

FILED MAR 02 2006

SENATE FILE 2313
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 2203)

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 records
2 and property assessment information for certain persons and
3 providing an effective date.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

SF 2313

1 Section 1. Section 48A.34, Code 2005, 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 notify the state
18 registrar of voters, and both the auditor and the state
19 registrar of voters shall keep the person's voter registration
20 record confidential and shall not disclose it as a public
21 record.

22 3. In lieu of using the procedure in subsection 2, a
23 person may file a request in the district court of that
24 person's county of residence for an order requiring the
25 person's voter registration information to be kept
26 confidential. The request may be made on a form prepared by
27 the state registrar of voters. The form shall be available in
28 all county auditor offices.

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

34 a. A statement or report from a law enforcement agency,
35 medical professional, mental health professional, or domestic

1 violence shelter.

2 b. Witness statements regarding the incidents that cause
3 the person to believe the person's life or safety or the life
4 or safety of a member of the person's household is in danger.

5 Upon good cause shown in the request, affidavit, and
6 supporting documentation that the person believes the person's
7 life or safety or the life or safety of a member of the
8 person's household is in danger, the court shall order the
9 person's voter registration information to be kept
10 confidential. A copy of the order shall be mailed by the
11 clerk of the district court to the state registrar of voters
12 and to the county auditor of the county where the person's
13 voter registration record is maintained. Upon receipt of the
14 copy of the order, the county auditor and the state registrar
15 of voters shall keep the person's voter registration record
16 confidential and shall not disclose it as a public record.

17 **Sec. 2. NEW SECTION. 441.58 CONFIDENTIALITY REQUIRED FOR**
18 **CERTAIN PERSONS.**

19 1. Notwithstanding any provision to the contrary, the
20 assessor, local board of review, and assessment appeal board
21 shall keep confidential all information that is in the
22 possession of the assessor, board of review, or assessment
23 appeal board and that pertains to a property owner or taxpayer
24 who has requested confidentiality under this section.

25 2. A person who is an owner or taxpayer may request that
26 all information pertaining to the owner or taxpayer and in the
27 possession of the assessor, the board of review, or the
28 assessment appeal board be kept confidential by submitting a
29 written request and a copy of a civil or criminal restraining
30 order or order for protection, naming the person or a member
31 of the person's household as plaintiff, to the assessor of the
32 assessment jurisdiction in which the person resides and to the
33 assessor of any assessment jurisdiction in which the person
34 owns property or pays taxes on property. Upon receiving such
35 a request, the assessor shall notify the chairperson of the

1 board of review and the executive secretary of the assessment
2 appeal board and they shall keep all assessment information
3 pertaining to the person confidential and shall not disclose
4 it as a public record.

5 3. In lieu of using the procedure in subsection 2, a
6 person who is an owner or taxpayer may file a request in the
7 district court of that person's county of residence for an
8 order requiring that all assessment information pertaining to
9 the person be kept confidential. The request may be made on a
10 form prepared by the department of revenue. The form shall be
11 available in all city and county assessor offices.

12 The person shall include in the request an affidavit
13 stating the reasons the person believes the person's life or
14 safety or the life or safety of a member of the person's
15 household is in danger and shall attach supporting
16 documentation which may include but is not limited to:

17 a. A statement or report from a law enforcement agency,
18 medical professional, mental health professional, or domestic
19 violence shelter.

20 b. Witness statements regarding the incidents that cause
21 the person to believe the person's life or safety or the life
22 or safety of a member of the person's household is in danger.

23 Upon good cause shown in the request, affidavit, and
24 supporting documentation that the person believes the person's
25 life or safety or the life or safety of a member of the
26 person's household is in danger, the court shall order that
27 all assessment information pertaining to the person be kept
28 confidential. A copy of the order shall be mailed by the
29 clerk of the district court to the assessor of the assessment
30 jurisdiction in which the person resides and to the assessor
31 of the assessment jurisdiction where the person owns property.
32 Each assessor receiving a copy of the order shall forward a
33 copy of the order to the chairperson of the local board of
34 review and to the executive secretary of the assessment appeal
35 board. Upon receipt of the copy of the order, the assessor,

1 the local board of review, and the assessment appeal board
2 shall keep confidential all assessment information pertaining
3 to the person.

4 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
5 immediate importance, takes effect upon enactment.

6 EXPLANATION

7 This bill creates two methods by which a person may request
8 confidentiality of the person's voter registration information
9 and of any property tax assessment information pertaining to
10 the person. The first process allows the person to present to
11 the county auditor of the county in which the person resides
12 or to the assessor of the jurisdiction where the person
13 resides or owns property a copy of a civil or criminal
14 restraining order or order for protection involving the person
15 or a member of the person's household. Upon the person's
16 request and presentation of such order to the county auditor,
17 the county auditor shall notify the state registrar of voters
18 (secretary of state) that the person's voter registration
19 record is to be kept confidential. Upon the person's request
20 and presentation of such order to the assessor, the assessor
21 shall notify the local board of review and the assessment
22 appeal board, all of whom shall keep the person's assessment
23 information confidential.

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

1 the person's belief. The court shall order the person's voter
2 registration record or any assessment information pertaining
3 to the person be kept confidential upon showing of good cause.

4 The bill takes effect upon enactment.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

SENATE FILE 2313

S-5098

1 Amend Senate File 2313 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 22.7A CONFIDENTIALITY
5 OF INFORMATION ON CERTAIN COUNTY PUBLIC RECORDS.

6 1. Notwithstanding any provision to the contrary,
7 a county shall not disclose the name of a person who
8 has requested confidentiality under subsection 2 or
9 who has received an order requiring confidentiality
10 under subsection 3 with respect to public records
11 posted on the county's website, posted on the website
12 of any county officer, or supplied by any county
13 officer for posting on another website.

14 2. A person may request confidentiality by
15 submitting a written request and a copy of a civil or
16 criminal restraining order or order for protection,
17 naming the person or a member of the person's
18 household as plaintiff, to the county auditor. Upon
19 receiving such a request, the county auditor shall
20 notify the chairperson of the board of supervisors and
21 each county officer charged with keeping or
22 maintaining public records, and it shall be the duty
23 of the county officers to not disclose the person's
24 name as part of a public record as provided in
25 subsection 1.

26 3. In lieu of using the procedure in subsection 2,
27 a person may file a petition in the district court of
28 the county for an order requiring confidentiality.
29 The person shall include in the petition an affidavit
30 stating the reasons the person believes the person's
31 life or safety or the life or safety of a member of
32 the person's household is in danger and shall attach
33 supporting documentation which may include but is not
34 limited to:

35 a. A statement or report from a law enforcement
36 agency, medical professional, mental health
37 professional, or domestic violence shelter.

38 b. Witness statements regarding the incidents that
39 cause the person to believe the person's life or
40 safety or the life or safety of a member of the
41 person's household is in danger.

42 Upon good cause shown in the petition, affidavit,
43 and supporting documentation that the person believes
44 the person's life or safety or the life or safety of a
45 member of the person's household is in danger, the
46 court shall order that the person's name shall not be
47 disclosed as part of a public record as provided in
48 subsection 1. A copy of the order shall be mailed by
49 the clerk of the district court to the county auditor.
50 The county auditor shall forward a copy of the order

S-5098

1 to the chairperson of the board of supervisors and to
2 each county officer charged with keeping or
3 maintaining public records, and it shall be the duty
4 of the county officers to not disclose the person's
5 name as part of a public record as provided in
6 subsection 1.

7 Sec. 2. NEW SECTION. 22.7B CONFIDENTIALITY OF
8 INFORMATION ON CERTAIN CITY PUBLIC RECORDS.

9 1. Notwithstanding any provision to the contrary,
10 a city shall not disclose the name of a person who has
11 requested confidentiality under subsection 2 or who
12 has received an order requiring confidentiality under
13 subsection 3 with respect to public records posted on
14 the city's website, posted on the website of any city
15 officer, or supplied by any city officer for posting
16 on another website.

17 2. A person may request confidentiality by
18 submitting a written request and a copy of a civil or
19 criminal restraining order or order for protection,
20 naming the person or a member of the person's
21 household as plaintiff, to the city clerk. Upon
22 receiving such a request, the city clerk shall notify
23 the city council and each city officer charged with
24 keeping or maintaining public records, and it shall be
25 the duty of the city officers to not disclose the
26 person's name as part of a public record as provided
27 in subsection 1.

28 3. In lieu of using the procedure in subsection 2,
29 a person may file a petition in the district court of
30 the county for an order requiring confidentiality.
31 The person shall include in the petition an affidavit
32 stating the reasons the person believes the person's
33 life or safety or the life or safety of a member of
34 the person's household is in danger and shall attach
35 supporting documentation which may include but is not
36 limited to:

37 a. A statement or report from a law enforcement
38 agency, medical professional, mental health
39 professional, or domestic violence shelter.

40 b. Witness statements regarding the incidents that
41 cause the person to believe the person's life or
42 safety or the life or safety of a member of the
43 person's household is in danger.

44 Upon good cause shown in the petition, affidavit,
45 and supporting documentation that the person believes
46 the person's life or safety or the life or safety of a
47 member of the person's household is in danger, the
48 court shall order that the person's name shall not be
49 disclosed as part of a public record as provided in
50 subsection 1. A copy of the order shall be mailed by

1 the clerk of the district court to the city clerk.
2 The city clerk shall forward a copy of the order to
3 the city council and to each city officer charged
4 with keeping or maintaining public records, and it
5 shall be the duty of the city officers to not disclose
6 the person's name as part of a public record as
7 provided in subsection 1.

8 Sec. 3. Section 48A.34, Code 2005, is amended to
9 read as follows:

10 48A.34 CONFIDENTIALITY OF INFORMATION ON CERTAIN
11 RECORDS.

12 1. Voter registration records are available for
13 public inspection at reasonable times at the office of
14 the county commissioner. The commissioner and any
15 voter registration agency which has custody of voter
16 registration records shall take the necessary steps to
17 ensure that the name of the agency at which the voter
18 registration form was submitted remains confidential.

19 2. A person may request that the person's name not
20 be disclosed on voter registration records by
21 submitting a written request for confidentiality and a
22 copy of a civil or criminal restraining order or order
23 for protection, naming the person or a member of the
24 person's household as plaintiff, to the county auditor
25 of the county in which the person resides. Upon
26 receiving such a request, the county auditor shall
27 notify the state registrar of voters, and it shall be
28 the duty of both the auditor and the state registrar
29 of voters to not disclose the person's name on voter
30 registration records.

31 3. In lieu of using the procedure in subsection 2,
32 a person may file a petition in the district court of
33 that person's county of residence for an order
34 requiring that the person's name not be disclosed as
35 part of voter registration records. The person shall
36 include in the petition an affidavit stating the
37 reasons the person believes the person's life or
38 safety or the life or safety of a member of the
39 person's household is in danger and shall attach
40 supporting documentation which may include but is not
41 limited to:

42 a. A statement or report from a law enforcement
43 agency, medical professional, mental health
44 professional, or domestic violence shelter.

45 b. Witness statements regarding the incidents that
46 cause the person to believe the person's life or
47 safety or the life or safety of a member of the
48 person's household is in danger.

49 Upon good cause shown in the petition, affidavit,
50 and supporting documentation that the person believes

1 the person's life or safety or the life or safety of a
2 member of the person's household is in danger, the
3 court shall order that the person's name shall not be
4 disclosed on voter registration records. A copy of
5 the order shall be mailed by the clerk of the district
6 court to the state registrar of voters and to the
7 county auditor of the county where the voter
8 registration records are maintained. Upon receipt of
9 the copy of the order, it shall be the duty of the
10 county auditor and the state registrar of voters to
11 not disclose the person's name as part of voter
12 registration records.

13 4. For purposes of subsections 2 and 3, "voter
14 registration record" means data on registration,
15 participation in elections, and inclusion on voter
16 registration lists.

17 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
18 immediate importance, takes effect upon enactment.

19 Sec. 5. APPLICABILITY DATE. The section of this
20 Act amending section 48A.34 first applies to voter
21 registration records made available for public
22 inspection and disbursement on or after January 1,
23 2007."

24 2. Title page, by striking lines 1 through 3, and
25 inserting the following: "An Act relating to
26 confidentiality of certain information on voter
27 registration records and city and county public
28 records for certain persons and including effective
29 and applicability date provisions."

30 3. By renumbering as necessary.

By FRANK B. WOOD
MARK ZIEMAN

SENATE FILE 2313
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 2203)

(AS AMENDED AND PASSED BY THE SENATE MARCH 20, 2006)

ALL New Language by the Senate

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

A BILL FOR

1 An Act relating to confidentiality of certain information on
2 voter registration records and city and county public records
3 for certain persons and including effective and applicability
4 date provisions

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

6
7
8
9
10
11
12
13
14
15
16
17
18

S.F. 2313

1 Section 1. NEW SECTION. 22.7A CONFIDENTIALITY OF
2 INFORMATION ON CERTAIN COUNTY PUBLIC RECORDS.

3 1. Notwithstanding any provision to the contrary, a county
4 shall not disclose the name of a person who has requested
5 confidentiality under subsection 2 or who has received an
6 order requiring confidentiality under subsection 3 with
7 respect to public records posted on the county's website,
8 posted on the website of any county officer, or supplied by
9 any county officer for posting on another website.

10 2. A person may request confidentiality by submitting a
11 written request and a copy of a civil or criminal restraining
12 order or order for protection, naming the person or a member
13 of the person's household as plaintiff, to the county auditor.
14 Upon receiving such a request, the county auditor shall notify
15 the chairperson of the board of supervisors and each county
16 officer charged with keeping or maintaining public records,
17 and it shall be the duty of the county officers to not
18 disclose the person's name as part of a public record as
19 provided in subsection 1.

20 3. In lieu of using the procedure in subsection 2, a
21 person may file a petition in the district court of the county
22 for an order requiring confidentiality. The person shall
23 include in the petition an affidavit stating the reasons the
24 person believes the person's life or safety or the life or
25 safety of a member of the person's household is in danger and
26 shall attach supporting documentation which may include but is
27 not limited to:

28 a. A statement or report from a law enforcement agency,
29 medical professional, mental health professional, or domestic
30 violence shelter.

31 b. Witness statements regarding the incidents that cause
32 the person to believe the person's life or safety or the life
33 or safety of a member of the person's household is in danger.

34 Upon good cause shown in the petition, affidavit, and
35 supporting documentation that the person believes the person's

1 life or safety or the life or safety of a member of the
2 person's household is in danger, the court shall order that
3 the person's name shall not be disclosed as part of a public
4 record as provided in subsection 1. A copy of the order shall
5 be mailed by the clerk of the district court to the county
6 auditor. The county auditor shall forward a copy of the order
7 to the chairperson of the board of supervisors and to each
8 county officer charged with keeping or maintaining public
9 records, and it shall be the duty of the county officers to
10 not disclose the person's name as part of a public record as
11 provided in subsection 1.

12 Sec. 2. NEW SECTION. 22.7B CONFIDENTIALITY OF
13 INFORMATION ON CERTAIN CITY PUBLIC RECORDS.

14 1. Notwithstanding any provision to the contrary, a city
15 shall not disclose the name of a person who has requested
16 confidentiality under subsection 2 or who has received an
17 order requiring confidentiality under subsection 3 with
18 respect to public records posted on the city's website, posted
19 on the website of any city officer, or supplied by any city
20 officer for posting on another website.

21 2. A person may request confidentiality by submitting a
22 written request and a copy of a civil or criminal restraining
23 order or order for protection, naming the person or a member
24 of the person's household as plaintiff, to the city clerk.
25 Upon receiving such a request, the city clerk shall notify the
26 city council and each city officer charged with keeping or
27 maintaining public records, and it shall be the duty of the
28 city officers to not disclose the person's name as part of a
29 public record as provided in subsection 1.

30 3. In lieu of using the procedure in subsection 2, a
31 person may file a petition in the district court of the county
32 for an order requiring confidentiality. The person shall
33 include in the petition an affidavit stating the reasons the
34 person believes the person's life or safety or the life or
35 safety of a member of the person's household is in danger and

1 shall attach supporting documentation which may include but is
2 not limited to:

3 a. A statement or report from a law enforcement agency,
4 medical professional, mental health professional, or domestic
5 violence shelter.

6 b. Witness statements regarding the incidents that cause
7 the person to believe the person's life or safety or the life
8 or safety of a member of the person's household is in danger.

9 Upon good cause shown in the petition, affidavit, and
10 supporting documentation that the person believes the person's
11 life or safety or the life or safety of a member of the
12 person's household is in danger, the court shall order that
13 the person's name shall not be disclosed as part of a public
14 record as provided in subsection 1. A copy of the order shall
15 be mailed by the clerk of the district court to the city
16 clerk. The city clerk shall forward a copy of the order to
17 the city council and to each city officer charged
18 with keeping or maintaining public records, and it shall be
19 the duty of the city officers to not disclose the person's
20 name as part of a public record as provided in subsection 1.

21 Sec. 3. Section 48A.34, Code 2005, is amended to read as
22 follows:

23 48A.34 CONFIDENTIALITY OF INFORMATION ON CERTAIN RECORDS.

24 1. Voter registration records are available for public
25 inspection at reasonable times at the office of the county
26 commissioner. The commissioner and any voter registration
27 agency which has custody of voter registration records shall
28 take the necessary steps to ensure that the name of the agency
29 at which the voter registration form was submitted remains
30 confidential.

31 2. A person may request that the person's name not be
32 disclosed on voter registration records by submitting a
33 written request for confidentiality and a copy of a civil or
34 criminal restraining order or order for protection, naming the
35 person or a member of the person's household as plaintiff, to

1 the county auditor of the county in which the person resides.
2 Upon receiving such a request, the county auditor shall notify
3 the state registrar of voters, and it shall be the duty of
4 both the auditor and the state registrar of voters to not
5 disclose the person's name on voter registration records.

6 3. In lieu of using the procedure in subsection 2, a
7 person may file a petition in the district court of that
8 person's county of residence for an order requiring that the
9 person's name not be disclosed as part of voter registration
10 records. The person shall include in the petition an
11 affidavit stating the reasons the person believes the person's
12 life or safety or the life or safety of a member of the
13 person's household is in danger and shall attach supporting
14 documentation which may include but is not limited to:

15 a. A statement or report from a law enforcement agency,
16 medical professional, mental health professional, or domestic
17 violence shelter.

18 b. Witness statements regarding the incidents that cause
19 the person to believe the person's life or safety or the life
20 or safety of a member of the person's household is in danger.

21 Upon good cause shown in the petition, affidavit, and
22 supporting documentation that the person believes the person's
23 life or safety or the life or safety of a member of the
24 person's household is in danger, the court shall order that
25 the person's name shall not be disclosed on voter registration
26 records. A copy of the order shall be mailed by the clerk of
27 the district court to the state registrar of voters and to the
28 county auditor of the county where the voter registration
29 records are maintained. Upon receipt of the copy of the
30 order, it shall be the duty of the county auditor and the
31 state registrar of voters to not disclose the person's name as
32 part of voter registration records.

33 4. For purposes of subsections 2 and 3, "voter
34 registration record" means data on registration, participation
35 in elections, and inclusion on voter registration lists.

1 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
2 immediate importance, takes effect upon enactment.

3 Sec. 5. APPLICABILITY DATE. The section of this Act
4 amending section 48A.34 first applies to voter registration
5 records made available for public inspection and disbursement
6 on or after January 1, 2007.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35