House File 129 - Introduced

A BILL FOR

1 An Act relating to the administration of elections, including
2   voter identity verification and straight party voting, and
3   including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1   Section 1. Section 22.7, subsections 72 and 73, Code 2019,
2 are amended by striking the subsections.
3   Sec. 2. Section 48A.2, subsection 6, Code 2019, is amended
4 by striking the subsection.
5   Sec. 3. Section 48A.7A, subsection 1, paragraph c, Code
6 2019, is amended to read as follows:
7   *c.* In lieu of paragraph *"b"*, a person wishing to vote may
8 establish identity and residency in the precinct by written
9 oath of a person who is registered to vote in the precinct.
10 ~~Before signing an oath under this paragraph, the attesting~~
11 ~~registered voter shall present to the precinct election~~
12 ~~official proof of the voter's identity, as described in section~~
13 ~~49.78, subsection 2 or 3.~~ The registered voter's oath shall
14 attest to the stated identity of the person wishing to vote
15 and that the person is a current resident of the precinct.
16 The oath must be signed by the attesting registered voter in
17 the presence of the appropriate precinct election official.
18 A registered voter who has signed an oath on election day
19 attesting to a person's identity and residency as provided in
20 this paragraph is prohibited from signing any further oaths as
21 provided in this paragraph on that day.
22   Sec. 4. Section 48A.38, subsection 1, paragraph f, Code
23 2019, is amended to read as follows:
24   *f.* The county commissioner of registration and the state
25 registrar of voters shall remove a voter's whole or partial
26 social security number, as applicable, ~~voter identification~~
27 ~~number assigned by the state commissioner,~~ Iowa driver's
28 license number, or Iowa nonoperator's identification card
29 number from a voter registration list prepared pursuant to this
30 section.
31   Sec. 5. Section 49.37, Code 2019, is amended by striking the
32 section and inserting in lieu thereof the following:
33   **49.37 Arrangement of ballot.**
34   1. For general elections, and for other elections in which
35 more than one partisan office will be filled, the first section

1 of the ballot shall be for straight party voting.

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

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

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

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

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

21 2. The commissioner shall arrange the ballot in conformity
22 with the certificate issued by the state commissioner under
23 section 43.73, in that the names of the respective candidates
24 for each political party shall appear in the order they
25 appeared on the certificate, above or to the left of the
26 nonparty political organization candidates.

27 3. The commissioner shall arrange the partisan county
28 offices on the ballot with the board of supervisors first,
29 followed by the other county offices in the same sequence in
30 which they appear in section 39.17. Nonpartisan offices shall
31 be listed after partisan offices.

32 Sec. 6. Section 49.53, subsection 1, Code 2019, is amended
33 to read as follows:

34 1. The commissioner shall not less than four nor more than
35 twenty days before the day of each election, except those for

1 which different publication requirements are prescribed by law,
2 publish notice of the election. The notice shall contain a
3 facsimile of the portion of the ballot containing the first
4 rotation as prescribed by section 49.31, subsection 2, and
5 shall show the names of all candidates or nominees and the
6 office each seeks, and all public questions, to be voted upon
7 at the election. The sample ballot published as a part of the
8 notice may at the discretion of the commissioner be reduced in
9 size relative to the actual ballot but such reduction shall
10 not cause upper case letters appearing in candidates' names or
11 in summaries of public measures on the published sample ballot
12 to be less than nine point type. The notice shall also state
13 the date of the election, the hours the polls will be open,
14 ~~that each voter is required to provide identification at the~~
15 ~~polling place before the voter can receive and cast a ballot,~~
16 the location of each polling place at which voting is to occur
17 in the election, and the names of the precincts voting at each
18 polling place, but the statement need not set forth any fact
19 which is apparent from the portion of the ballot appearing as
20 a part of the same notice. The notice shall include the full
21 text of all public measures to be voted upon at the election.
22   Sec. 7. Section 49.57, subsection 2, Code 2019, is amended
23 to read as follows:
24   2. In the area of the general election ballot for straight
25 party voting, the party or organization names shall be printed
26 in upper case and lower case letters using a uniform font size
27 for each political party or nonparty political organization.
28 The font size shall not be less than twelve point type. After
29 the name of each candidate for a partisan office the name of
30 the candidate's political party shall be printed in at least
31 six point type. The names of political parties and nonparty
32 political organizations may be abbreviated on the remainder of
33 the ballot if both the full name and the abbreviation appear
34 in the "Straight Party" and "Other Political Party" areas of
35 the ballot.

1 Sec. 8. Section 49.77, subsection 1, unnumbered paragraph
2 1, Code 2019, is amended to read as follows:
3 The board members of their respective precincts shall have
4 charge of the ballots and shall furnish them to the voters
5 ~~after verifying each voter's identity pursuant to section~~
6 ~~49.78~~.
7 Sec. 9. Section 49.81, subsection 2, Code 2019, is amended
8 by striking the subsection.
9 Sec. 10. <u>NEW SECTION</u>. **49.94 How to mark a straight ticket.**
10 If all the candidates for whom a voter desires to vote in any
11 election other than the primary election were nominated by the
12 same political party or nonparty political organization, and
13 the voter desires to vote for all candidates nominated by that
14 political party or organization, the voter may do so in any one
15 of the following ways:
16 1. The voter may mark the voting target next to the name of
17 the political party or nonparty political organization in the
18 straight party or organization section of the ballot without
19 marking any voting target next to the name of a candidate
20 nominated by the party or organization.
21 2. The voter may mark the voting target next to the name
22 of the political party or nonparty political organization in
23 the straight party or organization section of the ballot and
24 also mark any or all of the voting targets next to the names of
25 candidates nominated by that party or organization.
26 Sec. 11. <u>NEW SECTION</u>. **49.95 Voting part of ticket only.**
27 If all the candidates for whom the voter desires to vote were
28 nominated by the same political party or nonparty political
29 organization but the voter does not desire to vote for all of
30 the candidates nominated by the party or organization, the
31 voter shall mark the voting target next to the name of each
32 candidate for whom the voter desires to vote without marking
33 the target next to the name of the party or organization in the
34 straight party or organization section of the ballot.
35 Sec. 12. <u>NEW SECTION</u>. **49.96 Offices with more than one**

1 **person to be elected.**

2   Where more than one person is to be elected to the same
3 office at the same election, and all of the candidates for
4 that office for whom the voter desires to vote were nominated
5 by the political party or nonparty political organization for
6 which the voter has marked a straight party or organization
7 vote, the voter need not otherwise indicate the vote for that
8 office. However, if a voter who has marked a straight party
9 or organization ticket also marks the voting targets next to
10 the names of one or more candidates for any office, only the
11 votes cast separately for individual candidates for that office
12 shall be counted. If the voter wishes to vote for candidates
13 who were nominated by different political parties or nonparty
14 political organizations, the voter must mark the voting target
15 for each candidate the voter has chosen, whether or not the
16 voter has also marked a straight party or organization vote.

17   Sec. 13. NEW SECTION. **49.97 How to mark a mixed ticket.**

18   If all candidates for whom a voter desires to vote were not
19 nominated by the same political party or nonparty political
20 organization, the voter may indicate the candidates of
21 the voter's choice by marking the ballot in any one of the
22 following ways:

23   1. The voter may mark a straight party or organization
24 vote for the party or nonparty political organization which
25 nominated some of the candidates for whom the voter desires
26 to vote and vote for candidates of other parties or nonparty
27 political organizations by marking the voting targets next to
28 their names.

29   2. The voter may vote for each candidate separately without
30 marking any straight party or organization vote.

31   Sec. 14. Section 49.98, Code 2019, is amended to read as
32 follows:

33   **49.98 Counting ballots.**

34   The ballots shall be counted according to the voters' marks
35 on them as provided in sections 49.92 ~~and 49.93~~ to 49.97,

1 and not otherwise. If, for any reason, it is impossible
2 to determine from a ballot, as marked, the choice of the
3 voter for any office, the vote for that office shall not be
4 counted. When there is a conflict between a straight party or
5 organization vote for one political party or nonparty political
6 organization and the vote cast by marking the voting target
7 next to the name of a candidate for another political party or
8 nonparty political organization on the ballot, the mark next
9 to the name of the candidate shall be held to control, and the
10 straight party or organization vote in that case shall not
11 apply as to that office. A ballot shall be rejected if the
12 voter used a mark to identify the voter's ballot. ~~The~~ For each
13 voting system, the state commissioner shall, by rule adopted
14 pursuant to chapter 17A, develop uniform definitions of what
15 constitutes a vote.
16   Sec. 15. Section 49.124, subsection 3, Code 2019, is amended
17 by striking the subsection.
18   Sec. 16. Section 53.2, subsection 4, Code 2019, is amended
19 to read as follows:
20   4. *a.* Each application shall contain the following
21 information:
22   (1) The name and signature of the registered voter.
23   (2) The registered voter's date of birth.
24   (3) The address at which the voter is registered to vote.
25   ~~(4) The registered voter's voter verification number.~~
26   ~~(5)~~ (4) The name or date of the election for which the
27 absentee ballot is requested.
28   ~~(6)~~ (5) Such other information as may be necessary to
29 determine the correct absentee ballot for the registered voter.
30   *b.* If insufficient information has been provided, ~~including~~
31 ~~the absence of a voter verification number,~~ either on the
32 prescribed form or on an application created by the applicant,
33 the commissioner shall, by the best means available, obtain
34 the additional necessary information. ~~A voter requesting~~
35 ~~or casting a ballot pursuant to section 53.22 shall not be~~

1 required to provide a voter verification number.

2 ~~*c.* For purposes of~~ [this subsection](), ~~"*voter verification*~~

3 ~~*number"* means the registered voter's driver's license number~~

4 ~~or nonoperator's identification card number assigned to the~~

5 ~~voter by the department of transportation or the registered~~

6 ~~voter's identification number assigned to the voter by the~~

7 ~~state commissioner pursuant to~~ [section 47.7, subsection 2]()~~.~~

8   Sec. 17. Section 53.22, subsection 8, Code 2019, is amended

9 by striking the subsection.

10   Sec. 18. Section 53.25, subsection 1, paragraph b, Code

11 2019, is amended by striking the paragraph.

12   Sec. 19. Section 53.25, subsection 2, Code 2019, is amended

13 to read as follows:

14   2. If the absentee ~~or provisional~~ ballot is rejected prior

15 to the opening of the affidavit envelope or return envelope

16 marked with the affidavit, the voter casting the ballot shall

17 be notified by a precinct election official by the time the

18 canvass is completed of the reason for the rejection on a form

19 prescribed by the state commissioner of elections.

20   Sec. 20. REPEAL. Sections 48A.10A and 49.78, Code 2019,

21 are repealed.

22   Sec. 21. APPLICABILITY. This Act applies to elections held

23 on or after the effective date of this Act.

24   EXPLANATION

25   **The inclusion of this explanation does not constitute agreement with**

26   **the explanation's substance by the members of the general assembly.**

27   This bill relates to the administration of elections,

28 including voter identity verification and straight party

29 voting. The bill removes the requirement that a voter

30 establish the voter's identity by providing certain documents.

31 The bill also removes the requirement that a registered voter

32 swearing an oath attesting to another voter's eligibility to

33 vote prove the registered voter's identity by providing certain

34 documents. The bill repeals the program for the automatic

35 issuance of voter identification cards to registered voters who

1 do not have a driver's license or nonoperator's identification
2 card.
3   The bill also allows a voter to vote for all candidates of
4 a single party that has multiple candidates on a ballot by
5 marking a voting target on the first section of the ballot.
6 In cases where more than one person is being elected to a
7 single office, the voter must mark each candidate for whom the
8 voter desires to vote if the candidates do not all belong to
9 the party for which the voter cast a straight party vote. If
10 there is a conflict between a straight party vote and a vote
11 for a candidate not of that party, the vote for the individual
12 candidate controls.
13   The bill removes the requirement that a voter applying for an
14 absentee ballot provide the voter's voter verification number
15 on the application for an absentee ballot.
16   The bill applies to elections held on or after the effective
17 date of the bill.