



MINUTES

Legislative Council

Friday, September 25, 2020

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: John Heggen, Legal Editor, 515.725.7827

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I. Procedural Business

Call to Order. The eighth meeting of the 2019-2020 Legislative Council was called to order by Chairperson Grassley at 2:00 p.m., September 25, 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 17, 2020, be approved without additions or corrections. The motion was approved by a voice vote.

Adjournment. The meeting was adjourned at 2:15 p.m.

II. Emergency Election Directive

Chairperson Grassley recognized Ms. Molly Widen, Legal Counsel, Secretary of State's Office, to discuss the Secretary of State's emergency election directive dated September 18, 2020 (attachment). Ms. Widen explained the directive, which does all of the following:

1. For elections occurring in calendar year 2020, requires that county auditors mail absentee ballots to voters who submitted valid requests and are covered by the provisions of Iowa Code section 53.22 (balloting by confined persons).
2. For elections occurring in calendar year 2020, provides that otherwise acceptable forms of identification that have an expiration date of January 1, 2020, or later, are considered current and valid.
3. Authorizes county auditors to convene their absentee and special voters precinct boards during the hours that the county auditor's office is open on October 31, 2020, for the purpose of preparing absentee ballots for tabulation.
4. Permits the Secretary of State to authorize the emergency relocation of a polling place pursuant to administrative rule for elections occurring in calendar year 2020 without prior approval from the Legislative Council.

After Ms. Widen's overview of the directive, Chairperson Grassley recognized Senator Petersen. Senator Petersen asked Ms. Widen what voters who are in quarantine on election day should do in order to vote. Ms. Widen answered that the Secretary of State's office recommendation is for such voters to go to their polling places and use curbside voting, as all polling places have curbside voting access as well as personal protective equipment.

Vice Chairperson Whitver then moved to approve the directive as written. The motion was adopted unanimously on a roll call vote.

III. Attachment



OFFICE OF THE IOWA SECRETARY OF STATE

September 18, 2020

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 September 20, 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, 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:

Balloting by Confined Persons

Section 1. For elections occurring in calendar year 2020, commissioners shall mail absentee ballots to voters who submit a valid request and are covered by the provisions of Iowa Code §53.22.

Acceptable Forms of Identification for Voting on Election Day

Section 2. In accordance with the Governor's August 21, 2020 Proclamation of Disaster Emergency, acceptable forms of identification presented pursuant to Iowa Code §§48A.7A, 48A.8, and 49.78 that have an expiration date of January 1, 2020 or later shall be considered current and valid for elections occurring in calendar year 2020.

Preparing Absentee Ballots for Tabulation

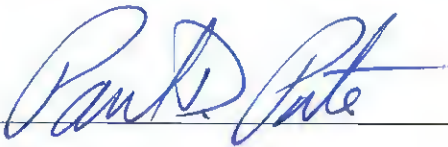
Section 3. Commissioners may convene their county's Absentee and Special Voters Precinct Board during the hours that the Commissioner's office is open on Saturday, October 31, 2020 pursuant to Iowa Code §47.2(5) for the purposes of preparing absentee ballots for tabulation. Commissioners electing to convene their ASVP Board on Saturday, October 31, 2020 shall comply with the following security procedures when the Board recesses for the day:

1. If in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, the members of the board may open the sealed affidavit envelopes and remove the secrecy envelope containing the ballot, but under no circumstances shall a secrecy envelope be opened before the Board convenes to begin the tabulation of ballots pursuant to Iowa Code § 53.23(3). If the affidavit envelopes are opened before election day pursuant to this Emergency Election Directive, the observers appointed by each political party, as defined in section 43.2, shall witness the proceedings. Each political party may appoint up to five observers. The observers shall be appointed by the county chairperson or, if the county chairperson fails to make an appointment, by the state chairperson. However, if either or both political parties fail to appoint an observer, the commissioner may continue with the proceedings.
2. If the Board finds any ballot not enclosed in a secrecy envelope and the ballot is folded in such a way that any of the votes cast on the ballot are visible, the two special precinct election officials, one from each of the two political parties referred to in section 49.13, subsection 2, shall place the ballot in a secrecy envelope. No one shall examine the ballot, except as provided in Iowa Code § 53.23(3).
3. Ballots shall not be tabulated until November 2, 2020 as provided for in Iowa Code § 53.23(3)(c).

4. Seal and label the ballots enclosed in secrecy envelopes in an envelope or other container.
 - Label the envelope or other container with the date of October 31, 2020. A tamper evident seal or lock must be placed on the envelope or other container making it evident if the envelope or container is opened. The Chair of the board must sign across the tamper evident seal, if used.
5. Return all ballots to commissioner.
 - Return all absentee ballots and affidavit envelopes, both opened and unopened, to the commissioner when finished for the day. The commissioner must store all absentee ballots in a secure location until tabulation begins.
6. Before tabulation begins, verify the tamper evident seals on the ballots have not been obviously tampered with and are accounted for.

Emergencies Occurring on or Immediately Before Election Day

Section 4. The Iowa Secretary of State's shall have the authority to authorize the emergency relocation of a polling place pursuant to IAC 721—21.1(5) for elections occurring in calendar year 2020 without seeking prior approval from the Legislative Council. In the event the Iowa Secretary of State authorizes the emergency relocation of a polling place for an election occurring in calendar year 2020, the Iowa Secretary of State shall notify the Legislative Council of the emergency relocation within 24 hours.



Paul D. Pate

Iowa Secretary of State