Senate Study Bill 3191 - Introduced

A BILL FOR

1 An Act relating to the conduct of election activities,
2 including the sending of certain electronic messages, ballot
3 arrangement for certain partisan offices, and imposing
4 penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1   DIVISION I
2   ELECTRONIC MESSAGES
3   Section 1. NEW SECTION. **39A.5A Certain electronic messages**
4   **prohibited.**
5   1. For the purposes of this section:
6   *a.* *"Text or media message"* means a message that contains
7   written, audio, video, or photographic content and is sent
8   electronically to a cellular telephone or mobile electronic
9   device telephone number, but does not include electronic mail
10 sent to an electronic mail address.
11   *b.* *"Unsolicited political advertisement"* means a text
12 or media message sent without the prior permission of the
13 recipient that includes express advocacy as defined in section
14 68A.102.
15   2. A person shall not send or cause to be sent to a resident
16 of this state an unsolicited political advertisement.
17   3. A person shall not send or cause to be sent to a
18 resident of this state a text or media message containing an
19 unsolicited political advertisement without first receiving
20 prior permission from the intended recipient which permission
21 includes the telephone number to which the text or media
22 message may be sent. The permission shall be revocable at any
23 time by submission of a request that includes the telephone
24 number for which permission is being revoked.
25   4. A person who violates this section shall be subject to
26 a civil penalty of fifty dollars for each telephone number to
27 which an unsolicited political advertisement is sent, up to a
28 maximum of five thousand dollars. Any penalties collected by
29 the secretary of state shall be forwarded to the treasurer of
30 state and deposited in the general fund of the state.
31   DIVISION II
32   BALLOT ORDER OF CANDIDATES
33   Sec. 2. Section 49.31, subsection 1, Code 2018, is amended
34 to read as follows:
35   1. *a.* All ballots shall be arranged with the names of

1 candidates for each office listed below the office title.
2 For partisan elections the name of the political party or
3 organization which nominated each candidate shall be listed
4 after or below each candidate's name.
5 *b.* (1) The commissioner shall determine the order of
6 ~~political parties and nonparty political organizations~~
7 candidates on the ballot as provided in paragraph *"b"*. The
8 ~~sequence~~ order shall be the same for each office on the
9 ballot and for each precinct in the county voting in the
10 election. The commissioner shall arrange the ballot so that
11 the candidates of each political party, as defined in section
12 43.2, for each partisan office appearing on the ballot shall
13 appear in descending order so that the candidates of the
14 political party whose registered voters voted in the greatest
15 number in the commissioner's county at the preceding election
16 described in section 39.9 shall appear first on the ballot, and
17 the candidates of the political party whose registered voters
18 voted in the next greatest number in the commissioner's county
19 at such election appear next on the ballot, and continuing in
20 descending order in the same manner.
21 (2) The commissioner shall determine the number of
22 registered voters from each political party who voted at each
23 election described in section 39.9 after the state registrar
24 has updated information on participation pursuant to section
25 48A.38, subsection 2, following such an election.
26 (3) If the number of registered voters from two or more
27 political parties voted in the same number in the county, the
28 commissioner shall determine the order of arranging political
29 party candidates for those political parties based upon the
30 numbers of registered voters who voted in the most recent
31 election described in section 39.9, for which the number of
32 registered voters from those political parties who voted in
33 such an election, were different.
34 *c.* The commissioner shall determine the order of candidates
35 of nonparty political organizations on the ballot. The order

1 shall be the same for each office on the ballot and for each
2 precinct in the county voting in the election.
3   Sec. 3. Section 49.31, subsection 2, paragraph b, Code 2018,
4 is amended to read as follows:
5   *b.* ~~The~~ Notwithstanding any provision of subsection 1,
6 paragraph *"b"*, to the contrary, the commissioner shall then
7 arrange the surnames of each political party's candidates for
8 each office to which two or more persons are to be elected at
9 large alphabetically for the respective offices for the first
10 precinct on the list; thereafter, for each political party and
11 for each succeeding precinct, the names appearing first for
12 the respective offices in the last preceding precinct shall
13 be placed last, so that the names that were second before the
14 change shall be first after the change. The commissioner may
15 also rotate the names of candidates of a political party in the
16 reverse order of that provided in this subsection or alternate
17 the rotation so that the candidates of different parties shall
18 not be paired as they proceed through the rotation. The
19 procedure for arrangement of names on ballots provided in this
20 section shall likewise be substantially followed in elections
21 in political subdivisions of less than a county.
22   EXPLANATION

23   **The inclusion of this explanation does not constitute agreement with**
24   **the explanation's substance by the members of the general assembly.**

25   This bill relates to the administration and conduct of
26 election activities.
27   Division I of the bill prohibits persons from sending
28 unsolicited political advertisements using text or multimedia
29 messages to mobile electronic devices. The bill requires any
30 person sending an unsolicited political advertisement to first
31 receive permission from the intended recipient. Any person who
32 sends unsolicited political advertisements without receiving
33 permission is liable for a civil penalty of $50 for each
34 telephone number contacted without first receiving permission,
35 up to a total of $5,000.

1   Division II of the bill relates to the arrangement of
2 election ballots for certain partisan offices. Under the bill,
3 a county commissioner of elections is required to arrange
4 the ballot so that the candidates of each political party
5 for most partisan offices appearing on the ballot appear in
6 descending order so that the candidates of the political party
7 whose registered voters voted in the greatest number in the
8 commissioner's county at the preceding gubernatorial election
9 appear first on the ballot, and the candidates of the political
10 party whose registered voters voted in the next greatest number
11 in the commissioner's county at such an election appear next
12 on the ballot, and continuing in descending order in the same
13 manner.