



## **BILL SUMMARY**

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# **Secretary of State's Election Law Changes HF 2620**

Status of Bill: House State Government Committee  
Committee: House State Government  
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### **BACKGROUND**

Due to concerns that the number of special elections is increasing which, in turn, increases the costs to taxpayers, Secretary of State Michael Mauro has proposed this legislation to limit the number of special elections held in Iowa.

According to a Des Moines Register news article of July 16, 2007, Secretary Mauro stated that he feels there are too many special elections. According to the Secretary of State's office, there have been 409 special elections in the state since January 2006. Polk County taxpayers have spent more than \$1 million on elections since January 2006 – more than one-third has been spent on 16 special elections at a cost of \$334,059. Linn County has held 12 special elections since 2006 costing taxpayers \$106,602.

According to the Secretary of State, there were 313 special elections held in 2006-2007; some of them held within a couple of weeks after a jurisdiction's regularly scheduled election. Currently, there are 40 Tuesdays in an odd-numbered year and 39 Tuesdays in an even-numbered year on which special elections can be held – this bill will limit this to four days per year.

Limiting the number of special elections has bipartisan support. However, opponents of limiting special elections cite feel that placing local-option sales tax issues or bond issues on the ballot with a general election results in voters paying less attention to these special issues. Proponents of limiting special elections state that it saves taxpayers money. Additionally, they cite low voter turnout when a special election is held.

This bill also changes the terms of elected school board and area education members, responds to a lawsuit brought against the state by the Green and Libertarian parties, and makes changes relating to challenges to a person's qualifications when registering to vote.

A companion, Senate File 2312, was amended and passed the Senate on a vote of 43 – 4.

## **SUMMARY**

### **DIVISION I Elections of School Corporation Boards of Directors**

#### **Section 1- 21**

Changes the timing of regular school elections from every year to every other year, changes the terms of directors from three years to four years, provides for transition of the election of board members and provides for an effective date.

Under current law, members of boards of directors of community and independent school districts and boards of directors of merged areas are elected annually on the second Tuesday in September at the regular school election. Board members are elected for three-year terms.

This bill changes current law so that election of directors of local school districts and merged areas elections will be held in September in odd-numbered years and board members will be elected for four year terms.

The bill provides for a transition period of the terms of the directors by providing for staggered elections. The first election of the directors to serve regular four-year terms is the regular school election held in September 2009, or the director district conventions held in September 2009.

Changes are made to corresponding Code sections affected by this change.

This division takes effect upon enactment so that the first election in which directors will be elected to staggered four-year terms will be September 2009. Schools are required to file their plan on how they will implement change in terms by August 1, 2008.

### **DIVISION II Voting Centers for Certain Elections**

#### **Sections 22 and 23**

Current law allows a county commissioner of elections to establish voting centers for regular city elections, city primary elections, city runoff elections, regular school elections, and special elections. Under current law, a voter is required to vote at the voting center for the precinct in which the voter resides. A voting center is a central location that is the polling place for several combined precincts.

This division allows voters to vote at any voting center within a jurisdiction, not just the voting center for the precinct where the voter resides.

A person may register to vote and vote at any voting center. However, new language is added making it a crime of election misconduct in the first degree if a person knowingly or willingly attempts to vote at more than one vote center in the same election. (Penalty section is 39A.2(1)"a"(3) of the code – first degree is a felony punishable by confinement of up to 5 years in prison and a fine of up to \$7500)

### **DIVISION III Special elections**

#### **Sections 24 – 71**

This division limits the numbers of special elections that can be held.

### **Special elections held by counties**

Special elections can be held on the day of the general election, on the day of the regular city election, on the date of a special election held to fill a vacancy in the same county, or on the first Tuesday in March, the first Tuesday in May, or the first Tuesday in August of each year.

### **Special elections held by cities**

Special elections can be held on the day of the general election, on the day of the regular city election, on the date of a special election held to fill a vacancy in the same city, or on the first Tuesday in March, the First Tuesday in May, or the first Tuesday in August of each year.

### **Special elections held by school districts or merged areas**

School districts and merged areas can hold special elections in even-numbered years on the first Tuesday in February, the first Tuesday in April, the second Tuesday in September or the first Tuesday in December; in the odd-numbered years on the first Tuesday in February, the first Tuesday in April, the last Tuesday in June or the second Tuesday in September.

This division also changes the filing deadlines for special elections to conform to the new special election dates.

### **Effective date of this division**

Applicable to elections held on or after January 1, 2009.

## **DIVISION IV Voter Registration**

### **Sections 72 – 82**

This division makes changes in Iowa's voter registration law.

- Changes are made in Iowa Code to respond to the lawsuit brought against the state by the Green and Libertarian parties. These two groups asked for inclusion on Iowa's voter registration forms. This division provides a process for inclusion. This does not mean that the Green and Libertarian parties are actual political parties – it simply means that a voter may register as a Green or Libertarian. No other non-party political organizations can be added this year.
  - This division creates a new Code section that provides a procedure by which a nonparty political organization can be listed on the voter registration form.
  - Third-party political organizations can be recognized on state voter registration forms by filing a petition with at least 850 signatures. The signatures must come from at least five counties and be filed with the Secretary of State's office. Documents relating to the establishment of the organization must be filed along with the petition.
  - Beginning in January 2011, and each odd-numbered year, the state registrar of voters and the voter registration commission will review the number of voters registered as affiliated with the nonparty political organization. If the number falls below 150, the organization will be considered dormant and its name will be removed from the registration forms.
- Amends the section of the Code relating to the voter application whereby the registrant does not answer the question on citizenship by checking the appropriate box on the voter registration form. This change will provide that if the applicant completes all other aspects of the form and signs the form, once the application is verified, the application will be considered complete. Current law provides that until a new application is completed, the registrant may vote only in local elections.

- Adds language to clarify that if a voter, who intends to register and vote at the polls on election day is on the premises of the polling place at the time the polls close, the voter will be permitted to vote in the election.

## **DIVISION V**

### **Challenges and Provisional Voting**

#### **Sections 83 – 88**

This division makes changes to the law relating to challenges to a person’s qualifications when registering to vote and when voting as follows:

- Adds new language to current law making filing a challenge containing false information an aggravated misdemeanor. An aggravated misdemeanor is punishable by imprisonment of not more than two years and a fine of at least \$625 but not more than \$6,250.
- Adding language requiring the person challenging to identify themselves as a registered voter and sign a statement.
- Providing that a challenge filed against a person who is registering to vote and voting after the statutory deadline is considered a challenge to a person voting rather than a challenge of voter registration.
- Modifies language relating to provisional ballots to reflect changes made under Election Day Registration.

## **DIVISION VI**

### **General Changes to Elections Provisions**

#### **Sections 89 -105**

- Adds as a crime under election misconduct anything that would keep someone from voting. Under this change, not only is it a crime to intimidate, threaten, etc. a person to vote, it is a crime to intimidate a person, etc. to keep that person from voting.
- Adds to crimes under election misconduct tampering with voting equipment as a felony if convicted.
- Adds making a false statement on an affidavit of candidacy as a crime under election misconduct.
- Increases the pay of election day workers to the state minimum wage.
- Puts federal law in Iowa Code as it relates to accessibility of polling places. This provides that each polling place is to be accessible to persons with disabilities. If the commissioner is unable to provide an accessible polling place for a precinct, the commissioner is required to apply for a temporary waiver.
- Extends the HAVA requirements to non-federal elections. New language is added to provide that in counties in which conventional paper ballots are not used, the commissioner is required to furnish voting equipment for use by voters with disabilities.
- Revises the requirement for printed instructions to be used at the polling place on election day by incorporating HAVA voter information into Iowa law.
- Requires precinct election officials to post at least one set each of instructions to voters. The instructions are to be “Rights of Voters” and “Instructions for Voting. Current law requires not less than four copies be posted. This requirement is difficult to meet in small polling places.
- Allows polling places to open if at least one election worker from each party is present.
- Deletes the requirement that precinct election officials announce the voter’s name out loud. Those persons present have access to eligibility declarations and voters sign a roster, so there is no need to announce each name.
- Prohibits the use of cameras, cellular phones, pagers, or other electronic communications devices in the voting booth.

- Allows the media to be present, but not to interfere with the election process. The current law does include the media under “persons allowed at the polling place.” Current practice is that media shows up at polling places, citing the first amendment as the authority for being there.
- Allows commissioners of elections to destroy ballots that were not used.
- Puts into Code the practice that is currently in Administrative Rules that auditors provide unofficial election results.
- Current law requires a bond to be posted for a recount. This changes the equation for determining whether a bond is required to be paid. The reason is that under current law those on the losing side of a bond issue are always required to post a bond to get a recount. This section changes the equation to the difference between the votes for and the votes against.
- Changes current law as it relates to the return of voted absentee ballots. Strikes the requirement that each special precinct election official sign the secrecy envelope when the officials place an absentee ballot into a secrecy envelope.
- Amends Code section 432A.4 to clarify what voters are eligible to vote at an election to impose, repeal, or change the percentage rate of a hotel and motel tax to provide that if the tax is imposed only within a city, the registered voters of the city will vote. If the tax applies only to the unincorporated areas, only registered voters of the unincorporated areas will be permitted to vote.

## **DIVISION VII Local Redistricting**

### **Section 106**

Establishes a new section under 68B.32A – Ethics and Campaign Disclosure Board. The new section relates to handling of complaints of improper decisions made by the board of supervisors relating to local redistricting by requiring an expedited process to determine if the plan was drawn for improper political reasons. The procedure is to be substantially similar to the process used by the board in handling other complaints.

An eligible elector of the county has 14 days following the adoption of the plan to file a complaint with the state commissioner of elections alleging a violation. The state commissioner is required to forward the complaint to the Ethics and Campaign Disclosure Board. If the board finds there was a violation, the state commissioner is required to reject the plan.

## **AMENDMENT SUMMARY**

### **H-8129 by Jacobs**

- Requires that a person be an Iowa resident for 11 days prior to the day of registration to be considered qualified to register to vote.
- Requires a person registering to vote and vote at the polls to be an Iowa resident for at least the previous 11 days.
- When presenting proof of residency at the polls, the person wishing to register to vote must show proof that the person has resided in Iowa for at least the previous 11 days.

### **H-8104 by Tymeson**

Requires a person registering to vote on election day to cast a provisions ballot.