



MINUTES

Legislative Council

Wednesday, July 1, 2020

MEMBERS PRESENT

Senator Jack Whitver, Vice Chairperson
Senator Jerry Behn
Senator Joe Bolkcom
Senator Jake Chapman
Senator Randy Feenstra
Senator Pam Jochum
Senator Janet Petersen
Senator Amanda Ragan
Senator Charles Schneider
Senator Amy Sinclair
Senator Dan Zumbach

Representative Pat Grassley, Chairperson
Representative Dave Deyoe
Representative Chris Hall
Representative Lee Hein
Representative Brian Meyer
Representative Gary M. Mohr
Representative Jo Oldson
Representative Todd Prichard
Representative Sharon S. Steckman
Representative John H. Wills
Representative Matt W. Windschitl

LSA CONTACTS: Organizational staffing provided by: Glen Dickinson, Secretary to the Legislative Council, 515.281.4616; and Timothy McDermott, Legal Division Director, 515.281.8090; Minutes prepared by: Rachele Hjelmaas, Legal Editor, 515.281.8127

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I. Procedural Business

Call to Order. The sixth meeting of the 2019-2020 Legislative Council was called to order by Chairperson Grassley at 8:01 a.m., Wednesday, July 1, 2020. All members present were in attendance via a telecommunications connection.

Approval of Prior Minutes. Vice Chairperson Whitver moved that the minutes of the Legislative Council meeting of May 14, 2020, be approved without additions or corrections. The motion was approved by a voice vote.

Adjournment. The meeting was adjourned at 8:36 a.m.

II. Emergency Election Directive — Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Vice Chairperson Whitver moved to approve the Secretary of State's proposed emergency election directive (attachment) allowing an Iowa UOCAVA voter to electronically transmit the voter's completed absentee ballot to the voter's County Commissioner of Elections for any election occurring on July 7, 2020.

Senator Jochum moved to amend the motion to also allow the Secretary of State to use federal CARES Act funds to send out absentee ballot request forms to every registered voter in the state prior to the November general election, noting the success of the Secretary of State's decision to send out absentee ballot request forms to all registered Iowa voters prior to the June 2, 2020, primary election. She also commented that due to the current COVID-19 pandemic and the fact that COVID-19 cases in Iowa are continuing to increase, Iowans should not have to choose between their health and exercising their right to vote. Vice Chairperson Whitver urged members to oppose Senator Jochum's amended motion, stating that many campaigns and county auditors are already mailing out absentee ballot request forms to Iowa voters. He noted that the Secretary of State has not made a regular practice of sending out absentee ballot request forms to Iowa voters and expressed concern about the Secretary of State duplicating what campaigns and county auditors are currently doing and the lack of coordination. He emphasized the need for uniform and predictable election rules and procedures.

Senator Jochum's amended motion failed on a roll call vote, 13 to 9.

Senator Petersen expressed concerns about the new law contained in House File 2486 that requires the Legislative Council to approve the Secretary of State's use of emergency powers to conduct any election in this state, noting that the increased level of oversight required by the law will require numerous Legislative Council meetings. Representative Prichard asked Senator Whitver whether he expects county auditors to send out absentee ballot request forms prior to the November general election, noting there is some confusion about county auditor authority on this issue. Ms. Molly Widen, Legal Counsel, Secretary of State's Office, stated it is her understanding many county auditors are doing this already. Vice Chairperson Whitver responded that this current practice by county auditors is safe, reliable, and predictable and there is no reason to change current practice.

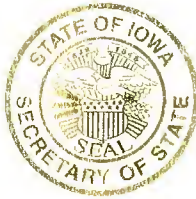
Representative Prichard asked why it is necessary to approve the Secretary of State's emergency authority. Senator Whitver responded that it is current practice for the Secretary of State to allow Iowa UOCAVA voters to electronically transmit the voter's completed absentee ballot to their county auditor under certain circumstances, and that his motion is necessary due to the impact of COVID-19 on the international mail distribution stream noted by Ms. Widen and the concern about making sure every vote is counted under these circumstances. Senator Petersen commented that any additional special elections will require the Legislative Council to hold several more meetings to approve any future



Secretary of State directives allowing the electronic transmission of Iowa UOCAVA voter ballots for such elections, and suggested the Legislative Council amend the original motion to include all special elections, not just the July 7 special elections, but this was not a formal motion. She also requested that the Secretary of State's Office provide the Council with more information relating to whether federal CARES Act funding would cover county auditor absentee ballot mailing costs.

Vice Chairperson Whitver's original motion was adopted on a roll call vote, 22 to 0.

III. Attachment



OFFICE OF THE IOWA SECRETARY OF STATE

EMERGENCY ELECTION DIRECTIVE

WHEREAS, the World Health Organization has reported an outbreak of thousands of cases of Novel Coronavirus 2019 (COVID-19) in multiple countries, causing illness and deaths; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a national public health emergency; and

WHEREAS, on March 9, 2020, Iowa Governor Kim Reynolds issued a Proclamation of Disaster Emergency to coordinate the State of Iowa's response to this outbreak and such disaster continues to exist; and

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a proclamation declaring that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, on March 17, 2020, Iowa Governor Kim Reynolds issued a Proclamation of Public Health Disaster Emergency to provide additional needed resources and measures to respond to this disaster, and such public health disaster continues to exist; and

WHEREAS, on March 19, 2020, President Donald J. Trump, in coordination with the Centers for Disease Control and Prevention, announced new guidelines which encourage Americans to avoid gatherings of 10 or more people; and

WHEREAS, the transmission of mail through the international mail stream has been severely impacted by the global COVID-19 pandemic; and

WHEREAS, Iowa's Uniformed and Overseas Citizens (UOCAVA) voters rely on international mail to receive and return their absentee ballots; and

WHEREAS, Iowa Code §53.51 states that absentee voting laws "shall be liberally construed in order to provide means and opportunity for qualified voters of the state of Iowa serving in the armed forces of the United States to vote,"; and

WHEREAS, Iowa Code §53.37 defines "armed forces of the United States" to include not only members of the United States Military, but also private citizens currently located outside of the United States; and

WHEREAS, strict compliance with Iowa's election laws would prevent, hinder, or delay necessary action to slow the spread of COVID-19 in all counties of our state.

NOW THEREFORE, I, PAUL D. PATE, Iowa Secretary of State, by the power and authority vested in me by the Iowa Code §47.1 do hereby ORDER and DIRECT the following:

Compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

To ensure access for Iowa's UOCAVA voters, the electronic transmission of a voted absentee ballot from the voter to their County Commissioner of Elections shall be permitted for all UOCAVA voters for any election occurring on July 7, 2020. All UOCAVA voters who utilize electronic transmission of their voted ballot for an election occurring on July 7, 2020 shall be required to waive their right to a secret ballot through the current process of signing an affidavit to that effect.

Paul D. Pate
Iowa Secretary

Date