



# MINUTES

## Legislative Council

Thursday, January 21, 2021

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### MEMBERS PRESENT

Senator Jack Whitver, Temporary Chair  
Senator Joe Bolkcom  
Senator Jake Chapman  
Senator Chris Cournoyer  
Senator Dan Dawson  
Senator Pam Jochem  
Senator Carrie Koelker  
Senator Tim Kraayenbrink  
Senator Jim Lykam  
Senator Amanda Ragan  
Senator Zach Wahls  
Senator Brad Zaun

Representative Pat Grassley, Temporary Vice Chair  
Representative Jane Bloomingdale  
Representative Dave Deyoe  
Representative Chris Hall  
Representative Lee Hein  
Representative Jennifer Konfrst  
Representative Charlie McConkey  
Representative Brian Meyer  
Representative Gary M. Mohr  
Representative Todd Prichard  
Representative John H. Wills  
Representative Matt W. Windschitl

LSA CONTACTS: Organizational staffing provided by: Tim McDermott, Interim Secretary to the Legislative Council and Legal Division Director, 515.281.3894; Minutes prepared by: Rachele Hjelmaas, Legal Editor, 515.281.8127

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### **I. Procedural Business**

**Call to Order.** The first meeting of the 2021-2022 Legislative Council was called to order by Temporary Chairperson Whitver at 12:30 p.m., Thursday, January 21, 2021, Room 103, State Capitol, Des Moines, Iowa. All members present were in attendance.

**Adjournment.** The meeting was adjourned at 12:33 p.m.

### **II. Secretary of State Emergency Election Directive**

Temporary Vice Chairperson Grassley moved to approve the Secretary of State's proposed emergency election directive (attached) relating to the delivery of an absentee ballot by special precinct election officers to a registered voter who has applied for an absentee ballot and who is a resident, tenant, or patient in a health care facility, assisted living program, or hospital. Ms. Molly Widen, Legal Counsel, Secretary of State's Office, presented the directive.

Temporary Vice Chairperson Grassley's motion was approved by voice vote.



### III. Attachment

Paul D. Pate  
Secretary of State



State Capitol  
Des Moines, Iowa 50319

#### OFFICE OF THE IOWA SECRETARY OF STATE

January 19, 2021

#### 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 February 6, 2021; 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.

**WHEREAS**, for the purposes of Iowa Code §53.22, "assisted living program" means a program certified pursuant to section 231C.3 that meets the standards for a dementia-specific assisted living program, as established by rule by the department of inspections and appeals.

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 for elections occurring prior to July 1, 2021:



### **Balloting by Confined Persons**

Section 1. 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).

Section 2. A registered voter who has applied for an absentee ballot, in a manner other than that prescribed by section 53.10 or 53.11, and who is a resident, tenant, or patient in a health care facility, assisted living program, or hospital located in the county to which the application has been submitted shall be delivered the appropriate absentee ballot by two special precinct election officers, one of whom shall be a member of each of the political parties referred to in section 49.13, who shall be appointed by the commissioner from the election board panel for the special precinct established by section 53.20. The special precinct election officers shall be sworn in the manner provided by section 49.75 for election board members, shall receive compensation as provided in section 49.20, and shall perform their duties during the ten calendar days after the ballots are printed if the commissioner so elects, during the fourteen calendar days preceding the election, and on election day if all ballots requested under section 53.8, subsection 3, have not previously been delivered and returned.

The special precinct election officers shall travel together in the same vehicle, and if facility policy allows, both shall be present when an applicant casts an absentee ballot. If the health care facility, assisted living program, or hospital where a registered voter is a resident, tenant, or patient does not permit visitors due to COVID-19, then the facility shall have an employee at the ready who will immediately facilitate voting.

The persons authorized by this emergency election directive to deliver an absentee ballot to an applicant, if requested, may assist the applicant in filling out the ballot as permitted by section 49.90. After the voter has securely sealed the marked ballot in the envelope provided and has subscribed to the oath, the voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day the ballots are voted. On election day the officers shall return the sealed container by the time the polls are closed.

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Paul D. Pate, Iowa Secretary of State