



# MINUTES

## Legislative Council

Friday, July 17, 2020

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### MEMBERS PRESENT

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

Representative Pat Grassley, Chairperson  
Representative Jane Bloomingdale  
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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### CONTENTS

- I. Procedural Business**
- II. Emergency Election Directive — Statewide Absentee Ballot Request Form Mailings**
- III. Attachment**



### I. Procedural Business

**Call to Order.** The seventh meeting of the 2019-2020 Legislative Council was called to order by Chairperson Grassley at 4:33 p.m., Friday, July 17, 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 July 1, 2020, be approved without additions or corrections. The motion was approved by a voice vote.

**Adjournment.** The meeting was adjourned at 5:32 p.m.

### II. Emergency Election Directive — Statewide Absentee Ballot Request Form Mailings

Vice Chairperson Whitver moved to approve the Secretary of State's proposed emergency election directive (attachment) requiring all of the following:

1. Utilizing federal CARES Act funding, the Secretary of State shall mail a State of Iowa Official Absentee Ballot Request form with instructions to all of Iowa's active registered voters for the November 3, 2020, general election, which shall be blank, except for the election date and type, utilizing the practices and procedures similar to those utilized for the June 2020 primary election.
2. County auditors shall distribute only a blank State of Iowa Official Absentee Ballot Request form with instructions promulgated by the Secretary of State's office.
3. An Iowa Uniformed and Overseas Citizens Absentee Voting Act voter shall be allowed to electronically transmit the voter's completed absentee ballot to the voter's County Commissioner of Elections for elections occurring in 2020.
4. The provisions of Iowa Code sections 53.22(3) and 53.22(6) relating to the timelines for requesting absentee ballots shall apply to all registered voters admitted to health care facilities following the deadline specified in Iowa Code section 53.2(1)(b).

Representative Steckman moved to amend Vice Chairperson Whitver's motion requiring county auditors to distribute only a blank State of Iowa Official Absentee Ballot Request form prepared by the Secretary of State's office (item 2), and asked that county auditors send voter identification pin numbers to all registered voters prior to the mailing of the absentee ballot request forms.

Vice Chairperson Whitver encouraged members to oppose Representative Steckman's motion, noting that absentee ballot request forms that contain prepopulated information relating to a voter's Iowa driver's license, nonoperator identification number, or voter pin number could lead to confidentiality and security issues. Representative Bloomingdale questioned Ms. Molly Widen, Legal Counsel, Secretary of State's office, about how voters who do not know their voter identification information can access this information. Ms. Widen responded that a voter can call their county auditor to receive the information. Representative Hall stated his concerns about ensuring that voting procedures during the pandemic are convenient and understandable to all Iowa voters, stating that the current proposal relating to county auditor absentee ballot request forms is confusing and is changing the voting landscape here in Iowa during this very difficult period.

Representative Prichard asked what law county auditors would be violating if they provide voter identification information on a ballot request form and Senator Petersen questioned county auditor distribution and official ballot request requirements. Ms. Widen responded that the Secretary of State



has the authority under Iowa law to prescribe uniform voting practices and procedures, including procedures relating to absentee ballot request forms. This information relating to the procedures is provided on the absentee ballot request forms and on the Secretary of State's website. Vice Chairperson Whitver reemphasized confidentiality and security concerns if ballot request forms that are prepopulated with voter identification information are not properly delivered to the correct voter.

Senator Bolkcom stated that Iowans need easier laws to facilitate voting, and questioned whether requiring county auditors to utilize the same absentee ballot request form the Secretary of State uses makes it more difficult for county auditors to do their job and to verify the information on such ballot request forms. He stated that the laws should not be making it more difficult for county auditors to do their jobs. Representative Steckman stated her concern that requiring county auditors to send out blank absentee ballot request forms is confusing to voters, that confidential information is mailed to individuals all the time, and that many county auditors have already prepared prepopulated absentee ballot request forms.

Representative Steckman's amended motion failed on a roll call vote, 14 to 10.

Senator Bolkcom moved to amend Senator Whitver's motion to allow the early absentee voting period to be extended from 29 days to 40 days prior to the November 3, 2020, general election, noting that the Secretary of State's first election directive issued on March 23, 2020, extended the June 2, 2020, primary election absentee voting period to 40 days due to the COVID-19 pandemic. Senator Bolkcom stated that given the current increase in COVID-19 cases and hospitalizations across the state since the March 23, 2020, directive, extending the early voting period by 11 days prior to the general election is necessary to allow county auditors to process ballot requests and to facilitate more voter participation.

Vice Chairperson Whitver urged members to oppose Senator Bolkcom's amended motion, noting that the 29-day early voting period is consistent with current law and provides predictability, uniformity, and consistency.

Senator Bolkcom's amended motion failed on a roll call vote, 14 to 10.

Vice Chairperson Whitver's original motion was adopted unanimously on a roll call vote.

### **III. Attachment**



Paul D. Pate  
Secretary of State



State Capitol  
Des Moines, Iowa 50319

## OFFICE OF THE IOWA SECRETARY OF STATE

### EMERGENCY ELECTION DIRECTIVE

**WHEREAS**, on March 9, 2020, Iowa Governor Kim Reynolds issued a Proclamation of Disaster Emergency to coordinate the State of Iowa's response to the COVID-19 outbreak and such disaster continues to exist; 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, a Proclamation of Public Health Disaster Emergency was issued to provide additional needed resources and measures to respond to this disaster, and such public health disaster continues to exist and has been extended until July 25, 2020; and

**WHEREAS**, Iowa Code §47.1 tasks the Iowa Secretary of State with prescribing uniform election practices and procedures and the necessary forms required for the conduct of elections in the State of Iowa; and

**WHEREAS**, Iowa Code §53.2(2)(a) states that the Iowa Secretary of State's Office shall prescribe the official form for absentee ballot applications; and

**WHEREAS**, the Iowa Secretary of State's Office has consulted with all 99 County Auditors and not all counties can send an Official State of Iowa Absentee Ballot Request form with official instructions to the registered voters of their county; and

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



Uniformed and Overseas Citizens (UOCAVA voters) rely on international postal service systems to receive and return their absentee ballots; and

**WHEREAS**, Iowa Code §53.51 states that laws regarding UOCAVA voters “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**, uniform and non-discriminatory election practices are an essential part of slowing 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:

#### **Statewide Absentee Ballot Request Form Mailing**

**SECTION ONE.** Utilizing federal HAVA funds distributed to states via the CARES Act, the Iowa Secretary of State’s Office shall mail an Official State of Iowa Absentee Ballot Request form with instructions to Iowa’s active registered voters for the November 3, 2020 General Election, which shall be blank except for the Election Date and Type. The Secretary of State’s Office shall utilize practices and procedures similar to those utilized for the June 2020 Primary Election. The Secretary of State’s Office may send additional mailings to voters regarding voting processes and the impact of COVID-19 on elections.

**SECTION TWO.** To ensure uniformity and to provide voters with consistent guidance on the absentee ballot application process, County Auditors shall distribute only the blank Official State of Iowa Absentee Ballot Request Form with official instructions that is promulgated by the Secretary of State’s Office pursuant Iowa Code §53.2(2)(a). County Auditors may distribute blank Official State of Iowa Absentee Ballot Request forms promulgated by the Secretary of State’s Office pursuant Iowa Code §53.2(2)(a) without the official instructions to voters voting pursuant to Iowa Code §§53.10 and 53.11.



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

**SECTION THREE.** To ensure access for Iowa's UOCAVA voters, the electronic transmission of a voted absentee ballot from the voter to their County Auditor shall be permitted for all UOCAVA voters for elections occurring in 2020. All UOCAVA voters who utilize electronic transmission of their voted ballot for elections occurring in 2020 shall be required to waive their right to a secret ballot through the current process of signing an affidavit to that effect.

### **Voters who are Residents of Health Care Facilities**

**SECTION FOUR.** For all elections occurring in 2020, the provisions of Iowa Code §§53.22(3) and 53.22(6) shall apply to individuals admitted to health care facilities following the deadline specified in Iowa Code §53.2(1)(b).