceeding has reversed that finding.

13 Sec. 15. Section 50.16, Code 2005, is amended to read as
14 follows:

15 50.16 TALLY LIST OF BOARD.

16 The tally list shall be prepared in writing by the election
17 board giving, in legibly printed numerals, the total number of
18 people who cast ballots in the precinct, the total number of
19 ballots cast for each officer office, except those rejected,
20 the name of each person voted for, and the number of votes
21 given to each person for each different office. The tally
22 list shall be signed by the precinct election officials, and
23 be substantially as follows:

24 At an election at in township, or in
25 precinct of city or township, in county, state of
26 Iowa, on the ... day of A-D- .., there were ... ballots
27 cast for the office of of which

28 (Candidate's name) had .. votes.

29 (Candidate's name) had .. votes.

30 (and in the same manner for any other officer).

31 A true tally list:

32 (Name) Election Board

33 (Name) Members.

34 (Name)

35 Attest:

1 (Name) Designated

2 (Name) Tally Keepers.

3 Sec. 16. Section 50.25, subsection 7, Code 2005, is
4 amended by striking the subsection.

5 Sec. 17. Section 50.25, Code 2005, is amended by adding
6 the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The abstract of the votes for
8 each county office is not required to be made on a different
9 sheet.

10 Sec. 18. Section 52.25, unnumbered paragraph 2, Code 2005,
11 is amended to read as follows:

12 The entire convention question, amendment, or public
13 measure shall be printed and displayed prominently in at least
14 four places within the voting precinct, and inside each voting
15 booth, or on the left-hand side inside the curtain of each
16 voting machine, the printing to be in conformity with the
17 provisions of chapter 49. The question, amendment, or
18 measure, and summaries thereof, shall be printed on the
19 special paper ballots or on the inserts used in the voting
20 machines. In no case shall the font size be less than ten
21 point type. The public measure shall be summarized by the
22 commissioner ~~and-in-the-largest-type-possible-printed-on-the~~
23 ~~special-paper-ballots-or-inserts-used-in-the-voting-machines,~~
24 except that:

25 Sec. 19. Section 376.11, unnumbered paragraphs 1 and 2,
26 Code 2005, are amended to read as follows:

27 Write-in votes are permitted to be cast in all elections
28 for city offices. A person who receives a sufficient number
29 of write-in votes to be elected to a city office shall be
30 declared the winner of the election. If a person who was
31 elected by write-in votes chooses not to serve in that office
32 the person shall submit a resignation in writing to the city
33 clerk not later than five o'clock p.m. on the tenth day
34 following the canvass of the election. If a person who was
35 elected by write-in votes resigns at a later time, the office

1 shall be considered vacant at the end of the term and the
2 council shall fill the vacancy pursuant to the provisions of
3 section 372.13, subsection 2.

4 Except in cities where the council has chosen a runoff
5 election in lieu of a primary, following the resignation of a
6 person who was elected by write-in votes, the city clerk shall
7 notify the person who received the next highest number of
8 votes cast for the office that the person may assume the
9 office. If the person accepts the position, the person shall
10 be considered the duly elected officer unless, within ten days
11 after the clerk has given notice, a petition requesting a
12 special election is filed by eligible electors of the city
13 equal in number to twenty-five percent of the number of
14 persons who voted for the office at the election. If the
15 person declines, the person shall do so in writing to the city
16 clerk within ten days and the office shall be considered
17 vacant at the end of the term. The vacancy shall be filled
18 pursuant to the provisions of section 372.13, subsection 2. If
19 the council chooses to appoint, the appointment may be made
20 before the end of the current term.

21 Sec. 20. APPLICABILITY DATE. This division of this Act
22 applies to elections held on or after January 1, 2006.

23 DIVISION II

24 ABSENTEE VOTING

25 Sec. 21. Section 39A.4, subsection 1, paragraph c,
26 subparagraphs (10), (11), and (12), Code 2005, are amended to
27 read as follows:

28 (10) As an incumbent officeholder of, or a candidate for,
29 an office being voted for at the election in progress, serving
30 as a member of a challenging committee or observer under
31 section 49.104, subsection 2, 5, or 6, or section 53.23,
32 subsection 4.

33 (11) Returning a voted absentee ballot, by mail or in
34 person, to the commissioner's office and the person returning
35 the ballot is not the voter, an immediate family member of the

1 voter, an absentee ballot courier, a special precinct election
2 official designated pursuant to section 53.22, subsection 1,
3 or the designee of a voter described in section 53.22,
4 subsection 5.

5 (12) Making a false or untrue statement reporting that a
6 voted absentee ballot was returned to the commissioner's
7 office, by mail or in person, by a person other than the
8 voter, an immediate family member of the voter, an absentee
9 ballot courier, a special precinct election official
10 designated pursuant to section 53.22, subsection 1, or the
11 designee of a voter described in section 53.22, subsection 5.

12 Sec. 22. Section 39A.5, subsection 1, paragraph b,
13 subparagraph (2), Code 2005, is amended to read as follows:

14 (2) ~~Neglecting-or-refusing-to-return-an-absentee-ballot-in~~
15 ~~violation-of-section-53-357-or-violating~~ Violating any other
16 provision of chapter 53 for which another penalty is not
17 provided.

18 Sec. 23. Section 49.63, Code 2005, is amended to read as
19 follows:

20 49.63 TIME OF PRINTING -- INSPECTION AND CORRECTION.

21 Ballots shall be printed and in the possession of the
22 commissioner in time to enable the commissioner to furnish
23 ballots to absent voters as provided by sections 53.8, 53.10,
24 and 53.11. The printed ballots shall be subject to the
25 inspection of candidates and their agents. If mistakes are
26 discovered, they shall be corrected without delay, in the
27 manner provided in this chapter.

28 Sec. 24. Section 50.20, Code 2005, is amended to read as
29 follows:

30 50.20 NOTICE OF NUMBER OF PROVISIONAL BALLOTS.

31 The commissioner shall compile a list of the number of
32 provisional ballots cast under section 49.81 in each precinct.
33 The list shall be made available to the public as soon as
34 possible, but in no case later than nine o'clock a.m. on the
35 second day following the election. Any elector may examine

1 the list during normal office hours, and may also examine the
2 affidavit affidavits on the provisional ballot envelopes
3 bearing the ballots of challenged electors until the
4 reconvening of the special precinct board as required by this
5 chapter. Only those persons so permitted by section 53.23,
6 subsection 4, shall have access to the affidavits while that
7 board is in session. Any elector may present written
8 statements or documents, supporting or opposing the counting
9 of any special ballot, at the commissioner's office until the
10 reconvening of the special precinct board.

11 Sec. 25. Section 53.2, subsections 1 and 4, Code 2005, are
12 amended to read as follows:

13 1. Any registered voter, under the circumstances specified
14 in section 53.1, may on any day, except election day, and not
15 more than seventy days prior to the date of the election,
16 apply in person for an absentee ballot at the commissioner's
17 office or at any location designated by the commissioner.
18 However, for those elections in which the commissioner directs
19 the polls be opened at noon pursuant to section 49.73, a voter
20 may apply in person for an absentee ballot at the
21 commissioner's office from eight a.m. until eleven a.m. on
22 election day.

23 PARAGRAPH DIVIDED. A registered voter may make written
24 application to the commissioner for an absentee ballot. A
25 written application for an absentee ballot must be received by
26 the commissioner no later than five p.m. on the Friday before
27 the election. A written application for an absentee ballot
28 delivered to the commissioner and received by the commissioner
29 more than seventy days prior to the date of the election shall
30 be retained by the commissioner and processed in the same
31 manner as a written application received not more than seventy
32 days before the date of the election. However, in a general
33 election year, if an application for an absentee ballot for
34 the general election is received on or before primary election
35 day, the commissioner shall return the application to the

1 voter and shall enclose a notice stating that the application
2 may not be submitted until after the primary election.

3 4. Each application shall contain the name and signature
4 of the registered voter, the registered voter's date of birth,
5 the address at which the voter is registered to vote, and the
6 name or date of the election for which the absentee ballot is
7 requested, and such other information as may be necessary to
8 determine the correct absentee ballot for the registered
9 voter. If insufficient information has been provided, the
10 commissioner shall, by the best means available, obtain the
11 additional necessary information.

12 Sec. 26. Section 53.7, subsection 1, Code 2005, is amended
13 to read as follows:

14 1. It shall be unlawful for any employee of the state or
15 any employee of a political subdivision to solicit any
16 application or request for application for an absentee ballot,
17 or to take an affidavit in connection with any absentee ballot
18 while the employee is on the employer's premises or otherwise
19 in the course of employment. However, any such employee may
20 take such affidavit in connection with an absentee ballot
21 which is cast by the registered voter in person in the office
22 where such employee is employed in accordance with section
23 53.10 or 53.11. This subsection shall not apply to any
24 elected official.

25 Sec. 27. Section 53.8, subsections 1 and 2, Code 2005, are
26 amended to read as follows:

27 1. Upon receipt of an application for an absentee ballot
28 and immediately after the absentee ballots are printed, the
29 commissioner shall mail an absentee ballot to the applicant
30 within twenty-four hours, except as otherwise provided in
31 subsection 3. The absentee ballot shall be enclosed in with
32 an unsealed return carrier envelope bearing a serial number
33 and voter's affidavit of eligibility. ~~The absentee ballot and~~
34 ~~unsealed envelope shall be enclosed in or with a carrier~~
35 ~~envelope marked postage paid which bears the same serial~~

1 ~~number-as-the-unsealed-envelope---The-absentee-ballot,~~
2 ~~unsealed-envelope, and-carrier-envelope-shall-be-enclosed-in-a~~
3 ~~third-envelope-to-be-sent-to-the-registered-voter.~~ The
4 envelope shall be marked postage paid. If the ballot cannot
5 be folded so that all of the votes cast on the ballot will be
6 hidden, the commissioner shall also enclose a secrecy envelope
7 with the absentee ballot.

8 2. If an application is received so late that it is
9 unlikely that the absentee ballot can be returned in time to
10 be counted on election day, the commissioner shall enclose
11 with the absentee ballot a statement to that effect. The
12 statement shall also point out that it is possible for the
13 applicant, an immediate family member of the applicant, or the
14 applicant's designee if the absentee ballot is voted by a
15 voter described in section 53.22, subsection 5, to personally
16 deliver the completed absentee ballot to the office of the
17 commissioner at any time before the closing of the polls on
18 election day. The statement shall also point out that it is
19 possible for an absentee ballot courier to personally deliver
20 the completed absentee ballot to the office of the
21 commissioner within seventy-two hours of retrieving the
22 completed ballot or before the closing of the polls on
23 election day, whichever is earlier.

24 Sec. 28. Section 53.8, subsection 3, unnumbered paragraph
25 3, Code 2005, is amended to read as follows:

26 Nothing in this subsection nor in section 53.22 shall be
27 construed to prohibit a registered voter who is a hospital
28 patient or resident of a health care facility, or who
29 anticipates entering a hospital or health care facility before
30 the date of a forthcoming election, from casting an absentee
31 ballot in the manner prescribed by section 53.10 or 53.11.

32 Sec. 29. Section 53.12, Code 2005, is amended to read as
33 follows:

34 53.12 DUTY OF COMMISSIONER.

35 The commissioner shall enclose the absentee ballot in an

1 unsealed return carrier envelope, to be furnished by the
2 commissioner, which envelope shall bear upon its face the
3 words "county commissioner of elections", the address of the
4 commissioner's office, and the same serial number appearing on
5 the unsealed envelope shall be affixed to the application.

6 Sec. 30. Section 53.13, Code 2005, is amended to read as
7 follows:

8 53.13 VOTER'S FORM OF RETURN CARRIER ENVELOPE AND
9 AFFIDAVIT ON ENVELOPE.

10 1. On the unsealed return carrier envelope shall be
11 printed an affidavit form prescribed by the state commissioner
12 of elections.

13 2. The return carrier envelope shall be in the form
14 prescribed by the state commissioner of elections. The form
15 prescribed by the state commissioner of elections shall
16 include a method whereby the affidavit can be revealed to the
17 county commissioner of elections upon receipt of the completed
18 absentee ballot, pursuant to section 53.18, while allowing the
19 envelope to remain sealed.

20 Sec. 31. Section 53.16, Code 2005, is amended to read as
21 follows:

22 53.16 SUBSCRIBING TO AFFIDAVIT.

23 After marking the ballot, the voter shall make and
24 subscribe to the affidavit on the reverse side of the return
25 carrier envelope, and fold the ballot or ballots, separately,
26 so as to conceal the markings on them, and deposit them in the
27 envelope, and securely seal the envelope.

28 Sec. 32. Section 53.17, subsections 1 and 2, Code 2005,
29 are amended to read as follows:

30 1. ~~The sealed-envelope-containing-the~~ absentee ballot
31 shall be enclosed in a return carrier envelope which shall be
32 securely sealed. The sealed return carrier envelope shall be
33 returned to the commissioner by one of the following methods:

34 a. The sealed return carrier envelope may be delivered by
35 the registered voter, by an immediate family member of the

1 voter, by the special precinct election officials designated
2 pursuant to section 53.22, subsection 1, or by the voter's
3 designee if the absentee ballot is voted by a voter described
4 in section 53.22, subsection 5, to the commissioner's office
5 no later than the time the polls are closed on election day.

6 b. The ~~sealed~~ return carrier envelope may be mailed to the
7 commissioner by the registered voter, by an immediate family
8 member of the voter, or by the voter's designee if the ballot
9 is voted by a voter described in section 53.22, subsection 5.

10 c. The ~~sealed~~ return carrier envelope may be delivered to
11 the commissioner by an absentee ballot courier, but only as
12 provided in subsection 4.

13 2. In order for the ballot to be counted, the return
14 carrier envelope must be received in the commissioner's office
15 before the polls close on election day or be clearly
16 postmarked by an officially authorized postal service not
17 later than the day before the election and received by the
18 commissioner not later than noon on the Monday following the
19 election.

20 Sec. 33. Section 53.18, Code 2005, is amended to read as
21 follows:

22 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

23 1. Upon receipt of the return carrier envelope containing
24 the completed absentee ballot, the commissioner shall at once
25 record the serial number appearing on the application and
26 return carrier envelope and time of receipt of such ballot and
27 attach the elector's application to the unopened return
28 carrier envelope. Absentee ballots shall be stored in a
29 secure place until they are delivered to the absentee and
30 special voters precinct board.

31 2. Upon receipt of the return carrier envelope containing
32 the completed absentee ballot, the commissioner shall reveal
33 the affidavit on the envelope and shall review the affidavit
34 for any deficiencies. If the affidavit contains a deficiency
35 which would cause the ballot to be rejected, the commissioner

1 shall immediately notify the voter of that fact and that the
2 voter may correct the deficiency in the time permitted under
3 section 53.17, subsection 2.

4 3. If the return carrier envelope is open when received by
5 the commissioner, or has been opened and resealed, the
6 commissioner shall immediately notify the voter of that fact
7 and that the voter's absentee ballot shall not be counted
8 unless the voter applies for a replacement ballot and returns
9 the replacement ballot in the time permitted under section
10 53.17, subsection 2. The replacement ballot application shall
11 be the same as is required for an application under section
12 53.2. If the information on the replacement ballot
13 application matches the information on the original
14 application, the voter shall be allowed to complete a
15 replacement absentee ballot. The same serial number that was
16 assigned to the records of the original absentee ballot
17 application shall be used on the envelope and records of the
18 replacement ballot. The sealed return carrier envelope
19 containing the completed replacement ballot shall be marked
20 "Replacement ballot". The return carrier envelope containing
21 the original ballot shall be marked "Defective ballot" and the
22 replacement ballot and replacement application shall be
23 attached to the original application and return carrier
24 envelope containing the original ballot and shall be stored in
25 a secure place until they are delivered to the absentee and
26 special voters precinct board, notwithstanding sections 53.26
27 and 53.27.

28 Sec. 34. Section 53.19, unnumbered paragraph 1, Code 2005,
29 is amended to read as follows:

30 The commissioner shall maintain a list of the absentee
31 ballots provided to registered voters, the serial number
32 appearing on the unsealed return carrier envelope, the date
33 the application for the absentee ballot was received, and the
34 date the absentee ballot was sent to the registered voter
35 requesting the absentee ballot.

1 Sec. 35. Section 53.21, unnumbered paragraph 4, Code 2005,
2 is amended to read as follows:

3 The voter shall enclose one copy of the above statement in
4 the return carrier envelope ~~with-the-ballot-envelope~~ and
5 retain a copy for the voter's records.

6 Sec. 36. Section 53.22, subsection 1, paragraph a,
7 unnumbered paragraph 1, Code 2005, is amended to read as
8 follows:

9 A registered voter who has applied for an absentee ballot,
10 in a manner other than that prescribed by section 53.10 or
11 53.11, and who is a resident or patient in a health care
12 facility or hospital located in the county to which the
13 application has been submitted shall be delivered the
14 appropriate absentee ballot by two special precinct election
15 officers, one of whom shall be a member of each of the
16 political parties referred to in section 49.13, who shall be
17 appointed by the commissioner from the election board panel
18 for the special precinct established by section 53.20. The
19 special precinct election officers shall be sworn in the
20 manner provided by section 49.75 for election board members,
21 shall receive compensation as provided in section 49.20 and
22 shall perform their duties during the ten calendar days
23 preceding the election and on election day if all ballots
24 requested under section 53.8, subsection 3 have not previously
25 been delivered and returned.

26 Sec. 37. Section 53.22, subsection 5, unnumbered paragraph
27 2, Code 2005, is amended to read as follows:

28 Absentee ballots voted under this subsection shall be
29 delivered to the commissioner no later than the time the polls
30 are closed on election day. If the ballot is returned by mail
31 the return carrier envelope must be received by the time the
32 polls close, or clearly postmarked by an officially authorized
33 postal service not later than the day before the election and
34 received by the commissioner no later than the time
35 established for the canvass by the board of supervisors for

1 that election.

2 Sec. 38. Section 53.23, subsections 3 and 5, Code 2005,
3 are amended to read as follows:

4 3. The commissioner shall set the convening time for the
5 board, allowing a reasonable amount of time to complete
6 counting all absentee ballots by ten p.m. on election day.
7 The commissioner may direct the board to meet on the day
8 before the election solely for the purpose of reviewing the
9 absentee voters' affidavits appearing on the sealed ~~ballot~~
10 return carrier envelopes. If in the commissioner's judgment
11 this procedure is necessary due to the number of absentee
12 ballots received, the members of the board may open the sealed
13 ~~ballot~~ return carrier envelopes and remove the secrecy
14 envelope containing the ballot, but under no circumstances
15 shall a secrecy envelope be opened before the board convenes
16 on election day. If the ~~ballot~~ return carrier envelopes are
17 opened before election day, two observers, one appointed by
18 each of the two political parties referred to in section
19 49.13, subsection 2, shall witness the proceedings.

20 If the board finds any ballot not enclosed in a secrecy
21 envelope and the ballot is folded in such a way that any of
22 the votes cast on the ballot are visible, the two special
23 precinct election officials, one from each of the two
24 political parties referred to in section 49.13, subsection 2,
25 shall place the ballot in a secrecy envelope. No one shall
26 examine the ballot. Each of the special precinct election
27 officials shall sign the secrecy envelope.

28 5. The special precinct election board shall preserve the
29 secrecy of all absentee and special ballots. After the
30 affidavits on the envelopes have been reviewed and the
31 qualifications of the persons casting the ballots have been
32 determined, those that have been accepted for counting shall
33 be opened. The ballots shall be removed from the affidavit
34 return carrier envelopes without being unfolded or examined,
35 and then shall be thoroughly intermingled, after which they

1 shall be unfolded and tabulated. If secrecy folders or
2 envelopes are used with special paper ballots, the ballots
3 shall be removed from the secrecy folders after the ballots
4 have been intermingled.

5 Sec. 39. Section 53.25, Code 2005, is amended to read as
6 follows:

7 53.25 REJECTING BALLOT.

8 In case the absentee voter's affidavit is found to be
9 insufficient, or that the applicant is not a duly registered
10 voter in such precinct, ~~or that the ballot envelope is open,~~
11 ~~or has been opened and resealed,~~ or that the ballot return
12 carrier envelope, or secrecy envelope if applicable, contains
13 more than one ballot of any one kind, or that ~~said~~ the voter
14 has voted in person, such vote shall not be accepted or
15 counted. If the return carrier envelope is open, or has been
16 opened and resealed, and a sealed return carrier envelope with
17 the same serial number and marked "Replacement ballot" is not
18 attached, the vote shall not be accepted or counted.

19 If the absentee ballot is rejected prior to the opening of
20 the ~~ballot~~ return carrier envelope, the voter casting the
21 ballot shall be notified by a precinct election official by
22 the time the canvass is completed of the reason for the
23 rejection on a form prescribed by the state commissioner of
24 elections.

25 Sec. 40. Section 53.27, Code 2005, is amended to read as
26 follows:

27 53.27 REJECTION OF BALLOT -- RETURN OF ENVELOPE.

28 If the ballot is rejected, ~~said ballot~~ the return carrier
29 envelope, with the affidavit of the voter endorsed thereon,
30 shall be returned with ~~said~~ the rejected ballot in the
31 envelope endorsed "Defective ballots".

32 Sec. 41. Section 53.30, Code 2005, is amended to read as
33 follows:

34 53.30 BALLOTS, BALLOT ENVELOPES, AND OTHER INFORMATION
35 PRESERVED.

1 At the conclusion of each meeting of the absentee and
2 special voter's precinct board, the board shall securely seal
3 all ballots counted by them in the manner prescribed in
4 section 50.12. The ~~ballot-envelopes, including the return~~
5 carrier envelope having the registered voter's affidavit on
6 ~~it, the return-carrier-envelope,~~ and any secrecy envelope
7 bearing the signatures of precinct election officials, as
8 required by section 53.23, shall be preserved. All
9 applications for absentee ballots, ballots rejected without
10 being opened, absentee ballot logs, and any other documents
11 pertaining to the absentee ballot process shall be preserved
12 until such time as the documents may be destroyed pursuant to
13 section 50.19.

14 Sec. 42. Section 53.31, unnumbered paragraph 1, Code 2005,
15 is amended to read as follows:

16 Any person qualified to vote at the election in progress
17 may challenge the qualifications of a person casting an
18 absentee ballot by submitting a written challenge to the
19 commissioner no later than five p.m. on the day Friday before
20 the election. It is the duty of the special precinct
21 officials to challenge the absentee ballot of any person whom
22 the official knows or suspects is not duly qualified.
23 Challenges by members of the special precinct election board
24 or observers present pursuant to section 53.23 may be made at
25 any time before the close of the polls on election day. The
26 challenge shall state the reasons for which the challenge is
27 being submitted and shall be signed by the challenger. When a
28 challenge is received the absentee ballot shall be set aside
29 for consideration by the special precinct election board when
30 it meets as required by section 50.22.

31 Sec. 43. Section 53.32, Code 2005, is amended to read as
32 follows:

33 53.32 BALLOT OF DECEASED VOTER.

34 When it shall be made to appear by due proof to the
35 precinct election officials that any elector, who has so

1 marked and forwarded a ballot, has died before the ballot
2 return carrier envelope is opened, then the ballot of such
3 deceased voter shall be endorsed, "Rejected because voter is
4 dead", and be returned to the commissioner; but the casting of
5 the ballot of a deceased voter shall not invalidate the
6 election.

7 Sec. 44. Section 53.37, Code 2005, is amended to read as
8 follows:

9 53.37 DEFINITIONS.

10 1. This division is intended to implement the federal
11 Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. §
12 1973ff et seq.

13 2. The term "armed forces of the United States", as used
14 in this division, shall mean the army, navy, marine corps,
15 coast guard, and air force of the United States.

16 3. For the purpose of absentee voting only, there shall be
17 included in the term "armed forces of the United States" the
18 following:

19 1- a. Spouses and dependents of members of the armed
20 forces while in active service.

21 2- b. Members of the merchant marine of the United States
22 and their spouses and dependents.

23 3- c. Civilian employees of the United States in all
24 categories serving outside the territorial limits of the
25 several states of the United States and the District of
26 Columbia and their spouses and dependents when residing with
27 or accompanying them, whether or not the employee is subject
28 to the civil service laws and the Classification Act of 1949,
29 and whether or not paid from funds appropriated by the
30 Congress.

31 4- d. Members of religious groups or welfare agencies
32 assisting members of the armed forces, who are officially
33 attached to and serving with the armed forces, and their
34 spouses and dependents.

35 5- e. Citizens of the United States who do not fall under

1 any of the categories described in subsections 1 to 4, but who
2 are entitled to register and vote pursuant to section 48A.5,
3 subsection 4.

4 4. For the purposes of this division, "qualified voter"
5 means a person who is included within the term "armed forces
6 of the United States" as described in this section, who would
7 be qualified to register to vote under section 48A.5,
8 subsection 2, except for residency, and who is not
9 disqualified from registering to vote and voting under section
10 48A.6.

11 Sec. 45. Section 53.38, Code 2005, is amended to read as
12 follows:

13 53.38 WHAT CONSTITUTES REGISTRATION.

14 Whenever a ballot is requested pursuant to section 53.39 or
15 53.45 on behalf of a voter in the armed forces of the United
16 States, the affidavit upon the ballot envelope of such voter,
17 if the voter is found to be an eligible elector of the county
18 to which the ballot is submitted, shall constitute a
19 sufficient registration under chapter 48A. A completed
20 federal postcard registration and federal absentee ballot
21 request form submitted by such eligible elector shall also
22 constitute a sufficient registration under chapter 48A. The
23 commissioner shall place the voter's name on the registration
24 record as a registered voter if it does not already appear
25 there. The identification requirements of section 48A.8 and
26 the verification requirements of section 48A.25A do not apply
27 to persons who register to vote under this division.

28 Sec. 46. Section 53.41, Code 2005, is amended to read as
29 follows:

30 53.41 RECORDS BY COMMISSIONER -- EXCESS REQUESTS OR
31 BALLOTS.

32 The commissioner of each county shall establish and
33 maintain a record of all requests for ballots which are made,
34 and of all ballots transmitted, and the manner of transmittal,
35 from and received in the commissioner's office under the

1 provisions of this division.

2 PARAGRAPH DIVIDED. If more than one request for absent
3 voter's ballot for a particular election is made to the
4 commissioner before the ballots are ready to mail by or on
5 behalf of a voter in the armed forces of the United States,
6 the last request first received shall be honored, except that
7 if one of the requests is made by the voter, ~~and a request on~~
8 ~~the voter's behalf has not been previously honored,~~ the
9 request of the voter shall be honored in preference to a
10 request made on the voter's behalf by another.

11 PARAGRAPH DIVIDED. Not more than one ballot shall be
12 transmitted by the commissioner to any voter for a particular
13 election unless after the ballot has been mailed the voter
14 reports a change in the address to which the ballot should be
15 sent. A ballot shall be mailed using a serial number that
16 indicates that this is a replacement sent to an updated
17 address. The original ballot shall be counted only if the
18 replacement ballot does not arrive. If the commissioner
19 receives more than one absent voter's ballot, provided for by
20 this division, from or purporting to be from any one voter for
21 a particular election, all of the ballots so received from or
22 purporting to be from such voter are void, and the
23 commissioner shall not deliver any of the ballots to the
24 precinct election officials, but shall retain them in the
25 commissioner's office, and preserve them for the period and
26 under the conditions provided for in sections 50.12 through
27 50.15 and section 50.19.

28 Sec. 47. Section 53.44, unnumbered paragraph 2, Code 2005,
29 is amended to read as follows:

30 Absentee ballots issued under this division shall be
31 returned ~~in the same manner~~ either by mail by the voter or a
32 person designated by the voter or by personal delivery by the
33 voter or a person designated by the voter and within the same
34 time limits specified in section 53.17.

35 Sec. 48. Section 53.53, subsection 4, paragraph a, Code

1 2005, is amended to read as follows:

2 a. The ballot was submitted from within the United States,
3 unless the voter is a member of the armed forces of the United
4 States, as described in section 53.37, subsection 2, on active
5 duty and away from the voter's county of residence for
6 purposes of serving on active duty.

7 Sec. 49. Section 53.53, subsection 4, paragraph b, Code
8 2005, is amended to read as follows:

9 b. The voter's application for a regular absentee ballot
10 was received by the commissioner less than thirty fourteen
11 days prior to the election.

12 Sec. 50. Section 53.35, Code 2005, is repealed.

13 Sec. 51. APPLICABILITY DATE. This division of this Act
14 applies to elections held on or after January 1, 2006.

15 DIVISION III

16 VOTER REGISTRATION

17 Sec. 52. Section 48A.2, Code 2005, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 6. "Voter registration list" means a
20 compilation of voter registration records produced, upon
21 request, from the electronic voter registration file or by
22 viewing, upon request, the original, completed voter
23 registration applications and forms.

24 Sec. 53. Section 48A.11, subsection 8, Code 2005, is
25 amended to read as follows:

26 8. A voter registration application lacking the
27 registrant's name, sex, date of birth, or residence address or
28 description shall not be processed. A voter registration
29 application lacking the registrant's driver's license number,
30 Iowa nonoperator's identification card number, or the last
31 four digits of the registrant's social security number shall
32 not be processed. A voter registration application lacking
33 the registrant's signature shall not be processed. A
34 registrant whose registration is not processed pursuant to
35 this subsection shall be notified pursuant to section 48A.26,

1 subsection 3. A registrant who does not have an Iowa driver's
2 license number, an Iowa nonoperator's identification number,
3 or a social security number and who notifies the registrar of
4 such shall be assigned a unique identifying number that shall
5 serve to identify the registrant for voter registration
6 purposes.

7 Sec. 54. Section 48A.25A, Code 2005, is amended to read as
8 follows:

9 48A.25A VERIFICATION OF VOTER REGISTRATION INFORMATION.

10 Upon receipt of an application for voter registration by
11 ~~mail~~, the state registrar of voters shall compare the driver's
12 license number, the Iowa nonoperator's identification card
13 number, or the last four numerals of the social security
14 number provided by the registrant with the records of the
15 state department of transportation or the social security
16 administration. To be verified, the voter registration record
17 shall contain the same name, date of birth, and driver's
18 license number or Iowa nonoperator's identification card
19 number or whole or partial social security number as the
20 records of the state department of transportation or social
21 security administration. If the information cannot be
22 verified, the application shall be rejected and the registrant
23 shall be notified of the reason for the rejection. If the
24 information can be verified, a record shall be made of the
25 verification and the application shall be accepted.

26 The voter registration commission shall adopt rules in
27 accordance with chapter 17A to provide procedures for
28 processing registration applications if the ~~state-department~~
29 ~~of-transportation-does-not,~~ applications cannot be verified
30 before the close of registration for an election for which the
31 voter registration otherwise would be effective, ~~--if-verified,~~
32 ~~provide-a-report-that-the-information-on-the-application-has~~
33 ~~matched-or-not-matched-the-records-of-the-department.~~

34 This section does not apply to persons described in section
35 53.37 who are entitled to register to vote and to vote

1 ~~pursuant to section 48A.57, subsection 4.~~

2 Sec. 55. Section 48A.26, subsection 4, Code 2005, is
3 amended to read as follows:

4 4. If the registrant applied by mail to register to vote
5 and did not answer either "yes" or "no" to the question in
6 section 48A.11, subsection 3, paragraph "a", the application
7 shall be processed, ~~but the registration shall be designated~~
8 ~~as valid only for elections that do not include candidates for~~
9 ~~federal offices on the ballot.~~ The acknowledgment shall
10 advise the applicant that the ~~status of the registration is~~
11 ~~local and the reason for the registration being assigned local~~
12 status applicant must submit a new form with the appropriate
13 box checked. The commissioner shall enclose a new
14 registration by mail form for the applicant to use. If the
15 original application is received during the twelve days before
16 the close of registration for an election that includes
17 candidates for federal offices on the ballot, the commissioner
18 shall provide the registrant with an opportunity to complete
19 the form before the close of registration.

20 Sec. 56. Section 48A.37, subsection 2, Code 2005, is
21 amended to read as follows:

22 2. Electronic records shall include a status code
23 designating whether the records are active, inactive, ~~local,~~
24 or pending. Inactive records are records of registered voters
25 to whom notices have been sent pursuant to section 48A.28,
26 subsection 3, and who have not returned the card or otherwise
27 responded to the notice, and those records have been
28 designated inactive pursuant to section 48A.29. ~~Local records~~
29 ~~are records of applicants who did not answer either "yes" or~~
30 ~~"no" to the question in section 48A.11, subsection 3,~~
31 ~~paragraph "a".~~ Pending records are records of applicants
32 whose applications have not been verified pursuant to section
33 48A.25A. All other records are active records. An inactive
34 record shall be made active when the registered voter votes at
35 an election, registers again, or reports a change of name,

1 address, telephone number, or political party affiliation. A
2 pending record shall be made active upon verification. A
3 ~~local record shall be valid for any election for which no~~
4 ~~candidates for federal office appear on the ballot.--A~~
5 ~~registrant with only a local record shall not vote in a~~
6 ~~federal election unless the registrant submits a new voter~~
7 ~~registration application before election day indicating that~~
8 ~~the applicant is a citizen of the United States.~~

9 Sec. 57. APPLICABILITY DATE. This division of this Act
10 applies to elections held on or after January 1, 2006.

11 DIVISION IV

12 ELECTION OF TOWNSHIP OFFICIALS

13 Sec. 58. Section 39.21, Code 2005, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 4. Township officers as provided in
16 section 39.22, subsection 2.

17 Sec. 59. Section 39.22, subsection 1, unnumbered paragraph
18 2, Code 2005, is amended to read as follows:

19 The election of the trustees and clerk of a township may be
20 restored after approval of the appointment process under this
21 subsection by a resolution of the board of supervisors
22 submitting the question to the registered voters who are
23 eligible to vote for township officers of the township at the
24 next general election. If the proposition to restore the
25 election process is approved by a majority of those voting on
26 the question, the election of the township officers shall
27 commence with the next ~~primary and general elections~~ election.
28 A resolution submitting the question of restoring the election
29 of township officers at the next general election shall be
30 adopted by the board of supervisors upon receipt of a petition
31 signed by eligible electors residing in the township equal in
32 number to at least ten percent of the registered voters of a
33 township. The initial terms of the trustees shall be
34 determined by lot, one for two years, and two for four years.
35 However, if a proposition to change the method of selecting

1 township officers is adopted by the electorate, a resolution
2 to change the method shall not be submitted to the electorate
3 for four years.

4 Sec. 60. Section 39.22, subsection 2, Code 2005, is
5 amended to read as follows:

6 2. BY ELECTION. If the county board of supervisors does
7 not have the power provided under subsection 1 to fill the
8 offices of trustee and clerk within a township by appointment,
9 then the offices of township trustee and township clerk shall
10 be filled by election on a nonpartisan basis. Township
11 trustees and the township clerk, in townships which do not
12 include a city, shall be elected by the voters of the entire
13 township. In townships which include a city, the officers
14 shall be elected by the voters of the township who reside
15 outside the corporate limits of the city, but a township
16 officer may be a resident of the city.

17 a. TOWNSHIP OFFICERS. The election of township officers
18 shall take place at the general election on ballots which
19 shall not reflect a nominee's political affiliation.
20 Nomination shall be made by petition in accordance with
21 chapter 45. The petition form shall be furnished by the
22 county commissioner of elections and shall be filed with the
23 county commissioner of elections. A plurality is sufficient
24 to elect the township officers.

25 a- b. TOWNSHIP TRUSTEES. Township trustees shall be
26 elected biennially to succeed those whose terms of office
27 expire on the first day of January following the election
28 which is not a Sunday or legal holiday. The term of office of
29 each elected township trustee is four years, except as
30 provided in subsection 1 for initial terms following
31 restoration of the election process.

32 b- c. TOWNSHIP CLERK. At the general election held in the
33 year 1990 and every four years thereafter, in each civil
34 township one township clerk shall be elected who shall hold
35 office for the term of four years.

1 Sec. 61. Section 43.26, Code 2005, is amended to read as
2 follows:

3 43.26 BALLOT -- FORM.

4 The official primary election ballot shall be prepared,
5 arranged, and printed substantially in the following form:

6 PRIMARY ELECTION BALLOT

7 (Name of Party) of

8 County of

9 , State of Iowa,

10 ... Rotation (if any).

11 Primary election held on

12 the ... day of June,(year)

13 FOR UNITED STATES SENATOR

14 (Vote for no more than one.)

15 ___ CANDIDATE'S NAME

16 ___ CANDIDATE'S NAME

17 ___

18 FOR UNITED STATES

19 REPRESENTATIVE

20 (Vote for no more than one.)

21 ___ CANDIDATE'S NAME

22 ___ CANDIDATE'S NAME

23 ___

24 FOR GOVERNOR

25 (Vote for no more than one.)

26 ___ CANDIDATE'S NAME

27 ___ CANDIDATE'S NAME

28 ___

29 (Followed by other elective state officers in the order in
30 which they appear in section 39.9 and district officers in the
31 order in which they appear in sections 39.15 and 39.16.)

32 FOR BOARD OF SUPERVISORS

33 (Vote for no more than two.)

34 ___ CANDIDATE'S NAME

35 ___ CANDIDATE'S NAME

1 ___
 2 ___
 3 FOR COUNTY AUDITOR
 4 (Vote for no more than one.)
 5 ___ CANDIDATE'S NAME
 6 ___ CANDIDATE'S NAME
 7 ___

8 (Followed by other elective county officers in the order in
 9 which they appear in section 39.17.)

10 FOR-TOWNSHIP-CLERK
 11 {Vote-for-no-more-than-one-}

12 ----CANDIDATE'S-NAME
 13 ----CANDIDATE'S-NAME
 14 -----.....

15 FOR-TOWNSHIP-TRUSTEES
 16 {Vote-for-no-more-than-two-}

17 ----CANDIDATE'S-NAME
 18 ----CANDIDATE'S-NAME
 19 ----CANDIDATE'S-NAME
 20 -----.....
 21 -----.....

22 Sec. 62. Section 43.53, Code 2005, is amended to read as
 23 follows:

24 43.53 NOMINEES FOR SUBDIVISION OFFICE -- WRITE-IN
 25 CANDIDATES.

26 The nominee of each political party for any office to be
 27 filled by the voters of any township-or-other political
 28 subdivision within the county shall be the person receiving
 29 the highest number of votes cast in the primary election by
 30 the voters of that party for the office. That person shall
 31 appear as the party's candidate for the office on the general
 32 election ballot. A person whose name is not printed on the
 33 official primary ballot shall not be declared nominated as a
 34 candidate for such office in the general election unless that
 35 person receives at least five votes. Nomination of a

1 candidate for the office of county supervisor elected from a
2 district within the county shall be governed by section 43.52
3 and not by this section.

4 Sec. 63. Section 43.67, unnumbered paragraph 1, Code 2005,
5 is amended to read as follows:

6 Each candidate nominated pursuant to section 43.52 or 43.65
7 is entitled to have the candidate's name printed on the
8 official ballot to be voted at the general election without
9 other certificate unless the candidate was nominated by write-
10 in votes. Immediately after the completion of the canvass
11 held under section 43.49, the county auditor shall notify each
12 person who was nominated by write-in votes for a county or
13 township office that the person is required to file an
14 affidavit of candidacy if the person wishes to be a candidate
15 for that office at the general election. Immediately after
16 the completion of the canvass held under section 43.63, the
17 secretary of state shall notify each person who was nominated
18 by write-in votes for a state or federal office that the
19 person is required to file an affidavit of candidacy if the
20 person wishes to be a candidate for that office at the general
21 election. If the affidavit is not filed by five p.m. on the
22 seventh day after the completion of the canvass, that person's
23 name shall not be placed upon the official general election
24 ballot. The affidavit shall be signed by the candidate,
25 notarized, and filed with the county auditor or the secretary
26 of state, whichever is applicable.

27 Sec. 64. Section 49.30, subsection 1, Code 2005, is
28 amended to read as follows:

29 1. Where special paper ballots are used, if it is not
30 possible to include all offices and public measures on a
31 single ballot, separate ballots may be provided for township
32 offices, nonpartisan offices, judges, or public measures.

33 Sec. 65. Section 49.30, subsection 2, paragraph a, Code
34 2005, is amended to read as follows:

35 a. If it is impossible to place the names of all

1 candidates on the machine ballot, the commissioner may provide
2 a separate paper ballot for the candidates for judge of the
3 district court~~7-the-township-offices7~~, and the nonpartisan
4 offices listed in section 39.21. One of the paper ballots
5 shall be furnished to each registered voter.

6 Sec. 66. Section 49.37, subsection 3, Code 2005, is
7 amended to read as follows:

8 3. The commissioner shall arrange the partisan county
9 offices on the ballot with the board of supervisors first,
10 followed by the other county offices ~~and-township-offices~~ in
11 the same sequence in which they appear in sections section
12 39.17 and-39-22. Nonpartisan offices shall be listed after
13 partisan offices.

14 Sec. 67. Section 43.21, Code 2005, is repealed.

15 Sec. 68. APPLICABILITY DATE. This division of this Act
16 applies to elections held on or after January 1, 2006.

17 EXPLANATION

18 This bill makes various changes to the Code relating to the
19 conduct of elections, voting, and voter registration.

20 Division I of the bill amends provisions relating to the
21 conduct of elections as follows:

22 Code section 43.6 is amended to provide that if a vacancy
23 in a county office occurs more than 73 days before the primary
24 election, political party candidates to fill that office at
25 the general elections shall be nominated at the primary
26 election.

27 Code sections 43.14 and 45.5, relating to the form of
28 nomination papers filed for the primary election or filed by
29 persons nominated by petition, are amended to provide that a
30 signature line shall not be counted if the signer's address is
31 obviously outside of the appropriate area or district. Code
32 section 45.5 is further amended, along with Code section 45.6,
33 to clarify that a person signing a nomination petition must be
34 a resident of the appropriate ward, city, county, or district.

35 Code section 49.10 is amended to remove the requirement

1 that a room or area containing a polling place for more than
2 one precinct maintain separate entrances.

3 Code section 49.14 is amended to remove the requirement
4 that a majority of the members of the original precinct
5 election board be present at the precinct polling place at all
6 times on election day. However, the division does require
7 that the chairperson of the precinct election board be present
8 at the precinct polling place at all times on election day.

9 Code section 49.26 is amended to remove the factors that a
10 county commissioner of elections is to consider when
11 determining whether, in an election for a city of 3,500 or
12 less population or in a school district election, voting shall
13 be by voting machine or paper ballot.

14 Code section 49.31 is amended to provide that on general
15 election ballots the names of candidates for nonpartisan
16 office shall be arranged in alphabetical order by surname.
17 Currently, the arrangement of such names is determined by lot
18 drawn by the board of supervisors.

19 Code section 49.57 is amended to provide that a ballot
20 shall be printed to contain the unique identification number
21 or name assigned by the commissioner to the ballot style
22 rather than a designation of the ballot rotation.

23 Code section 49.57 is amended to remove the requirement
24 that the names of candidates and political parties appear in
25 all capital letters on ballots. The section is also amended
26 to allow the names of political parties and nonparty political
27 organizations to be abbreviated on ballots if the
28 abbreviations are printed with the full name in the "Straight
29 Party" and "Other Political Party" areas of the ballot.
30 Finally, the Code section is amended to require a minimum font
31 size on ballots for constitutional convention questions,
32 constitutional amendments, and public measures. A
33 corresponding amendment is made to Code section 52.25.

34 Code section 49.73 is amended to provide that the polls may
35 open at noon, rather than 7 a.m., for any election conducted

1 for the unincorporated area of a county. Currently, the polls
2 may open at noon for an election in the unincorporated area of
3 the county only if it is an election on a local option sales
4 and services tax.

5 Code section 49.77 is amended to require a county
6 commissioner of elections to print the affidavit of
7 eligibility on each page of the election register and the
8 signature of the voter in the register next to the voter's
9 printed name serves as that voter's declaration of
10 eligibility.

11 Code section 49.77 is also amended to remove the
12 requirement that the precinct election official call aloud the
13 name of each voter who has arrived at the polls to vote. The
14 section is also amended to require the precinct election
15 official to make available for viewing a listing of voters who
16 have signed declarations of eligibility for observers allowed
17 at the polling place to know the identification of the voter
18 who has arrived at the polls to vote.

19 Code section 49.79 is amended to provide a specific list of
20 reasons that a person may be challenged as unqualified to
21 vote.

22 Code section 50.16, relating to preparation of tally lists,
23 is amended to make a technical correction changing "officer"
24 to "office" and is further amended to remove the A.D. (anno
25 Domini) abbreviation from the space for the date on the tally
26 list.

27 Code section 50.25 is amended to provide that the abstract
28 of votes in the general election may be made on one sheet for
29 county offices, rather than a separate sheet for each county
30 officer.

31 Code section 376.11, relating to write-in votes for city
32 offices, is amended to provide that if a person elected by
33 write-in votes at a regular city election chooses not to
34 serve, the person shall submit the person's resignation to the
35 city clerk by 5 p.m. on the tenth day following the canvass of

1 that election. Currently, the resignation is required by 5
2 p.m. on the day following the canvass of the election.

3 Code section 376.11 is also amended to establish a deadline
4 for filing a petition to request a special election if a
5 write-in candidate who wins a city election declines the
6 office, and the candidate receiving the next highest number of
7 votes is declared the winner. The deadline established for
8 filing the petition is within 10 days after the clerk has
9 notified the candidate next declared the winner.

10 This division of the bill applies to elections held on or
11 after January 1, 2006.

12 Division II of the bill makes changes relating to absentee
13 voting.

14 Code section 39A.4 is amended to prohibit incumbent
15 officeholders and candidates seeking offices on the ballot
16 from serving as observers or challengers of the process of
17 counting absentee ballots. Candidates and officeholders are
18 currently prohibited from serving in this capacity at the
19 polls on election day.

20 Code sections 49.63, 53.7, 53.8, and 53.22 are amended to
21 add voting in person at the commissioner's office to those
22 sections that also reference satellite absentee voting.

23 Code section 53.2 is amended to allow a voter to apply in
24 person at the commissioner's office for an absentee ballot
25 from 8 a.m. until 11 a.m. on the day of the election if it is
26 an election at which the commissioner has directed that the
27 polls shall open at noon. The county commissioner of
28 elections may, by law, direct that the polls be opened at noon
29 for any school district election, city elections in cities of
30 3,500 or less population, for cities above 3,500 population if
31 there is no contested election or public measure on the
32 ballot, any benefited district, and elections on local option
33 sales and services tax in the unincorporated area of the
34 county.

35 Code section 53.2 is further amended to provide that, in a

1 general election year, any application for a general election
2 absentee ballot which is received by the commissioner on or
3 before the date of the primary election shall be returned to
4 the applicant with a notice stating that the application may
5 not be submitted until after the primary election.

6 Code section 53.2 is also amended to provide that an
7 application for an absentee ballot require the date of birth
8 of the registered voter who is applying for the absentee
9 ballot.

10 Code section 53.8 is amended to delete the requirement that
11 a separate affidavit envelope be provided to an absentee voter
12 and requires that the return carrier envelope have printed on
13 it the voter's affidavit of eligibility and a serial number.
14 The bill makes corresponding amendments in other sections of
15 Code chapter 53 and to Code section 50.20.

16 Code section 53.8 is amended to clarify that voters who
17 expect to be patients or residents of health care facilities
18 or hospitals on election day are not prohibited from voting
19 absentee in person at the commissioner's office.

20 Code section 53.13 is amended to provide that the return
21 carrier envelope shall be in the form prescribed by the state
22 commissioner of elections. The form prescribed by the state
23 commissioner shall include a method whereby the affidavit can
24 be revealed to the county commissioner of elections while
25 allowing the envelope to remain sealed.

26 Code section 53.17 is amended to allow an immediate family
27 member of an absentee voter to deliver the voted ballot to the
28 commissioner's office. Corresponding amendments are made to
29 Code sections 39A.4 and 53.8.

30 Code section 53.18 is amended to require the county
31 commissioner of elections to review the affidavit on a return
32 carrier envelope received by the commissioner. If there is a
33 deficiency in the affidavit, the commissioner is to
34 immediately contact the voter and inform the voter of the
35 deficiency and that the deficiency may be corrected by the

1 voter in the time allowed by statute for returning an absentee
2 ballot.

3 Code section 53.18 is also amended to require the county
4 commissioner of elections to notify an absentee voter if the
5 voter's completed absentee ballot is returned in a return
6 carrier envelope that is unsealed or that has been opened and
7 resealed. The commissioner shall allow the voter to complete
8 another application and a replacement ballot in the time
9 allowed by statute for returning an absentee ballot. A
10 corresponding amendment is made to Code section 53.25.

11 Code section 53.31 is amended to change the deadline for
12 filing a challenge to an absentee voter from 5 p.m. on the day
13 before the election to 5 p.m. on the Friday before the
14 election.

15 Code section 53.35, which makes it unlawful for a person to
16 fail to return an absentee ballot, is repealed. A
17 corresponding amendment is made to Code section 39A.5.

18 Code section 53.38 is amended to provide that military and
19 overseas voters are not subject to the requirement for persons
20 registering by mail to provide identification when voting nor
21 are they subject to the requirement that identification
22 numbers on absentee ballots be verified.

23 Code section 53.41 is amended to provide that if more than
24 one request is received by the commissioner for an absentee
25 ballot for a military and overseas voter, the last request
26 received shall be honored, except that the voter's request
27 shall take preference over a request made by another person on
28 the voter's behalf. Code section 53.41 is also amended to
29 allow military and overseas voters to update their absentee
30 ballot requests with new address information during the two-
31 year period covered by the original application. The Code
32 section is also amended to permit the mailing of a replacement
33 absentee ballot to a military or overseas voter who reports a
34 change of address after a ballot has been mailed to the voter.

35 Code section 53.44 is amended to exempt military and

1 overseas voters from the restrictions that apply to returning
2 absentee ballots.

3 Code section 53.53 is amended to allow a member of the
4 armed forces to return an absentee ballot from within the
5 United States if the person is on active duty within the
6 United States. The Code section is also amended to provide
7 that a federal write-in ballot shall not be counted if the
8 voter's application for a regular absentee ballot was received
9 by the commissioner less than 14 days before the election.
10 Currently, the receipt date is 30 days before the election.

11 This division of the bill applies to elections held on or
12 after January 1, 2006.

13 Division III of the bill makes changes relating to voter
14 registration.

15 Code section 48A.2 is amended to add a definition of "voter
16 registration list".

17 Code section 48A.11 is amended to provide that a voter
18 registration application lacking the signature of the
19 registrant shall not be processed.

20 Code section 48A.25A is amended to include the social
21 security administration, along with the state department of
22 transportation, as a source for verifying the last four digits
23 of the social security number provided by a voter registration
24 applicant. The Code section is also amended to clarify that
25 it is the county commissioner of registration who is
26 responsible for verifying voter registration application
27 information. Finally, the Code section is amended to provide
28 that all military and overseas voters are exempt from the
29 verification requirements.

30 Code sections 48A.26 and 48A.37 are amended to remove the
31 status of "local" registration for those persons who
32 registered by mail and neglected to answer or answered "no" to
33 the question pertaining to United States citizenship. Code
34 section 48A.26 is amended to require the county registrar of
35 voters to include a new registration form along with the

1 acknowledgment mailed to the registrant and to inform the
2 registrant that a new form must be submitted.

3 This division of the bill applies to elections held on or
4 after January 1, 2006.

5 Division IV of the bill changes the offices of township
6 trustee and township clerk to nonpartisan elected offices.

7 This division applies to elections held on or after January
8 1, 2006.

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