

F I N A L   R E P O R T

MOBILE REGISTRARS STUDY COMMITTEE

December, 1985

The Legislative Council established the Mobile Registrars Study Committee to study a revision of the statute relating to mobile deputy registrars. On March 14, 1985, United States District Court Judge William Stuart issued an opinion holding the present Iowa statute to be unconstitutional as violating rights to freedom of association and equal protection under the First and Fourteenth Amendments to the United States Constitution. The Legislative Council authorized one meeting for the Study Committee.

Members serving on the Study Committee were:

Senator Robert M. Carr, Co-chairperson  
Representative Florence Buhr, Co-chairperson  
Senator Michael Gronstal  
Senator Jack Rife  
Representative Emil Pavich  
Representative George Swearingen

The Study Committee met on November 19, 1985 and received testimony from the Secretary of State, the Johnson, Boone, and Pottawattamie County Auditors, and representatives of the Iowa Democratic Party, Iowa Socialist Party, Iowa Federation of Labor and the Iowa League of Women Voters. A representative of the Iowa Republican Party was detained during travel and arrived at the conclusion of the meeting.

The Mobile Registrars Study Committee was aware that Senate File 590, revising the statute on mobile deputy registrars, had been introduced in and passed by the Senate on one of the final days of the 1985 legislative session and determined that it was appropriate for it to recommend an amendment to that bill. The Study Committee recommended an amendment with the following features:

1. Allowing any political organization that qualifies as a political party under section 43.2 to submit and control a list of mobile deputy registrars.
2. Allowing people who are not affiliated with a political party to be appointed as mobile deputy registrars by the county auditor.
3. Removing the limits on the number of mobile deputy registrars that may be appointed.

4. Removing the distinction between permanent and temporary mobile deputy registrars and providing that they may be appointed at any time and that the terms of all mobile deputy registrars expire on December 31 or upon resignation.

5. Providing a revised title and making the bill effective upon publication.

A copy of the amendment is attached.

SENATE FILE 590

1 Amend Senate File 590 as amended, passed, and re-  
2 printed by the Senate as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. Section 48.27, subsection 1, Code  
6 1985, is amended to read as follows:

7 1. Mobile deputy registrars shall be appointed by  
8 the county commissioner of registration ~~not more than~~  
9 ~~one hundred eighty days prior to any general election~~  
10 ~~or not more than one hundred twenty days prior to any~~  
11 ~~primary or partisan city election or any election~~  
12 ~~held pursuant to section 69-147 at any time in~~  
13 accordance with the following guidelines:

14 a. ~~Mobile~~ Partisan mobile deputy registrars shall  
15 be selected from lists of nominees submitted to the  
16 county commissioner of registration by the county  
17 chairperson of the ~~two~~ a political parties receiving  
18 ~~the highest number of votes in that county in the last~~  
19 ~~preceding general election party as defined in section~~  
20 43.2. The county chairperson of a political party may  
21 submit lists of nominees at any time.

22 b. ~~Each political party shall submit a list of~~  
23 ~~nominees and may request not more than one person for~~  
24 ~~each one thousand one hundred residents or major~~  
25 ~~fraction thereof in the county to be appointed as~~  
26 ~~mobile deputy registrars. Volunteer mobile deputy~~  
27 ~~registrars shall be selected from among citizens who~~  
28 ~~are not affiliated with a political party as defined~~  
29 ~~in section 43.2 and who apply to the county commis-~~  
30 ~~sioner. The application shall be on forms provided by~~  
31 ~~the county commissioner and shall include the~~  
32 ~~applicant's name, address, age and a statement~~  
33 ~~indicating that the applicant is not a candidate for~~  
34 ~~an office to be filled by the voters at any election~~  
35 ~~and is not affiliated with a political party.~~

36 c. The county commissioner of registration shall  
37 make the requested ~~number of~~ appointments from the  
38 lists submitted by the county chairpersons and  
39 applications submitted by citizens not more than  
40 thirty days from the date the lists of nominees were  
41 submitted. -- If unless the persons listed by the county  
42 chairperson cannot serve or are disqualified, the  
43 county chairperson may add additional names to the  
44 list. The additional persons shall be appointed within  
45 five days if the next election is to be held within  
46 ninety-five days.

47 d. The appointment of partisan mobile deputy  
48 registrars from one a political party or volunteer  
49 mobile deputy registrars shall not be contingent upon  
50 the other either or another political party submitting

1 a list of nominees.

2 e. ~~The fact that any political party does not~~  
3 ~~submit a list including the full number of names which~~  
4 ~~may be appointed shall not preclude the appointment of~~  
5 ~~the full number of persons to which any other~~  
6 ~~political party is entitled.~~

7 f. The term of office of mobile deputy registrars  
8 appointed under the provisions of this subsection  
9 shall expire ~~at five o'clock p.m. on the day~~  
10 ~~registration closes prior to the general election on~~  
11 December 31 of that year or at the time the mobile  
12 deputy registrar resigns and returns the supplies to  
13 the county commissioner of registration, whichever  
14 occurs first.

15 g. ~~When an election has been called pursuant to~~  
16 ~~section 69-147 mobile deputy registrars shall be~~  
17 ~~appointed within three days after submission of a list~~  
18 ~~of nominees by the county chairperson of either of the~~  
19 ~~two political parties whose candidates for president~~  
20 ~~of the United States or for governor, as the case may~~  
21 ~~be, received the largest and next largest number of~~  
22 ~~votes in the county at the last general election.~~

23 Sec. 2. Section 48.27, subsection 2, Code 1985, is  
24 amended by striking the subsection.

25 Sec. 3. Section 48.27, subsection 5, Code 1985, is  
26 amended to read as follows:

27 5. Each mobile deputy registrar shall be  
28 responsible to the county commissioner of registration  
29 for properly registering electors in accordance with  
30 the requirements and the restrictions of this chapter.  
31 The commissioner may terminate the appointment of a  
32 mobile deputy registrar who is not properly  
33 registering electors, and shall immediately terminate  
34 the appointment upon the written request of the county  
35 chairperson of the party from whose list of nominees  
36 the mobile deputy registrar was selected. When an  
37 appointment is terminated the county commissioner of  
38 registration shall promptly notify the county  
39 chairperson of the political party which nominated the  
40 mobile deputy registrar whose appointment has been  
41 terminated, ~~and shall appoint another person within~~  
42 ~~five days from a list of substitute nominees provided~~  
43 ~~by that county chairperson.~~ A mobile deputy registrar  
44 whose appointment is terminated shall immediately  
45 return all supplies to the county commissioner of  
46 registration. ~~If a mobile deputy registrar's~~  
47 ~~appointment is terminated within thirty days of an~~  
48 ~~election, other than by request of the county~~  
49 ~~chairperson of the party from whose list of nominees~~  
50 ~~the mobile deputy registrar was appointed, a~~

1 ~~replacement-shall-be-appointed-within-twenty-four~~  
2 ~~hours-from-a-list-of-substitute-nominees-provided-by~~  
3 ~~the-appropriate-county-chairperson-~~

4       Sec. 4. This Act, being deemed of immediate  
5 importance, shall take effect from and after its  
6 publication in The Daily Nonpareil, a newspaper  
7 published in Council Bluffs, Iowa, and in The  
8 Fairfield Ledger, a newspaper published in Fairfield,  
9 Iowa."

10       2. Amend the title by striking lines 1 and 2 and  
11 inserting the words "An Act relating to mobile deputy  
12 registrars."

13

14

15

16 MOBILE REGISTRARS STUDY COMMITTEE

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50