HOUSE FILE 129

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A BILL FOR

1 An Act relating to the administration of elections, including voter identity verification and straight party voting, and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 22.7, subsections 72 and 73, Code 2019, are amended by striking the subsections.

Sec. 2. Section 48A.2, subsection 6, Code 2019, is amended by striking the subsection.

Sec. 3. Section 48A.7A, subsection 1, paragraph c, Code 2019, 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 or 3. 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. 4. Section 48A.38, subsection 1, paragraph f, Code 2019, 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. 5. Section 49.37, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

49.37 Arrangement of ballot.

1. For general elections, and for other elections in which more than one partisan office will be filled, the first section

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of the ballot shall be for straight party voting.

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.

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

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

Sec. 6. Section 49.53, subsection 1, Code 2019, 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. 7. Section 49.57, subsection 2, Code 2019, 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 not be 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. 8. Section 49.77, subsection 1, unnumbered paragraph 1, Code 2019, 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. 9. Section 49.81, subsection 2, Code 2019, is amended by striking the subsection.

Sec. 10. NEW SECTION. 49.94 How to mark a straight ticket. If all the candidates for whom a voter desires to vote in any election other than the primary election were nominated by the same political party or nonparty political organization, and the voter desires to vote for all candidates nominated by that political party or organization, the voter may do so in any one of the following ways:

1. The voter may mark the voting target next to the name of the political party or nonparty political organization in the straight party or organization section of the ballot without marking any voting target next to the name of a candidate nominated by the party or organization.

2. The voter may mark the voting target next to the name of the political party or nonparty political organization in the straight party or organization section of the ballot and also mark any or all of the voting targets next to the names of candidates nominated by that party or organization.

Sec. 11. NEW SECTION. 49.95 Voting part of ticket only. If all the candidates for whom the voter desires to vote were nominated by the same political party or nonparty political organization but the voter does not desire to vote for all of the candidates nominated by the party or organization, the voter shall mark the voting target next to the name of each candidate for whom the voter desires to vote without marking the target next to the name of the party or organization in the straight party or organization section of the ballot.

Sec. 12. NEW SECTION. 49.96 Offices with more than one
person to be elected.

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

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

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

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

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

Sec. 14. Section 49.98, Code 2019, 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 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) The name or date of the election for which the
27 absentee ballot is requested.
28 (6) 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
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 voter’s identification number assigned to the voter by the state commissioner pursuant to section 47.7, subsection 2.

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

Sec. 18. Section 53.25, subsection 1, paragraph b, Code 2019, is amended by striking the paragraph.

Sec. 19. Section 53.25, subsection 2, Code 2019, is amended to read as follows:

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

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

Sec. 21. APPLICABILITY. This Act applies to elections held on or after the effective date of this Act.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation’s substance by the members of the general assembly.

This bill relates to the administration of elections, including voter identity verification and straight party voting. The bill removes the requirement that a voter establish the voter’s identity by providing certain documents. The bill also removes the requirement that a registered voter swearing an oath attesting to another voter’s eligibility to vote prove the registered voter’s identity by providing certain documents. The bill repeals the program for the automatic issuance of voter identification cards to registered voters who
1 do not have a driver's license or nonoperator's identification card.
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3 The bill also allows a voter to vote for all candidates of a single party that has multiple candidates on a ballot by marking a voting target on the first section of the ballot. In cases where more than one person is being elected to a single office, the voter must mark each candidate for whom the voter desires to vote if the candidates do not all belong to the party for which the voter cast a straight party vote. If there is a conflict between a straight party vote and a vote for a candidate not of that party, the vote for the individual candidate controls.

4 The bill removes the requirement that a voter applying for an absentee ballot provide the voter's voter verification number on the application for an absentee ballot.

5 The bill applies to elections held on or after the effective date of the bill.