



**HF 516** – Election Integrity, Secretary of State (LSB1365HV.3)  
 Analyst: Jennifer Acton (Phone: (515)281-7846) ([jennifer.acton@legis.iowa.gov](mailto:jennifer.acton@legis.iowa.gov))  
 Fiscal Note Version – House Amendment to the Senate Amendment  
 Requested by Representatives Ken Rizer and Mary Mascher

**Description**

[House File 516](#), including the House Amendment to the Senate Amendment [H-1238](#), relates to conduct and administration of elections, including voter registration, absentee voting, voter identity verification, signature verification, polling place prohibitions, commissioner duties and certifications, voter misconduct information and reporting, straight party voting, the voting age at primary elections, candidate filing deadlines, and post-election audits. The Bill creates an Electronic Poll Book and Polling Place Technology Revolving Loan Fund, provides penalties, and includes effective date and applicability provisions.

**Background**

- There are approximately 2.0 million active, registered voters in Iowa. During the 2016 general election, approximately 1.6 million (79.0%) voted. During the 2014 general election, approximately 1.1 million (59.0%) voted. The table below provides additional voting information.

**Secretary of State’s Office General Election Turnout Report**

General Election	Election Day Voters	Absentee Voters	Total Voters	Active/Registered Voters	% Active Voter Turnout	Inactive/Registered Voters	% Total Voter Turnout
2012	901,894	688,057	1,589,951	1,960,086	81.1%	209,693	73.3%
2014	673,126	469,185	1,142,311	1,937,709	59.0%	204,863	53.3%
2016	934,219	647,152	1,581,371	2,000,567	79.0%	172,418	72.8%

NOTE - Active voters and inactive voters for 2012 is as of 11/6/2012; 2014 is as of 11/6/2014; and 2016 is as of 11/8/2016.

- Registered voters can be either active or inactive. An inactive voter is a registered voter that has not voted in two subsequent elections or a voter who no longer lives at the registration address, as determined by the county auditor.
- There are 1,681 voting precincts in Iowa.
- According to the National Conference for State Legislatures (NCSL), 34 states require some form of documented evidence of voter identification at the polls.
- According to the Department of Transportation (DOT), there are 2,002,176 valid driver’s licenses and 178,480 nonoperator’s identification (ID) cards currently issued to Iowans age 18 and over.
- Under current law, most violations of election law under Iowa Code chapters [39](#) through [53](#) are prosecuted under Iowa Code chapter [39A](#). According to the Criminal and Juvenile Justice Planning Division, from FY 2012 to FY 2016, there have been 19 convictions of election misconduct under that Iowa Code chapter.

**DIVISION I – GENERAL PROVISIONS**

**Description**

Division I of the Bill relates to conduct and administration of elections. The Bill creates a simple misdemeanor for violations related to voter registration under Iowa Code chapter [48A](#), for which another penalty is not provided.

## **Assumptions**

- It is unknown how many convictions may occur related to the simple misdemeanor created under the Bill.
- The Judicial Branch will not require any additional programming costs to provide jury questionnaire information to the Secretary of State's (SOS) Office, as this report can currently be produced through the Iowa Court Information System (ICIS).
- Counties may see an increased amount of provisional ballots in precincts that do not have e-poll books or in instances in which a voter does not have a valid form of ID.
- The absentee ballot language takes effect January 1, 2018.

## **Fiscal Impact**

There may be increased provisional ballots and envelope costs for some counties due to the requirements of having an ID to vote and for same-day registrants in precincts where e-poll books are currently not in use; however, those costs cannot be determined at this time and the number of counties impacted is unknown.

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## **DIVISION II – VOTER IDENTITY AND SIGNATURE VERIFICATION**

### **Description**

Division II of the Bill requires election officials to verify a voter's identity before furnishing a ballot or absentee ballot to the voter. A voter is required to present the election official with an Iowa driver's license, an Iowa nonoperator's identification card, a U.S. passport, a U.S. military card, or a veteran's identification card. The SOS Office is required to provide a voter identification card to an active registered voter who does not have one of the five forms of identification. The county auditors are required to issue voter identification cards on an ongoing basis as prescribed by the SOS Office.

### **Assumptions**

- The DOT estimates approximately 40 hours of information technology (IT) programming will be required to provide driver's license and nonoperator's ID card information to the SOS Office. The programming time would be handled within existing resources and the cost is anticipated to be minimal (one-time cost of \$1,137).
- The SOS Office estimates approximately \$65,000 in one-time costs to provide programming updates to the IVoters System (the statewide voter registration system) including assigning the four-digit voter verification number, importing driver's license and nonoperator's ID card numbers into IVoters, and conducting ongoing matches against the DOT database (592 hours x \$110/hr.).
- Initial Voter Identification Card Costs
  - According to the SOS Office, there are approximately 85,000 registered voters who do not have a current driver's license or nonoperator's ID card issued by the DOT who will receive a voter identification card from the SOS Office.
  - The SOS Office will use a competitive bidding process to produce, print, and mail the cards. Depending on the card material (cardboard or plastic) and security features, the voter identification card costs are estimated to range between \$1 and \$4 (\$85,000 and \$340,000).
- Ongoing Voter Identification Card Costs
  - County auditors will issue voter identification cards on an ongoing basis as prescribed by the SOS Office through the administrative rules process.
  - The SOS Office will adopt administrative rules for the written acknowledgement form that is sent to a registrant by the county auditor.

- A county auditor, as part of the voter acknowledgment process, will issue a voter identification card to a registered voter at the time of registration if the registered voter's name does not appear in the DOT driver's license or nonoperator's ID card files. If a registered voter's name appears in the DOT files, the county auditor will not issue the voter a voter identification card.
- Implementation of this Division of the Bill is contingent on an appropriation from the General Assembly.
- Additional details related to the voter identification card will be established through the administrative rules process.

**Fiscal Impact**

The estimated fiscal impact of the voter identification card in FY 2018 ranges from approximately \$150,000 to \$405,000.

**DIVISION III – POLLING PLACES**

**Description**

Division III of the Bill creates an Electronic Poll Book and Polling Place Technology Revolving Loan Fund under the control of the SOS Office. The Fund is to be used to loan money, at no interest, to county commissioners to purchase e-poll books or to update e-poll books and polling place technology. The SOS Office may spend up to 30.0% of the moneys in this Fund to administer polling place technology. The moneys in the Fund are permitted to carry forward.

**Assumptions**

- According to a survey of voting precincts conducted by the SOS Office in January 2017, there are approximately 600 precincts that do not have e-poll books.
- The average cost of one set of e-poll books equipment is approximately \$875. According to the SOS Office, as a best practice, most counties utilize two sets of e-poll books in each precinct. Some precincts may require three sets of e-poll books due to voter turnout.
- If all 600 precincts purchased one e-poll book, the cost would be \$525,000. If each precinct purchased two e-poll books, the cost would be approximately \$1.1 million.
- The SOS Office will adopt administrative rules to implement this Division of the Bill.

**Fiscal Impact**

The Bill does not mandate that the precincts use e-poll books, but should the precincts decide to purchase e-poll books, there may be a significant cost to the counties. The Bill establishes a revolving loan fund under the control of the SOS Office, but does not provide an appropriation to the Fund.

**DIVISION IV – ELECTION CERTIFICATION OVERSIGHT AND AUDITS**

**Description**

Division IV requires the SOS Office to determine the number of counties and precincts to be audited and to select precincts to be audited in a county by lot. The audit is required to be a hand count of ballots for the Office of President of the United States or Governor, dependent on the election year. The Bill specifies auditing procedures and reporting requirements.

**Assumption**

The SOS Office will adopt administrative rules to implement the section of the Bill requiring election audits.

**Fiscal Impact**

Depending on the size of the precinct and the size of the county, the post-election audit may require some additional overtime hours for county auditor staff; however, no specific information is available at this time.

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**DIVISION V – VOTER MISCONDUCT INFORMATION AND REPORTING**

**Description**

Division V outlines county attorney responsibilities for reviewing and reporting voter misconduct.

**Fiscal Impact**

This Division is not anticipated to have a significant fiscal impact.

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**DIVISION VI – STRAIGHT PARTY VOTING**

**Description**

Division VI eliminates straight party voting in Iowa.

**Fiscal Impact**

Eliminating straight party voting may cause longer lines at the polls and may require poll workers to work additional hours; however, any fiscal impact cannot be determined at this time.

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**DIVISION VII – PUBLIC EDUCATION**

**Description**

Division VII requires the SOS Office, in consultation with the county commissions of elections and other relevant stakeholder groups, to develop a comprehensive statewide public education campaign to inform Iowa voters of the election-day identification requirements in the Bill.

**Assumptions**

- Approximately 5.0% of the SOS General Fund appropriation (\$70,000) is currently budgeted for communications, advertising, publicity, and outside services for elections and voter registration. The SOS Office will incorporate educational information into its ongoing voter engagement projects; however, depending on the FY 2018 General Fund appropriation to the SOS Office, additional resources may be required.
- The SOS Office plans to launch a social media campaign utilizing Facebook, YouTube, and Twitter. The SOS Office also plans to promote the initiative at its booth at the Iowa State Fair and to develop educational materials that civic and voter advocacy groups can use to help educate their members and constituents. The SOS Office will also work with all 99 county auditors to reinforce outreach at the local level.
- Radio and television public service announcements may require additional funds.
- The SOS Office has an Iowa Code chapter 28E agreement with the Iowa State Association of County Auditors to provide approximately 40 hours of annual classroom training for all elections staff. Counties are also required to offer no less than two hours of training to precinct officials. The SOS Office plans to provide materials to be used at both of these trainings.

**Fiscal Impact**

In addition to current resources, the costs to the SOS Office to provide additional voter outreach are estimated to be approximately \$50,000 (see the table below); however, if more traditional forms of media are used, the costs may be considerably higher.

<b>SOS Office Education and Outreach Budget</b>	
Video and Printed Material for Precinct Workers and County Election Officials	\$ 5,000
Social Media and E-Newsletter	10,000
Develop Educational Materials to be Used by Organizations to Educate Members and Constituents	15,000
Production and Distribution of Educational Material Components	20,000
Total	<u>\$ 50,000</u>

If the SOS Office determines that an additional staff person is necessary for public education and outreach, it may require an additional \$100,000. Also, depending on the FY 2018 General Fund appropriation to the SOS Office, additional resources may be required.

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### **DIVISION VIII – ABSENTEE VOTING PERIOD**

#### **Description**

Division VIII shortens absentee voting time from 40 to 29 days. This Division applies to elections held on or after January 1, 2018.

#### **Assumptions**

- The number of absentee voters is unlikely to decrease.
- Counties will be required to accomplish more duties in a shorter time period.
- Counties may be required to hire additional temporary labor to help meet absentee ballot demand. Counties may also need to allow permanent employees to work more hours, resulting in comp or overtime hours.

#### **Fiscal Impact**

The fiscal impact of shortening the absentee ballot voting period may include increased county employee overtime expenses; however, the costs cannot be determined at this time.

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### **DIVISION IX – VOTING AGE AT PRIMARY ELECTIONS**

#### **Description**

Division IX permits individuals 17 years of age to register to vote and to vote in the primary if they will be 18 years of age at the general election. This Division takes effect January 1, 2019.

#### **Assumptions**

- Arrikan Inc., the IVoters System vendor, will be required to make programming changes, estimated at 1,721 hours at a rate of \$110 per hour (\$189,310).
- The SOS voter registration form will need to be updated; however, the cost for this is estimated to be minimal.
- County auditors and volunteer organizations that distribute voter registration forms would be allowed to use up existing supplies of old forms.

#### **Fiscal Impact**

The fiscal impact of this Division includes one-time programming costs totaling approximately \$189,000 for FY 2019.

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### **DIVISION X – CANDIDATE FILING DEADLINES**

#### **Description**

Division X changes the general election candidate filing deadlines.

**Fiscal Impact**

This Division is not anticipated to have a significant fiscal impact.

**Minority Impact of HF 516**

The [U.S. Census](#) permits people to identify their race and ethnicity. The table below displays the latest census estimates as of July 1, 2015. The population estimate for Iowa was 3.1 million. In addition, approximately 11.9% of [Iowa's population](#) had at least one disability in 2015.

	Total Population	Male	Female	Caucasian	African American	American Indian/Alaska Native	Asian	Hawaiian/Other Pacific Islander	Hispanic	Two or More Races
<b>National Census</b>	321.4 million	49.2%	50.8%	77.1%	13.3%	1.2%	5.6%	0.2%	17.6%	2.6%
<b>Iowa Census</b>	3.1 million	49.7%	50.3%	91.8%	3.5%	0.5%	2.4%	0.1%	5.7%	1.8%

The table below applies the census estimates to the total registered voters in Iowa. In addition, based on the census data, approximately 253,306 of Iowa's total registered voters may have at least one disability.

**Race and Ethnicity Census Estimates Applied to the Number of Registered Voters**

Total Registered Voters as of 3/3/2017	Male	Female	Caucasian	African American	American Indian/Alaska Native	Asian	Hawaiian/Other Pacific Islander	Hispanic	Two or More Races
2,128,623	1,057,926	1,070,697	1,954,076	74,502	10,643	51,087	2,129	121,332	38,315

Based on the current available information, the minority impact of HF 516 cannot be determined at this time.

**Summary of Fiscal Impact**

**Secretary of State** – House File 516, as amended by the House Amendment to the Senate Amendment, will increase costs to the SOS Office in FY 2018 between \$200,000 and \$555,000. One-time costs for FY 2019 are approximately \$189,000. In addition, the section implementing the voter identification card requirement is contingent upon an appropriation from the General Assembly.

		FY 2018		FY 2019	
		Est. Low	Est. High	Est. Low	Est. High
Division II	Voter Identification Card IVoters Programming Costs	\$ 65,000	\$ 65,000	\$ 0	\$ 0
Division II	SOS Office Initial Voter Identification Card Costs	85,000	340,000	0	0
Division VII	Public Education	50,000	150,000	0	0
Division IX	Voting Age at Primary Elections IVoters Programming Costs			189,000	189,000
		<u>\$200,000</u>	<u>\$555,000</u>	<u>\$ 189,000</u>	<u>\$ 189,000</u>

### **Estimated Costs to Local Governments**

- There may be increased costs for provisional ballots and envelopes for some counties due to the requirements of having an ID to vote and for same-day registrants in precincts where e-poll books are currently not in use; however, those costs cannot be determined at this time and the number of counties impacted is unknown. (Division I)
- The Bill does not mandate that the precincts use e-poll books, but should the precincts decide to purchase e-poll books, there may be a significant cost to the counties (\$1,750 for two e-poll books per precinct). The Bill establishes a revolving loan fund under the control of the SOS Office, but does not provide an appropriation to the Fund. (Division III)
- Depending on the size of the precinct and the size of the county, the post-election audit may require some additional overtime hours for county auditor staff; however, no specific information is available at this time. (Division IV)
- Eliminating straight party voting may cause longer lines at polls and poll workers may work additional hours; however, any fiscal impact cannot be determined at this time. (Division IV)
- Shortening the absentee voting period may increase county auditor staff overtime expenses; however, the costs cannot be determined at this time. (Division VIII)

### **Sources**

Secretary of State's Office  
Department of Human Rights, Division of Criminal and Juvenile Justice Planning  
Department of Transportation  
Iowa Association of Counties  
Judicial Branch

/s/ Holly M. Lyons

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April 11, 2017

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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