

Szymoniak
Lundby
Maddox

SSB-1053
State Government
Succeeded By
SENATE/HOUSE FILE SF/HF 98
BY (PROPOSED CITIZENS' AIDE/
OMBUDSMAN BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to confidentiality of voter registration
2 information.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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8/14/78
Succeeded By

1 Section 48A.34, Code 1999, is amended to read
2 as follows:

3 48A.34 CONFIDENTIALITY OF CERTAIN RECORDS.

4 1. Voter registration records are available for public
5 inspection at reasonable times at the office of the county
6 commissioner. The commissioner and any voter registration
7 agency which has custody of voter registration records shall
8 take the necessary steps to ensure that the name of the agency
9 at which the voter registration form was submitted remains
10 confidential.

11 2. A person may request that the person's voter
12 registration record be kept confidential by submitting a
13 written request and a copy of a civil or criminal restraining
14 order or order for protection, naming the person or a member
15 of the person's household as plaintiff, to the county auditor
16 of the county in which the person resides. Upon receiving
17 such a request, the county auditor shall keep the person's
18 voter registration record confidential and shall not disclose
19 it as a public record.

20 3. A person may file a request in the district court of
21 that person's county of residence for an order requiring the
22 person's voter registration information to be kept
23 confidential. The request may be made on a form prepared by
24 the secretary of state. The form shall be available in all
25 county auditor offices.

26 The person shall include in the request an affidavit
27 stating the reasons the person believes the person's life or
28 safety or the life or safety of a member of the person's
29 household is in danger, and shall attach supporting
30 documentation, which may include but is not limited to:

31 a. A statement or report from a law enforcement agency,
32 medical professional, mental health professional, or domestic
33 violence shelter.

34 b. Witness statements regarding the incidents that cause
35 the person to believe the person's life or safety or the life

1 or safety of a member of the person's household is in danger.
2 Upon good cause shown in the request, affidavit, and
3 supporting documentation that the person believes the person's
4 life or safety or the life or safety of a member of the
5 person's household is in danger, the court shall order the
6 person's voter registration information to be kept
7 confidential. A copy of the order shall be mailed by the
8 clerk of the district court to the county auditor where the
9 person's voter registration record is maintained.

10 EXPLANATION

11 Iowa law allows all voter registration records to be
12 accessed by any member of the public. This bill creates two
13 methods by which a person may request confidentiality of the
14 person's voter registration information. The first process
15 allows the person to present to the county auditor of the
16 county in which the person resides a copy of a civil or
17 criminal restraining order or order for protection involving
18 the person or a member of the person's household. Upon the
19 person's request and presentation of such order to the county
20 auditor, the county auditor shall require the person's voter
21 registration record to be kept confidential.

22 The second process allows a person to file a request with
23 the district court in the county of the person's residence to
24 require the person's voter registration information be kept
25 confidential. The request shall include an affidavit stating
26 the person believes the person's life or safety or the life or
27 safety of a member of the person's household is in danger and
28 supporting documentation. The bill provides that supporting
29 documentation includes, but is not limited to, reports or
30 statements from law enforcement, a medical professional, a
31 mental health professional, or a domestic violence shelter,
32 and witness statements regarding the incidents that result in
33 the person's belief. The court shall order the person's voter
34 registration record be kept confidential upon showing of good
35 cause.

STATE OF IOWA

CITIZENS' AIDE/OMBUDSMAN
CAPITOL COMPLEX
215 EAST 7TH STREET
DES MOINES, IOWA 50319-0231
(515) 281-3592
TOLL FREE 1-888-426-6283



WILLIAM P. ANGRICK II
CITIZENS' AIDE / OMBUDSMAN

MEMORANDUM IN SUPPORT OF LEGISLATIVE PROPOSAL

To: Members of the Iowa General Assembly
From: William P. Angrick II, Citizens' Aide/Ombudsman

The purpose of this bill is to provide that persons who have been victims of domestic violence, stalking, or other threats against the person's life or safety can request the person's voter registration record be kept confidential.

The bill creates two methods in which a person may request confidentiality of the person's voter registration information. The first process allows the person to present to the county auditor of the county in which the person resides a copy of a civil or criminal restraining order or order for protection involving the person or a member of the person's household. Upon the person's request and presentation of such order to the county auditor, the county auditor shall require the person's voter registration record to be kept confidential.

The second process allows a person to file a request, pro se, with the district court in the county of the person's residence to require the person's voter registration information to be kept confidential. The request shall include an affidavit stating the person believes the person's life or safety or the life or safety of a member of the person's household is in danger and supporting documentation. The bill lists various sources of supporting documentation that may be used. These include, but are not limited to reports or statements from law enforcement, a medical professional, a mental health professional, or a domestic violence shelter, and witness statements regarding the incidents/s that result in the person's belief. The court shall order the person's voter registration record be kept confidential upon showing of good cause.

Currently, Iowa law allows all voter registration records to be accessed by any member of the public. Iowa Code section 48A.39 places limitations on the use of the voter registration information and states a person who violates that section commits a serious misdemeanor, but it would be very difficult to determine that a person gained another person's address from a voter registration list. Even though this section may appear to present some protection for misuse of voter registration information, staff at the Secretary of State's Office stated they were not aware of any such prosecution. This bill would allow a person to exercise his or her voting rights without additional exposure to risk of harm.

26voterregism.wls

3/31/99 Referred from Calendar to State Gov. Comm

FILED FEB 4 1999

SENATE FILE 98
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1053)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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SF 98

1 Section 1. Section 48A.34, Code 1999, is amended to read
2 as follows:

3 48A.34 CONFIDENTIALITY OF CERTAIN RECORDS.

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5 inspection at reasonable times at the office of the county
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EXPLANATION

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35 cause.

**SENATE FILE 98
FISCAL NOTE**

A fiscal note for Senate File 98 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 98 amends Chapter 48A.34, Code of Iowa, relating to confidentiality of certain voter registration records. The Bill creates two methods by which a person may request confidentiality of the person's voter registration information.

ASSUMPTIONS

1. All records, including those containing protected data, will be electronically recorded and available for official use.
2. Confidential data will not appear on election registers, county-wide listings of registered voters, or any other document used during an election and destined to become subject to public examination.
3. Effective date of implementation will be at least one year from the enactment date to allow for required software changes.
4. Sixty-three counties have on-line voter registration with the Office of the Secretary of State. There will be a one-time cost of approximately \$80,000 to modify the system used by the Secretary of State.
5. Thirty-six counties hire a company to perform program changes and utilize two service providers to modify the system used by each county. The two service providers each cost approximately \$80,000.
6. Programming consultants will be paid at a rate of approximately \$100 per hour and will need to travel to each of the 99 counties to spend approximately eight hours to implement programming changes. The program consultants will be reimbursed for their travel expenses. Cost for the programming consultants is approximately \$99,000.
7. Estimated costs associated with processing each voter request cannot be determined.

FISCAL IMPACT

The fiscal impact of SF 98 to the State General Fund is approximately \$80,000 for one-time computer software changes.

The fiscal impact of SF 98 to local governments is approximately \$259,000 for one-time computer software changes and consultant costs.

SOURCES

Office of the Secretary of State
Iowa State Association of Counties

(LSB 1277SV, SLS)

SENATE FILE 98

S-3021

1 Amend Senate File 98 as follows:

2 1. Page 1, line 15, by striking the word
3 "auditor" and inserting the following:

4 "commissioner".

5 2. Page 1, line 17, by striking the word

6 "auditor" and inserting the following:

7 "commissioner".

8 3. Page 1, by striking lines 24 and 25 and

9 inserting the following: "the state commissioner of
10 elections. The form shall be available in the office
11 of the county commissioner."

12 4. Page 2, line 8, by striking the word "auditor"
13 and inserting the following: "commissioner".

14 5. Page 2, by inserting after line 9 the
15 following:

16 "4. A person whose voter registration record is
17 made confidential pursuant to subsection 2 or 3, shall
18 be required to vote in the manner provided in section
19 53.10 for as long as the registration record remains
20 confidential. Confidential voter registration records
21 shall remain available for inspection by state and
22 local government employees performing their official
23 duties and responsibilities.

24 Sec. ____ . Section 48A.38, subsection 1, paragraph
25 c, Code 1999, is amended to read as follows:

26 c. Each list shall be in the order and form
27 specified by the list purchaser, and shall contain the
28 registration data specified by the list purchaser,
29 provided compliance with the request is within the
30 capability of the record maintenance system used by
31 the registrar. However, lists of registered voters
32 shall not include registration information of a
33 registrant whose registration is confidential pursuant
34 to section 48A.34, subsection 2 or 3.

35 Sec. ____ . NEW SECTION. 53.10 BALLOTING BY
36 PERSONS WITH CONFIDENTIAL REGISTRATIONS.

37 A person whose voter registration record is
38 declared confidential pursuant to section 48A.34,
39 subsections 2 through 4, is deemed to have applied for
40 an absentee ballot for each election following
41 assignment of confidential status and shall vote
42 absentee for elections held during the period of time
43 that the registration record is confidential.

44 The state commissioner of elections shall adopt
45 rules to administer this section."

46 6. By renumbering as necessary.

By ELAINE SZYMONIAK

RICHARD F. DRAKE

S-3021 FILED FEBRUARY 25, 1999