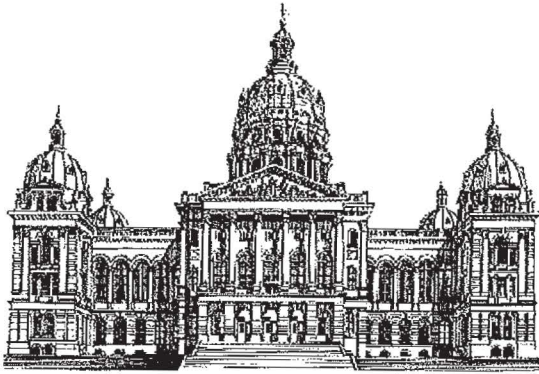




The Senate
State of Iowa

W. Charles Smithson

Secretary of the Senate

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May 3, 2021

Mehreen Rasheed
Sara Wishingrad
American Oversight
Via Email

Re: Response to FOIA ID# IA-Sen-21-0559

The Iowa Senate is in receipt of your request of April 27, 2021, seeking documents in the possession of Iowa State Senator Roby Smith or Iowa State Senator Chris Cournoyer that analyze Senate File 531.

The Iowa Supreme Court has ruled that the legislature has the “constitutional authority to shape its own rules.”¹ Specifically, Article III, Section 9, of the Iowa Constitution grants the Senate the power to determine its own rules of proceedings.

I have included in this response the only document that the Iowa Senate deems to be a “public record” concerning this matter. Please be aware that this does not establish any tradition, practice policy, or is otherwise binding on future decisions of the Iowa Senate.

In closing, I note that you reference information from the Iowa Public Information Board in support of your request. Iowa Code section 23.12 expressly states that the Iowa Public Information Board “shall not have jurisdiction over the...legislative” branch.

Sincerely,

W. Charles Smithson
Secretary of the Senate

¹ See *Des Moines Register v. Dwyer*, 542 N.W. 2nd 491 (Iowa 1996).

SF531 Floor Tracking

Tracking Level: Floor

Date/Time/Location: March 9, 2021

Staffer(s): Dylan C. Keller

Subcommittee Members: Senators Smith-CH, Celsi, Cournoyer

Bill Title/Previous Bill Number: Secretary of State Emergency Powers (SSB1204)

Originating Committee/Other Committees: State Government

Description:

This bill changes the method the Secretary of State can exercise emergency powers. The SOS can only exercise emergency powers over an election when a natural or other disaster or extremely inclement weather has occurred within 15-days of an election. The general assembly, or legislative council when not in session, may rescind an emergency declaratory order by the SOS. It repeals rule making authority the SOS had regarding emergency powers.

The bill codifies SOS Emergency Powers that are currently established in Administrative Rules with the following changes: It permits notifications of an emergency from a county auditor to the SOS by e-mail. It requires posting of emergency declarations on the websites of the impacted county auditor and the SOS. Modifications made under emergency declaration cannot be made to the requirements for voter identification and absentee ballot request and delivery. Also, the SOS cannot allow an election to be conducted solely by mail under emergency powers.

It moves existing language under 47.1(2)(b) that restricts the reduction of precincts to no more than 35% due to a countywide emergency under this new section.

Amendment Filed: S-3057 by R. Smith – This amendment adds Space Force, the newest and 6th branch of the Armed Forces, to UOCAVA section under emergency powers.

Lobby Declarations:

For: Kirkwood Institute

Against: Sierra Club

Undecided: Linn Co. BOS, Urban CO. Coalition, League of Women Voters, ISACA, ISAC

Senate Republican Caucus Staff

Talking Points:

This address any constitutional concerns with emergency powers procedures adopted in HF2486. It mirrors the rescission power the General Assembly and Legislative Council has with other Executive Branch Emergency Actions.

Emergency powers should be clear in the code and not buried in administrative rules. This codifies existing rules, while updating them to modern practices and comply with recent election law changes. It gives the Legislature oversight on the extent of the SOS's emergency powers

PREVIOUS ACTIONS

Date/Time/Location: Sub: 2/25/21, 11:15a, Room 111; Cmte: 3/2/21, 2:30p, Senate Chamber

Notes from Committee/Subcommittee

Previous Vote(s): Senators Smith, Celsi, and Cournoyer signed. Cmte: Passed, as amended, 10-5 on a party-line vote.