



## BILL SUMMARY

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# Voter Suppression HF 516

Status of Bill: House Floor  
Committee: House State Government (14-9)  
Lead Democrats: Rep Lensing and Rep Winckler  
Floor Manager: Rep Rizer  
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### Background

Like so many of the major issues that the Republican Majority in the Iowa House and Executive Branch have been pushing this session, voter ID is more political dogma than an actual solution to a problem. In fact voter ID is much more of a solution in search of a problem.

Just last October the Secretary of State said that Iowa was one of the best states in the nation for voter integrity and participation. Then on January 5<sup>th</sup> Secretary of State Paul Pate offered his plan for a new voter ID under the title of "Election Integrity Proposal." Both Legislative Republicans and the Secretary of State have said a voter ID bill is essential to maintain "election integrity." All this despite Iowa receiving the 2<sup>nd</sup> highest score nationally from the Election Integrity Project.

In 2016, 1.6 million Iowans cast their vote in the General Election. Of those 1.6 million votes, 10 have been deemed "irregular." Most of these were human error and not actual voter fraud, including a felon who had their rights restored in another state but not in Iowa. There was **one case** of double voting with intent to vote twice, but the safeguards in place in our current system were able to identify the person, who voted for Donald Trump. It is unclear if any of the proposals introduced by Secretary Pate and House Republicans would have prevented the 10 voting "irregularities."

Despite the claim by our current President that there were millions of votes cast illegally, according to the Washington Post in the 2016 Election there were 4 cases confirmed of voter fraud across the whole country, 3 of which are confirmed to have involved Republicans. If there is a voter fraud issue it seems to be the House Majority's party that is committing the fraud.

Study after study shows that voter ID laws do nothing to stop fraud, Voter ID laws are simply a way for Republicans to prevent people, especially people who vote for Democrats from voting.

We know that 11% of adult Iowans don't have a driver's license; over 260,000 Iowans would be hurt by this law.

## **Division I- General Provisions**

HF 516 makes a few technical changes including clarifying that a person's voter verification number is considered a confidential record and applies current precinct polling location laws of not allowing a person to vote a ballot in the auditor's office or satellite location that was not given by the commissioner or removing that ballot from the auditor or satellite location. The bill also requires the state record of vital statistics to submit to the Secretary of State (SOS) the list of deceased voters without charge.

The bill creates a new penalty that any violation of chapter 48A (Voter Registration) that is not already considered a penalty is now election misconduct in the 4<sup>th</sup> degree, a simple misdemeanor.

Sets a deadline of submitting a voter registration within 7 days of receiving the form, if the form is collected by a candidate, candidate's committee, or a political party. If the election is within 3 days the form must be submitted within 24 hours. There is currently no deadline.

Cancels voter registrations of voters who are not residents of Iowa or swear they are not US citizens on a jury form.

Current law allows for the auditor to keep the request on file and process it seventy days before the election. The bill changes the deadline to request an absentee ballot. If it is more than 120 days before the date of the Election the auditor is to return the request and let the voter know about the deadline.

The bill also pushes back the latest date to request an absentee ballot to 10 days before the General Election and 11 days before the Primary Election.

The bill also requires the voter put their **voter verification number on their request form**. A voter verification number is a voter's driver's license number or voter identification number on the card given to them from the Secretary of State. This is a new requirement, a current request form has a place to put a driver's license number but it is not required.

There is a carve out for a person requesting or submitting an absentee ballot who is a resident or patient of a health care facility or hospital by not requiring to provide a voter verification number.

Changes current law for an absentee ballot by requiring the request by the voter registration deadline which is 10 days before the General Election and 11 days before the primary election.

If a request is picked up by a political party or agent after the deadline it needs to be returned in 24 hours.

## **Division II- Voter Identity and Signature Verification**

### **Same Day Registration Changes**

Current law regarding same day registration if a person looking to register to vote on an election day by showing photo ID, fill out the registration form, signing an oath, and providing proof of residency. If the ID does not have a photo they can use one of the following:

- a residential lease
- property tax statement
- utility bill
- bank statement
- paycheck
- government check
- other government document.

The bill requires that the document must now be dated and be current within 45 days. This puts people living month to month without a residential lease in an incredibly difficult position and could make it harder to vote.

Changes current law by requiring someone signing an oath for someone looking to register on Election Day at-testing to someone residence or validity registering to vote on Election Day, to show a form of identification, which is a driver's license, non-operators ID, passport, and military or veterans card. **AN ATTESTER WOULD NOT BE ALLOWED TO USE ONE OF THE FREE VOTER REGISTRATION CARDS.**

HF 516 changes current law sets up two different standards for voters depending on where you live:

- Someone registering to vote on Election Day and the precinct has access to a poll book the potential voter is run against a database to see if they are a felon or if they have had their rights restored.
- If the precinct does not have access to poll book they are instantly required to fill out a provisional ballot and then they are run against the felon database.

This creates some issues. We know the voter registration system is not completely up to date. In 2012, 3 Cerro Gordo County voters were denied the right to vote even though their rights had been restored.

### **Voter Registration Card**

The legislation requires the SOS to compare lists with the Department of Transportation (DOT) to see if any any registered voter who does not have a driver's license or non-operator ID is to be sent a voter registration card at "no cost" to the voter. This would be a one-time comparison and every new voter registration card sent out will be sent out by the auditor. (This is a change from the original intent which would have had the SOS send out all the cards.)

According to the SOS there are 85,000 registered voters who do not have an ID. This does not include eligible voters who are currently not registered which are approximately 260,349 people who are eligible to vote in Iowa.

Registration cards implementation does not happen until the General Assembly determines there is enough money to implement the program.

Shortens the requirement from the commissioner of elections to send an acknowledgement card from 45 to 21 days if the person registers to vote on Election Day, **this would include the new voter registration card.**

In the posting of the notice of the election, the county auditor is required to notify that each new voter is required to provide identification.

Ballots will only be furnished to a voter who can prove identity.

### **Photo ID Requirements**

Current law allows for a registered voter to vote in an Election in Iowa without having to show a form of identification, however a precinct official may require a voter to show ID if they do not recognize them, a person has moved from where they registered to vote or if their right to vote is being challenged.

Under the Republicans plan to suppress the vote before any voter is furnished a ballot they must prove identity by showing a form of identification, the accepted forms include:

- Iowa Driver's License/ Non Operator's ID
- United States passport
- United States military ID or veterans ID
  - A veterans ID that does not contain a signature is not subject to challenge.

No ID will be required for those who are a resident or patient in a nursing home or hospital.

If the precinct official determines that photo appears to be someone else they may challenge the status of that voter and that person must fill out a provisional ballot. A person who cannot establish identity must be allowed to vote on a provisional ballot.

If a registered voter cannot provide the required identification they may also present:

- A voter registration card provided by the SOS or County auditor.
- An out of state driver's license/ non-operator ID
- An identification card issued by an employer
- A student ID issued by an Iowa high school or Iowa postsecondary school

**ALL OF THESE HAVE TO HAVE A PHOTO and AN EXPIRATION DATE.**

If a registered voter cannot provide identification they may establish identity by having another registered voter who lives in the precinct attest by signing an oath for them.

As with current law the person filling out a provisional ballot has to go back to the auditor's office and provide an appropriate form of identification before the ballot is counted.

- **While the process of filling out a provisional ballot does not change, there are now far more regulations that will vastly increase the number of provisional ballots cast.**
  - **In 2016 there were 2,475 provisional ballots cast, 648 were rejected.**

For the public education to voters the SOS is required to develop and implement an education plan for the public. Which is to require practical instruction with all voting rights and nondiscrimination provisions of federal and state law. This is to be implemented through the rules process.

This legislation adds new language that allows the commissioner of elections to dispute an application for an absentee ballot if the signature appears to be signed by someone else. The commissioner must notify and allow for a new request or the voter can update the signature on record.

A returned absentee ballot is considered to contain a defect if the commissioner determines signature has been signed by someone else, requiring the auditor to inform the voter their ballot will not count unless they request and return a replacement ballot. They can do this over the phone, in person, or in writing.

For any election prior to January 1, 2019 a voter who fails to establish identity is allowed to vote after signing an oath establishing an identity. There is a minimum of six elections a voter will have to sign an oath after already being registered to vote and signing the poll book.

Clarifies that if a person fails to establish identity after voting on a provisional ballot, the provisional ballot will be rejected. If a provisional ballot is rejected the voter should be notified by the canvasser when completed.

If any of these provisions or applications of provisions are held to be invalid to a person, it does not impact other provisions that can be given without the invalid provisions.

A person who has a disability who is unable to make a mark or is unable to place a signature is not subject to a defect if the signature for an absentee ballot. Some of these voters use a stamp or have someone else sign their name in their presence

This division takes effect with the General Assembly has deemed an appropriation sufficient to implement its provisions and applies to all Elections on or after the effective date.

### **Division III – Polling Places**

Currently 72 counties use some type of electronic poll books. (It is important to note that not all of these counties use electronic poll books at every precinct in the county)

There is also a ban of photographic devices and the display of voted ballots if the intent is to interfere with other voters or orderly operation of the polling place. Currently there is a ban on the use of cameras, telephones, pagers, or other electronic communication devices in the voting booth.

### **Division IV – Election Certification and Audits**

Current law does not require an Election Audit.

Creates a new certification that the County Commission must complete no later than 20 days after the General Election the report is to include:

- Test of voting equipment was performed.
- Election personnel training were conducted.
- Polling places met accessibility standards.
- Required publications schedule was met.
- That the commissioner has complied with the written voting system security plan.
- A copy of the audit of the Election if required.

Instances of Election misconduct are required to be notified to the SOS that the auditor has notified other agencies or law enforcement.

Requires an Election Audit of the official canvass in February of odd numbered years from the preceding General Election.

- The SOS determines the number of counties and precincts to be audited.
- In every precinct selected there is a required hand count of all ballots cast for both the President and the Governor.
- Each hand count is to be observed by members of the 2 political parties that received the highest number of votes statewide in the preceding election.
- Results of the audit are not to change the results or invalidate the certification of the Election.

The commissioner is required to provide the audit report to the county board of supervisors and to the Secretary of State no later than 20 days following the election.

Allows for the administrator to call for an administrative recount if the results of an audit determine it needs to be due to the malfunction of election equipment.

This section will be implemented through rules.

## **Division 5 – Voter Misconduct and Reporting**

Creates new language that directs a county attorney to review the voter registration documents for every same day registrant and other information as necessary and report the finding to the auditor and Secretary of State.

Also directs the SOS to inform the county auditor if there are reports of people voting twice in the same election and directs the county auditor to provide information to the county attorney if they receive reports of a person attempting to vote twice.

## **Division 6- Straight Party Voting**

Eliminates straight party voting.

## **Division 7 – Public Education**

Requires the SOS and stakeholders to work with county auditors to develop and implement a plan for public education that includes multimedia advertising.

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