

House File 2498 - Introduced

HOUSE FILE 2498

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A BILL FOR

1 An Act relating to election misconduct, and providing
2 penalties.

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

1 Section 1. Section 39A.2, subsection 1, paragraph c, Code
2 2024, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (5) To perform the person's duties as an
4 election official under chapters 39 through 53.

5 Sec. 2. Section 39A.2, subsection 1, paragraph f, Code 2024,
6 is amended to read as follows:

7 *f. Voting equipment tampering.* Intentionally alters or
8 damages any computer software or any physical part of voting
9 equipment, automatic tabulating equipment, or any other part
10 of a voting system, including by creating or disclosing an
11 electronic image of the hard drive of a voting system except
12 as otherwise authorized by law.

13 Sec. 3. Section 39A.3, subsection 1, paragraph c, Code 2024,
14 is amended to read as follows:

15 *c. Miscellaneous offenses.*

16 (1) Uses voter registration information, including resale
17 or redistribution of the voter registration list without
18 written permission of the state registrar, for purposes other
19 than those permitted by [section 48A.39](#).

20 (2) Accesses the statewide voter registration system
21 without permission of the state registrar or accesses the
22 statewide voter registration system with the purpose of
23 altering a record contained in the statewide voter registration
24 system.

25 Sec. 4. Section 39A.4, subsection 1, paragraph c, Code 2024,
26 is amended by adding the following new subparagraphs:

27 NEW SUBPARAGRAPH. (12) Intentionally hindering,
28 interfering with, or preventing an election official in the
29 performance of the election official's duties under chapters 39
30 through 53, including by physically obstructing the movement
31 of an election official.

32 NEW SUBPARAGRAPH. (13) Knowingly and without consent
33 making publicly available personal information about an
34 election official or an election official's family or
35 household member if the dissemination poses an imminent

1 and serious threat to the election official or the election
2 official's family or household member and the person making the
3 information publicly available knows or reasonably should know
4 of an imminent and serious threat.

5 Sec. 5. NEW SECTION. 39A.8 Election officials — removal.

6 1. A county commissioner may remove an election official
7 employed by the county commissioner at any time if the
8 election official engages in a neglect of duty, malfeasance, or
9 misconduct, or for any other reason.

10 2. The state commissioner may remove an election official
11 employed by the state commissioner at any time if the election
12 official engages in a neglect of duty, malfeasance, or
13 misconduct, or for any other reason.

14 Sec. 6. NEW SECTION. 39A.9 Civil penalty.

15 1. In addition to any other penalty provided by law, an
16 election official injured by a violation of this chapter
17 may bring a civil action for injunctive relief, damages, or
18 both. In addition to any other damages, a court may impose a
19 civil penalty of not more than one thousand dollars for each
20 violation. Civil penalties collected under this section shall
21 be deposited in the general fund of the state.

22 2. A court may, in its discretion, award all or a portion of
23 the costs of litigation, including reasonable attorney fees and
24 witness fees, to the complainant.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill relates to election misconduct. The bill
29 makes intimidation of election officials and the creation
30 or disclosure of an electronic image of the hard drive of a
31 voting system, except as otherwise authorized by law, election
32 misconduct in the first degree, a class "D" felony. A class
33 "D" felony is punishable by confinement for no more than five
34 years and a fine of at least \$1,025 but not more than \$10,245.

35 The bill makes accessing the statewide voter registration

1 system without permission of the state registrar or with the
2 purpose of altering a record contained in the statewide voter
3 registration system, election misconduct in the second degree,
4 an aggravated misdemeanor. An aggravated misdemeanor is
5 punishable by confinement for no more than two years and a fine
6 of at least \$855 but not more than \$8,540.

7 The bill makes intentionally hindering, interfering with,
8 or preventing an election official in the performance of
9 the election official's duties, including by physically
10 obstructing an election official, election misconduct in the
11 third degree. The bill also makes knowingly and without
12 consent making publicly available the personal information
13 of an election official or an election official's family or
14 household member, if the dissemination poses an imminent
15 and serious threat to the election official or the election
16 official's family or household member and the person making the
17 information publicly available knows or reasonably should know
18 of an imminent and serious threat, election misconduct in the
19 third degree. Election misconduct in the third degree is a
20 serious misdemeanor. A serious misdemeanor is punishable by
21 confinement for no more than one year and a fine of at least
22 \$430 but not more than \$2,560.

23 The bill allows a county commissioner of elections or the
24 state commissioner of elections to remove an election official
25 employed by the county commissioner or state commissioner
26 if the election official engages in a neglect of duty,
27 malfeasance, or misconduct, or for any other reason. The bill
28 also allows an election official injured by a violation of Code
29 chapter 39A (election misconduct) to bring a civil action for
30 injunctive relief, damages, or both. In addition to any other
31 damages, the bill allows a court to impose a civil penalty of
32 up to \$1,000 for each violation of Code chapter 39A, to be
33 deposited in the general fund of the state. The court may
34 also, in its discretion, award all or a portion of the costs
35 of litigation, including reasonable attorney fees and witness

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1 fees, to the complainant.