2021 ELECTION LAW CHANGES

Presented here is a list of election law changes from Senate Files 413 and 568 arranged by the categories listed below, showing the bill section where each appeared and the Code section amended.

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IMPORTANT NOTICES

- The online Code of Iowa will probably not show the changes from the 2021 legislative session until the fall of 2021.

- These changes are effective immediately unless otherwise noted.

VOTER REGISTRATION

1. Voters must register to vote 15 days (formerly 10 or 11 days) or more before the election to appear on the voter register on election day. (Voters may still register to vote on election day, or when voting absentee in person, with proper identification.) SF413 Sec. 22; Code Sec. 48A.9(1). SF413 Sec. 24; Code Sec. 48A.27(4)(c)(2). SF413 Sec. 27; Code Sec. 48A.29(1)(b). SF413 Sec. 28; Code Sec. 48A.29(3)(b)

2. Voter identification cards sent to voters not listed in the DOT driver's license file must include the times that polling places will be open on election days. SF413 Sec. 23; Code Sec. 48A.10A(1)

3. County auditors must participate in the National Change of Address list maintenance program, and may not alternatively send their own countywide mailing. SF413 Sec. 25; Code Sec. 48A.28(1)&(2)

4. A voter who has moved and has therefore been sent mail by the county auditor to inquire of their proper address, AND who did not vote in the most recent general election, shall be marked inactive. (An inactive voter may still vote with proper identification, and their registration will not be canceled until two more general elections pass with no voter activity.) SF413 Sec. 25; Code Sec. 48A.28(2)(b)

5. When sending out notices to inactive voters under the National Change of Address program (NCOA), notices shall not be sent to voters who were not 18 years old on general election day. SF 568 Sec. 21; Code Sec. 48A.28(2)(b)

6. For the purposes of canceling a voter registration, the county auditor may accept as evidence of the death of a voter a notice from the Social Security Administration. SF568 Sec. 22; Code Sec. 48A.30(1)(a)

NOMINATIONS

1. The requirement that elected officials in most cases may hold only one elective office at a time is waived if not more than 30 days remain in the term of the first office, and the elected official did not seek re-election for that office. SF 568 Sec. 3; Code Sec. 39.11(2). SF 568 Sec. 4; Code Sec. 39.12

2. The deadline for the filing of nomination papers for county office is moved from 69 to 74 days before the primary election. SF 568 Sec. 6; Code Sec. 43.11(1) (Effective 1/1/22)

3. The deadline for withdrawing as a candidate is moved from 67 days to 69 days before the primary election, for a candidate filing nomination papers with the county auditor. SF 568 Sec. 7; Code Sec. 43.16(2)(b) (Effective 1/1/22)

4. A candidate may not file to run both in a party primary and as a non-party political organization candidate. SF413 Sec. 12; NEW CODE SECTION 43.17

5. The threshold for signatures on the petitions of candidates for the primary election is changed to coincide with Section 45.1 (see amended Sec. 45.1). Exceptions are for countywide offices and supervisor positions elected within a supervisor district, which remain unchanged (2% of the party vote in the last general election in the county or district, or 100 signatures, whichever is less.) SF413 Sec. 13; Code Sec. 43.20(1)

6. In the case of the death or withdrawal of a state candidate up to 76 days before a primary election, that candidate's party may designate a replacement candidate as long as no other candidate has filed for that office for that party. SF 568 Sec. 8; Code Sec. 43.23(1)

7. In the case of the death or withdrawal of a county candidate up to 69 days (previously 67 days) before a primary election, the candidate's party may designate a replacement candidate up to 64 days (previously 63 days) before the primary. SF 568 Sec. 8; Code Sec. 43.23(2)

8. Objections relating to incorrect or incomplete information on nomination papers, affidavits of candidacy and certificates of nomination shall be sustained. SF 568 Sec. 9; Code Sec. 43.24(1)(a). SF 568 Sec. 15; Code Sec 44.6. SF 568 Sec. 16; Code Sec. 44.7. SF 568 Sec. 17; Code Sec. 44.8 NEW SUBSECTION 3.

9. The deadline for objecting to the sufficiency of nomination petitions or certificates of nomination is changed from 64 to 67 days before the election. There is an exception for certificates of nomination of candidates nominated to replace a candidate who dies or withdraws, and the deadline for these is changed from 62 to 63 days before the election. SF 568 Sec. 10; Code Sec 43.24(1)(b)(2) (Effective 1/1/22)

10. The deadline for filling a vacancy on the general election ballot for federal- and state-level offices is changed from 73 to 76 days before the election. SF 568 Sec. 12; Code Sec. 43.78(2) (Effective 1/1/22)

11. The name of a county-level candidate who dies between 74 days (previously 73 days) before the general election and the close of the polls on election day (previously the day before the election) shall not be removed from the ballot. SF 568 Sec. 13; Code Sec. 43.79 (Effective 1/1/22)

12. The minimum numbers of attendees at a non-party political organization (NPPO) convention or caucus are changed:
    - For statewide office, changed from 250 to 500 eligible electors, including at least one from each of 25 counties.
    - For U.S. House of Representatives, changed from 50 to 200 eligible electors, including at least one from each of at least half of the counties in the district.
    - For a county or city race, changed from 10 to 20 eligible electors, including at least one from each of at least half the precincts in the county or city.
    - For state legislature, changed from 10 to 25 for the House of Representatives and from 20 to 50 for the Senate, including at least one from at least half the precincts in the district.
    - Furthermore, a candidate nominated under a political party shall not be eligible for nomination under a NPPO for the same office in the same election year.

    SF413 Sec. 15; Code Sec. 44.1

13. The deadline for filing an objection to the sufficiency of a certificate of nomination or a nomination petition filed with the Secretary of State pursuant to Chapters 44 and 45 is changed from 68 to 74 days before the primary election. If for the office of president, the objection must be filed at least 74 days before the general election. For objections filed with the county auditor (except for city elections), the deadline is changed from 64 to 67 days. SF 568 Sec. 14; Code Sec. 44.4(2)(a)(1)&(2)

14. The deadline for a non-party political organization to withdraw a candidate's nomination that is filed with the Secretary of State is changed from 68 to 81 days before the election. If for the office of president, the withdrawal must be filed at least 76 days before the election. SF 568 Sec. 18; Code Sec. 44.9(1) (Effective 1/1/22)

15. The deadline for a non-party political organization to withdraw a candidate's nomination that is filed with the county auditor (except for city elections) is changed from 64 to 74 days before the election. SF 568 Sec. 18; Code Sec. 44.9(2) (Effective 1/1/22)

16. The deadline for a non-party political organization to fill a ballot vacancy is changed from 74 to 76 days before the election if filed with the Secretary of State, and from 64 to 69 days before the election if filed with the county auditor. If for the office of president the deadline shall be 71 days before the election. SF568 Sec. 19; Code Sec. 44.11. (Effective 1/1/22)

17. The threshold for signatures on the petitions of candidates nominated by petition for president and vice president, governor and lieutenant governor, and U.S. Senate is changed from 1,500 eligible electors from at least 10 counties to 3,500 eligible electors, including at least 100 each from at least 19 counties. The threshold for U.S. House of Representatives is changed from the above number divided by the number of congressional districts in the state to 1,726 eligible electors in the district, including at least 47 each from at least half the counties in the district. SF413 Sec. 16; Code Sec. 45.1(1)&(2)

18. The threshold for signatures on the petitions of countywide candidates nominated by petition is changed from 1% of registered voters or 250 whichever is less, to the following:
    a. For counties with populations up to 15,000, 50 signatures
    b. For counties with populations from 15,001 to 49,999, 75 signatures
    c. For counties with populations of 50,000 or more, 100 signatures
    SF568 Sec. 20; Code Sec. 45.1(5) (Effective 1/1/22)

19. The threshold for signatures on the petitions of county supervisors nominated by petition and elected in a supervisor district is changed from 1% of registered voters or 150, whichever is less, to the following:
    a. For supervisors districts with populations up to 50,000, 50 signatures
    b. For supervisor districts with populations greater than 50,000, 100 signatures
    SF568 Sec. 20; Code Sec. 45.1(6) (Effective 1/1/22)

20. The threshold for signatures on the petitions of city candidates are changed as follows:
    a. For cities with populations of 25,000 or greater (except for charter cities), 75 signatures
    b. For cities with populations of 7,500-24,999, 50 signatures
    c. For cities with populations of 2,500-7,499, 25 signatures
    d. For cities with populations of less than 2,500, 10 signatures
    SF 568 Sec. 20; Code Sec. 45.1(8) (Effective 1/1/22)

21. The threshold for signatures on the petitions of non-partisan candidates in charter cities subject to Sec. 43.112 are changed as follows:
    a. For mayor and alderman-at-large candidates; 75 signatures
    b. For ward alderman, 75 signatures
    SF568 Sec. 20; Code Sec. 45.1(9) (Effective 1/1/22)

22. The threshold for signatures on the petitions of candidates nominated by petition for statewide candidates not listed in subsection 1 is changed from 1,500 eligible electors from at least 10 counties to 2,500 eligible electors including at least 77 from at least 18 counties. SF413 Sec. 17; Code Sec. 45 NEW SUBSECTION 1A

23. Regarding partisan candidates for state and federal office who die 81 days (formerly 88 days) before the general election through the close of the polls on election day (formerly the day before): The vote cast for that office shall not be canvassed; instead, a special election will be held for that office on the first Tuesday after the second Monday in December. SF568 Sec. 30; Code Sec. 49.58(1) (Effective 1/1/22)

24. The deadline for a school board candidate to withdraw is changed from 35 days to 25 days before the election. SF 568 Sec. 48; Code Sec. 277.4(4)

25. The deadline for a hospital trustee candidate to file nomination papers is 69 days before the election. SF568 Sec. 50; Code Sec. 347.25(1)

VACANCIES

1. Sec. 43.80, "Vacancies in nominations of presidential electors," is repealed. SF568 Sec. 52; Code Sec. 43.80

2. For a vacancy in the office of county auditor, sheriff, treasurer, recorder, or attorney that is filled by appointment, the vacancy is for the period until the next general election. SF413 Sec. 69; Code Sec. 69.14A(2)(a)(1)

3. In the case that the board of supervisors makes an appointment to fill a vacancy in the office of county auditor, sheriff, treasurer, recorder, or attorney, if a petition is filed requesting a special election, no signature on the petition will be valid if dated prior to the date of the appointment. SF413 Sec. 69; Code Sec. 69.14A(2)(a)(2)

4. If the board of supervisors calls a special election to fill a vacancy in the office of county auditor, sheriff, treasurer, recorder, or attorney, the election may now be held on the same day as a school election. SF413 Sec. 70; Code Sec. 69.14A(2)(b)(1)

BALLOTS

1. The recent requirement that the county seal appear on all ballots (instead of the auditor's signature) is amended to clarify that "the facsimile or likeness" of the seal may be printed, rather than embossing the seal on each individual ballot. SF568 Sec. 11; Code Sec. 43.36. SF568 Sec. 29; Code Sec. 49.57(6)

2. A county shall have only one official county seal. SF568 Sec. 49; Code Sec 331.552(4)

3. Drawing lots to determine the order of candidates for nonpartisan positions: The date is changed from the first business day after the filing deadline to 68 days before the election. SF568 Sec. 24; Code Sec. 49.31(2)(c)

4. In presidential elections, this statement shall appear directly above the section of the ballot for presidential candidates: [A ballot cast for the named candidates for president and vice president of the United States is considered to be cast for the slate of presidential electors nominated by the political party, nonparty political organization, or independent candidate.] SF568 Sec. 25; NEW CODE SECTION 49.42B

5. Auditors shall summarize constitutional amendments and public measures on the ballot. SF568 Sec. 26, Code Sec. 49.43(2). SF568 Sec. 27; Code Sec. 49.44(1)

6. Notice of election: A facsimile of the ballot is no longer required to be published in the newspaper. Instead, all that is required is a list of all offices, candidates, and public measures. The notice may contain one or more facsimiles of the portion of the ballot showing the first rotation of candidates. SF568 Sec. 28; Code Sec. 49.53(1). SF568 Sec. 29; Code Sec. 49.57(6). SF568 Sec. 51; Code Sec. 376.5

7. The deadline for the Secretary of State to transmit a constitutional amendment or public measure to county auditors is changed from 69 to 63 days before the election. SF568 Sec. 34; Code Sec. 49A.6

8. If a referendum is held along with the general election on the proposal to conduct gambling games in a county, it is no longer necessary for the Board of Supervisors to receive the petition at least five working days before the last day for candidates to file. SF568 Sec. 47; Code Sec. 99F.7(11)(a)

ABSENTEE VOTING

1. The first day to submit an Absentee Ballot Request form to your county auditor is changed from 120 to 70 days before the election. SF413 Sec. 43; Code Sec. 53.2(1)(a)

2. Absentee ballot requests must include the date the request is signed. SF568 Sec. 39; Code Sec. 53.2(4)(a)(1)

3. County auditors may not send absentee ballot request forms to voters unless a voter specifically requests one. SF413 Sec. 43; Code Sec. 53.2(1)(c). SF413 Sec. 49; Code Sec. 53.8 NEW SUBSECTION 4

4. The Secretary of State may send absentee ballot request forms to voters only during a public health disaster declared by the governor and only at the direction of the legislature. SF413 Sec. 43; Code Sec. 53.2(1)(d). SF413 Sec. 49; Code Sec. 53.8(4)

5. Third parties may still send absentee ballot request forms to voters, but no form fields may be prefilled except for type and date of election. SF413 Sec. 44; Code Sec. 53.2(2) NEW PARAGRAPH d

6. The first day county auditors may mail absentee ballots to voters is changed from 29 to 20 days before election. SF413 Sec. 47; Code Sec. 53.8(1)(a)

7. The statement enclosed with absentee ballots is amended to include new language about persons allowed to return ballots in new Code Section 53.33, and new language about drop boxes in Sec. 53.17. SF413 Sec. 48; Code Sec.53.8(2)(a)

8. The first day to vote absentee in person at the Auditor's Office is changed from 29 to 20 days before election. SF413 Sec. 50; Code Sec. 53.10(1)

9. The first day to vote absentee in person at a satellite location is changed from 29 to 20 days before the election, and satellite voting locations may only be established by a public petition with a minimum of 100 signatures. SF413 Sec. 51; Code Sec. 53.11(1)(a)&(b)

10. A petition for a satellite voting location must be rejected if:
    1. The site is not accessible to elderly and disabled voters.
    2. Ballot security and secret voting are impossible at the site.
    3. The owner of the site refuses permission for the satellite. (A request to use a site supported by taxation shall not be declined.)
    4. After reasonable efforts, the auditor cannot staff the satellite to ensure compliance with the law.
    SF 568 Sec. 40; Code Sec. 53.11(1) NEW PARAGRAPH c

11. A petition for a satellite voting location may be rejected, within 4 days of receipt by the auditor, if:
    1. The satellite request is for a city runoff, and a special election is scheduled between the regular city election and the runoff.
    2. The owner of the site demands payment. (A site supported by taxation must be available for voting at no cost.)
    SF568 Sec. 40; Code Sec. 53.11(1) NEW PARAGRAPH d

12. If an auditor receives petitions for two or more satellites in the same precinct, the auditor may choose only one of the locations. SF568 Sec. 41, Code Sec. 53.11 NEW SUBSECTION 7

13. Absentee ballot return drop boxes must meet the following requirements:
    1. Not required, and only one permitted per county; must be at the county auditor's office or on the grounds where the office is located.
    2. Must only collects absentee ballots.
    3. Auditor shall implement all reasonable and necessary measures to ensure the drop box is accessible and secure.
    4. Must be under 24-hour video surveillance which creates a recording.
    5. May be open for use only from 20 days before the election until 8:00 pm on election day.
    6. When available for use, must be securely fastened to a stationary surface or an immovable object.
    7. Must be locked with tamper-evident seal.
    8. Must be emptied at least four times a day.
    9. Auditor must maintain a log of when materials are retrieved.
    SF413 Sec. 53; Code Sec. 53.17(1) NEW PARAGRAPH c

14. The Secretary of State's website shall, by February 26, 2024, provide an application through which a voter may track the voter's absentee ballot request (ABR) and ballot. The app shall provide the following:
    a. Whether the person returned a ballot in person, by mail, or by voting at a satellite.
    b. The date the auditor received the ABR.
    c. The date the ballot was mailed or given to the voter.
    d. The date the auditor received the ballot.
    e. The date the auditor opened the returned ballot's outer envelope.
    f. Whether there is a problem that must be addressed by the voter, and instructions for contacting the auditor ASAP.
    SF568 Sec. 42; Code Sec. 53.17A, NEW SUBSECTION 4

15. Absentee ballot requests for voting by mail must be received by the county auditor by 15 days (changed from 11 days) before an election. By reference in Code Sec. 53.2(1)(b) to Sec. 48A.9, amended in SF413 Sec. 22
    - Exception: If a voter is admitted to a health care facility, dementia specific assisted living program, or hospital 14 or fewer days before the election, the voter may request an absentee ballot by telephone no later than 4:00 pm on election day. SF413 Sec. 61; Code Sec. 53.22(3). SF413 Sec. 62; Code Sec. 53.22(6)(a)

16. If an absentee ballot request is received from the 14th day before the election through the 7th day before the election, the auditor must notify the voter, by phone, email or letter, that the request cannot be processed, and explain the ways that the voter may still vote. SF413 Sec. 45; Code Sec. 53.2 NEW SUBSECTION 11

17. Absentee ballots must be returned to the Auditor's Office (or ballot drop box, if available) by 8:00 pm on election day. A postmark or postal service barcode prior to the election will NO LONGER make a ballot eligible for counting. (However, postal service barcodes are still required on ballot envelopes.) SF413 Sec. 52; Code Sec. 53.17(1)(b). SF413 Sec. 54; Code Sec. 53.17(2).
    Exceptions:
    - Ballots from individuals participating in the Safe at Home program will be eligible for counting if postmarked or barcoded before election day and received in the Secretary of State's Office in time to be transmitted to the appropriate county auditor not later than noon on the Monday following the election. SF413 Sec. 1; Code Sec. 9E.6(2)(b)
    - Ballots from uniformed and overseas citizens will be eligible for counting if postmarked or barcoded before election day and received not later than noon on the Monday following the election. SF413 Sec. 66; Code Sec. 53.44(2). SF413 Sec. 67; Code Sec. 53.53(4)(b)&(c)

18. If an absentee ballot affidavit envelope is not signed by the voter, the county auditor shall contact the voter, who may then:
    - Request a replacement ballot and return it by 8:00 pm on election day (changed from postmarked the day before the election or earlier).
    - Vote at the polls on election day.
    - Sign the affidavit in person at the county auditor's office by 8:00 pm on election day (changed from 5:00 pm the day before the election).
    SF413 Sec. 58; Code Sec. 53.18(2). SF 413 Sec. 59; Code Sec. 53.17 NEW SUBSECTION 5

19. Absentee and Special Voter Precinct (ASVP) Boards may begin counting absentee ballots the day before any election, not just the general. SF413 Sec. 63; Code Sec. 53.23(3)(c)

20. The ASVP Board must record its ballot procedures at the end of each of its meetings showing the following data:
    - Number of signed affidavits provided by the auditor – reconcile with number of absentee ballots counted and tabulated.
    - Number of absentee ballots rejected prior to opening the affidavit envelope
    - Number of absentee ballots challenged and still unopened
    - Number of absentee ballots accepted for counting and tabulation
    - Number of provisional ballots provided by the auditor – reconcile with number of provisional ballots accepted for counting and tabulation and number of provisional ballots rejected
    SF413 Sec. 64; Code Sec. 53.30(1)

21. New Section 53.33, "Unlawful return of ballot," created under SF413, is struck and replaced by the following:
    1. For the purposes of this section:
        a. "Delivery agent" means an Iowa registered voter designated to return an absentee ballot by a voter unable to return the ballot due to blindness or other disability. A "delivery agent" cannot be the voter's employer or an agent of the employer, an officer or agent of the voter's union, or an actual or implied agent for a political party, candidate or committee.
        b. "Immediate family member" means an individual within the fourth degree of consanguinity and affinity. (See chart, Appendix A)
    2. The only people who may return a ballot for a voter are:
        - the voter
        - someone living in the voter's household
        - an immediate family member
        - a special PEO delivering a ballot under Sec. 53.22
        - a delivery agent, in the case of a voter unable to return a ballot due to blindness or other disability.

3. In the case that such a voter designates a delivery agent, the voter must complete and sign a form prescribed by the Secretary of State.
4. A delivery agent shall return no more than two absentee ballots per election.
5. The delivery agent shall fill out a receipt as pursuant to Sec. 53.17(4).
6. The delivery agent shall collect the voter's designation form at the same time as collecting the ballot, and shall deliver the ballot and designation form to the county auditor at the same time.
7. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY (See SF 413 Sec. 48), the delivery agent must:
   a. Deliver the ballot in person, not by mail or dropbox.
   b. Provide to the auditor the same identification as a voter at the polls (Sec. 49.78).
   c. On a form prescribed by the Secretary of State, provide the delivery agent's:
      • Full legal name
      • Residential address
      • Phone number
      • Email address, if applicable

   The delivery agent must sign a statement substantially as follows:

   Under penalty of perjury, I hereby certify that I am a registered voter in the State of Iowa and not the employer, agent of the employer, or officer or agent of the union of the registered voter whose completed absentee ballot I am returning, or a person acting as an actual or implied agent for a political party as defined in section 43.2, or a candidate or committee, as defined in section 68A.102. I also certify that I am acting as the delivery agent of the registered voter whose completed absentee ballot I am returning, that I am returning the registered voter's completed absentee ballot to the commissioner who issued the ballot, and that I have not altered or tampered with the ballot. I acknowledge that Iowa law prohibits delivery agents from returning more than two completed absentee ballots for all elections occurring on the same date. I have complied with Iowa law. I understand that if I provide false information on this form, I may be guilty of perjury, a class "D" felony, and subject to a maximum prison term not to exceed five years and a fine of at least $1,025 but not more than $10,245.

   SF568 Sec. 43; NEW CODE SECTION 53.33, REPLACING SF413 Sec. 65; NEW CODE SECTION 53.33. SF413 Sec. 8; Code Sec. 39A.4(1)(c)(10)&(11). SF413 Sec. 48; Code Sec. 53.8(2)(a). SF413 Sec. 56; Code Sec. 53.17 NEW SUBSECTION 5.

22. Someone returning an absentee ballot (including to a drop box) who is not allowed to, or someone who lies about it, commits a serious misdemeanor. (A serious misdemeanor is punishable by 0-1 years in prison AND a fine of from $430 to $2,560.) SF413 Sec. 8; Code Sec. 39A.4(1)(c)(10)&(11)

23. Section 53.34, "False affidavit," is repealed. SF568 Sec. 52; Code Sec. 53.34

24. In Chapter 53 Subchapter II, Absent Voting by Uniformed and Overseas Citizens, the term "armed forces of the United States" is expanded to include "space force." SF568 Sec. 44; Code Sec 53.37

ELECTION DAY

1. PEOs may not serve as poll watchers; doing so is a serious misdemeanor. (A serious misdemeanor is punishable by 0-1 years in prison AND a fine of from $430 to $2,560.) SF413 Sec. 5; Code Sec. 39A.4(1)(b)(1)

2. PEOs who change parties must do so more than 30 days before an election. SF413 Sec. 34; Code Sec. 49.13 NEW SUBSECTION 7

3. Notice must be given of polling place changes for primaries and generals by mail to voters, posting at the auditor's office, and posting on the auditor's website, not more than twenty nor less than seven days before the day on which the election is to be held. SF413 Sec. 35; Code Sec. 49.23

4. The polls close at 8:00 pm on election day for all elections, including primaries and generals. SF413 Sec. 36; Code Sec. 49.73(2)(a)

5. The Legislative Services Agency website must show the hours that polling places are open on election days, until November 7, 2024. SF413 Sec. 36; Code Sec. 49.73(2) NEW PARAGRAPH b

6. The county treasurer must include on property tax statements the hours that polling places are open on election days, until November 7, 2024. SF413 Sec. 72; Code Sec. 445.5(1) NEW PARAGRAPH i

7. The oath taken by PEOs on election day is amended as follows:

   I, A. B., do solemnly swear or affirm that I will impartially, and to the best of my knowledge and ability, perform the duties of precinct election official of this election, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting the election.

   I understand that as a precinct election official, I have access to certain information that is considered confidential and is protected under Code Chapters 22, 39A, 48A and 715C. Due to this protected status, I agree to only release this information in accordance with Iowa law.

   Additionally, I understand that the prohibition on sharing confidential information extends before and after the hours that my assigned polling place is open.
   SF568 Sec. 31; Code Sec. 49.75

8. Attestors for voters unable to provide proper identification at the polls must themselves provide proper identification before signing the attestor's oath. SF568 Sec. 32; Code Sec. 49.78(4)

9. For a provisional ballot to be counted, the voter must either provide the necessary identification at the polling place before it closes, or provide it at the Auditor's Office by noon on the following Monday. If the canvass will be held earlier than the following Monday, the identification must be provided before the canvass. SF568 Sec. 33; Code Sec. 49.81 NEW SUBSECTION 6

10. A candidate on the ballot may not occupy a voting booth with another voter. SF413 Sec. 38; Code Sec. 49.88 NEW SUBSECTION 3. SF413 Sec. 39; Code Sec. 49.90

11. Election officials may not interfere with poll watchers performing their proper role; to do so is a serious misdemeanor. (A serious misdemeanor is punishable by 0-1 years in prison AND a fine of from $430 to $2,560.) SF413 Sec. 40; Code Sec. 49.104(2)

12. Employers must allow employees two consecutive hours to vote on election day, if they do not already have two consecutive hours off during the time the polls are open (reduced from three hours). SF413 Sec. 41; Code Sec. 49.109

13. After the close of the polls, the PEOs may or may not phone the results to the county auditor, but the PEOs must deliver the results in person to the auditor on election night. SF568 Sec. 35; Code Sec. 50.11(1)

14. When delivering results on election night, the PEOs must return the printed results and memory device from the precinct voting machine. The delivery must be done by two PEOs, one from each political party for partisan elections, "or by a person designated by the auditor, including but not limited to a law enforcement officer. The printed results and memory device shall be returned in a securely sealed envelope with the signatures of all board members of the precinct placed across the seal so that the envelope cannot be opened without breaking the seal." SF568 Sec. 36; NEW CODE SECTION 50.14

AFTER ELECTION DAY

1. Regarding write-in votes, when the Board of Supervisors conducts the canvass, it shall report under the heading "scattering" all write-in votes for candidates receiving less than 5% of the vote for an office, or who received fewer than 10 votes and was not elected. SF568 Sec. 37; Code Sec. 50.24(2)

2. The Secretary of State must order post-election audits for all elections. SF568 Sec. 38; Code Sec. 50.51(5) (Effective 1/1/22)

3. State and local law enforcement are authorized to prevent violations of Chapter 50, Canvass of Votes. SF413 Sec. 42; NEW CODE SECTION 50.52

4. Presidential electors shall be paid half of the federal general services administration's per diem rate for the relevant date and location. SF568 Sec. 46; Code Sec. 54.9

SPECIAL ELECTIONS

1. A special election may now be held on the same date as a general election. SF 568 Sec. 1; Code Sec.39.2(4)(a)

2. The question on the ballot every ten years (as required by the Iowa Constitution), asking whether there should be a convention to revise the Iowa Constitution, is to be considered a public measure, and subject to the provisions of Chapter 49 regarding public measures. SF 568 Sec. 2; Code Sec. 39.4(2)

3. Code Section 39.2(4)(c), "Special election" dates for schools, is repealed. SF568 Sec. 53; Code Sec. 39.2(4)(c)

POLITICAL PARTIES

1. Political parties and non-party political organizations may intervene in court cases (including administrative code cases) that challenge provisions of Iowa Code Chapters 39 through 62 (most of election code) or of Iowa Administrative Code provisions pertaining to elections. They also may petition the district court to modify or vacate an injunction against the enforcement of Chapters 39 through 62. The denial of such a petition is appealable. SF568 Sec. 5; NEW CODE SECTION 39.28

SECRETARY OF STATE/COUNTY AUDITOR DUTIES

1. The Secretary of State may issue guidance to clarify election laws that does not need to be approved for Administrative Rules. SF413 Sec. 18; Code Sec. 47.1(1)

2. County auditors have no home rule authority in regards to elections. SF413 Sec. 19; Code Sec. 47.2(1)

3. The Secretary of State must verify all voter registration records (using a 3rd-party vendor if desired) in the first quarter of each calendar year, and submit a report to the legislature by April 30. SF413 Sec. 20; Code Sec. 47.7(2) NEW PARAGRAPH f (1)&(2)

4. The Secretary of State must use the Electronic Registration Information Center (ERIC) to update IVoters. SF413 Sec. 21; Code Sec. 47.7 NEW SUBSECTION 3

5. County auditors must annually report to the Secretary of State the number of voter registrations that were marked inactive or canceled, and the Secretary of State must publish the reports on the SOS website. SF413 Sec. 31; NEW CODE SECTION 48A.40(1)&(2)

6. The Secretary of State must conduct an audit of voter registration maintenance by counties in April of odd-numbered years, and report violations to the Attorney General and county attorney. SF413 Sec. 32; NEW CODE SECTION Sec. 48A.41. (Amended by SF568 Sec. 23, Code Sec. 48A.41(1))

7. The audit of voter registration maintenance by county auditors to be conducted in April of odd-numbered years by the Secretary of State will be on a schedule determined by the Secretary of State, not by county auditors. SF568 Sec. 23, Code Sec. 48A.41(1) (Amending SF413 Sec. 32, NEW CODE SECTION 48A.41)

8. The Secretary of State may oversee a county election from 60 days before the election to 60 days after the election. SF413 Sec. 33; NEW CODE SECTION Sec. 49.2

9. For primaries and generals (and special elections for legislature or Congress), county auditors must provide to the Secretary of State a daily absentee report from 20 days before the election through election day that shows:
    a. the number of absentee ballot requests received
    b. the number of ballots sent
    c. the number of ballots received:
        1. by mail
        2. in a drop box
        3. in person
        4. at a satellite

SF413 Sec. 46; NEW CODE SECTION Sec. 53.4(2)

10. The Secretary of State must publish the above daily reports. SF413 Sec. 46; NEW CODE SECTION 53.4(1)

11. After each primary and general, the county auditor must report to the Secretary of State the following data for each absentee ballot:
    - The serial number of the unsealed envelope
    - The date the ballot request was received
    - The date the ballot was sent to the voter
    - The date the ballot was received by the auditor
    - The date the ballot outer envelope was opened
    - Whether the ballot was:
        ◦ Delivered by mail
        ◦ Delivered in person
        ◦ Delivered to a drop box
        ◦ Voted at a satellite
    SF413 Sec. 60; Code Sec. 53.19(1)

12. After each primary and general, the county auditor must report to the Secretary of State the following data:
    - Number of absentee ballots received by the auditor
    - Number of absentee ballots counted and tabulated by the ASVP board
    - Number of absentee ballots rejected by the ASVP board
    - Number of provisional ballots cast
    - Number of provisional ballots counted and tabulated by the ASVP board
    - Number of provisional ballots rejected by the ASVP board
    SF413 Sec. 64; Code Sec. 53.30(3)

VIOLATIONS AND PENALTIES

1. Willful violation of election law by an election official, formerly a serious misdemeanor, is now a Class D felony. (A class D felony is punishable by 0-5 years in prison AND a fine of from $1,025 to $10,245.)   SF413 Sec. 3; Code Sec. 39A.2(1) NEW PARAGRAPH g

2. Willful failure to complete list maintenance is an aggravated misdemeanor. (An aggravated misdemeanor is punishable by 0-2 years in prison AND a fine of from $855 to $8,540.)   SF413 Sec. 4; Code Sec. 39A.3(1)(b) NEW SUBSECTION 9

3. PEOs may not serve as poll watchers; doing so is a serious misdemeanor. (A serious misdemeanor is punishable by 0-1 years in prison AND a fine of from $430 to $2,560.)   SF413 Sec. 5; Code Sec. 39A.4(1)(b)(1)

4. Interfering with a person permitted at a polling place (including poll watchers) is a serious misdemeanor. SF413 Sec. 7; Code Sec. 39A.4(1)(b) NEW SUBSECTION 14

5. Someone returning an absentee ballot (including to a drop box) who is not allowed to, or someone who lies about it, commits a serious misdemeanor. SF413 Sec. 8; Code Sec. 39A.4(1)(c)(10)&(11)

6. Upon issuance of a technical infraction to a county auditor, the Secretary of State shall also impose a fine not to exceed $10,000 to be deposited in the general fund. The auditor has 60 days to pay the fine or file an appeal. If the fine is not paid or dismissed, the auditor shall be suspended from office for up to two years. If the auditor is suspended, the Secretary of State must direct the deputy auditor to oversee the office during the suspension, and the Secretary of State may direct the secretary's staff to assist with election duties. SF413 Sec. 9; Code Sec. 39A.6(3)(a), (b)&(c)

7. If a technical infraction is willful, the Secretary of State must refer it to the Attorney General and the county attorney. SF413 Sec. 10; Code Sec. 39A.6 NEW SUBSECTION 4

8. The Attorney General or county attorney must investigate any election misconduct referrals, and report their findings (and whether they will pursue charges) to the Secretary of State. SF413 Sec. 11; NEW CODE SECTION 39A.7

9. Failure to pay a fine for a technical infraction is added to the list of reasons why the district court may remove an appointive or elective officer. SF413 Sec. 68; Code Sec. 66.1A NEW SUBSECTION 8

10. The county attorney must bring action against an election official for failure to pay a fine for a technical infraction. SF413 Sec. 71; Code Sec. 331.756 NEW SUBSECTION 75
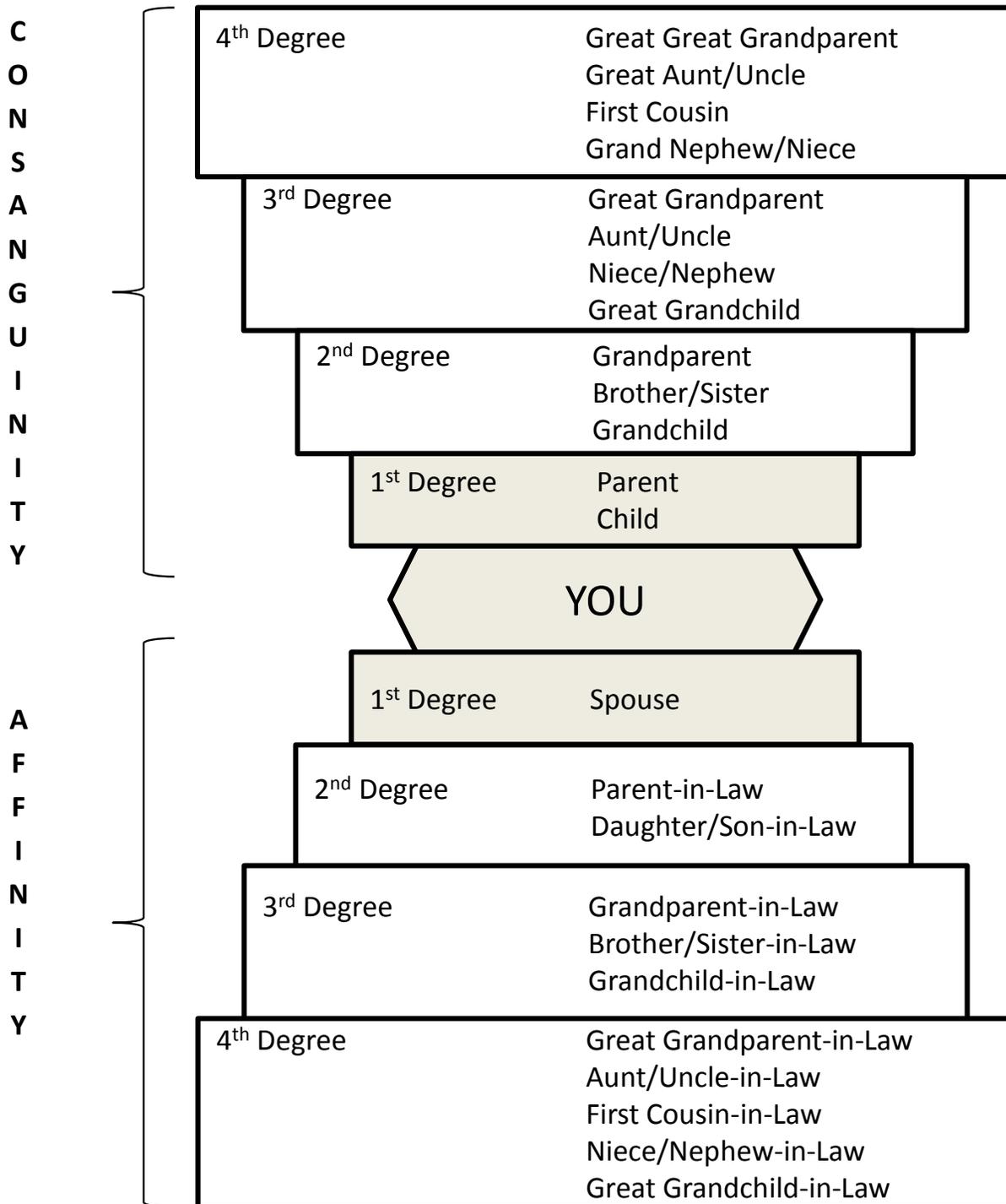
APPENDIX A

• Image included on next page

• Image PDF link: https://www.uab.edu/humanresources/home/images/M_images/Relations/PDFS/FAMILY%20MEMBER%20CHART.pdf

IMPORTANT NOTICES

• The online Code of Iowa will probably not show the changes from the 2021 legislative session until the fall of 2021.

• These changes are effective immediately unless otherwise noted.

IMMEDIATE FAMILY MEMBERS

C O N S A N G U I N I T Y

4th Degree	Great Great Grandparent Great Aunt/Uncle First Cousin Grand Nephew/Niece
3rd Degree	Great Grandparent Aunt/Uncle Niece/Nephew Great Grandchild
2nd Degree	Grandparent Brother/Sister Grandchild
1st Degree	Parent Child

YOU

A F F I N I T Y

1st Degree	Spouse
2nd Degree	Parent-in-Law Daughter/Son-in-Law
3rd Degree	Grandparent-in-Law Brother/Sister-in-Law Grandchild-in-Law
4th Degree	Great Grandparent-in-Law Aunt/Uncle-in-Law First Cousin-in-Law Niece/Nephew-in-Law Great Grandchild-in-Law

Note: Step relationships (step-brother, step-father, etc.) are considered to be the same as blood relationships.

- Image PDF link: https://www.uab.edu/humanresources/home/images/M_images/Relations/PDFS/FAMILY%20MEMBER%20CHART.pdf