

MAR 8 2005
STATE GOVERNMENT

HOUSE FILE 628
BY JOCHUM

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

A BILL FOR

1 An Act relating to changes in the state's election laws relating
2 to the right of Iowa's citizens to vote and providing for the
3 Act's implementation.

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

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HF 628

1 Section 1. FINDINGS AND PURPOSE. The general assembly
2 finds that the 2000 general election exposed serious flaws in
3 our nation's voting systems. The pattern of turning away or
4 discouraging voters continued in 2004, due to voter
5 intimidation and suppression tactics as well as communications
6 failures and mistakes.

7 In order to protect the right to vote for all its citizens,
8 the state recognizes the need to criminalize voter
9 intimidation and voter suppression, require a voting bill of
10 rights to be posted at every precinct polling place, and
11 provide precinct election officials with a manual of election
12 procedures to use on election day.

13 Sec. 2. Section 39A.2, subsection 1, paragraph c, Code
14 2005, is amended by adding the following new subparagraphs:

15 NEW SUBPARAGRAPH. (4) To refrain from registering to
16 vote, voting, or attempting to register to vote.

17 NEW SUBPARAGRAPH. (5) To vote, or to refrain from voting,
18 for any particular candidate or ballot measure.

19 Sec. 3. Section 39A.2, subsection 1, Code 2005, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. f. SUPPRESSION.

22 (1) Challenges a person's right to vote based on knowingly
23 false information.

24 (2) Attempts to induce a person to refrain from
25 registering to vote or from voting by providing that person
26 with knowingly false information.

27 (3) Attempts to induce a person to refrain from
28 registering to vote, or to refrain from voting, at the proper
29 place or time by providing that person with knowingly false
30 information about the manner in which an eligible elector may
31 register to vote or about an election.

32 Sec. 4. Section 47.1, Code 2005, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 6. The state commissioner shall create a
35 manual of election procedures that provides uniform polling

1 place procedures to guide precinct election officials in the
2 proper implementation of the election laws. The manual shall
3 be indexed by subject and written in clear and unambiguous
4 language. The manual shall provide specific examples of
5 common problems encountered at the polls on election day, and
6 detail specific procedures for resolving those problems. The
7 manual shall include, but not be limited to, the following:

8 a. Regulations governing solicitation by individuals and
9 groups at the polling place.

10 b. Procedures to be followed with respect to voters whose
11 names are not on the precinct register.

12 c. Proper operation of the voting system or voting machine
13 in use at the polling place.

14 d. Procedures for handling ballots.

15 e. Procedures governing spoiled ballots.

16 f. Procedures to be followed after the polls close.

17 g. The rights of voters at the polls.

18 h. Procedures for handling emergency situations.

19 i. Procedures for handling and processing provisional
20 ballots.

21 j. Security procedures.

22 The manual shall be adopted by rule pursuant to chapter
23 17A. The manual shall be revised from time to time as may be
24 necessary and the revisions shall be adopted by rule in the
25 same manner as the original manual.

26 The county commissioner of elections shall provide a copy
27 of the manual, in paper or electronic format, to each precinct
28 polling place on election day. The manual may be used to
29 supplement the training manual required by section 49.126 when
30 conducting the training course required by section 49.124.

31 Sec. 5. Section 49.68, Code 2005, is amended to read as
32 follows:

33 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.

34 1. The state commissioner with the approval of the
35 attorney general shall prepare, and from time to time revise,

1 written instructions to the voters relative to voting, and
2 shall furnish each commissioner with copies of the
3 instructions. Such instructions shall cover the following
4 matters:

- 5 1- a. The manner of obtaining ballots.
- 6 2- b. The manner of marking ballots.
- 7 3- c. That unmarked or improperly marked ballots will not
8 be counted.
- 9 4- d. The method of gaining assistance in marking
10 ballots.
- 11 5- e. That any erasures or identification marks, or
12 otherwise spoiling or defacing a ballot, will render it
13 invalid.
- 14 6- f. Not to vote a spoiled or defaced ballot.
- 15 7- g. How to obtain a new ballot in place of a spoiled or
16 defaced one.
- 17 8- h. Any other matters ~~thought~~ determined necessary.

18 2. Another set of instructions, which shall be known as
19 the Iowa voter bill of rights, shall inform the voter as to
20 the following matters:

- 21 a. That the voter has the right to inspect a sample ballot
22 before voting.
- 23 b. That the voter has the right to cast a ballot if the
24 voter is on the premises of the voter's precinct polling place
25 at the time the polling place is to be closed.
- 26 c. That the voter has the right to ask for and receive
27 assistance in voting, including assistance in languages other
28 than English if required by federal or state law.
- 29 d. That the voter has the right to return a spoiled ballot
30 to the precinct election officials and receive another ballot,
31 but no more than three ballots, including the one first
32 delivered, may be received by the voter.
- 33 e. That the voter has the right to cast a provisional
34 ballot if the voter's eligibility to vote is in question.
- 35 f. That the voter has the right to cast a ballot free from

1 coercion or intimidation by any person, including election
2 officials.

3 g. That the voter has the right to cast a ballot using
4 voting equipment that accurately counts all votes properly
5 cast.

6 h. Any other matters determined necessary.

7 3. In any political subdivision or precinct where federal
8 or state law requires the ballot to be made available in a
9 language other than English, the sets of instructions required
10 by this section shall also be made available in such language.

11 Sec. 6. Section 49.70, Code 2005, is amended to read as
12 follows:

13 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

14 The commissioner shall cause copies of ~~the foregoing~~ each
15 set of instructions described in section 49.68 to be printed
16 in large, clear type, under the ~~heading~~ headings of
17 "Instructions for Voters" Marking Ballots" and "Iowa Voter
18 Bill of Rights", and shall furnish the precinct election
19 officials with a sufficient number of ~~such~~ each set of
20 instructions as will enable them to comply with section 49.71.

21 Sec. 7. Section 49.71, Code 2005, is amended to read as
22 follows:

23 49.71 POSTING INSTRUCTION CARDS AND SAMPLE BALLOTS.

24 The precinct election officials, before the opening of the
25 polls, shall cause ~~the~~ each set of instructions ~~for-voters~~
26 required pursuant to section 49.70 to be securely posted as
27 follows:

28 1. One copy of instructions for marking ballots in each
29 voting booth.

30 2. Not less than four copies of each set, with an equal
31 number of sample ballots, in and about the polling place.

32 Sec. 8. IMPLEMENTATION OF ACT. Section 25B.2, subsection
33 3, shall not apply to this Act.

34 EXPLANATION

35 This bill makes changes in the state's election laws in

1 order to protect the right of Iowa's citizens to vote.

2 The bill makes it a class "D" felony to intimidate or
3 coerce a voter to refrain from registering to vote, voting, or
4 attempting to register to vote, or to vote or refrain from
5 voting for any particular candidate or ballot measure.

6 The bill also makes it a class "D" felony for a person to
7 engage in voter suppression. Voter suppression is described
8 as challenging a person's right to vote based on knowingly
9 false information, attempting to induce a person to refrain
10 from registering to vote or from voting by providing that
11 person with knowingly false information, or attempting to
12 induce a person to refrain from registering to vote or from
13 voting by providing that person with knowingly false
14 information relating to the time, place, and manner of
15 registering to vote or of voting.

16 The bill requires the state commissioner of elections to
17 create, and adopt by administrative rule, a manual of election
18 procedures that provides uniform polling place procedures to
19 guide precinct election officials. The county commissioner of
20 elections shall provide a copy of the manual to each precinct
21 polling place. The county commissioner may also use the
22 manual to supplement the training manual currently used to
23 train all election personnel.

24 The bill requires the state commissioner to prepare an
25 "Iowa Voter Bill of Rights" which shall be posted at every
26 polling place. The bill further requires that the voter bill
27 of rights, and the instructions for marking ballots currently
28 required by state law to be posted, be made available in a
29 political subdivision or precinct in a language other than
30 English if federal or state law requires the ballot in that
31 political subdivision or precinct to be made available in that
32 language.

33 The bill may include a state mandate as defined in Code
34 section 25B.3. The bill makes inapplicable Code section
35 25B.2, subsection 3, which would relieve a political

1 subdivision from complying with a state mandate if funding for
2 the cost of the state mandate is not provided or specified.
3 Therefore, political subdivisions are required to comply with
4 any state mandate included in the bill.

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