

MAR 12 2003
STATE GOVERNMENT

HOUSE FILE 507
BY EICHHORN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a person's mental capacity to comprehend and
2 exercise the right to vote.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF 507

1 Section 1. Section 48A.2, subsection 3, Code 2003, is
2 amended to read as follows:

3 3. "Person who is incompetent to vote" means a person
4 described in section 222.2, subsection 4, or section 229.27,
5 subsection 2, who has been found to lack the mental capacity
6 to vote in a proceeding held pursuant to section 222.31,
7 229.27, or 633.556.

8 Sec. 2. Section 229.6, subsection 2, Code 2003, is amended
9 to read as follows:

10 2. State any other pertinent facts, including whether the
11 respondent lacks sufficient mental capacity to comprehend and
12 exercise the right to vote.

13 Sec. 3. Section 229.27, Code 2003, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 5. If, upon completion of the hearing on
16 the person's competence pursuant to this section, the court
17 finds by clear and convincing evidence that the respondent is
18 incompetent, the court shall make a separate determination as
19 to the respondent's competency to vote. The court shall find
20 a respondent incompetent to vote only upon determining that
21 the person lacks sufficient mental capacity to comprehend and
22 exercise the right to vote. The clerk of the district court
23 shall notify the county commissioner of registration of the
24 appropriate county that such a person is incompetent to vote
25 as required by section 602.8102, subsection 15.

26 Sec. 4. Section 633.552, Code 2003, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 6. Whether the person lacks sufficient
29 mental capacity to comprehend and exercise the right to vote.

30 Sec. 5. Section 633.556, subsection 1, Code 2003, is
31 amended to read as follows:

32 1. If the allegations of the petition as to the status of
33 the proposed ward and the necessity for the appointment of a
34 guardian are proved by clear and convincing evidence, the
35 court may appoint a guardian. If the court appoints a

1 guardian based upon mental incapacity of the proposed ward
2 because the proposed ward is a person described in section
3 222.2, subsection 4, or section 229.27, subsection 5, the
4 court shall make a separate determination as to the ward's
5 competency to vote. The court shall find a ward incompetent
6 to vote only upon determining that the person lacks sufficient
7 mental capacity to comprehend and exercise the right to vote.

8

EXPLANATION

9 This bill relates to a person's mental capacity to
10 comprehend and exercise the right to vote.

11 The bill allows any person who files an application for
12 involuntary hospitalization on a respondent's behalf and any
13 person who files a petition for appointment of a guardian on a
14 proposed ward's behalf to state in the application or petition
15 whether the respondent or the ward lacks sufficient mental
16 capacity to comprehend and exercise the right to vote.

17 The bill further provides that if a court in either
18 proceeding finds by clear and convincing evidence that the
19 respondent or proposed ward is mentally incompetent, the court
20 shall make a separate determination as to the person's
21 competency to vote.

22

23

24

25

26

27

28

29

30

31

32

33

34

35