

**House File 516 - Reprinted**

HOUSE FILE 516  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 93)

(As Amended and Passed by the House March 10, 2017)

**A BILL FOR**

1 An Act relating to the conduct and administration of elections,  
2 including voter registration, absentee voting, voter  
3 identity verification, signature verification, polling place  
4 prohibitions, commissioner duties and certifications, voter  
5 misconduct information and reporting, straight party voting,  
6 and post-election audits, creating an electronic poll book  
7 and polling place technology revolving loan fund, providing  
8 penalties, and including effective date and applicability  
9 provisions.  
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION I  
GENERAL PROVISIONS

Section 1. Section 22.7, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 70. The voter verification number, as defined in section 53.2, subsection 4, paragraph "c", that is assigned to a voter and maintained and updated in the statewide voter registration system.

Sec. 2. Section 39A.5, subsection 1, paragraph b, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) Violating any provision of chapter 48A for which another penalty is not provided.

Sec. 3. NEW SECTION. **48A.24 Deadline for submitting voter registration forms.**

1. A person who accepts a completed voter registration form from an applicant shall submit the form to the appropriate commissioner within seven days of receiving the form if the person accepting the form is doing so on behalf of any of the following:

- a. A political party, as defined in section 43.2.
- b. A nonparty political organization required to nominate candidates under chapter 44.
- c. A candidate or committee, as defined in section 68A.102.

2. Notwithstanding the deadline in subsection 1, a person described in subsection 1 who accepts a completed voter registration form from an applicant within three days of the voter registration deadline prescribed in section 48A.9 for the next election shall submit the form to the appropriate commissioner within twenty-four hours of accepting the form, and not later than the registration deadline.

Sec. 4. Section 48A.30, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Of.* The registered voter is not a resident of Iowa, or the registered voter submits documentation under section 607A.4, subsection 3, that indicates that the voter is

1 not a citizen of the United States.

2 Sec. 5. Section 48A.31, Code 2017, is amended to read as  
3 follows:

4 **48A.31 Deceased persons record.**

5 The state registrar of vital statistics shall transmit  
6 or cause to be transmitted to the state registrar of voters,  
7 once each calendar quarter, a certified list of all persons  
8 seventeen and one-half years of age and older in the state  
9 whose deaths have been reported to the bureau of vital records  
10 of the Iowa department of public health since the previous list  
11 of decedents was certified to the state registrar of voters.  
12 The list shall be submitted according to the specifications  
13 of the state registrar of voters and shall be transmitted to  
14 the state registrar of voters without charge for production or  
15 transmission. The commissioner shall, in the month following  
16 the end of a calendar quarter, run the statewide voter  
17 registration system's matching program to determine whether a  
18 listed decedent was registered to vote in the county and shall  
19 immediately cancel the registration of any person named on the  
20 list of decedents.

21 Sec. 6. Section 53.2, subsections 1, 4, and 8, Code 2017,  
22 are amended to read as follows:

23 1. *a.* Any registered voter, under the circumstances  
24 specified in [section 53.1](#), may on any day, except election day,  
25 and not more than seventy one hundred twenty days prior to the  
26 date of the election, apply in person for an absentee ballot  
27 at the commissioner's office or at any location designated by  
28 the commissioner. However, for those elections in which the  
29 commissioner directs the polls be opened at noon pursuant to  
30 section 49.73, a voter may apply in person for an absentee  
31 ballot at the commissioner's office from 8:00 a.m. until 11:00  
32 a.m. on election day.

33 *b.* A registered voter may make written application to the  
34 commissioner for an absentee ballot. A written application  
35 for an absentee ballot must be received by the commissioner

1 no later than 5:00 p.m. ~~on the Friday before the election~~  
2 on the same day as the voter registration deadline provided  
3 in section 48A.9 for the election for which the ballot is  
4 requested, except when the absentee ballot is requested and  
5 voted at the commissioner's office pursuant to section 53.10.  
6 A written application for an absentee ballot delivered to the  
7 commissioner and received by the commissioner more than ~~seventy~~  
8 one hundred twenty days prior to the date of the election shall  
9 ~~be retained by the commissioner and processed in the same~~  
10 ~~manner as a written application received not more than seventy~~  
11 ~~days before the date of the election~~ returned to the voter  
12 with a notification of the date when the applications will be  
13 accepted.

14 4. a. Each application shall contain the following  
15 information:

16 (1) The name and signature of the registered voter, ~~the.~~

17 (2) The registered voter's date of birth, ~~the.~~

18 (3) The address at which the voter is registered to vote,  
19 ~~and the.~~

20 (4) The registered voter's voter verification number.

21 (5) The name or date of the election for which the absentee  
22 ballot is requested, ~~and such.~~

23 (6) Such other information as may be necessary to determine  
24 the correct absentee ballot for the registered voter.

25 b. If insufficient information has been provided, including  
26 the absence of a voter verification number, either on the  
27 prescribed form or on an application created by the applicant,  
28 the commissioner shall, by the best means available, obtain  
29 the additional necessary information. A voter requesting  
30 or casting a ballot pursuant to section 53.22 shall not be  
31 required to provide a voter verification number.

32 c. For purposes of this subsection, "voter verification  
33 number" means the registered voter's driver's license number  
34 or nonoperator's identification card number assigned to the  
35 voter by the department of transportation or the registered

1 voter's identification number assigned to the voter by the  
2 state commissioner pursuant to section 47.7, subsection 2.

3 8. An application for an absentee ballot that is returned  
4 to the commissioner by a person acting as an actual or implied  
5 agent for a political party, as defined in section 43.2, or  
6 by a candidate, or committee, all both as defined by chapter  
7 68A, shall be returned to the commissioner within seventy-two  
8 hours of the time the completed application was received from  
9 the applicant or no later than 5:00 p.m. on the Friday before  
10 same day as the election deadline under subsection 1, paragraph  
11 "b", whichever is earlier. An application received by a person  
12 acting as an actual or implied agent of a political party after  
13 the deadline but before the date of the election shall be  
14 returned to the commissioner within twenty-four hours.

15 Sec. 7. Section 53.10, Code 2017, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 2A. A voter shall not vote or offer to  
18 vote any ballot except such as the voter has received from  
19 the commissioner. A voter voting an absentee ballot at the  
20 commissioner's office shall not take or remove any ballot from  
21 the commissioner's office.

22 DIVISION II

23 VOTER IDENTITY AND SIGNATURE VERIFICATION

24 Sec. 8. Section 48A.2, Code 2017, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 4A. "*Voter registration card*" means a card  
27 issued pursuant to section 48A.10A.

28 Sec. 9. Section 48A.7A, subsection 1, paragraph b,  
29 subparagraph (1), subparagraph division (c), Code 2017, is  
30 amended to read as follows:

31 (c) A United States military or veterans identification  
32 card.

33 Sec. 10. Section 48A.7A, subsection 1, paragraph b,  
34 subparagraph (2), unnumbered paragraph 1, Code 2017, is amended  
35 to read as follows:

1 If the photographic identification presented does not  
2 contain the person's current address in the precinct, the  
3 person shall also present one of the following documents that  
4 shows the person's name and current address in the precinct,  
5 and the document must be dated, or describe terms of residency  
6 current to, within forty-five days prior to presentation:

7 Sec. 11. Section 48A.7A, subsection 1, paragraph c, Code  
8 2017, is amended to read as follows:

9 c. In lieu of paragraph "b", a person wishing to vote  
10 may establish identity and residency in the precinct by  
11 written oath of a person who is registered to vote in the  
12 precinct. Before signing an oath under this paragraph, the  
13 attesting registered voter shall present to the precinct  
14 election official proof of the voter's identity, as described  
15 in section 49.78, subsection 2. The registered voter's oath  
16 shall attest to the stated identity of the person wishing to  
17 vote and that the person is a current resident of the precinct.  
18 The oath must be signed by the attesting registered voter in  
19 the presence of the appropriate precinct election official.  
20 A registered voter who has signed an oath on election day  
21 attesting to a person's identity and residency as provided in  
22 this paragraph is prohibited from signing any further oaths as  
23 provided in this paragraph on that day.

24 Sec. 12. Section 48A.7A, Code 2017, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 5. a. If a person registers to vote  
27 under this section at a polling place that has access to an  
28 electronic poll book, the precinct election official shall  
29 verify against a database maintained by the state commissioner  
30 that the person has not been convicted of a felony or, if the  
31 person has been convicted of a felony, the person has had the  
32 person's voting rights restored. If the precinct election  
33 official determines that the person has not been convicted of  
34 a felony or has been convicted of a felony but the person's  
35 voting rights have been restored, the precinct election

1 official shall furnish a ballot to the voter. If the database  
2 indicates that the person has been convicted of a felony and  
3 that the person's voting rights have not been restored, the  
4 precinct election official shall challenge the person under  
5 section 49.79.

6 *b.* If a person registers to vote under this section at  
7 a polling place that does not have access to an electronic  
8 poll book, the person shall be permitted to cast a provisional  
9 ballot under section 49.81, and the absentee and special voters  
10 precinct board, appointed pursuant to section 53.23, shall  
11 verify against a database maintained by the state commissioner  
12 that the person has not been convicted of a felony or, if the  
13 person has been convicted of a felony, the person's voting  
14 rights have been restored. If information in the database  
15 indicates that the person has not been convicted of a felony  
16 or, if the person has been convicted of a felony, the person's  
17 voting rights have been restored, the voter's provisional  
18 ballot shall be counted. If the database indicates that the  
19 person has been convicted of a felony and the person's voting  
20 rights have not been restored, the voter's provisional ballot  
21 shall be rejected.

22 **Sec. 13. NEW SECTION. 48A.10A Voter registration cards —**  
23 **verification of voter registration information.**

24 1. The state registrar shall compare lists of persons who  
25 are registered to vote with the department of transportation's  
26 driver's license and nonoperator's identification card files  
27 and shall issue a voter registration card to each active,  
28 registered voter whose name does not appear in the department  
29 of transportation's files.

30 2. The commissioner shall issue voter registration cards  
31 on an ongoing basis as prescribed by the state registrar for  
32 all new registrations and registration updates as a part of the  
33 regular voter acknowledgment process required under sections  
34 48A.26 and 48A.26A.

35 3. A person issued a voter registration card under this

1 section shall not be charged any fee for the issuance or  
2 delivery of the voter registration card.

3 4. Implementation of this section shall be contingent upon  
4 appropriations by the general assembly in sufficient amounts to  
5 meet the requirements of this section.

6 5. The state registrar shall adopt rules pursuant to chapter  
7 17A to implement this section.

8 Sec. 14. Section 48A.26A, subsection 1, Code 2017, is  
9 amended to read as follows:

10 1. Within ~~forty-five~~ twenty-one days of receiving a  
11 voter registration form completed under [section 48A.7A](#), the  
12 commissioner shall send an acknowledgment to the registrant, in  
13 the manner provided in [section 48A.26, subsections 2 through 5](#),  
14 as applicable, at the mailing address shown on the registration  
15 form. The acknowledgment shall be sent by nonforwardable mail  
16 and shall include the registrant's voter registration card and  
17 no other type of card.

18 Sec. 15. Section 48A.38, subsection 1, paragraph f, Code  
19 2017, is amended to read as follows:

20 *f.* The county commissioner of registration and the state  
21 registrar of voters shall remove a voter's whole or partial  
22 social security number, as applicable, voter identification  
23 number assigned by the state commissioner, Iowa driver's  
24 license number, or Iowa nonoperator's identification card  
25 number from a voter registration list prepared pursuant to this  
26 section.

27 Sec. 16. Section 49.53, subsection 1, Code 2017, is amended  
28 to read as follows:

29 1. The commissioner shall not less than four nor more than  
30 twenty days before the day of each election, except those for  
31 which different publication requirements are prescribed by law,  
32 publish notice of the election. The notice shall contain a  
33 facsimile of the portion of the ballot containing the first  
34 rotation as prescribed by [section 49.31, subsection 2](#), and  
35 shall show the names of all candidates or nominees and the



1 office each seeks, and all public questions, to be voted upon  
2 at the election. The sample ballot published as a part of the  
3 notice may at the discretion of the commissioner be reduced in  
4 size relative to the actual ballot but such reduction shall  
5 not cause upper case letters appearing in candidates' names or  
6 in summaries of public measures on the published sample ballot  
7 to be less than nine point type. The notice shall also state  
8 the date of the election, the hours the polls will be open,  
9 that each voter is required to provide identification at the  
10 polling place before the voter can receive and cast a ballot,  
11 the location of each polling place at which voting is to occur  
12 in the election, and the names of the precincts voting at each  
13 polling place, but the statement need not set forth any fact  
14 which is apparent from the portion of the ballot appearing as  
15 a part of the same notice. The notice shall include the full  
16 text of all public measures to be voted upon at the election.

17 Sec. 17. Section 49.77, subsection 1, unnumbered paragraph  
18 1, Code 2017, is amended to read as follows:

19 The board members of their respective precincts shall have  
20 charge of the ballots and shall furnish them to the voters  
21 after verifying each voter's identity pursuant to section  
22 49.78.

23 Sec. 18. Section 49.77, subsection 3, Code 2017, is amended  
24 by striking the subsection.

25 Sec. 19. NEW SECTION. 49.78 Voter identity and signature  
26 verification.

27 1. To ensure the integrity of, and to instill public  
28 confidence in, all elections in this state the general assembly  
29 finds that the verification of a voter's identity is necessary  
30 before a voter is permitted to receive and cast a ballot.

31 2. a. Before a precinct election official furnishes  
32 a ballot to a voter under section 49.77, the voter shall  
33 establish the voter's identity by presenting the official with  
34 one of the following forms of identification for verification:

35 (1) An Iowa driver's license issued pursuant to section

1 321.189.

2 (2) An Iowa nonoperator's identification card issued  
3 pursuant to section 321.190.

4 (3) A United States passport.

5 (4) A United States military or veterans identification  
6 card.

7 *b.* Upon being presented with a form of identification under  
8 this section, the precinct election official shall examine  
9 the identification. The precinct election official shall use  
10 the information on the identification card, including the  
11 signature, to determine whether the person offering to vote  
12 appears to be the person depicted on the identification card.  
13 The voter's signature shall generally be presumed to be valid.  
14 If the identification provided does not appear to be the person  
15 offering to vote under section 49.77, the precinct election  
16 official shall challenge the person offering to vote in the  
17 same manner provided for other challenges by sections 49.79  
18 and 49.80. A person offering to vote who establishes identity  
19 by presenting a veteran's identification card that does not  
20 contain a signature, is not subject to challenge under this  
21 paragraph "b".

22 3. To establish the voter's identity under this section,  
23 a person who is registered to vote but is unable to present a  
24 form of identification listed under subsection 2 may present  
25 any of the following:

26 *a.* A current voter registration card provided pursuant to  
27 section 48A.10A that contains the voter identification number  
28 if the voter registration card is signed before the voter  
29 presents the card to the election official.

30 *b.* Other forms of identification sufficient to establish  
31 identity and residence under section 48A.7A, subsection 1,  
32 paragraph "b".

33 4. A person who is registered to vote but is unable  
34 to present a form of identification under subsection 2 or  
35 3 may establish identity and residency in the precinct by

1 written oath of a person who is also registered to vote in  
2 the precinct. The attesting registered voter's oath shall  
3 attest to the stated identity of the person wishing to vote  
4 and that the person is a current resident of the precinct.  
5 The oath must be signed by the attesting registered voter in  
6 the presence of the appropriate precinct election official.  
7 A registered voter who has signed two oaths on election day  
8 attesting to a person's identity and residency as provided in  
9 this subsection is prohibited from signing any further oaths as  
10 provided in this subsection on that day.

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

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

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

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

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

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

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

33 .....

34 Signature of Attesting Registered Voter

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

1 .....

2 Signature of Precinct Election Official

3 6. A voter who is not otherwise disqualified from voting and  
4 who has established identity under subsection 2, 3, or 4 shall  
5 be furnished a ballot and be allowed to vote under section  
6 49.77.

7 7. A registered voter who fails to establish the voter's  
8 identity under this section shall be permitted to cast a  
9 provisional ballot under section 49.81.

10 8. a. Notwithstanding subsection 7, for any election  
11 conducted prior to January 1, 2019, a registered voter who  
12 fails to establish the voter's identity under this section  
13 shall be permitted to vote upon signing an oath attesting to  
14 the voter's identity. The form of the written oath required of  
15 the person voting under this subsection shall read as follows:  
16 My name is ....., and I am a United States citizen,  
17 at least eighteen years of age. I am the person named above, I  
18 am a registered voter of this county, and I am eligible to vote  
19 in this election.

20 .....

21 (signature of voter) (date)

22 b. This subsection is repealed July 1, 2019.

23 Sec. 20. Section 49.81, Code 2017, is amended by adding the  
24 following new subsection:

25 NEW SUBSECTION. 1A. A prospective voter who is unable to  
26 establish identity under section 49.78, subsection 2, paragraph  
27 "a", or section 49.78, subsection 3 or 4, shall be notified by  
28 the appropriate precinct election official that the voter may  
29 cast a provisional ballot. The voter shall mark the ballot and  
30 immediately seal it in an envelope of the type prescribed by  
31 subsection 4. The voter shall deliver the sealed envelope to a  
32 precinct election official who shall deposit it in an envelope  
33 marked "provisional ballots". The ballot shall be considered  
34 as having been cast in the special precinct established by  
35 section 53.20 for purposes of the postelection canvass.

1     Sec. 21. Section 49.124, Code 2017, is amended by adding the  
2 following new subsection:

3     NEW SUBSECTION. 3. The training course and the continuing  
4 education program under this section shall include practical  
5 and holistic instruction on the criteria for determining  
6 whether a person meets the requirements for establishing  
7 identity under section 49.78, subsection 2, consistent with all  
8 voting rights and nondiscrimination provisions of federal and  
9 state law. The state commissioner of elections shall adopt  
10 rules pursuant to chapter 17A to implement instruction required  
11 under this subsection.

12    Sec. 22. Section 53.2, Code 2017, is amended by adding the  
13 following new subsection:

14    NEW SUBSECTION. 4A. The commissioner may dispute an  
15 application if it appears to the commissioner that the  
16 signature on the application has been signed by someone other  
17 than the registered voter, in comparing the signature on the  
18 application to the signature on record of the registered  
19 voter named on the application. If the commissioner disputes  
20 a registered voter's application under this subsection,  
21 the commissioner shall notify the registered voter and the  
22 registered voter may submit a new application and signature or  
23 update the registered voter's signature on record, as provided  
24 by rule adopted by the state commissioner.

25    Sec. 23. Section 53.18, subsection 3, Code 2017, is amended  
26 to read as follows:

27    3. If the affidavit envelope or the return envelope marked  
28 with the affidavit contains a defect that would cause the  
29 absentee ballot to be rejected by the absentee and special  
30 voters precinct board, the commissioner shall immediately  
31 notify the voter of that fact and that the voter's absentee  
32 ballot shall not be counted unless the voter requests and  
33 returns a replacement ballot in the time permitted under  
34 section 53.17, subsection 2. For the purposes of this section,  
35 a return envelope marked with the affidavit shall be considered

1 to contain a defect if it appears to the commissioner that  
2 the signature on the envelope has been signed by someone  
3 other than the registered voter, in comparing the signature  
4 on the envelope to the signature on record of the registered  
5 voter named on the envelope. A signature or marking made  
6 in accordance with section 39.3, subsection 17, shall not  
7 be considered a defect for purposes of this section. The  
8 voter may request a replacement ballot in person, in writing,  
9 or over the telephone. The same serial number that was  
10 assigned to the records of the original absentee ballot  
11 application shall be used on the envelope and records of the  
12 replacement ballot. The envelope marked with the affidavit and  
13 containing the completed replacement ballot shall be marked  
14 "Replacement ballot". The envelope marked with the affidavit  
15 and containing the original ballot shall be marked "Defective"  
16 and the replacement ballot shall be attached to such envelope  
17 containing the original ballot and shall be stored in a secure  
18 place until they are delivered to the absentee and special  
19 voters precinct board, notwithstanding [sections 53.26](#) and  
20 [53.27](#).

21 Sec. 24. Section 53.22, Code 2017, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 7. The proof of identity requirements  
24 under section 49.78 shall not apply to a voter casting a ballot  
25 pursuant to this section.

26 Sec. 25. Section 53.25, Code 2017, is amended to read as  
27 follows:

28 **53.25 Rejecting ballot.**

29 1. a. If the absentee voter's affidavit lacks the voter's  
30 signature, if the applicant is not a duly registered voter on  
31 election day in the precinct where the absentee ballot was  
32 cast, if the envelope marked with the affidavit contains more  
33 than one ballot of any one kind, or if the voter has voted  
34 in person, such vote shall be rejected by the absentee and  
35 special voters precinct board. If the affidavit envelope or

1 return envelope marked with the affidavit is open, or has been  
2 opened and resealed, or if the ballot is not enclosed in such  
3 envelope, and an affidavit envelope or return envelope marked  
4 with the affidavit with the same serial number and marked  
5 "Replacement ballot" is not attached as provided in section  
6 53.18, the ~~vote~~ ballot shall be rejected by the absentee and  
7 special voters precinct board.

8 b. If a voter casts a provisional ballot pursuant to section  
9 49.78, subsection 7, and the voter has failed to establish the  
10 voter's identity at the commissioner's office, the provisional  
11 ballot shall be rejected by the absentee and special voters  
12 precinct board.

13 2. If the absentee or provisional ballot is rejected prior  
14 to the opening of the affidavit envelope or return envelope  
15 marked with the affidavit, the voter casting the ballot shall  
16 be notified by a precinct election official by the time the  
17 canvass is completed of the reason for the rejection on a form  
18 prescribed by the state commissioner of elections.

19 Sec. 26. SEVERABILITY. If any provision of this division of  
20 this Act or the application of any provision of this division  
21 of this Act to any person or circumstance is held invalid, the  
22 invalidity shall not affect other provisions of the division  
23 which can be given effect without the invalid provisions or  
24 application of the invalid provisions, and to this end, the  
25 provisions of the division are severable.

26 Sec. 27. EFFECTIVE DATE. This division of this Act takes  
27 effect upon the appropriation of moneys by the general assembly  
28 to the state commissioner of elections in an amount sufficient  
29 for implementation of section 48A.10A as declared by the  
30 general assembly.

31 Sec. 28. APPLICABILITY. This division of this Act applies  
32 to elections held on or after the effective date of this  
33 division of this Act.

34 DIVISION III  
35 POLLING PLACES

1     Sec. 29. NEW SECTION. 47.11 **Electronic poll book and**  
2 **polling place technology program — revolving loan fund.**

3     1. An electronic poll book and polling place technology  
4 program is created and an electronic poll book and polling  
5 place technology revolving loan fund is created in the state  
6 treasury under the control of the state commissioner. The  
7 program and revolving loan fund shall be administered by the  
8 state commissioner and the revolving loan fund shall include  
9 moneys allocated from the state commissioner's budget and any  
10 other moneys obtained or accepted by the state commissioner for  
11 deposit in the revolving loan fund.

12     2. *a.* The state commissioner may loan moneys in the  
13 revolving loan fund to county commissioners for the purchase or  
14 update of electronic poll book and polling place technology.

15     *b.* Moneys loaned under this subsection shall be used, in  
16 accordance with section 49.28, to furnish electronic poll books  
17 to election precincts for the purpose of modernizing polling  
18 places throughout the state.

19     *c.* The state commissioner may spend an amount not to  
20 exceed thirty percent of the moneys in the revolving loan  
21 fund at the beginning of a fiscal year to administer polling  
22 place technology to ensure compliance with state standards  
23 of technological security and the protection of personally  
24 identifiable information.

25     3. A loan made under this section shall bear no interest.

26     4. Notwithstanding section 12C.7, subsection 2, interest or  
27 earnings on moneys in the revolving loan fund shall be credited  
28 to the revolving loan fund. Notwithstanding section 8.33,  
29 moneys in the revolving loan fund that remain unencumbered or  
30 unobligated at the close of a fiscal year shall not revert to  
31 any other fund but shall remain available in the revolving loan  
32 fund for the purposes designated.

33     5. The state commissioner shall adopt rules pursuant to  
34 chapter 17A to administer this section.

35     Sec. 30. Section 49.88, subsection 1, Code 2017, is amended



1 to read as follows:

2 1. No more than one person shall be allowed to occupy  
3 any voting booth at any time. The use of ~~cameras, cellular~~  
4 ~~telephones, pagers, or other electronic communications devices~~  
5 ~~in the voting booth~~ photographic devices and the display of  
6 voted ballots is prohibited if such use or display is for  
7 purposes prohibited under chapter 39A, interferes with other  
8 voters, or interferes with the orderly operation of the polling  
9 place.

10 DIVISION IV

11 ELECTION CERTIFICATION AND AUDITS

12 Sec. 31. Section 39.2, subsection 1, paragraph a, Code 2017,  
13 is amended to read as follows:

14 a. All special elections which are authorized or required  
15 by law, unless the applicable law otherwise requires, shall be  
16 held on Tuesday. A special election shall not be held on the  
17 first, second, ~~and third,~~ and fourth Tuesdays preceding and  
18 following the primary and the general elections.

19 Sec. 32. NEW SECTION. 49.128 Commissioner filings and  
20 notifications.

21 1. No later than twenty days following a general election,  
22 the commissioner shall place on file in the commissioner's  
23 office a certification that the county met the following  
24 requirements at the general election:

25 a. The testing of voting equipment was performed, as  
26 required under section 52.35.

27 b. The election personnel training course was conducted, as  
28 required under section 49.124.

29 c. Polling places met accessibility standards, as required  
30 under section 49.21.

31 d. The schedule of required publications was adhered to, as  
32 required under section 49.53.

33 e. The commissioner has complied with administrative rules  
34 adopted by the state commissioner under chapter 52, including  
35 having a written voting system security plan.

1 2. *a.* If the county is required to conduct an audit under  
2 section 50.51, the commissioner shall include a copy of the  
3 results with the certification required under this section.

4 *b.* If a county is not required to conduct an audit under  
5 section 50.51, the commissioner shall include a copy of the  
6 certification required under this section along with the  
7 election canvass summary report required under section 50.30A.

8 3. The commissioner shall file a copy of the certification  
9 under this section with the state commissioner.

10 4. The commissioner shall promptly notify the state  
11 commissioner of each suspected incidence of election misconduct  
12 that the commissioner has referred to other agencies or law  
13 enforcement for investigation.

14 5. The state commissioner shall prescribe a form for use by  
15 the county commissioners.

16 Sec. 33. Section 50.12, Code 2017, is amended to read as  
17 follows:

18 **50.12 Return and preservation of ballots.**

19 Immediately after making the proclamation, and before  
20 separating, the board members of each precinct in which votes  
21 have been received by paper ballot shall enclose in an envelope  
22 or other container all ballots which have been counted by them,  
23 except those endorsed "Rejected as double", "Defective", or  
24 "Objected to", and securely seal the envelope. The signatures  
25 of all board members of the precinct shall be placed across  
26 the seal or the opening of the container so that it cannot  
27 be opened without breaking the seal. The precinct election  
28 officials shall return all the ballots to the commissioner, who  
29 shall carefully preserve them for six months. Ballots from  
30 elections for federal offices shall be preserved for twenty-two  
31 months. The sealed packages containing voted ballots shall  
32 be opened only for an official recount authorized by section  
33 50.48, 50.49, or 50.50, for an election contest held pursuant  
34 to chapters 57 through 62, to conduct an audit pursuant to  
35 section 50.51, or to destroy the ballots pursuant to section

1 50.19.

2 Sec. 34. NEW SECTION. 50.51 Election audits.

3 1. After each general election, the state commissioner  
4 shall, with the cooperation of the county commissioners,  
5 conduct an audit of the official canvass of votes from the  
6 preceding general election.

7 2. The state commissioner shall determine the number of  
8 counties and precincts to be audited and shall select the  
9 precincts to be audited by lot. The absentee ballot and  
10 special voters precinct for each county, established pursuant  
11 to section 53.20, shall be included with all other precincts of  
12 the county for selection by lot. In every precinct selected,  
13 the commissioner shall conduct a hand count of all ballots cast  
14 in the preceding general election for president of the United  
15 States or governor, as the case may be. The hand count shall  
16 be observed by a representative selected by each of the two  
17 political parties whose candidates received the highest number  
18 of votes statewide in the preceding general election.

19 3. a. The commissioner may order an administrative recount  
20 pursuant to section 50.50 if the commissioner determines the  
21 results of an audit require an administrative recount.

22 b. If selected to conduct an audit, the commissioner shall  
23 provide an audit report to the county board of supervisors and  
24 shall transmit the audit report to the state commissioner no  
25 later than twenty days following the election.

26 4. The results of an audit conducted pursuant to this  
27 section shall not change the results, or invalidate the  
28 certification, of an election.

29 5. In advance of any other election, the state commissioner  
30 may order an audit of the election in the manner provided in  
31 this section.

32 6. The state commissioner shall adopt rules, pursuant to  
33 chapter 17A, to implement this section.

34

DIVISION V

35

VOTER MISCONDUCT INFORMATION AND REPORTING

1 Sec. 35. Section 48A.26A, Code 2017, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3. A county attorney receiving a  
4 notification pursuant to subsection 2 shall review the voter's  
5 registration documents and other such information as may be  
6 necessary, and report the findings to the commissioner and  
7 state registrar of voters.

8 Sec. 36. NEW SECTION. 48A.27A Voting more than once —  
9 referral and examination.

10 1. If the state registrar of voters receives information  
11 from another jurisdiction that a registered voter of this state  
12 may have voted or attempted to vote more than once in the same  
13 election, the state registrar shall provide the information to  
14 the appropriate commissioner.

15 2. If a commissioner receives information from the state  
16 registrar of voters or from another jurisdiction that a  
17 registered voter may have voted or attempted to vote more than  
18 once in the same election, the commissioner shall provide the  
19 information to the county attorney in each jurisdiction where  
20 the voter voted or attempted to vote. A county attorney of  
21 this state that is provided such information shall examine the  
22 information and report any findings to the commissioner.

23 DIVISION VI

24 STRAIGHT PARTY VOTING

25 Sec. 37. Section 49.37, subsection 1, Code 2017, is amended  
26 to read as follows:

27 1. For general elections, and for other elections in which  
28 more than one partisan office will be filled, the ~~first section~~  
29 ~~of the ballot shall be for straight party voting~~ arranged as  
30 provided in this section.

31 ~~a. Each political party or organization which has~~  
32 ~~nominated candidates for more than one office shall be listed.~~  
33 ~~Instructions to the voter for straight party or organization~~  
34 ~~voting shall be in substantially the following form:~~

35 ~~To vote for all candidates from a single party or~~

1 ~~organization, mark the voting target next to the party or~~  
2 ~~organization name. Not all parties or organizations have~~  
3 ~~nominated candidates for all offices. Marking a straight party~~  
4 ~~or organization vote does not include votes for nonpartisan~~  
5 ~~offices, judges, or questions.~~

6 ~~b. Political parties and nonparty political organizations~~  
7 ~~which have nominated candidates for only one office shall~~  
8 ~~be listed below the other political organizations under the~~  
9 ~~following heading:~~

10 ~~Other Political Organizations. The following organizations~~  
11 ~~have nominated candidates for only one office:~~

12 ~~c. Offices shall be arranged in groups. Partisan offices,~~  
13 ~~nonpartisan offices, judges, and public measures shall be~~  
14 ~~separated by a distinct line appearing on the ballot.~~

15 Sec. 38. Section 49.37, Code 2017, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 1A. Offices shall be arranged in groups.  
18 Partisan offices, nonpartisan offices, judges, and public  
19 measures shall be separated by a distinct line appearing on the  
20 ballot.

21 Sec. 39. Section 49.57, subsection 2, Code 2017, is amended  
22 to read as follows:

23 2. ~~In the area of the general election ballot for straight~~  
24 ~~party voting, the party or organization names shall be printed~~  
25 ~~in upper case and lower case letters using a uniform font size~~  
26 ~~for each political party or nonparty political organization.~~  
27 ~~The font size shall be not less than twelve point type. After~~  
28 ~~the name of each candidate for a partisan office the name of~~  
29 ~~the candidate's political party shall be printed in at least~~  
30 ~~six point type. The names of political parties and nonparty~~  
31 ~~political organizations may be abbreviated on the remainder of~~  
32 ~~the ballot if both the full name and the abbreviation appear~~  
33 ~~in the "Straight Party" and "Other Political Party" areas of~~  
34 ~~the ballot.~~

35 Sec. 40. Section 49.98, Code 2017, is amended to read as

1 follows:

2     **49.98 Counting ballots.**

3     The ballots shall be counted according to the voters' marks  
4 on them as provided in [sections 49.92 to 49.97 and 49.93](#),  
5 and not otherwise. If, for any reason, it is impossible  
6 to determine from a ballot, as marked, the choice of the  
7 voter for any office, the vote for that office shall not be  
8 counted. ~~When there is a conflict between a straight party or~~  
9 ~~organization vote for one political party or nonparty political~~  
10 ~~organization and the vote cast by marking the voting target~~  
11 ~~next to the name of a candidate for another political party~~  
12 ~~or nonparty political organization on the ballot, the mark~~  
13 ~~next to the name of the candidate shall be held to control,~~  
14 ~~and the straight party or organization vote in that case shall~~  
15 ~~not apply as to that office.~~ A ballot shall be rejected if  
16 the voter used a mark to identify the voter's ballot. ~~For~~  
17 ~~each voting system, the~~ The state commissioner shall, by rule  
18 adopted pursuant to [chapter 17A](#), develop uniform definitions of  
19 what constitutes a vote.

20     Sec. 41. REPEAL. Sections 49.94, 49.95, 49.96, and 49.97,  
21 Code 2017, are repealed.

22                                   DIVISION VII

23                                   PUBLIC EDUCATION

24     Sec. 42. PUBLIC EDUCATION. The state commissioner of  
25 elections shall, in consultation with the county commissioners  
26 of elections and other relevant stakeholder groups, develop and  
27 implement a comprehensive and statewide public education plan,  
28 including multimedia advertising, in order to inform the voters  
29 of this state of the election day identification requirements  
30 contained in this Act.