

JAN 24 2007
STATE GOVERNMENT

HOUSE FILE 2105
BY GRUNDBERG

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

A BILL FOR

1 An Act removing voting restrictions from persons with mental
2 illness and providing for contingent effectiveness.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2105

1 Section 1. Section 48A.2, subsection 3, Code 2001, is
2 amended to read as follows:

3 3. "Person who is mentally incompetent to vote" means a
4 person who has been found to lack the mental capacity to vote
5 by reason of mental retardation in a proceeding held pursuant
6 to section 222.31 or 633.556.

7 Sec. 2. Section 48A.6, subsection 2, Code 2001, is amended
8 to read as follows:

9 2. A person who is mentally incompetent to vote by reason
10 of mental retardation. Certification by the clerk of the
11 district court that any such person has been found no longer
12 incompetent by a court shall qualify such person to again be
13 an elector, subject to the other provisions of this chapter.

14 Sec. 3. Section 48A.10, Code 2001 is amended to read as
15 follows:

16 48A.10 REGISTRATION REQUIRED.

17 If a registered voter moves to a different county, the
18 person shall submit a completed voter registration form to the
19 commissioner in order to be qualified to vote in that county.
20 An otherwise eligible elector whose right to vote has been
21 restored pursuant to chapter 914 or who has been found not to
22 be a person who is mentally incompetent to vote by reason of
23 mental retardation may register to vote.

24 Sec. 4. Section 48A.14, subsection 1, paragraph f, Code
25 2001, is amended to read as follows:

26 f. The challenged registrant has been adjudged by a court
27 of law to be a person who is mentally incompetent to vote by
28 reason of mental retardation and no subsequent proceeding has
29 reversed that finding.

30 Sec. 5. Section 48A.30, subsection 1, paragraph e, Code
31 2001, is amended to read as follows:

32 e. The clerk of the district court or the state registrar
33 sends notice that the registered voter has been declared a
34 person who is mentally incompetent to vote under state law by
35 reason of mental retardation.

1 Sec. 6. Section 602.8102, subsection 15, Code 2001, is
2 amended to read as follows:

3 15. Monthly, notify the county commissioner of
4 registration and the state registrar of voters of persons
5 seventeen and one-half years of age and older who have been
6 convicted of a felony during the preceding calendar month or
7 persons who at any time during the preceding calendar month
8 have been legally declared to be mentally incompetent to vote
9 by reason of mental retardation.

10 Sec. 7. Section 633.556, subsection 1, Code 2001, is
11 amended to read as follows:

12 1. If the allegations of the petition as to the status of
13 the proposed ward and the necessity for the appointment of a
14 guardian are proved by clear and convincing evidence, the
15 court may appoint a guardian. If the court appoints a
16 guardian based upon mental incapacity by reason of mental
17 retardation of the proposed ward, the court shall make a
18 separate determination as to the ward's competency to vote.
19 The court shall find a ward incompetent to vote only upon
20 determining that the person lacks sufficient mental capacity
21 by reason of mental retardation to comprehend and exercise the
22 right to vote.

23 Sec. 8. Section 633.679, Code 2001, is amended to read as
24 follows:

25 633.679 PETITION TO TERMINATE -- REQUEST FOR VOTING RIGHTS
26 REINSTATEMENT.

27 At any time after the appointment of a guardian or
28 conservator, the person under guardianship or conservatorship
29 may apply to the court by petition, alleging that the person
30 is no longer a proper subject thereof, and asking that the
31 guardianship or conservatorship be terminated. A person under
32 an order appointing a guardian which order found the person
33 incompetent to vote by reason of mental retardation may
34 include a request for reinstatement of the person's voting
35 rights in a petition to terminate the guardianship or by

