

**CHAPTER 1185**

## MENTAL INCOMPETENCY — VOTING

S.F. 2038

**AN ACT** relating to disqualification from voting or registering to vote for reasons of mental incompetence.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 48A.2, subsection 3, Code 1997, is amended to read as follows:

3. “Person who is mentally incompetent to vote” means a person who has been legally determined to be severely or profoundly mentally retarded, or has been found incompetent to lack the mental capacity to vote in a proceeding held pursuant to section 229.27 222.31 or 633.556.

Sec. 2. Section 48A.6, subsection 2, Code 1997, is amended to read as follows:

2. A person who ~~has been legally determined to be~~ is mentally incompetent to vote. Certification by the clerk of the district court that any such person has been found no longer incompetent by a court shall qualify such person to again be an elector, subject to the other provisions of this chapter.

Sec. 3. Section 48A.10, Code 1997, is amended to read as follows:

48A.10 REGISTRATION REQUIRED.

If a registered voter moves to a different county, the person shall submit a completed voter registration form to the commissioner in order to be qualified to vote in that county. An otherwise eligible elector whose right to vote has been restored pursuant to chapter 914 or who has been found not to be a person who is mentally incompetent to vote may register to vote.

Sec. 4. Section 48A.14, subsection 1, paragraph f, Code 1997, is amended to read as follows:

f. The challenged registrant has been adjudged by a court of law to be a person who is mentally incompetent by a court of law to vote and no subsequent proceeding has reversed that finding.

Sec. 5. Section 48A.30, subsection 1, paragraph e, Code 1997, is amended to read as follows:

e. The clerk of the district court or the state registrar sends notice that the registered voter has been declared a person who is mentally incompetent to vote under state law.

Sec. 6. Section 222.16, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Commitment of a person pursuant to section 222.31 does not constitute a finding or raise a presumption that the person is incompetent to vote. The court shall make a separate determination as to the person’s competency to vote. The court shall find a person incompetent to vote only upon determining that the person lacks sufficient mental capacity to comprehend and exercise the right to vote.

Sec. 7. Section 222.31, Code 1997, is amended by adding the following new subsection: NEW SUBSECTION. 3. In its order, the court shall include a finding as to whether the person has sufficient mental capacity to comprehend and exercise the right to vote.

Sec. 8. Section 222.45, Code 1997, is amended to read as follows:

222.45 POWER OF COURT.

On the hearing, the court may discharge the person with mental retardation from all supervision, control, and care, or may transfer the person from a public institution to a

private institution, or vice versa, or transfer the person from a special unit to a hospital-school, or vice versa, as the court deems appropriate under all the circumstances. If the person has been determined to lack the mental capacity to vote, the court shall include in its order a finding that this determination remains in force or is revoked.

Sec. 9. Section 602.8102, subsection 15, Code Supplement 1997, is amended to read as follows:

15. ~~Notify~~ Monthly notify the county commissioner of registration and the state registrar of voters of persons seventeen and one-half years of age and older who have been convicted of a felony during the preceding calendar month or persons who at any time during the preceding calendar month have been legally declared to be mentally incompetent to vote.

Sec. 10. Section 633.556, subsection 1, Code Supplement 1997, is amended to read as follows:

1. If the allegations of the petition as to the status of the proposed ward and the necessity for the appointment of a guardian are proved by clear and convincing evidence, the court may appoint a guardian. If the court appoints a guardian based upon mental incapacity of the proposed ward, the court shall make a separate determination as to the ward's competency to vote. The court shall find a ward incompetent to vote only upon determining that the person lacks sufficient mental capacity to comprehend and exercise the right to vote.

Sec. 11. Section 633.679, Code 1997, is amended to read as follows:  
633.679 PETITION TO TERMINATE.

At any time after the appointment of a guardian or conservator, the person under guardianship or conservatorship may apply to the court by petition, alleging that the person is no longer a proper subject thereof, and asking that the guardianship or conservatorship be terminated. A person under an order appointing a guardian which order found the person incompetent to vote may include a request for reinstatement of the person's voting rights in a petition to terminate the guardianship or by filing a separate petition for modification of this determination.

Approved May 14, 1998

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## CHAPTER 1186

### TAX STATEMENTS

S.F. 2061

**AN ACT** relating to property tax statements and to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. REPORT TO TASK FORCE TO STUDY STATE AND LOCAL TAXATION. By October 1, 1998, representatives of the Iowa state treasurers association shall furnish a report to the task force, established by the legislative council, to study Iowa's system of state and local taxation. The report shall recommend a process by which counties and the state can achieve the goal of providing a uniform tax statement design to be used statewide for tax statements issued for the fiscal year beginning July 1, 1999, and all subsequent fiscal years.