



HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	HF 516/HSB 93	House Committee:	Passed 14-9 – 2/28/17
Committee:	State Government	House Floor:	
Floor Manager:	Rep. Rizer	Senate Floor:	
Date:	3/6/17	Governor:	
Staff:	Mackenzie Nading (1-3626)		

Voter Integrity and Modernization

Division I – General Provisions:

- This section proposes many technical changes made by the Secretary of State’s office
- Creates an “earliest date to request” absentee ballots at 120 days prior to the election
 - Presently voters can mail an absentee ballot request at any time
- Cancels voter registration of people who swear on jury questionnaire they are not citizens
- Classifies as election misconduct for couriers to hold absentee ballot requests longer than 3 days.
 - Currently there is no penalty for holding these requests even though the law says they are to turn them over within 3 days

Division II – Voter Identity and Signature Verification:

- Requires and ID of all voters at polling site: use existing Iowa driver’s license, non-operators ID, passport or, veteran or military ID
- Requires the issuing of new, free, voter registration cards to all existing active voters who do not have an ID listed above
- Requires an ID number on all absentee ballot requests
- Allows for election precinct officials to challenge a voter if they do not believe information present on their ID matches with information they are providing in person

Division III – Polling Places:

- Implements the use of E-poll books in all precincts that allows for the scanning of IDs
- Creates a revolving loan fund to be used to help counties who need to implement the new technology afford the transition

Division IV – Election Certification and Audits:

- Establishes post-election audits after officers have been sworn in
- Requires county auditors to certify to the secretary of state when they complete mandated election training, tests, and publications
- Standardizes poll worker training

Division V – Voter Misconduct Information and Reporting:

- Requires that a county attorney shall review and examine returned Election Day registration acknowledgement cards and suspicion of double voting
 - Currently these incidents must be reported to the county attorney, but they are not required to actually review them

Division VI – Straight Party Voting:

- Removes the ability to vote a straight-party ticket in any election in Iowa Legislature

Division VII – Public Education:

- Requires that the Secretary of State, in consultation with county auditors and other relevant parties, shall develop and implement a comprehensive statewide public education program to inform all voters of the changes being made by this act

Section by Section Analysis

**Division I
General Provisions**

Section 1 – 22.7 – Confidential Records – new subsection:

This section adds that a voter verification number shall be considered a confidential public record in Iowa; it will not be information that is subject to an open records request

Section 2 – 39A.5 – Election misconduct in the fourth degree – new subparagraph:

Creates a violation of not submitting voter registration applications on time according to code (see below) election misconduct in the fourth degree

Section 3 – 48A.24 – Deadline for submitting voter registration forms – new section:

Any of the following persons who accept a completed voter registration form must submit the form to the appropriate commissioner within seven days of receiving it:

- A political party
- A nonparty political organization required to nominate candidates
- A candidate or committee

Any of the persons listed above who accepts a completed voter registration within three days of the voter registration deadline must submit the form to the appropriate commissioner within 24 hours of receiving it

Section 4 – 48A.30 – Cancellation of voter registrations:

Adds language that if a registered voter submits documents in lieu of jury duty stating they are not a resident of Iowa or the United States, their voter registration shall be cancelled

Section 5 – 48A.31 – Deceased person’s record

Adds language that mandates the transfer of the record of deceased persons from the state registrar of vital statistics to the state registrar of voters shall happen without charge

Section 6 – 53.2 – Application for ballot:

Changes the timeline for when a voter may apply **in person** for an absentee ballot to not more than one hundred twenty days prior to the date of the election

- Previously it was seventy days prior to the election

Changes the date at which an absentee ballot must be requested to no later than 5:00 pm on the same day as the deadline for registering to vote (typically 10/11 days before the election)

- Previously the deadline to request an absentee ballot was 5:00 pm the Friday before an election

Mandates that a **written request** for an absentee ballot shall not be submitted more than one hundred twenty days prior to the date of the election; if one is received before the start date, the ballot request shall be returned to the voter

Adds language that now mandates each application for an absentee ballot shall contain the registered voter's voter verification number

Mandates that voters requesting or casting a ballot in care facilities are not required to show an ID as required by section 53.22

- Current codes states that if a voter in a home requests an absentee ballot, two election officers deliver and collect the ballot in person. This was determined to be enough identity security to not require them to also provide an ID

Defines "voter verification number" as the registered voter's driver's license number, non-operator's identification card number, or the registered voter's identification number

Section 7 -53.10 – Absentee voting at the commissioner's office – new subsection:

Adds language that mandates a voter shall not vote on any ballot except the one they receive from the commissioner

Adds language that mandates a voter shall not remove any ballot from the commissioner's office

Division II

Voter Identity and Signature Verification

Section 8 -48A.7A – Election Day and in person absentee registration:

Adds a veterans identification card to the list of acceptable forms of ID for Election Day voter registration

Section 9 – 48A.7A – Election Day and in person absentee registration:

Mandates that the documentation used to prove residency for Election Day registration must be current within 45 days

Section 10 – 48A.7A – Election Day and in person absentee registration:

Mandates that an attester, being used to prove another voter's identity or residency, shall present to the precinct election official one of the mandatory IDs required to vote as described in section 49.78 (see section 15 of this analysis)

Section 11 – 48A.7A – Election Day and in person absentee registration – new subsection:

Current law mandates all Election Day registration voters must be checked against a felon database

This new subsection mandates that, at precincts where possible, this must be done using the electronic poll book database

At precincts where the electronic poll book database is not used, a provisional ballot must be cast until it is proven the voter is not on the felon data base

Section 12 – 48A.10A – voter verification cards – verification of voter registration information – new section:

Mandates that the state registrar shall cross reference a list provided by the Department of Transportation with Iowan's who are registered to vote and those that currently have a valid driver's license or non-operators ID

If the registrar finds a registered voter does not also have a valid driver's license or non-operator ID, they will issue, at no charge, a voter registration card to that individual

It is current practice that the Secretary of State's office issue voter registration cards free of charge to any new, or changed, voter registrations in the state. This act will not change that practice.

The implementation of providing voter verification cards shall be contingent upon the general assembly providing funds for this provision

The state registrar is given rulemaking authority to implement this section of code

Section 13 – 48A.26A – Acknowledgement of Election Day and in-person absentee registration form:

Adds language that shortens the time for an auditor to send voter acknowledgement cards to Election Day registrations from 45 days to 21 days

The reason for this change has to do with the process in which an auditor's office verifies the address of Election Day registrants. The sooner the acknowledgement cards can be sent to Election Day registrants, the more time the registrant has to verify to the auditor that the address they registered to vote at is current

Section 14 – 48A.38 – Lists of voters:

Adds language that mandates, among other sensitive personal information, the county commissioner shall also remove a voter's identification number from the prepared list of voter registration

Section 15 – 49.53 – Publication of ballot and notice:

Adds language that mandates polling places shall post notice that each voter is required to provide identification at the polling place before casting a ballot

Current law does not require an ID to be shown to cast a ballot, this change is necessary for informing the public of the changes this bill will create

Section 16 – 49.77 – Ballot furnished to voter:

Mandates that before an election official presents a ballot to a voter on Election Day, they must verify each voter's identity by checking a valid form of ID provided in this bill

Section 17 – 49.77 – Ballot furnished to voter:

Strikes Subsection 3, which previously mandated that any voter who appears to be unknown by the precinct election official may be asked to provide valid identification. This is no longer relevant as everyone who casts a ballot will be provided to show valid identification

Section 18 – 49.78 – Voter identity signature verification – new section:

This new section mandates that all voters, before casting a ballot in an election, must have their identity verified

This verification may occur by the voter providing any of the following forms of identification to a precinct election official:

- An Iowa driver's license
- An Iowa non-operator's identification card
- A United States passport
- A United States military or veterans identification card

The precinct election official shall use the information present of the identification, including the signature, to determine whether the person offering to vote appears to be who is depicted on the identification

- Further mandates that the voter's signature shall generally be presumed to be valid

A precinct official shall challenge a voter if they do not believe the identification provided is that of the person offering to vote

- The process to challenge a voter is laid out in code sections 49.79 and 49.80

A person offering a veterans identification card that does not have a signature on it is not subject to challenge under this section

A person who cannot present any identification outlined in this section may prove their identity using other forms outlined in section 48A.7A

- This act adds to the list by including "voter registration card"

A person who cannot present any identification outlined in this section may establish identity and residency in a precinct by written oath of a person who is also registered to vote in the precinct

Adds language to outline the written oath which must be signed by an attester

A register voter who fails to establish the voter's identity under this section shall be permitted to cast a provisional ballot under section 49.81

Mandates that the Secretary of State's office shall develop and implement a public education campaign relating to the requirements to vote under this section

Section 19 – 49.81 – Procedure for voter to cast provisional ballot – new subsection:

Adds that if a voter cannot provide an ID as outlined in section 49.78, they may cast a provisional ballot

Section 20 – 49.124 – Training course by commissioner – continuing education program – new subsection:

Mandates that the training course and continuing education provided by the Secretary of State's office under this section shall include practical and holistic instruction on the criteria for determining whether a person meets the requirements for establishing identity

The criteria shall be consistent with all voting rights and nondiscrimination provisions of federal and state law

The commissioner of elections shall adopt rules to implement the instruction required under this section

Section 21 – 53.2 – Application for ballot – new subsection:

An election commissioner may now dispute an absentee ballot application if it appears the signature on record of the registered voter does not match the one on the application.

If the commissioner does not accept the signature, the voter shall be notified and may submit for a new application

Section 12 – 53.18 – Manner of preserving ballot and application – review of affidavit – replacement ballots:

Under current code, if an affidavit envelope (one with an absentee ballot inside of it) is received and contains a defect that would cause the ballot to be rejected, the commissioner shall notify the voter that the voter's absentee ballot shall not be counted unless the voter requests and returns a replacement ballot

This bill adds language to state that if an affidavit envelope appears to have a signature that has been signed by someone other than the registered voter, it is to be considered defect, unless that person's official signature is made by using a stamp or another authorized individual, the appearance of such signatures on an absentee voting envelope shall not be considered defect

Section 23 – 53.22 – Balloting by confined persons:

This is the section that governs how persons in a health care facility or hospital as defined by this section is to vote

Adds conforming language that those under this section shall not be required to show ID defined in this act in order to vote

Section 24 – 53.25 – Rejecting ballot:

If a voter casts a provisional ballot, and does not follow up with the election commissioner at that precinct to prove their identity, their provisional ballot shall be rejected

Section 25 – Severability:

If any provision of this division or the application of any provision of this division is held invalid, the invalidity shall not affect other provisions of the division which can be enacted without the invalidated provisions

Section 26 – Effective date:

This division of this act takes effect upon the appropriation of moneys by the general assembly to the state commissioner of elections in an amount sufficient for implementation as declared by the general assembly

Section 27 – Applicability:

This division of this act applies to elections held on or the effective date of this division of this act

**Division III
Polling Places**

Section 28- Electronic poll book program – revolving loan fund – new section:

This section mandates that a revolving loan fund be created for the purposed of helping counties fund the implementation and installation of the electronic poll book program

The state election commissioner may loan money in the fund to county commissioners for the purchase or update of electronic poll book technology

The state commissioner shall not spend more than 30% of the money in the fund at the beginning of a fiscal year

Loans made under this section to county commissioners shall bear no interest

Money that is still in the fund after a fiscal year shall not revert to any other fund, but shall remain available for the purposes designated

The state election commissioner shall adopt rules to administer this section

Section 29 – 49.88 – Limitation of persons in booth and time for voting:

Strikes cameras, cellular telephones, and other electronic communications devices from prohibited items to be used in a polling booth

Adds language to clarify that although cell phones and cameras are allowed, if a picture is taken of a display of voted ballots that is prohibited under chapter 39A, or if they interfere with other voters or the orderly operation of the polling place, than they shall be prohibited

**Division IV
Election Certification and Audits**

Section 30 – 49.128 – Commissioner filings and notifications – new section:

No later than 20 days following a general election, all county commissioners must certify with the state commissioner that they have met the following requirements at the general election:

- Testing of voting equipment was performed
- Election personnel training was conducted
- Polling places met accessibility standards as required under 49.21
- The schedule of required publications was adhered to
- All administrative rules adopted by the state commissioner have been complied with by the county commissioners

A county commissioner shall comply with an audit, if required by the state commissioner, under section 50.51

The county commissioners shall notify the state commissioner of each suspected incidence of election misconduct

Section 31 – 50.12 – Return and preservation of ballots:

Conforming language that requires a county commissioner to conduct an audit pursuant to section 50.51 at the request of the state commissioner

Section 32 – 50.51 – Election audits – new section:

After each general election, the state commissioner, with the cooperation of the county commissioner, shall conduct an audit of the official canvas of votes from the general election

That state commissioner shall determine the counties and precincts to be audited, and the precincts shall be audited by lot

In every precinct selected, the commissioner shall conduct a hand count of all ballots cast in the general election

The results of an audit pursuant to this section shall not change the results, or invalidate the certification, of an election

The state commissioner shall adopt rules to implement this section

Division V Voter Misconduct Information and Reporting

Section 33 – 48A.26A – Acknowledgement of Election Day and in-person absentee registration form – new subsection:

Requires that a county attorney shall review returned Election Day registration acknowledgement cards

Section 34 – 48A.27A – Voting more than once – referral and examination – new section:

Suspicion of double voting shall be reported to and examined by the county attorney

Division VI Straight Party Voting

Section 35 – 49.37 – Arrangement of ballot:

Strikes language that removes the option of voting straight-party in any election in Iowa Legislature

Section 36-38 – 49.37, 49.57, 49.98:

Conforming changes to implement the removal of voting straight-party

Section 39 – Repeal:

Code sections 49.94, 49.95, and 49.7 are repealed – these all governed straight-party voting

Division VII Public Education

Section 40 – 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

Amendment Analysis

H-1116 by R. Smith:

This is a strike after-amendment

Inserts language declaring the General Assembly finds that voter ID laws will deprive any voter of their right to vote, reduce participation, and stand in direct opposition to the country's democratic process

Declares the percentages of black voters in Black Hawk, Linn, Johnson, Scott, and Polk counties, and the percentages of them that do not have driver's license

H-1117 by Nielsen:

This is a strike-after amendment

Inserts language that DAS shall conduct a minority impact study about the effects of this bill

H-1118 by Mascher:

This is a strike-after amendment

Inserts language that will create a voter impersonation fraud task force

H-1119 by Hunter:

This is a strike after-amendment

Adds language that creates an ongoing absentee voter status – allowing for absentee voting to occur without validation of the identity or residency of such voter after they have initially registered to vote

H-1126 by Winckler:

Strikes Divisions I and II of the bill

H-1120 by Steckman:

Changes the date of voter registration from seventeen and one half to sixteen years old

H-1122 by Steckman:

Changes the age to register to vote and vote in a primary election from 17 and one half years to 17 years of age

H-1127 by Hunter:

States a voter *may* provide their voter registration number on an absentee ballot, and there will be no effect to the application for a ballot if it is not included

H-1141 by Rizer:

Operation 1:

Adds a definition that clarifies any reference to voter registration card in this bill is the card that is issued by the SOS or the county commissioner – no other card will be considered a voter registration card

Operation 2:

Also clarifies that the Secretary of State will issue only the voter registration card at that time, and no other card

Operation 3:

Strikes reference in this section to the training the state commissioner shall develop in accordance with provisions of this section

- This is struck because an amendment adopted during committee further covers this topic

Operation 4:

Lengthens the blackout window of special elections by one week

This helps alleviate the time restraint of shortening the time which an auditor must perform an audit after a general election

Operation 5:

Clarifying language as to when county attorneys must investigate possible instance of voter fraud

H-1140 by Winckler:

Mandates that the voter registration cards issued by the county commissioner shall be identical to the one's issued by the state commissioner

Mandates that the county commissioner shall not duplicate voter registration cards issued by the state commissioner that go to voters who do not have a driver's license or non-operator's ID

H-1128 by Mascher:

Adds that voter registration cards issued by the state commissioner shall also include voter verification number, congressional and state legislative district numbers, precinct designation, and the address of the registered voter's assigned polling place

H-1121 by Winckler:

Removes the ability of a poll worker to challenge a voter's identity at a polling place whose name appears in the poll book

Allows anyone to get a ballot when they show up to vote, so long as they are a registered voter

H-1138 by Hunter:

Adds the following IDs to the list required IDs needed to vote in person on Election Day. A voter would only need to show one of these, not all of them:

- Voter registration card
- Identification card issued by a tribal government
- Social security card
- Birth certificate
- Identification document for receiving public assistance
- Electronic benefits transfer card issued to a beneficiary of the federal supplemental nutrition assistance program
- A Medicare or Medicaid card
- A long-term care identification card

- A hunting license
- A fishing license
- A identification card issued by a college or university
- An employee identification card issued by a governmental entity
- An identification card issued by an employer
- A union membership card
- A paycheck
- A debit or credit card
- A utility bill
- A form of identification approved by the Iowa state association of county auditors

H-1131 by Lensing:

Mandates that the effective date of this act shall be when all 99 counties have been equipped with the electronic poll book technology

H-1123 by Cohoon:

Changes the section that states the general assembly shall determine the funding necessary to allocate to the secretary of state in order to implement Division II

Changes that this funding allocation should be consistent with an independent determination of the costs made by the fiscal services division of LSA

H-1145 by Mascher:

Amends the section referring to mandatory post-election audits

Mandates that the precincts audited are from no more than four counties, with counties with large populations and counties with small populations proportionately sampled

Changes the date that audits must be completed by to 45 days after the election

Mandates that no precinct in a county shall be audited if any other precinct in that county has been audited in the previous 10 years

H-1139 by Oldson:

Clarifies the types of ballots that must be considered and reviewed by the county attorney

our amendment takes care of this

H-1135 by Mascher:

Reinstates the option to vote straight party

H-1124 by Mascher:

Creates a new division that mandates the state election commissioner must provide ballots and voting instructions in both English and Spanish

H-1125 by Mascher:

Creates a new division and inserts revised language that mandates an employer shall be given time off to vote if they do not have more than 5 consecutive hours in the time period of polls being open to vote, and they shall not have wages deducted for taking such time off

Currently the time is 3 consecutive hours to qualify for mandatory time off – Code Section 49.109

H-1134 by Mascher:

Creates a new division titled: “*Statewide Voter Systems Overhaul*”

This division requires that a plan be designed to modernize and overhaul the current statewide voter system before the 2018 general election

H-1136 by Hunter:

Change the definition of infamous crime to only be crimes related to voter fraud as described in code section 39A.2

Meaning that, the only people who will have to go through the current voter restoration process that is outlined for felons would be those who have previously committed election fraud in the past