

# House Research Act Summary

**CHAPTER:** 132

**SESSION:** 1999 Regular Session

**TOPIC:** Secretary of State's Elections Housekeeping Act

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## Overview

The act makes changes in numerous election administration areas. Notable items include (1) reducing the penalty for voting in the wrong precinct (sections 3 to 5); (2) adding new prohibitions in absentee voting law (section 8); and (3) directing the secretary of state to adopt rules on petitions required for state elections (section 16).

- 1 Evidence of membership.** Amends the statute on certificates of election for legislators. Strikes a reference to the county auditor (auditor) executing this certificate. Leaves only reference to the secretary of state (secretary) executing the certificate. Goes with change in section 24.
- 2 Determination of residence.** Amends the statute on residence for purposes of voter eligibility. Provides that if an individual's home is destroyed by fire or natural disaster she or he does not lose residence in the precinct as long as the voter intends to return when the home is rebuilt or made habitable.
- 3 Determination of residence.** Strikes current felony penalty for voting in a precinct with knowledge that one does not reside there.  
**Violations; penalty.** Adds a new subdivision on violation for voting in a precinct where one does not reside. Requires the auditor to mail a notice to a voter the auditor can determine has voted in the wrong precinct. Requires use of a form prepared by the secretary. Requires the auditor to change the voter's status to "challenged" in the statewide registration system. The voter must then provide proof of residence to the auditor or election judges before voting next time.  
A voter who votes in the wrong precinct after receiving the above notice commits a petty misdemeanor. Subsequent violation is a misdemeanor.
- 5 Prohibitions; penalty.** Conforms to the change in sections 3 and 4, eliminating the felony penalty for voting in the wrong precinct.

- 6 **Challenges.** Amends the statute that provides for challenging registration if a voter's confirmation is returned by the post office. Changes "notice by the postal service" to "nonforwardable mailing from an election official."
- Request for removal of voter record.** Requires the auditor to remove a voter's record from the statewide registration system upon request of the voter.
- 8 **Violation.** Adds new prohibitions to the absentee voting law. Prohibits soliciting a vote while in the immediate presence of the voter during the time an individual knows the absentee voter is voting. Prohibits altering an absentee ballot application after it has been signed by the voter. Exempts alterations made by an election official for administrative purposes.
- 9 **Application procedures.** Allows the absentee ballot application to request the voter's birth date. Prohibits making the birth date available for public inspection.
- 10 **Design of envelopes.** Amends the law on witnessing an absentee ballot. Requires the witness to be a registered voter in the state. Under prior law the witness had to reside in the absentee voter's county. Strikes the option for postal employees to act as witnesses.
- 11 **Marking and return by voter.** Requires an absentee ballot that is returned in person by an agent of the voter to be returned by 3:00 p.m. on election day.
- 12 **Locations for absentee voting in person.** Requires the auditor to designate, at least 90 days before an election, the places other than the auditor's office where people can cast absentee ballots before an election.
- 13 **County auditor's office.** Expands the Saturday hours when the auditor's office must be open to accept absentee ballots. Requires this to start at 10:00 a.m. instead of 1:00 p.m. on the Saturday before a primary or election. Allows the office to close at 5:00 p.m. the Monday before the primary or election. Prior law required the office to be open until 7:00 p.m. that day.
- 14 **Twenty days before an election.** Changes from 10 to 20 days before an election: the period when absentee ballots will be delivered to voters who applied for them.
- 15 **Agent delivery of ballots.** Amends the law that allows a patient in a health care facility to designate an agent to deliver absentee ballots to the patient. Prohibits designating a candidate at that election as an agent.
- 16 **Petitions.** Requires the secretary to adopt rules on how to circulate, file, and inspect petitions required for an election in this state. Requires the secretary to provide sample forms for use by election officials.
- 17 **Number of signatures.** Amends the nominating petition statute on signatures required. Strikes judicial district office from the list of offices.
- 18 **Precinct and election district boundaries.** Requires the secretary to provide auditors with precinct maps on their request. Prior law required precinct maps to be provided 30 days before the state primary.
- 19 **Appointing authority; powers and duties.** Provides that the county board will appoint election judges to perform duties assigned by the county auditor.
- 20 **Voter information telephone line.** Prior law required the secretary to have a voter information telephone line from two weeks before the state primary to three days after the general election. The act removes these time limits.
- 21 **Permanent registration; verification.** Requires voter receipts issued by the election judges at an election to be kept during the time that an election contest can be filed. Prior law provided for destroying the receipts at the end of the election day.
- 22 **Information requirements.** Amends the law on the summary statements election judges are required to prepare. Specifies that the requirements apply in state elections. Adds that in

elections not held the same day as a state election, two copies of the summary statement must be prepared.

- 23 **Summary statements.** Same as section 22. Amends the law on paper ballot precincts.
- 24 **Preparation; method of delivery.** Provides for the secretary to prepare the election certificate for state and federal officials, whether their office is canvassed by the state or county canvassing board (the offices of legislators and congress members whose districts fall in only one county are canvassed by the county canvassing board).
- 25 **Rotation of names.** Amends the law on rotating candidate names at the state primary. Provides that if the number of candidates is equal to or less than the number to be elected to an office, rotation is not required. Instead, the official preparing the ballot will determine candidate positions by lot.
- 26 **Party columns; arrangement.** Rearranges the order of parties on the consolidated primary ballot. Provides for the party with the smallest average vote at the last state general election to appear at the left side of the ballot and other parties to follow in ascending order of number of votes obtained. In prior law, the party with the highest vote appeared on the left and the others followed to the right in descending order of votes received. This change makes the partisan primary ballot conform to the arrangement of the general election ballot for partisan offices.
- 27 **Special federal white ballot.** Strikes citations to state and federal law on voters who are eligible to vote by absentee ballot.
- 28 **Order of political parties.** Amends the statute on the partisan ballot at the state general election. Strikes the sentence that mentions voting machines. Voting machines are no longer used, and most voting machine statutes have been repealed. This change continues the clean up.
- 29 **Nominees by petition; placement on ballot.** Provides for the secretary to determine by lot the ballot order for candidates nominated by petition for a partisan office. Under prior law these candidates appeared in the order in which their petitions were filed.
- 30 **Alternate date.** Lets any town hold the town general election in November of either the odd or even numbered year. Under prior law, only metropolitan towns had this option.
- 31 **Prohibition.** Amends the municipal election law. Strikes current prohibition on holding a special election the second Tuesday in December.
- 32 **Vacancies in town offices.** Corrects a cross reference.
- 33 **Notice to auditor.** Changes the time line for municipal clerks to notify the auditor of municipal offices and questions to be voted on. Changes from 45 to 49 days before the municipal election. Also requires the clerk to provide the title and language, not just the question, for each ballot question to be voted on.
- 34 **Canvass of returns.** Changes the deadline for the municipal election canvass after the November general election. Extends it from two to seven days. Leaves the same two day deadline applicable to town elections held in March.
- 35 **Questions.** Conforms to the change in section 31.
- 36 **Notice to auditor.** Amends school election law. Makes the same change for notices from the school district clerk to the auditor as was made in section 33 on the municipal clerk notice to the auditor.
- 37 **Requirements for petition.** Strikes prior law on petitions related to school elections. Instead, has them governed by the rules the secretary is directed to adopt under new section 204B.071.
- 38 **At the voting location.** Changes procedures for counting ballots when there are more ballot cards than the number of voters shown on the election register or registration file. Provides for the judges to seal the ballots in a container and take them to the municipal clerk or auditor to

process and enter into the ballot counter. Under prior law the judges processed these ballots.

- 39 Presidential electors.** Changes "surnames" to "names" of the candidates on the presidential ballot.
- 40 Preparations for special elections.** Provides that in the event of a vacancy that will occur because of a resignation, preparation for a special election may begin immediately after the appropriate official receives the written resignation.
- 41 Officers; November election.** Amends town law to conform to the change in section 30, allowing a November election option for all towns.
- 42 Proposals.** Amends charter commission law. Requires proposed charter amendments to be submitted at least 12 weeks before the general election. Strikes a reference to cities with a permanent registration system, which is irrelevant. There is now a statewide voter registration system.
- 43 Term.** Amends the statute on when city elective office terms. Provides for them to start the first Monday in January. Prior law had them start the first business day in January.
- 44 Candidates; ballots; certifying election.** Amends the hospital district election law. Requires ballots to be printed on tan paper and prepared according to the secretary's rules. Strikes language on the content of the ballot. Strikes a reference to putting questions on a separate ballot from the officers. Strikes a reference to voting machines, which are no longer used, and replaces it with "voting systems," the current term for voting methods other than paper ballots. Strikes a provision that allows the hospital district board to set election judge compensation.
- 45 Incumbent terms.** Amends a session law on terms of soil and water conservation district supervisors. Requires the board by January 1, 2000, to prepare a plan to lengthen or shorten terms of office for each office filled in 1998 and to be filled in 2000, so that no more than three supervisors are elected at each general election. Provides that beginning in 2002, supervisors will have four year terms. Requires the board by lot to determine which officers' terms are to be shortened and which are to be lengthened. Requires filing the plan with the auditor and the soil and water conservation board.
- 46 Repealer.** Repeals (1) two provisions on punch card voting, which is no longer used, (2) the manner of counting paper absentee ballots in precincts with electronic systems, (3) placement of uncontested county and judicial offices on the canary ballot, (4) the ban on holding a special election the second Tuesday in December, and (5) a statement that electors choose town officers at the annual town meeting, because section 205.075 has them chosen at the town general election.