A BILL FOR

1 An Act relating to the conduct and administration of elections, including voter registration, absentee voting, voter identity verification, signature verification, polling place prohibitions, commissioner duties and certifications, voter misconduct information and reporting, straight party voting, and post-election audits, creating an electronic poll book and polling place technology revolving loan fund, providing penalties, and including effective date and applicability provisions.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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
not a citizen of the United States.

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

48A.31 Deceased persons record.

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

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

1. a. Any registered voter, under the circumstances specified in section 53.1, may on any day, except election day, and not more than seventy one hundred twenty days prior to the date of the election, apply in person for an absentee ballot at the commissioner’s office or at any location designated by the commissioner. However, for those elections in which the commissioner directs the polls be opened at noon pursuant to section 49.73, a voter may apply in person for an absentee ballot at the commissioner’s office from 8:00 a.m. until 11:00 a.m. on election day.

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

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

(1) The name and signature of the registered voter,
(2) The registered voter's date of birth,
(3) The address at which the voter is registered to vote,
and
(4) The registered voter's voter verification number.
(5) The name or date of the election for which the absentee
ballot is requested, and such
(6) Such other information as may be necessary to determine
the correct absentee ballot for the registered voter.

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

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

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

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

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

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

DIVISION II
VOTER IDENTITY AND SIGNATURE VERIFICATION

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

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

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

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

Sec. 10. Section 48A.7A, subsection 1, paragraph b, subparagraph (2), unnumbered paragraph 1, Code 2017, is amended to read as follows:
If the photographic identification presented does not contain the person's current address in the precinct, the person shall also present one of the following documents that shows the person's name and current address in the precinct, and the document must be dated, or describe terms of residency current to, within forty-five days prior to presentation:

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

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

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

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

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

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.

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.

3. A person issued a voter registration card under this
1 section shall not be charged any fee for the issuance or
delivery of the voter registration card.
4. Implementation of this section shall be contingent upon
appropriations by the general assembly in sufficient amounts to
meet the requirements of this section.
5. The state registrar shall adopt rules pursuant to chapter
17A to implement this section.
Sec. 14. Section 48A.26A, subsection 1, Code 2017, is
amended to read as follows:
1. Within forty-five twenty-one days of receiving a
voter registration form completed under section 48A.7A, the
commissioner shall send an acknowledgment to the registrant, in
the manner provided in section 48A.26, subsections 2 through 5,
as applicable, at the mailing address shown on the registration
form. The acknowledgment shall be sent by nonforwardable mail
and shall include the registrant’s voter registration card and
no other type of card.
Sec. 15. Section 48A.38, subsection 1, paragraph f, Code
2017, is amended to read as follows:
f. The county commissioner of registration and the state
registrar of voters shall remove a voter’s whole or partial
social security number, as applicable, voter identification
number assigned by the state commissioner, Iowa driver’s
license number, or Iowa nonoperator’s identification card
number from a voter registration list prepared pursuant to this
section.
Sec. 16. Section 49.53, subsection 1, Code 2017, is amended
to read as follows:
1. The commissioner shall not less than four nor more than
twenty days before the day of each election, except those for
which different publication requirements are prescribed by law,
publish notice of the election. The notice shall contain a
facsimile of the portion of the ballot containing the first
rotation as prescribed by section 49.31, subsection 2, and
shall show the names of all candidates or nominees and the
office each seeks, and all public questions, to be voted upon at the election. The sample ballot published as a part of the notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not cause upper case letters appearing in candidates' names or in summaries of public measures on the published sample ballot to be less than nine point type. The notice shall also state the date of the election, the hours the polls will be open, that each voter is required to provide identification at the polling place before the voter can receive and cast a ballot, the location of each polling place at which voting is to occur in the election, and the names of the precincts voting at each polling place, but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice. The notice shall include the full text of all public measures to be voted upon at the election.

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

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

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

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

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

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

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

(3) A United States passport.

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

b. Upon being presented with a form of identification under this section, the precinct election official shall examine the identification. The precinct election official shall use the information on the identification card, including the signature, to determine whether the person offering to vote appears to be the person depicted on the identification card. The voter's signature shall generally be presumed to be valid.

If the identification provided does not appear to be the person offering to vote under section 49.77, the precinct election official shall challenge the person offering to vote in the same manner provided for other challenges by sections 49.79 and 49.80. A person offering to vote who establishes identity by presenting a veteran's identification card that does not contain a signature, is not subject to challenge under this paragraph "b".

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

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

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

4. A person who is registered to vote but is unable to present a form of identification under subsection 2 or 3 may establish identity and residency in the precinct by
written oath of a person who is also registered to vote in
the precinct. The attesting registered voter’s oath shall
attest to the stated identity of the person wishing to vote
and that the person is a current resident of the precinct.
The oath must be signed by the attesting registered voter in
the presence of the appropriate precinct election official.
A registered voter who has signed two oaths on election day
attesting to a person’s identity and residency as provided in
this subsection is prohibited from signing any further oaths as
provided in this subsection on that day.
5. The form of the written oath required of a registered
voter attesting to the identity and residency of the voter
unable to present a form of identification shall read as
follows:
I, ..... (name of attesting registered voter), do solemnly
swear or affirm all of the following:
I am a preregistered voter in this precinct or I registered to
vote in this precinct today, and a registered voter did not
sign an oath on my behalf. I have not signed more than one oath
attesting to the identity and residence of any other person in
this election.
I am a resident of the ... precinct, ... ward or township,
city of ......, county of ......, Iowa.
I reside at ......... (street address) in ...... (city or
township).
I personally know ..... (name of voter), and I personally know
that ..... (name of voter) is a resident of the ... precinct,
...... ward or township, city of ......, county of ......, Iowa.
I understand that any false statement in this oath is a class
"D" felony punishable by no more than five years in confinement
and a fine of at least seven hundred fifty dollars but not more
than seven thousand five hundred dollars.
.............
Signature of Attesting Registered Voter
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.
Sec. 21. Section 49.124, Code 2017, is amended by adding the following new subsection:

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

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

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

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

3. If the affidavit envelope or the return envelope marked with the affidavit contains a defect that would cause the absentee ballot to be rejected by the absentee and special voters precinct board, the commissioner shall immediately notify the voter of that fact and that the voter’s absentee ballot shall not be counted unless the voter requests and returns a replacement ballot in the time permitted under section 53.17, subsection 2. For the purposes of this section, a return envelope marked with the affidavit shall be considered...
to contain a defect if it appears to the commissioner that
the signature on the envelope has been signed by someone
other than the registered voter, in comparing the signature
on the envelope to the signature on record of the registered
voter named on the envelope. A signature or marking made
in accordance with section 39.3, subsection 17, shall not
be considered a defect for purposes of this section. The
voter may request a replacement ballot in person, in writing,
or over the telephone. The same serial number that was
assigned to the records of the original absentee ballot
application shall be used on the envelope and records of the
replacement ballot. The envelope marked with the affidavit and
containing the completed replacement ballot shall be marked
"Replacement ballot". The envelope marked with the affidavit
and containing the original ballot shall be marked "Defective"
and the replacement ballot shall be attached to such envelope
containing the original ballot and shall be stored in a secure
place until they are delivered to the absentee and special
voters precinct board, notwithstanding sections 53.26 and
53.27.

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

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

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

53.25 Rejecting ballot.

1. a. If the absentee voter’s affidavit lacks the voter’s
signature, if the applicant is not a duly registered voter on
election day in the precinct where the absentee ballot was
cast, if the envelope marked with the affidavit contains more
than one ballot of any one kind, or if the voter has voted
in person, such vote shall be rejected by the absentee and
special voters precinct board. If the affidavit envelope or
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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
35 DIVISION III
36 POLLING PLACES
Sec. 29. NEW SECTION. 47.11 Electronic poll book and polling place technology program — revolving loan fund.

1. An electronic poll book and polling place technology program is created and an electronic poll book and polling place technology revolving loan fund is created in the state treasury under the control of the state commissioner. The program and revolving loan fund shall be administered by the state commissioner and the revolving loan fund shall include moneys allocated from the state commissioner’s budget and any other moneys obtained or accepted by the state commissioner for deposit in the revolving loan fund.

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

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

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

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

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

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

Sec. 30. Section 49.88, subsection 1, Code 2017, is amended
to read as follows:

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

DIVISION IV
ELECTION CERTIFICATION AND AUDITS

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

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

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

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

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

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

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

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

e. The commissioner has complied with administrative rules adopted by the state commissioner under chapter 52, including having a written voting system security plan.
2.  

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

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

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

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

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

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

50.12 Return and preservation of ballots.

Immediately after making the proclamation, and before separating, the board members of each precinct in which votes have been received by paper ballot shall enclose in an envelope or other container all ballots which have been counted by them, except those endorsed "Rejected as double", "Defective", or "Objected to", and securely seal the envelope. The signatures of all board members of the precinct shall be placed across the seal or the opening of the container so that it cannot be opened without breaking the seal. The precinct election officials shall return all the ballots to the commissioner, who shall carefully preserve them for six months. Ballots from elections for federal offices shall be preserved for twenty-two months. The sealed packages containing voted ballots shall be opened only for an official recount authorized by section 50.48, 50.49, or 50.50, for an election contest held pursuant to chapters 57 through 62, to conduct an audit pursuant to 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
35 DIVISION V
36 VOTER MISCONDUCT INFORMATION AND REPORTING
Sec. 35. Section 48A.26A, Code 2017, is amended by adding the following new subsection:

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

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

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

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

DIVISION VI

STRAIGHT PARTY VOTING

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

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

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

To vote for all candidates from a single party or
organization, mark the voting target next to the party or organization name. Not all parties or organizations have nominated candidates for all offices. Marking a straight party or organization vote does not include votes for nonpartisan offices, judges, or questions.

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

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

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

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

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

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

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

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

49.98 Counting ballots.

The ballots shall be counted according to the voters’ marks on them as provided in sections 49.92 to 49.97 and 49.93, and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, the vote for that office shall not be counted.

When there is a conflict between a straight party or organization vote for one political party or nonparty-political organization and the vote cast by marking the voting target next to the name of a candidate for another political party or nonparty-political organization on the ballot, the mark next to the name of the candidate shall be held to control, and the straight party or organization vote in that case shall not apply as to that office. A ballot shall be rejected if the voter used a mark to identify the voter’s ballot. For each voting system, the state commissioner shall, by rule adopted pursuant to chapter 17A, develop uniform definitions of what constitutes a vote.

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

DIVISION VII
PUBLIC EDUCATION

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