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BY COMMITTEE ON STATE GOVERNMENT

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(SUCCESSOR TO SSB 2175)

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Vote: Ayes 48 Nays 2

Vote: Ayes 70 Nays 28

Approved May 11, 1994

A BILL FOR

1 An Act relating to voter registration, implementing the federal  
2 National Voter Registration Act, and providing penalties and  
3 an effective date.

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

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S.F. 2223

1 SUBCHAPTER I

2 GENERAL PROVISIONS

3 Section 1. NEW SECTION. 48A.1 STATEMENT OF INTENT.

4 It is the intent of the general assembly to facilitate the  
5 registration of eligible residents of this state through the  
6 widespread availability of voter registration services. This  
7 chapter and other statutes relating to voter registration are  
8 to be liberally construed toward this end.

9 Sec. 2. NEW SECTION. 48A.2 DEFINITIONS.

10 The definitions established by this section and section  
11 39.3 shall apply wherever the terms so defined appear in this  
12 chapter, unless the context in which any such term is used  
13 clearly requires otherwise.

14 1. "Commissioner of registration" means the county  
15 commissioner of elections as defined in section 47.2.

16 2. "Homeless person" means a person who lacks a fixed,  
17 regular, and adequate nighttime residence and who has a  
18 primary nighttime residence that is one of the following:

19 a. A supervised publicly or privately operated shelter  
20 designed to provide temporary living accommodations.

21 b. An institution that provides a temporary residence for  
22 persons intended to be institutionalized.

23 c. A public or private place not designed for, or  
24 ordinarily used as, a regular sleeping accommodation for human  
25 beings.

26 3. "Mentally incompetent person" means a person who has  
27 been legally determined to be severely or profoundly mentally  
28 retarded, or has been found incompetent in a proceeding held  
29 pursuant to section 229.27.

30 4. "Voter registration form" means an application to  
31 register to vote which must be completed by any person  
32 registering to vote.

33 Sec. 3. NEW SECTION. 48A.3 COMMISSIONER OF REGISTRATION.

34 The county commissioner of elections is designated the  
35 commissioner of registration for the county, and may appoint

1 deputies and assistants, subject to the approval of the county  
2 board of supervisors, necessary to carry out the  
3 commissioner's responsibilities under this chapter and under  
4 rules of the state voter registration commission and the state  
5 registrar of voters.

6 Sec. 4. NEW SECTION. 48A.4 QUALIFICATION OF OFFICERS.

7 Before undertaking any voter registration duties, each  
8 voter registration officer, deputy, or assistant in whatever  
9 capacity, or clerk in the office of commissioner shall take an  
10 oath in the form prescribed by the state commissioner of  
11 elections.

12 SUBCHAPTER II

13 QUALIFICATIONS TO REGISTER TO VOTE

14 Sec. 5. NEW SECTION. 48A.5 VOTER QUALIFICATIONS.

15 1. An eligible elector wishing to vote in elections in  
16 Iowa shall register to vote as required by this chapter.

17 2. To be qualified to register to vote an eligible elector  
18 shall:

19 a. Be a citizen of the United States.

20 b. Be an Iowa resident. A person's residence, for voting  
21 purposes only, is the place which the person declares is the  
22 person's home with the intent to remain there permanently or  
23 for a definite, or indefinite or indeterminable length of  
24 time. A person who is homeless or has no established  
25 residence may declare residence in a precinct by describing on  
26 the voter registration form a place to which the person often  
27 returns.

28 c. Be at least eighteen years of age. Completed  
29 registration forms shall be accepted from registrants who are  
30 at least seventeen and a half years of age, however, the  
31 registration shall not be effective until the registrant  
32 reaches the age of eighteen.

33 d. Not claim the right to vote in more than one place. A  
34 registrant shall be presumed to revoke any earlier claim of  
35 residence for voter registration purposes.

1 3. If a person who meets the requirements set forth in  
2 subsection 2 moves to a new residence, either in Iowa or  
3 outside Iowa, and does not meet the voter requirements at the  
4 person's new residence, the person may vote at the person's  
5 former precinct in Iowa until the person meets the voter  
6 requirements of the person's new residence. However, a person  
7 who has moved to a new residence and fails to register to vote  
8 at the person's new residence after becoming eligible to do so  
9 shall not be entitled to vote at the person's former precinct  
10 in Iowa.

11 4. A citizen of the United States who lives outside of the  
12 United States has the right to register and vote as if the  
13 person were a resident of a precinct in Iowa if the citizen  
14 was an eligible elector of Iowa immediately before leaving the  
15 United States. A citizen who was not old enough to register  
16 to vote before leaving the United States but who met all of  
17 the other requirements for voter registration at that time  
18 also has the right to register and vote as if the person were  
19 a resident of a precinct in Iowa. This right applies even  
20 though while living outside the United States the citizen does  
21 not have a residence or other address in the precinct, and the  
22 citizen has not determined whether to return to Iowa. To  
23 qualify to vote in Iowa a United States citizen living outside  
24 the United States shall:

25 a. Comply with all applicable requirements of sections  
26 53.37 to 53.53 relating to absentee ballots for members of the  
27 armed forces and other citizens living outside the United  
28 States.

29 b. Not maintain a residence, shall not be registered to  
30 vote, and shall not vote in any other state, territory, or  
31 possession of the United States.

32 c. Possess a valid passport or identity card and  
33 registration issued under authority of the United States  
34 secretary of state, or, if the citizen does not possess a  
35 valid passport or card of identity or registration, an

1 alternative form of identification consistent with the  
2 provisions of applicable federal and state requirements.

3 5. If a United States citizen living outside the United  
4 States meets the requirements for voting, except for  
5 residence, has never lived in the United States, and has a  
6 parent who meets the definition of a member of the armed  
7 forces of the United States under section 53.37, the citizen  
8 is eligible to register to vote and vote at the same voting  
9 residence claimed by the citizen's parent.

10 6. The deadlines for voter registration shall not apply to  
11 a person who has been discharged from military service within  
12 thirty days preceding the date of an election. The person  
13 shall present to the precinct election official a copy of the  
14 person's discharge papers. The person shall complete a voter  
15 registration form and give it to the official before being  
16 permitted to vote.

17 Sec. 6. NEW SECTION. 48A.6 DISQUALIFIED ELECTORS.

18 The following persons are disqualified from registering to  
19 vote and from voting:

20 1. A person who has been convicted of a felony as defined  
21 in section 701.7, or convicted of an offense classified as a  
22 felony under federal law. If the person's rights are later  
23 restored by the governor, or by the president of the United  
24 States, the person may register to vote.

25 2. A person who has been legally determined to be mentally  
26 incompetent. Certification by the clerk of the district court  
27 that any such person has been found no longer incompetent by a  
28 court shall qualify such person to again be an elector,  
29 subject to the other provisions of this chapter.

30 Sec. 7. NEW SECTION. 48A.7 REGISTRATION IN PERSON.

31 An eligible elector may register to vote by appearing  
32 personally and completing a voter registration form at the  
33 office of the commissioner in the county in which the person  
34 resides, at a motor vehicle drivers' license station, or at  
35 any voter registration agency. A separate registration form

1 shall be signed by each individual registrant.

2 Sec. 8. NEW SECTION. 48A.8 REGISTRATION BY MAIL.

3 An eligible elector may register to vote by completing a  
4 mail registration form. The form may be mailed or delivered  
5 by the registrant or the registrant's designee to the  
6 commissioner in the county where the person resides. A  
7 separate registration form shall be signed by each individual  
8 registrant.

9 Sec. 9. NEW SECTION. 48A.9 VOTER REGISTRATION DEADLINES.

10 1. Registration closes at five p.m. eleven days before  
11 each election except primary and general elections. For  
12 primary and general elections, registration closes at five  
13 p.m. ten days before the election. An eligible elector may  
14 register during the time registration is closed in the  
15 elector's precinct but the registration shall not become  
16 effective until registration opens again in the elector's  
17 precinct.

18 2. The commissioner's office shall be open from eight a.m.  
19 until at least five p.m. on the day registration closes before  
20 each regularly scheduled election.

21 3. A registration form submitted by mail shall be  
22 considered on time if it is postmarked no later than the  
23 fifteenth day before the election, even if it is received by  
24 the commissioner after the deadline, or if the registration  
25 form is received by the commissioner no later than five p.m.  
26 on the last day to register to vote for an election, even if  
27 it is postmarked after the fifteenth day before the election.

28 4. Registration forms submitted to voter registration  
29 agencies or to motor vehicle driver's license stations shall  
30 be considered on time if they are received no later than five  
31 p.m. on the day registration closes for that election.

32 Offices or agencies other than the county commissioner's  
33 office are not required to be open for voter registration  
34 purposes at times other than their usual office hours.

35 Sec. 10. NEW SECTION. 48A.10 REGISTRATION REQUIRED.

1 If a registered voter moves to a different county, the  
2 person shall submit a completed voter registration form to the  
3 commissioner in order to be qualified to vote in that county.  
4 An otherwise eligible elector whose right to vote has been  
5 restored pursuant to chapter 914 or who has been found not to  
6 be mentally incompetent may register to vote.

7 SUBCHAPTER III

8 FORMS AND PROCEDURES FOR VOTER REGISTRATION

9 Sec. 11. NEW SECTION. 48A.11 VOTER REGISTRATION FORM.

10 1. Each voter registration form shall provide space for  
11 the registrant to provide the following information:

- 12 a. The county where the registrant resides.
- 13 b. The registrant's name.
- 14 c. The address at which the registrant resides and claims  
15 as the registrant's residence for voting purposes.
- 16 d. The registrant's mailing address if it is different  
17 from the residence address.
- 18 e. Social security number of the registrant (optional to  
19 provide).
- 20 f. Date of birth.
- 21 g. Sex.
- 22 h. Residential telephone number (optional to provide).
- 23 i. Political party registration.
- 24 j. The name and address appearing on the registrant's  
25 previous voter registration.
- 26 k. A space for a rural resident to provide township and  
27 section number, and such additional information as may be  
28 necessary to describe the location of the rural resident's  
29 home.
- 30 l. A space for a registrant who is homeless or who has no  
31 established residence to provide such information as may be  
32 necessary to describe a place to which the person often  
33 returns.
- 34 m. A statement that lists each eligibility requirement,  
35 contains an attestation that the registrant meets all of the

1 requirements, and requires the signature of the registrant  
2 under penalty of perjury.

3 n. A space for the registrant's signature and the date  
4 signed.

5 2. The voter registration form shall include, in print  
6 that is identical to the attestation portion of the form, the  
7 following:

8 a. Each voter eligibility requirement.

9 b. The penalty provided by law for submission of a false  
10 voter registration form, which shall be the penalty for  
11 perjury as provided by section 902.9, subsection 4.

12 3. Voter registration forms used by voter registration  
13 agencies under section 48A.19 shall include the following  
14 statements:

15 a. If a person declines to register to vote, the fact that  
16 the person has declined to register will remain confidential  
17 and will be used only for voter registration purposes.

18 b. If a person does register to vote, the office at which  
19 the registrant submits a voter registration form will remain  
20 confidential and will be used only for voter registration  
21 purposes.

22 4. Voter registration forms may be on paper or electronic  
23 media.

24 5. All forms for voter registration shall be prescribed by  
25 rule adopted by the state voter registration commission.

26 Sec. 12. NEW SECTION. 48A.12 FEDERAL MAIL VOTER  
27 REGISTRATION FORM.

28 The mail voter registration form prescribed by the federal  
29 election commission shall be accepted for voter registration  
30 in Iowa if all required information is provided, if it is  
31 signed by the registrant, and if the form is timely received.

32 The state commissioner of elections shall make the federal  
33 mail voter registration forms available for distribution to  
34 governmental and private entities, with particular emphasis on  
35 making them available to organized voter registration entities

1 and programs.

2 Sec. 13. NEW SECTION. 48A.13 ELECTRONIC SIGNATURES ON  
3 VOTER REGISTRATION RECORDS.

4 Electronic signatures shall be accepted. However, before  
5 the use of electronic signatures is accepted on voter  
6 registration forms, the state voter registration commission  
7 shall prescribe by rule the technological requirements for  
8 guaranteeing the security and integrity of electronic  
9 signatures.

10 Sec. 14. NEW SECTION. 48A.14 CHALLENGES OF VOTER  
11 REGISTRATIONS.

12 1. The registration of a registered voter may be  
13 challenged by another registered voter of the same county  
14 subject to the conditions and limitations of this section. A  
15 challenge shall be a statement in writing to the commissioner  
16 alleging one or more of the following reasons the challenged  
17 registrant's registration should not have been accepted or  
18 should be canceled:

19 a. The challenged registrant is not a citizen of the  
20 United States.

21 b. The challenged registrant is less than seventeen and  
22 one-half years of age.

23 c. The challenged registrant is not a resident at the  
24 address where the registrant is registered.

25 d. The challenged registrant has falsified information on  
26 the registrant's registration form.

27 e. The challenged registrant has been convicted of a  
28 felony, and the registrant's voting rights have not been  
29 restored.

30 f. The challenged registrant has been adjudged mentally  
31 incompetent by a court of law and no subsequent proceeding has  
32 reversed that finding.

33 2. A challenge shall not contain allegations against more  
34 than one registered voter.

35 3. A challenge shall contain a statement signed by the

1 challenger in substantially the following form: "I swear or  
2 affirm that information contained on this challenge is true.  
3 I understand that knowingly filing a challenge containing  
4 false information is a serious misdemeanor."

5 4. A challenge may be filed at any time. A challenge  
6 filed less than seventy days before a regularly scheduled  
7 election shall not be processed until after the pending  
8 election unless the challenge is filed within twenty days of  
9 the commissioner's receipt of the challenged registrant's  
10 registration form or notice of change to an existing  
11 registration.

12 5. A challenger may withdraw a challenge at any time  
13 before the hearing held pursuant to section 48A.8 by notifying  
14 the commissioner in writing of the withdrawal.

15 Sec. 15. NEW SECTION. 48A.15 COMMISSIONER'S ACTION UPON  
16 RECEIPT OF CHALLENGE OR WITHDRAWAL.

17 1. A challenge is valid if it meets the criteria in  
18 section 48A.14, subsections 1, 2, and 3.

19 2. Upon receipt of a challenge which is not valid, the  
20 commissioner shall notify the challenger of the reason the  
21 challenge is not valid, and shall take no further action  
22 regarding the challenge.

23 3. Upon receipt of a valid challenge, the commissioner  
24 shall, within five working days, notify the challenged  
25 registrant and the challenger of the date, time, and place of  
26 a hearing on the matter of the challenge, to be held not less  
27 than twenty nor more than thirty days from the commissioner's  
28 receipt of the challenge. The notice of a hearing shall  
29 include a copy of the challenge, and shall advise the  
30 challenged registrant that the registrant may personally  
31 appear at the hearing, or may submit to the commissioner  
32 before the hearing evidence, documentation, or statements  
33 refuting the challenge.

34 4. The notice prescribed by subsection 3 shall be sent by  
35 first class forwardable mail to the challenged registrant at

1 the registrant's most recent mailing address according to the  
2 registration records.

3 5. If the challenge is withdrawn, the commissioner shall  
4 immediately notify the challenged registrant of the  
5 withdrawal, and shall cancel the scheduled hearing.

6 6. If the challenged registrant notifies the commissioner  
7 that the challenged registrant wishes to appear in person but  
8 is unable to do so on the date scheduled, the commissioner may  
9 reschedule the hearing.

10 Sec. 16. NEW SECTION. 48A.16 HEARING ON CHALLENGE.

11 1. At the time and place fixed for the hearing, the  
12 commissioner shall accept evidence on the challenge from the  
13 challenger and the challenged registrant, or from any person  
14 appearing on behalf of either, and review any documents or  
15 statements pertaining to the challenge received before the  
16 hearing. On the basis of the evidence submitted, the  
17 commissioner shall either reject the challenge or cancel the  
18 registration of the challenged registrant. Either the  
19 challenged registrant or the challenger may appeal the  
20 commissioner's decision to the district court in the  
21 commissioner's county, and the decision of the court shall be  
22 final.

23 2. If a challenged registrant does not personally appear  
24 at the hearing and the challenged registrant's registration is  
25 canceled, the commissioner shall immediately notify the  
26 challenged registrant of the cancellation by first class  
27 forwardable mail sent to the challenged registrant's most  
28 recent mailing address according to the registration records.

29 SUBCHAPTER IV

30 PLACES TO REGISTER

31 Sec. 17. NEW SECTION. 48A.17 REGISTRATION AT  
32 COMMISSIONER'S OFFICE.

33 A person who meets the qualifications to vote may appear in  
34 person at the office of the county commissioner of  
35 registration and apply to register to vote.

1     Sec. 18. NEW SECTION. 48A.18 VOTER REGISTRATION AT MOTOR  
2 VEHICLE DRIVERS' LICENSE STATIONS.

3     1. Each state motor vehicle driver's license application,  
4 including any renewal application or application for a  
5 nonoperator's identification card, submitted to the driver  
6 services division of the state department of transportation  
7 shall serve as an application for voter registration unless  
8 the applicant declines to register to vote. A completed voter  
9 registration form submitted to the driver services division of  
10 the state department of transportation shall be considered to  
11 update any previous voter registration by the registrant.

12     2. A change of address form submitted to the driver  
13 services division of the state department of transportation  
14 shall serve as a change of address for voter registration  
15 purposes unless the registrant states on the form that the  
16 change of address is not for voter registration purposes.

17     3. Information relating to the refusal of an applicant for  
18 a driver's license to apply to register to vote shall not be  
19 used for any purpose other than voter registration.

20     4. Forms and procedures used by the driver services  
21 division for voter registration and a schedule for  
22 transmission of voter registration forms from the division to  
23 the county commissioner of registration shall be prescribed by  
24 the state voter registration commission by rule.

25     Sec. 19. NEW SECTION. 48A.19 VOTER REGISTRATION  
26 AGENCIES.

27     1. The following state agencies are responsible for voter  
28 registration:

29     a. All state offices that have direct client contact and  
30 provide applications for public assistance, including but not  
31 limited to offices administering the following programs:

32         (1) Food stamps.

33         (2) Medical assistance under chapter 249A.

34         (3) Iowa family investment program.

35         (4) Special supplemental food program for women, infants,

1 and children.

2 b. All offices that provide state funded programs  
3 primarily engaged in providing services to persons with  
4 disabilities, including but not limited to all of the  
5 following:

6 (1) Department for the blind.

7 (2) Division of vocational rehabilitation services of the  
8 department of education.

9 (3) Deaf services division of the department of human  
10 rights.

11 (4) Division of persons with disabilities of the  
12 department of human rights.

13 (5) Other state-funded offices which shall be identified  
14 by the secretary of state by rule.

15 An agency designated a voter registration agency under this  
16 paragraph which provides services to persons with disabilities  
17 in their homes shall provide voter registration services at  
18 the clients' homes.

19 c. Other federal and state agencies designated to provide  
20 voter registration services include, but are not limited to,  
21 the following:

22 (1) United States armed forces recruiting offices.

23 (2) Other agencies or offices designated voter  
24 registration agencies by the secretary of state by rule.

25 2. The voter registration agency shall provide voter  
26 registration services with each application for services or  
27 assistance and with each recertification, renewal, or change  
28 of address form completed relating to the agency's services.  
29 The secretary of state shall adopt administrative rules in  
30 cooperation with voter registration agencies to carry out the  
31 requirements of this section.

32 3. The voter registration agency shall provide a form to  
33 applicants that includes all of the following:

34 a. The question, "If you are not registered to vote where  
35 you live now, would you like to apply to register to vote here

1 today?"

2 b. If the agency provides public assistance, the  
3 statement, "Applying to register or declining to register to  
4 vote will not affect the amount of assistance that you will be  
5 provided by this agency."

6 c. Boxes for the applicant to check and choices in  
7 substantially the following form:

8 "\_\_\_ . I want to register to vote.

9 \_\_\_ . I do not want to register to vote."

10 The following statement shall be printed near the choices  
11 and shall be printed in large, readable type:

12 "If you do not check either box, you will be considered to  
13 have decided not to register to vote at this time."

14 d. The statement, "If you would like help in filling out  
15 the voter registration form, we will help you. The decision  
16 whether to seek or accept help is yours. You may fill out the  
17 application form in private."

18 However, in those voter registration agencies where  
19 electronic forms are used, the following statement shall be  
20 used: "If you want to fill out the form in private, a  
21 separate paper form for voter registration will be provided."

22 e. The statement, "If you believe that someone has  
23 interfered with your right to register or to decline to  
24 register to vote, your right to privacy in deciding whether to  
25 register or in applying to register to vote, or your right to  
26 choose your own political party or other political preference,  
27 you may file a complaint with the state voter registration  
28 commission". The name, address, and telephone number of the  
29 voter registration commission shall complete the statement.

30 The voter registration agency may distribute the voter  
31 registration form either on paper or by electronic medium.

32 4. The voter registration agency shall provide each  
33 applicant who chooses to register to vote the same degree of  
34 assistance in completing the registration form as is provided  
35 by the office for the completion of its own forms unless the

1 applicant refuses such assistance.

2 5. Completed voter registration application forms shall be  
3 transmitted as provided in section 48A.21.

4 Sec. 20. NEW SECTION. 48A.20 PROHIBITED ACTS BY VOTER  
5 REGISTRATION AGENCY EMPLOYEES.

6 A person who provides voter registration services as  
7 required by this subchapter shall not:

8 1. Seek to influence an applicant's political preference  
9 or party registration.

10 2. Display a political preference or party affiliation.

11 3. Make any statement to an applicant or take any action  
12 which has the purpose or effect of discouraging the applicant  
13 from registering to vote.

14 4. Make any statement to an applicant or take any action  
15 which has the purpose or effect of leading the applicant to  
16 believe that a decision to register or not to register to vote  
17 has any bearing on the availability of services or benefits.

18 Sec. 21. NEW SECTION. 48A.21 TRANSMISSION OF FORMS FROM  
19 AGENCIES AND DRIVERS' LICENSE STATIONS.

20 The state registrar of voters shall adopt administrative  
21 rules regulating the transmission of completed voter  
22 registration forms from voter registration agencies and from  
23 drivers' license stations. All completed voter registration  
24 applications in the possession of a voter registration agency  
25 or a drivers' license station at five p.m. on the last work  
26 day of each week shall be transmitted to the location  
27 designated by the state registrar of voters by rule.  
28 Procedures or requirements for more frequent transmissions may  
29 be specified by rule.

30 Sec. 22. NEW SECTION. 48A.22 VOTER REGISTRATION BY  
31 VOLUNTEER ORGANIZATIONS.

32 The secretary of state shall encourage volunteer  
33 organizations to undertake voter registration drives by  
34 providing mail registration forms at the cost of production.

35 Sec. 23. NEW SECTION. 48A.23 REGISTRATION AT EDUCATIONAL

1 INSTITUTIONS.

2 1. At least twice during each school year, the board of  
3 directors of each school district operating a high school and  
4 the authorities in charge of each accredited nonpublic school  
5 shall offer the opportunity to register to vote to each  
6 student who is at least seventeen and one-half years of age.

7 2. All postsecondary schools, including but not limited  
8 to, colleges, universities, and trade and technical schools  
9 which receive state funding shall offer the opportunity to  
10 register to vote to each student at least once each year.  
11 Students shall be provided with the federal voter registration  
12 form or the Iowa voter registration form, as applicable.

13 Sec. 24. NEW SECTION. 48A.24 VOTER REGISTRATION FORMS IN  
14 INCOME TAX RETURNS AND BOOKLETS.

15 For odd-numbered tax years, the director of revenue and  
16 finance shall insert securely in each individual income tax  
17 return form or instruction booklet two voter registration  
18 forms, designed according to rules adopted by the state voter  
19 registration commission.

20 SUBCHAPTER V

21 PROCESSING VOTER REGISTRATION RECORDS

22 Sec. 25. NEW SECTION. 48A.26 ACKNOWLEDGEMENT OF  
23 REGISTRATION FORM.

24 1. Within seven working days of receipt of a voter  
25 registration form or change of information in a voter  
26 registration record the commissioner shall send an  
27 acknowledgement to the registrant at the mailing address shown  
28 on the registration form. The acknowledgement shall be sent  
29 by first class nonforwardable mail.

30 2. If the registration form appears on its face to be  
31 complete and proper, the acknowledgement shall state that the  
32 registrant is now a registered voter of the county. The  
33 acknowledgement shall also specify the name of the precinct  
34 and the usual polling place for the precinct in which the  
35 person is now registered. The acknowledgement may include the

1 political party affiliation most recently recorded by the  
2 registrant.

3 3. If the registration form is missing required  
4 information, the acknowledgement shall advise the applicant  
5 what additional information is required. The commissioner  
6 shall enclose a new registration by mail form for the  
7 applicant to use. If the registration form has no address,  
8 the commissioner shall make a reasonable effort to determine  
9 where the acknowledgement should be sent.

10 4. If the acknowledgement is returned as undeliverable by  
11 the United States postal service, the commissioner shall  
12 follow the procedure described in section 48A.27, subsection  
13 1.

14 5. If a registrant has not supplied enough information on  
15 a registration form for the commissioner to determine the  
16 correct precinct and other districts, the commissioner shall  
17 obtain the information as quickly as possible either from the  
18 registrant or other sources available to the commissioner.

19 6. An improperly addressed or delivered registration form  
20 shall be forwarded to the appropriate county commissioner of  
21 registration within two working days after it is received by  
22 any other official. The date of registration shall be the  
23 date the registration form was received by the first official.  
24 If the registration form was postmarked fifteen or more days  
25 before an election and the registration form was received by  
26 the first official after the close of registration, the  
27 registration form shall be considered on time for the  
28 election.

29 7. When a person who is at least seventeen and one-half  
30 years of age but less than eighteen years of age registers to  
31 vote, the commissioner shall maintain a record of the  
32 registration so as to clearly indicate that it will not take  
33 effect until the registrant's eighteenth birthday and that the  
34 person is registered and qualifies to vote at any election  
35 held on or after that date.

1     Sec. 26. NEW SECTION. 48A.27 CHANGES TO VOTER  
2 REGISTRATION RECORDS.

3     1. Any voter registration form received by any voter  
4 registration agency, drivers' license station, or the  
5 commissioner shall be considered as updating the registrant's  
6 previous registration.

7     2. a. A person who is registered to vote may request  
8 changes in the voter's registration record at any time by  
9 submitting one of the following, as applicable:

10     (1) A written notice to the county commissioner.

11     (2) A completed Iowa or federal mail registration form to  
12 the county commissioner.

13     (3) On election day, a registration form to the precinct  
14 election officials at the precinct of the voter's current  
15 residence.

16     (4) A change of address notice to the driver services  
17 division of the state department of transportation.

18     (5) A change of address notice for voter registration  
19 submitted to any voter registration agency.

20     b. If a change of name, telephone number, or address is  
21 submitted under this subsection, the commissioner shall not  
22 change the party affiliation in the elector's prior  
23 registration other than that indicated by the elector.

24     3. The commissioner shall make the necessary changes in  
25 the registration records without any action by the registrant  
26 when any of the following events occur:

27     a. Annexation of territory by a city. When an existing  
28 city annexes territory, the city clerk shall furnish the  
29 commissioner a detailed map of the annexed territory. The  
30 commissioner shall change the registration of persons residing  
31 in that territory to reflect the annexation and the city  
32 precinct to which each of those persons is assigned. If the  
33 commissioner cannot determine the names and addresses of the  
34 persons affected by the annexation, the commissioner shall  
35 send each person who may be involved a letter informing the

1 person that the person's registration may be in error, and  
2 requesting that each person provide the commissioner with the  
3 information necessary to correct the registration records.

4 b. Change of official street name or house or building  
5 number by a city or county. When the city or county changes  
6 the name of a street or the number of a house or other  
7 building in which a person resides, the city clerk or county  
8 board of supervisors shall inform the commissioner of the  
9 change, and the commissioner shall change the registration of  
10 each person affected.

11 c. Incorporation or discontinuance of a city. When a new  
12 city is incorporated or an existing city is discontinued, the  
13 city clerk shall notify the commissioner. The commissioner  
14 shall change the registration of each person affected.

15 d. Change of rural route designation of the residence of  
16 the registered voter. The commissioner shall request each  
17 postmaster in the county to inform the commissioner of each  
18 change in rural route designation and the names of the persons  
19 affected, and the commissioner shall change the registration  
20 of each person as appropriate.

21 4. a. A commissioner, either independently or in  
22 cooperation with the state registrar of voters, and in  
23 accordance with rules of the state voter registration  
24 commission, may enter into an agreement with a licensed vendor  
25 of the United States postal service participating in the  
26 national change of address program to identify registered  
27 voters of the county who may have moved either within or  
28 outside the county.

29 b. If the information provided by the vendor indicates  
30 that a registered voter has moved to another address within  
31 the county, the commissioner shall change the registration  
32 records to show the new residence address, and shall also mail  
33 a notice of that action to both the former and new addresses.  
34 The notice shall be sent by forwardable first class mail, and  
35 shall include a postage prepaid preaddressed return form by

1 which the registered voter may verify or correct the address  
2 information.

3 c. If the information provided by the vendor indicates  
4 that a registered voter has moved to an address outside the  
5 county, the commissioner shall make the registration record  
6 inactive, and shall mail a notice to the registered voter at  
7 both the former and new addresses. The notice shall be sent  
8 by forwardable first class mail, and shall include a postage  
9 paid preaddressed return form on which the registered voter  
10 may state the registered voter's current address. The notice  
11 shall contain a statement in substantially the following form:  
12 "Information received from the United States postal service  
13 indicates that you are no longer a resident of, and therefore  
14 not eligible to vote in (name of county) County, Iowa. If  
15 this information is not correct, and you still live in (name  
16 of county) County, please complete and mail the attached  
17 postage paid card at least ten days before the primary or  
18 general election and at least eleven days before any other  
19 election at which you wish to vote. If the information is  
20 correct and you have moved, please contact a local official in  
21 your new area for assistance in registering there.

22 If you do not mail in the card, you may be required to show  
23 identification proving your residence in (name of county)  
24 County before being allowed to vote in (name of county)  
25 County. If you do not return the card, and you do not vote in  
26 an election in (name of county) County, Iowa on or before  
27 (date of second general election following the date of the  
28 notice) your name will be removed from the list of voters in  
29 that county. To ensure you receive this notice, it is being  
30 sent to both your most recent registration address and to your  
31 new address as reported by the postal service."

32 d. If the information provided by the vendor indicates the  
33 registered voter has moved to another county within the state,  
34 the commissioner of the county in which the registered voter  
35 formerly resided shall notify the person that registration in

1 the county of the person's current residence is required, and  
2 shall provide a mail registration form for the person to use.

3 e. If a registered voter returns a card sent pursuant to  
4 this subsection and confirms that the registered voter has  
5 moved to a new residence outside the county, the commissioner  
6 shall cancel the registration of the voter.

7 f. If a registered voter returns a card sent pursuant to  
8 this subsection and states that the registered voter's  
9 residence address has not changed for the purpose of voter  
10 registration, the commissioner shall reinstate the record to  
11 active status, making any other changes directed by the  
12 registrant in the notice.

13 5. The commissioner shall keep a record of the names and  
14 addresses of the registered voters to whom notices under this  
15 section are sent and the date of the notice. When the return  
16 card from a notice is received by the commissioner, the  
17 commissioner shall record the date it was received and whether  
18 the registrant had moved within the county, moved to an  
19 address outside the county, or had not changed residence.

20 Sec. 27. NEW SECTION. 48A.28 SYSTEMATIC CONFIRMATION  
21 PROGRAM.

22 1. Each commissioner shall conduct a systematic program  
23 that makes a reasonable effort to remove from the official  
24 list of registered voters the names of registered voters who  
25 have changed residence from their registration addresses.  
26 Either or both of the methods described in this section may be  
27 used.

28 2. A commissioner may participate in the United States  
29 postal service national change of address program, as provided  
30 in section 48A.27. The state voter registration commission  
31 shall adopt rules establishing specific requirements for  
32 participation and use of the national change of address  
33 program.

34 A commissioner participating in the national change of  
35 address program, in the first quarter of each calendar year,

1 shall send a notice and preaddressed, postage paid return card  
2 by first class forwardable mail to each registered voter whose  
3 name was not reported by the national change of address  
4 program and who has not voted, registered again, or reported a  
5 change to an existing registration during the preceding four  
6 calendar years. The form and language of the notice and  
7 return card shall be specified by the state voter registration  
8 commission by rule. A registered voter shall not be sent a  
9 notice and return card under this section more frequently than  
10 once in a four-year period.

11 3. For a commissioner who is not participating in the  
12 national change of address program, in February of each year  
13 the commissioner shall mail a confirmation notice to each  
14 registered voter in the county. The notice shall be sent by  
15 first class forwardable mail. The notice shall include a  
16 preaddressed, postage paid return card for the use of the  
17 registered voter or the recipient of the notice. The card  
18 shall contain boxes for the recipient to check to indicate one  
19 of the following:

20 a. That the recipient is the registered voter named on the  
21 card, and is still a resident at the address listed.

22 b. That the recipient is the registered voter named on the  
23 card, but is no longer a resident of the address listed.

24 c. That the recipient is not the registered voter named on  
25 the card, and the registered voter named on the card is not a  
26 resident of the address listed.

27 The form and language of the notice and return card shall  
28 be specified by the state voter registration commission by  
29 rule.

30 Sec. 28. NEW SECTION. 48A.29 PROCEDURE UPON RETURN OF  
31 CONFIRMATION CARD.

32 1. If a confirmation notice sent pursuant to section  
33 48A.28 is returned as undeliverable by the United States  
34 postal service, the commissioner shall make the registration  
35 record inactive and shall mail a notice to the registered

1 voter at the registered voter's most recent mailing address,  
2 as shown by the registration records.

3 The notice shall be sent by forwardable first class mail,  
4 and shall include a postage paid preaddressed return form on  
5 which the registered voter may state the registered voter's  
6 current address. The notice shall contain a statement in  
7 substantially the following form: "Information received from  
8 the United States postal service indicates that you are no  
9 longer a resident of (residence address) in (name of county)  
10 County, Iowa. If this information is not correct, and you  
11 still live in (name of county) County, please complete and  
12 mail the attached postage paid card at least ten days before  
13 the primary or general election and at least eleven days  
14 before any other election at which you wish to vote. If the  
15 information is correct, and you have changed residence, please  
16 contact a local official in your new area for assistance in  
17 registering there. If you do not mail in the card, you may be  
18 required to show identification proving your residence in  
19 (name of county) County before being allowed to vote in (name  
20 of county) County. If you do not return the card, and you do  
21 not vote in some election in (name of county) County, Iowa on  
22 or before (date of second general election following the date  
23 of the notice) your name will be removed from the list of  
24 voters in that county."

25 2. When a detachable return card originally attached to a  
26 confirmation notice is returned indicating that the registered  
27 voter is still a resident of the address shown on the  
28 registration records, the commissioner shall make a record of  
29 the date the card was received.

30 3. When a detachable return card originally attached to a  
31 confirmation notice is returned by anyone other than the  
32 registered voter indicating that the registered voter is no  
33 longer a resident of the registration address, the  
34 commissioner shall make the registration record inactive, and  
35 shall mail a notice to the registered voter at the registered

1 voter's most recent mailing address, as shown by the  
2 registration records.

3 The notice shall be sent by forwardable first class mail,  
4 and shall include a postage paid preaddressed return card on  
5 which the registered voter may state the registered voter's  
6 current address. The notice shall contain a statement in  
7 substantially the following form: "Information received by  
8 this office indicates that you are no longer a resident of  
9 (residence address) in (name of county) County, Iowa. If the  
10 information is not correct, and you still live at that  
11 address, please complete and mail the attached postage paid  
12 card at least ten days before an election at which you wish to  
13 vote. If the information is correct, and you have moved  
14 within the county, you may update your registration by listing  
15 your new address on the card and mailing it back. If you have  
16 moved outside the county, please contact a local official in  
17 your new area for assistance in registering there. If you do  
18 not mail in the card, you may be required to show  
19 identification proving your residence in (name of county)  
20 County before being allowed to vote in (name of county)  
21 County. If you do not return the card, and you do not vote in  
22 some election in (name of county) County, Iowa on or before  
23 (date of second general election following the date of the  
24 notice) your name will be removed from the list of registered  
25 voters in that county."

26 Sec. 29. NEW SECTION. 48A.30 CANCELLATION OF VOTER  
27 REGISTRATION.

28 1. The voter registration of a registered voter shall be  
29 canceled if any of the following occurs:

30 a. The registered voter dies. For the purposes of this  
31 subsection, the commissioner may accept as evidence of death a  
32 notice from the state registrar of vital statistics forwarded  
33 by the state registrar of voters, a written statement from a  
34 member of the registered voter's household, an obituary in a  
35 newspaper, a written statement from an election official, or a

1 notice from the clerk of the district court in the county  
2 where the registered voter died.

3 b. The registered voter registers to vote in another  
4 jurisdiction, and the commissioner receives notice of the  
5 registration from the registration official in the other  
6 jurisdiction.

7 c. The registered voter requests the cancellation in  
8 writing.

9 For the purposes of this subsection, a confirmation by the  
10 registered voter that the registered voter is no longer a  
11 resident of the county constitutes a request for cancellation.

12 d. The clerk of the district court or the state registrar  
13 sends notice of the registered voter's conviction of a felony  
14 as defined in section 701.7, or conviction of an offense  
15 classified as a felony under federal law.

16 e. The clerk of the district court or the state registrar  
17 sends notice that the registered voter has been declared  
18 mentally incompetent under state law.

19 f. The registered voter's registration record has been  
20 inactive pursuant to section 48A.28 for two successive general  
21 elections.

22 2. When a registration is canceled pursuant to subsection  
23 1, paragraph "d", "e", or "f", the commissioner shall send a  
24 notice of the cancellation to the registered voter.

25 Sec. 30. NEW SECTION. 48A.31 DECEASED PERSONS RECORD.

26 The state registrar of vital statistics shall transmit or  
27 cause to be transmitted to the state registrar of voters, once  
28 each calendar quarter, a certified list of all persons  
29 seventeen and one-half years of age and older in the state  
30 whose deaths have been reported to the records and statistics  
31 division of the Iowa department of public health since the  
32 previous list of decedents was certified to the state  
33 registrar of voters. The list shall be submitted according to  
34 the specifications of the state registrar of voters, who shall  
35 determine whether each listed decedent was registered to vote

1 in this state. If the decedent was registered in a county  
2 which uses its own data processing facilities for voter  
3 registration recordkeeping, the registrar shall notify the  
4 commissioner in that county who shall cancel the decedent's  
5 registration. If the decedent was registered in a county for  
6 which voter registration recordkeeping is performed under  
7 contract by the registrar, the registrar shall immediately  
8 cancel the registration and notify the commissioner of the  
9 county in which the decedent was registered to vote of the  
10 cancellation.

11 Sec. 31. NEW SECTION. 48A.32 DESTRUCTION OR REMOVAL OF  
12 CANCELED VOTER REGISTRATION RECORDS.

13 Twenty-two months after the next general election following  
14 the cancellation of a person's voter registration, the  
15 commissioner may destroy all records of that person's  
16 registration. At the discretion of the commissioner, canceled  
17 records may be donated to an historical society if all  
18 confidential information has been removed from the records.

19 Sec. 32. NEW SECTION. 48A.33 DECLINATION OF REGISTRATION  
20 OPPORTUNITY.

21 When a client or applicant of a voter registration agency  
22 declines to register to vote, the record of the declination  
23 shall be kept for twenty-two months after the next general  
24 election.

25 SUBCHAPTER VI

26 RETENTION AND STORAGE OF VOTER REGISTRATION RECORDS

27 Sec. 33. NEW SECTION. 48A.34 CONFIDENTIALITY OF CERTAIN  
28 RECORDS.

29 Voter registration records are available for public  
30 inspection at reasonable times at the office of the county  
31 commissioner. The commissioner and any voter registration  
32 agency which has custody of voter registration records shall  
33 take the necessary steps to ensure that the name of the agency  
34 at which the voter registration form was submitted remains  
35 confidential.

1     Sec. 34. NEW SECTION. 48A.35 VOTER REGISTRATION RECORDS  
2 UNDER CONTROL OF THE COMMISSIONER.

3     The county commissioner of elections shall be responsible  
4 for the maintenance and storage of all paper and electronic  
5 voter registration records in the commissioner's custody.  
6 Original registration records shall not be removed from the  
7 commissioner's office or from any other designated permanent  
8 storage location except upon request of a county commissioner  
9 or a court order, or as provided by section 48A.31. The state  
10 registrar of voters and the state voter registration  
11 commission shall adopt administrative rules to implement this  
12 section.

13    Sec. 35. NEW SECTION. 48A.36 ELECTRONIC REGISTRATION  
14 RECORD RETENTION IN VOTER REGISTRATION AGENCIES.

15    1. Voter registration agencies and the driver services  
16 division of the state department of transportation may  
17 electronically transmit registration data to the state  
18 registrar of voters, who shall distribute the information,  
19 either electronically or otherwise, to the appropriate  
20 commissioner in accordance with rules of the state voter  
21 registration commission and the state registrar of voters.  
22 The state agency originating the registration data shall  
23 permanently retain an electronic copy of the form completed by  
24 the registrant, including the registrant's signature, and  
25 shall develop procedures for the retrieval and printing of  
26 that electronic document. A printed copy of an electronic  
27 registration document shall be made only upon the agency's  
28 receipt of a court order.

29    2. Upon receipt of electronic registration data under  
30 subsection 1, the state registrar of voters may cause the  
31 updating of registration records for registrants in counties  
32 which have arranged for data processing services under section  
33 47.7, subsection 2. The registrar shall notify the  
34 commissioner of the actions taken.

35    Sec. 36. NEW SECTION. 48A.37 ELECTRONIC REGISTRATION

1 RECORDS.

2 1. Voter registration records shall be maintained in an  
3 electronic medium. A history of local election participation  
4 shall be maintained as part of the electronic record for at  
5 least two general, primary, school, and city elections.  
6 Absentee voting shall be recorded for the previous two general  
7 and primary elections. After each election, the county  
8 commissioner shall update telephone numbers provided by  
9 registered voters pursuant to section 49.77.

10 2. Electronic records shall include a status code  
11 designating whether the records are active or inactive.  
12 Inactive records are records of registered voters to whom  
13 notices have been sent pursuant to section 48A.28, subsection  
14 3, and who have not returned the card or otherwise responded  
15 to the notice, and those records have been designated inactive  
16 pursuant to section 48A.29. All other records are active  
17 records. An inactive record shall be made active when the  
18 registered voter votes at an election, registers again, or  
19 reports a change of name, address, telephone number, or  
20 political party affiliation.

21 Sec. 37. NEW SECTION. 48A.38 LISTS OF VOTERS.

22 1. Any person may request of the registrar and shall  
23 receive, upon payment of the cost of preparation, a list of  
24 registered voters and other data on registration and par-  
25 ticipation in elections, in accordance with the following  
26 requirements and limitations:

27 a. The registrar shall prepare each list requested within  
28 fourteen days of receipt of the request, except that the  
29 registrar shall not be required to prepare any list within  
30 seven days of the close of registration for any regularly  
31 scheduled election if the preparation of the list would impede  
32 the preparation of election registers for that election.

33 b. Each list shall be as current as possible, but shall in  
34 all cases reflect voter activity reported to any commissioner  
35 twenty-eight or more days before preparation of the list.

1 c. Each list shall be in the order and form specified by  
2 the list purchaser, and shall contain the registration data  
3 specified by the list purchaser, provided compliance with the  
4 request is within the capability of the record maintenance  
5 system used by the registrar.

6 d. Lists prepared shall not include inactive records  
7 unless specifically requested by the requester.

8 e. The registrar shall prepare updates to lists at least  
9 biweekly, and after the close of registration for a regularly  
10 scheduled election, but before the election, if requested to  
11 do so at the time a list is purchased. All updates shall be  
12 made available to all requesters at the same time, and shall  
13 be in the order and form specified by each requester.

14 2. The registrar shall maintain a log of the name,  
15 address, and telephone number of every person who receives a  
16 list under this section, and of every person who reviews  
17 registration records in the office of the registrar.  
18 Commissioners of registration shall maintain a similar log in  
19 their offices of those who receive a list from the  
20 commissioner or who review registration records in the  
21 commissioner's office. Logs maintained under this subsection  
22 are public records, and shall be available for public  
23 inspection at reasonable times.

24 Sec. 38. NEW SECTION. 48A.39 USE OF REGISTRATION  
25 INFORMATION.

26 Information about individual registrants obtained from  
27 voter registration records shall be used only to request the  
28 registrant's vote at an election, or for another genuine  
29 political purpose, or for a bona fide official purpose by an  
30 elected official, or for bona fide political research, but  
31 shall not be used for any commercial purposes. A person who  
32 uses registration information in violation of this section  
33 commits a serious misdemeanor.

34 Sec. 39. NEW SECTION. 48A.40 REPORTS.

35 At least once each month and at other times deemed

1 appropriate, the county commissioner of registration shall  
2 report to the state registrar the number of persons registered  
3 in each county. The report shall include the registration  
4 totals for each political party and the number of persons not  
5 registered with a political party.

6 Sec. 40. NEW SECTION. 48A.41 CRIMINAL PENALTIES.

7 1. A person who commits any of the following acts shall be  
8 guilty of a class "D" felony:

9 a. Willfully registers to vote, knowing oneself not to be  
10 eligible.

11 b. Willfully or knowingly provides false information for  
12 the purpose of registering to vote.

13 c. Willfully or knowingly registers a fictitious person to  
14 vote, or attempts to do so.

15 d. Forges another person's name to a voter registration  
16 form or other voter registration document.

17 2. A person who commits any of the following acts shall be  
18 guilty of an aggravated misdemeanor:

19 a. Willfully or knowingly entices another to fraudulently  
20 register to vote.

21 b. Conspires with another for the purpose of introducing  
22 information known to be false into voter registration records.

23 c. Willfully or knowingly destroys registration records,  
24 or attempts to do so, without proper authorization. For the  
25 purpose of this paragraph, an electronic record which has not  
26 been replaced with a more recent version of the same record,  
27 is a registration record.

28 d. Knowingly files a challenge under section 48A.14  
29 containing false information under section 48A.14.

30 e. Knowingly and willfully intimidates, threatens, or  
31 coerces, or attempts to intimidate, threaten, or coerce any  
32 person for registering to vote or attempting to register to  
33 vote, or urging or aiding any person to register to vote or to  
34 attempt to register to vote.

35 Sec. 41. Section 39.3, subsection 10, Code Supplement

1 1993, is amended to read as follows:

2 10. "Qualified-electer" "Registered voter" means a person  
3 who is registered to vote pursuant to chapter 48 48A.

4 Sec. 42. Section 39.3, Code Supplement 1993, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 16. "Voter registration agency" means an  
7 agency designated to conduct voter registration under section  
8 48A.19. Offices of the driver services division of the state  
9 department of transportation are not voter registration  
10 agencies.

11 Sec. 43. Section 43.5, Code 1993, is amended to read as  
12 follows:

13 43.5 APPLICABLE STATUTES.

14 The provisions of chapters 39, 47, 48 48A, 49, 50, 51, 52,  
15 53, 56, 57, 58, 59, 61, 62 and 722 shall apply, so far as  
16 applicable, to all primary elections, except as hereinafter  
17 provided.

18 Sec. 44. Section 47.1, Code Supplement 1993, is amended by  
19 adding the following new unnumbered paragraph after unnumbered  
20 paragraph 2:

21 The secretary of state is designated the chief state  
22 election official and is responsible for coordination of state  
23 responsibilities under the federal National Voter Registration  
24 Act of 1993.

25 Sec. 45. Section 47.2, subsection 1, Code 1993, is amended  
26 to read as follows:

27 1. The county auditor of each county is designated as the  
28 county commissioner of elections in each county. The county  
29 commissioner of elections shall conduct voter registration  
30 pursuant to chapter 48 48A and conduct all elections within  
31 the county.

32 Sec. 46. Section 47.4, subsection 1, paragraph e, Code  
33 1993, is amended to read as follows:

34 e. Every eligible elector shall be registered pursuant to  
35 the provisions of chapter 48 48A to qualify to vote in any

1 election.

2 Sec. 47. Section 47.7, subsection 4, Code 1993, is amended  
3 to read as follows:

4 4. Not later than July 1, 1984, information listed in  
5 section ~~48-6~~ 48A.11 contained in a county's manual records but  
6 not on the county's computer readable records shall be  
7 provided to the registrar in a form specified by the  
8 registrar. The registrar shall require that any information  
9 supplied under section ~~48-6~~ 48A.11, except ~~subsections-9-and~~  
10 ~~it~~ the signature and attestation of the registrant, be  
11 provided to the registrar in a form specified by the  
12 registrar.

13 Sec. 48. Section 47.8, subsection 4, Code Supplement 1993,  
14 is amended to read as follows:

15 4. The registration commission shall annually adopt a set  
16 of standard charges to be made for the services the registrar  
17 is required to offer to the several commissioners, and for  
18 furnishing of voter registration records which are requested  
19 by persons other than the registrar, the state commissioner or  
20 any commissioner pursuant to section ~~48-57-subsection-2~~  
21 48A.38. These charges shall be sufficient to reimburse the  
22 state for the actual cost of furnishing such services or  
23 information, and shall be specified by unit wherever possible.  
24 The standard charges shall be adopted by the commission by  
25 January 15 of each calendar year.

26 Sec. 49. Section 49.28, Code 1993, is amended by striking  
27 the section and inserting in lieu thereof the following:

28 49.28 COMMISSIONER TO FURNISH REGISTERS AND SUPPLIES.

29 The commissioner shall prepare and furnish to each precinct  
30 an election register and all other books, forms, materials,  
31 equipment, and supplies necessary to conduct the election.

32 After the registration deadline and before election day the  
33 commissioner shall prepare an election register for each  
34 precinct in which voting will occur on the day of the  
35 election. The precinct election register shall be a list of

1 the names and addresses of all registered voters of the  
2 precinct. Inactive records listed in the election register  
3 shall be clearly identified with a special mark or symbol.

4 When a precinct is divided by a district boundary, and  
5 some, but not all, registered voters of the precinct may vote  
6 on an issue or office from that district, the election  
7 register shall clearly indicate which of the registered voters  
8 are entitled to vote in the district.

9 Sec. 50. Section 49.77, Code 1993, is amended to read as  
10 follows:

11 49.77 BALLOT FURNISHED TO VOTER.

12 1. The board members of their respective precincts shall  
13 have charge of the ballots and furnish them to the voters.  
14 Any person desiring to vote shall sign a voter's declaration  
15 provided by the officials, in substantially the following  
16 form:

17 VOTER'S DECLARATION OF ELIGIBILITY

18 I do solemnly swear or affirm that I am a resident of the  
19 ..... precinct, ..... ward or township, city of  
20 ....., county of ....., Iowa.

21 I am a ~~qualified-electer~~ registered voter. I have not voted  
22 and will not vote in any other precinct in said election.

23 (For primary election only:) I am affiliated with the .....  
24 ..... party.

25 I understand that any false statement in this declaration  
26 is a criminal offense punishable as provided by law.

27 .....

28 SIGNATURE OF VOTER

29 .....

30 ADDRESS

31 .....

32 TELEPHONE

33 Approved:

34 .....

35 BOARD MEMBER

1 2. One of the precinct election officials shall announce  
2 the ~~elector's~~ voter's name aloud for the benefit of any  
3 persons present pursuant to section 49.104, subsection 2, 3 or  
4 5. Any of those persons may upon request view the signed  
5 declarations of eligibility and may review the signed  
6 declarations on file so long as the person does not interfere  
7 with the functions of the precinct election officials.

8 3. A precinct election official shall require any person  
9 whose name does not appear on the election register as an  
10 active voter to show identification. Specific documents which  
11 are acceptable forms of identification shall be prescribed by  
12 the state commissioner.

13 PARAGRAPH DIVIDED. A precinct election official may  
14 require of an ~~elector~~ the voter unknown to the official,  
15 identification upon which the ~~elector's~~ voter's signature or  
16 mark appears. If identification is established to the  
17 satisfaction of the precinct election officials, the person  
18 may then be allowed to vote.

19 ~~4. A person whose name does not appear on the election~~  
20 ~~register of the precinct in which that person claims the right~~  
21 ~~to vote shall not be permitted to vote, except in the~~  
22 ~~circumstance described in section 48.7, subsection 1,~~  
23 ~~paragraph "b", unless the commissioner informs the precinct~~  
24 ~~election officials that an error has occurred and that the~~  
25 ~~person is a qualified elector of that precinct:--If the~~  
26 ~~commissioner finds no record of the person's registration but~~  
27 ~~the person insists that the person is a qualified elector of~~  
28 ~~that precinct, the precinct election officials shall allow the~~  
29 ~~person to cast a ballot in the manner prescribed by section~~  
30 ~~49.81: A person whose name does not appear on the election~~  
31 register of the precinct in which that person claims the right  
32 to vote shall not be permitted to vote, unless the person  
33 affirms that the person is currently registered in the county  
34 and presents proof of identity, or the commissioner informs  
35 the precinct election officials that an error has occurred and

1 that the person is a registered voter of that precinct. If  
2 the commissioner finds no record of the person's registration  
3 but the person insists that the person is a registered voter  
4 of that precinct, the precinct election officials shall allow  
5 the person to cast a ballot in the manner prescribed by  
6 section 49.81.

7 5. The request for the telephone number in the declaration  
8 of eligibility in subsection 1 is not mandatory and the  
9 failure by the ~~elector~~ voter to provide the telephone number  
10 does not affect the declaration's validity.

11 Sec. 51. Section 49.81, subsection 4, unnumbered paragraph  
12 1, Code 1993, is amended to read as follows:

13 The individual envelopes used for each paper ballot cast  
14 pursuant to subsection 1 shall have printed on them the format  
15 of the face of the registration form under section ~~48-3~~ 48A.8  
16 and the following:

17 Sec. 52. Section 50.19, unnumbered paragraph 1, Code 1993,  
18 is amended to read as follows:

19 The commissioner may destroy precinct election registers,  
20 the declarations of eligibility signed by voters, and other  
21 material pertaining to any election in which federal offices  
22 are not on the ballot, except the tally lists, six months  
23 after the election if a contest is not pending. If a contest  
24 is pending all election materials shall be preserved until  
25 final determination of the contest. Before destroying the  
26 election registers and declarations of eligibility, the  
27 commissioner shall prepare records as necessary to permit  
28 compliance with ~~section-48-317-subsection-1~~ chapter 48A,  
29 subchapter V. Nomination papers for primary election  
30 candidates for state and county offices shall be destroyed ten  
31 days before the general election, if a contest is not pending.

32 Sec. 53. Section 50.22, unnumbered paragraph 2, Code 1993,  
33 is amended to read as follows:

34 The decision to count or reject each ballot shall be made  
35 upon the basis of the information given on the envelope

1 containing the special ballot, the evidence concerning the  
2 challenge, the registration and the returned receipts of  
3 registration. If the challenged voter's registration was  
4 canceled in the same county where the person attempted to vote  
5 because first class mail other than the registration receipt  
6 mailed pursuant to section ~~48-3~~ 48A.10 was returned by the  
7 postal service during the four years preceding the election in  
8 progress, the person's ballot shall be accepted for counting  
9 and the elector's registration shall be reinstated.

10 Sec. 54. Section 53.2, Code 1993, is amended to read as  
11 follows:

12 53.2 APPLICATION FOR BALLOT.

13 Any ~~qualified-elect~~or registered voter, under the  
14 circumstances specified in section 53.1, may on any day,  
15 except election day, and not more than seventy days prior to  
16 the date of the election, apply in person for an absentee  
17 ballot at the commissioner's office or at any location  
18 designated by the commissioner, or make written application to  
19 the commissioner for an absentee ballot. The state  
20 commissioner shall prescribe a form for absentee ballot  
21 applications. However, if ~~an-elect~~or a registered voter  
22 submits an application that includes all of the information  
23 required in this section, the prescribed form is not required.

24 This section does not require that a written communication  
25 mailed to the commissioner's office to request an absentee  
26 ballot, or any other document be notarized as a prerequisite  
27 to receiving or marking an absentee ballot or returning to the  
28 commissioner an absentee ballot which has been voted.

29 Each application shall contain the name and signature of  
30 the ~~qualified-elect~~or registered voter, the address at which  
31 the ~~elector~~ voter is qualified registered to vote, and the  
32 name or date of the election for which the absentee ballot is  
33 requested, and such other information as may be necessary to  
34 determine the correct absentee ballot for the qualified  
35 elector. If insufficient information has been provided, the

1 commissioner shall, by the best means available, obtain the  
2 additional necessary information.

3 If the application is for a primary election ballot and the  
4 request is for a ballot of a party different from that  
5 recorded on the ~~qualified-electors~~ registered voter's voter  
6 registration record, the requested ballot shall be mailed or  
7 given to the applicant together with a "Change or Declaration  
8 of Party Affiliation" form as prescribed in section 43.42, to  
9 be completed by the ~~qualified-electors~~ registered voter at the  
10 time of voting. Upon receipt of the properly completed form,  
11 the commissioner shall approve the change or declaration and  
12 enter a notation of the change on the registration records.

13 If an application for an absentee ballot is received from  
14 an eligible elector who is not a ~~qualified-electors~~ registered  
15 voter the commissioner shall send a registration form under  
16 section ~~48-3~~ 48A.8 and an absentee ballot to the eligible  
17 elector. If the application is received so late that it is  
18 unlikely that the registration form can be returned in time to  
19 be effective on election day, the commissioner shall enclose  
20 with the absentee ballot a notice to that effect, informing  
21 the voter of the registration time limits in ~~sections-48-3-and~~  
22 ~~48-11~~ section 48A.9. The commissioner shall record on the  
23 elector's application that the elector is not currently  
24 registered to vote. If the registration form is properly  
25 returned by the time provided by section ~~48-3~~ 48A.8, the  
26 commissioner shall record on the elector's application the  
27 date of receipt of the registration form and enter a notation  
28 of the registration on the registration records.

29 A ~~qualified-electors~~ registered voter who has not moved from  
30 the county in which the elector is registered to vote may  
31 submit a change of name, telephone number, or address on the  
32 form prescribed in section ~~48-3~~ 48A.8 when casting an absentee  
33 ballot. Upon receipt of a properly completed form, the  
34 commissioner shall enter a notation of the change on the  
35 registration records.

1 Sec. 55. Section 53.38, Code 1993, is amended to read as  
2 follows:

3 53.38 AFFIDAVIT CONSTITUTES REGISTRATION.

4 Whenever a ballot is requested pursuant to section 53.39 or  
5 53.45 on behalf of a voter in the armed forces of the United  
6 States, the affidavit upon the ballot envelope of such voter,  
7 if the voter is found to be an eligible elector of the county  
8 to which the ballot is submitted, shall constitute a  
9 sufficient registration under the provisions of chapter ~~48~~ 48A  
10 and the commissioner shall place the voter's name on the  
11 registration record as a ~~qualified-elector~~ registered voter,  
12 if it does not already appear there.

13 Sec. 56. Section 53.53, unnumbered paragraph 2, Code 1993,  
14 is amended to read as follows:

15 The voter's declaration or affirmation on the federal  
16 write-in ballot constitutes a sufficient registration under  
17 the provisions of chapter ~~48~~ 48A and the commissioner shall  
18 place the voter's name on the registration record as a  
19 ~~qualified-elector~~ registered voter, if the voter's name does  
20 not already appear on the registration record. No witness to  
21 the oath is necessary.

22 Sec. 57. Section 280.9A, subsection 2, Code 1993, is  
23 amended by striking the subsection and inserting in lieu  
24 thereof the following:

25 2. At least twice during each school year, the board of  
26 directors of each local public school district operating a  
27 high school and the authorities in charge of each accredited  
28 nonpublic school operating a high school shall offer the  
29 opportunity to register to vote to each student who is at  
30 least seventeen and one-half years of age, as required by  
31 section 48A.22.

32 Sec. 58. Section 283A.1, subsection 3, Code 1993, is  
33 amended to read as follows:

34 3. "School board" means a board of school directors  
35 regularly elected by the ~~qualified~~ registered voters of a

1 school corporation or district of the state of Iowa.

2 Sec. 59. Section 331.424, subsection 1, paragraph i, Code  
3 1993, is amended to read as follows:

4 i. Elections, and voter registration pursuant to chapter  
5 ~~48~~ 48A.

6 Sec. 60. Section 331.505, subsection 4, Code 1993, is  
7 amended to read as follows:

8 4. Serve as county commissioner of registration as  
9 provided in chapter ~~48~~ 48A.

10 Sec. 61. Section 368.1, subsection 12, Code Supplement  
11 1993, is amended to read as follows:

12 12. "~~Qualified-elector~~ Registered voter" means a person  
13 who is registered to vote pursuant to chapter ~~48~~ 48A.

14 Sec. 62. Section 602.8102, subsection 15, Code Supplement  
15 1993, is amended by striking the subsection and inserting in  
16 lieu thereof the following:

17 15. Notify the county commissioner of registration and the  
18 state registrar of voters of persons seventeen and one-half  
19 years of age and older who have been convicted of a felony or  
20 who have been legally declared to be mentally incompetent.

21 Sec. 63. Section 914.6, subsections 1 and 3, Code 1993,  
22 are amended to read as follows:

23 1. Pardons, commutations of sentences, and remissions of  
24 fines and forfeitures, ~~and restorations of rights of~~  
25 ~~citizenship~~ shall be issued in duplicate. ~~Reprieves~~  
26 Restorations of rights of citizenship and reprieves shall be  
27 issued in triplicate.

28 3. In the case of a remission of fines and forfeitures,  
29 restoration of rights of citizenship, or a pardon, commutation  
30 of sentence, or reprieve, if the person is not in custody, one  
31 copy of the executive instrument shall be delivered to the  
32 person and one copy to the clerk of court where the judgment  
33 is of record. A list of the restorations of rights of  
34 citizenship issued by the governor shall be delivered to the  
35 state registrar of voters at least once each month.

1 Sec. 64. Sections 43.41, 43.42, 43.43, 43.120, 49.11,  
2 49.27, 49.30, 49.43, 49.74, 49.80, 49.81, 49.105, 50.7, 50.8,  
3 53.7, 53.8, 53.15, 53.17, 53.19, 53.25, 53.39, 176A.5, 176A.8,  
4 275.13, 303.25, 303.49, 331.201, 331.751, 357.12, 357C.7,  
5 357D.8, 357E.8, 357F.8, 358.7, and 368.14, Code 1993, are  
6 amended by striking from the sections the words "qualified  
7 elector" and "qualified electors" and inserting in lieu  
8 thereof the words "registered voter" and "registered voters"  
9 and by striking from the sections the words "elector" and  
10 "electors" when it is used to mean "qualified elector" or  
11 "qualified electors" and inserting in lieu thereof the words  
12 "registered voter" or "voter" and "registered voters" or  
13 "voters", as appropriate.

14 Sec. 65. Sections 39.3, 53.1, 53.11, 53.22, 275.1, and  
15 362.2, Code Supplement 1993, are amended by striking from the  
16 sections the words "qualified elector" and "qualified  
17 electors" and inserting in lieu thereof the words "registered  
18 voter" and "registered voters" and by striking from the  
19 sections the words "elector" and "electors" when it is used to  
20 mean "qualified elector" or "qualified electors" and inserting  
21 in lieu thereof the words "registered voter" or "voter" and  
22 "registered voters" or "voters", as appropriate.

23 Sec. 66. Sections 47.4, 48.1, 48.2, 48.3, 48.4, 48.5,  
24 48.6, 48.7, 48.8, 48.9, 48.10, 48.11, 48.12, 48.15, 48.17,  
25 48.20, 48.21, 48.22, 48.23, 48.29, 48.30, and 48.32, Code  
26 1993, are repealed.

27 Sec. 67. Sections 48.16 and 48.31, Code Supplement 1993,  
28 are repealed.

29 Sec. 68. EFFECTIVE DATE. This Act takes effect January 1,  
30 1995.

31 EXPLANATION

32 This bill rewrites the state voter registration statutes to  
33 conform with the federal National Voter Registration Act of  
34 1993 (NVRA).

35 There are four major parts of the NVRA: voter registration

1 simultaneous with drivers' services; voter registration by  
2 mail; voter registration services by certain designated  
3 agencies; and requirements with respect to administration of  
4 voter registration.

5 Relating to the requirement that voter registration be  
6 simultaneous with application for certain drivers' services,  
7 current Iowa Code section 48.22, which requires that drivers'  
8 license and identification card application forms also serve  
9 as voter registration forms, is enacted as new section 48A.17.  
10 To conform with the NVRA, the bill requires that renewal  
11 applications shall also serve as voter registration forms,  
12 provides the applicant with the opportunity to decline in  
13 writing to register to vote, provides that a change of address  
14 for drivers' services purposes is a change of address for  
15 registration purposes, and provides that a registration form  
16 submitted to the drivers' services division of the state  
17 department of transportation serves to update the registrant's  
18 previous registration.

19 Present law provides that voter registration forms  
20 transmitted from drivers' services stations be transmitted  
21 within one business day of receipt. The bill provides that  
22 voter registration forms be transmitted from drivers' services  
23 stations by 5 p.m. of the last work day of each week. The  
24 state voter registration commission is to provide by rule for  
25 forms, procedure, and transmission of forms.

26 Present law provides for voter registration in person at  
27 the commissioner's office or at a place designated by the  
28 commissioner and voter registration by mail. The bill also  
29 provides for registration in person and registration by mail  
30 and requires that the mail registration form developed by the  
31 federal election commission be accepted for purposes of  
32 registering to vote in Iowa.

33 Relating to voter registration services provided by certain  
34 designated agencies, present Iowa law requires that mail  
35 registration forms be available in all offices of state

1 agencies and that employees of the offices offer to applicants  
2 or clients of the agency the opportunity to register to vote.  
3 The NVRA requires that agencies that provide public assistance  
4 or related services, all agencies that provide state-funded  
5 services primarily to persons with disabilities, and United  
6 States armed forces recruiting offices be designated voter  
7 registration agencies. Voter registration agencies are to  
8 provide voter registration services with each application for  
9 services or assistance, including each submitted change of  
10 address relating to the agency's services.

11 To conform with the requirements of the NVRA, the bill  
12 prescribes the form and contents of all notices relating to  
13 registration at a voter registration agency. Persons  
14 declining to register to vote at a voter registration agency  
15 must do so in writing. Voter registration agency employees  
16 are prohibited from influencing a registrant's political party  
17 preference, discouraging a person from registering to vote, or  
18 leading a person to believe that a decision whether or not to  
19 register to vote has a bearing on the availability of services  
20 or benefits. Agency employees are to assist persons  
21 registering to vote if assistance is requested. Agencies  
22 which provide services to clients in the clients' homes shall  
23 provide voter registration services in the clients' homes.  
24 The Iowa secretary of state may designate, by rule, other  
25 agencies as voter registration agencies. The secretary of  
26 state is directed to encourage volunteer organizations to  
27 undertake voter registration drives by providing mail  
28 registration forms at the cost of production. Voter  
29 registration forms completed at voter registration agencies  
30 are to be transmitted from the voter registration agencies by  
31 5 p.m. of the last work day of each week.

32 Although not addressed by the NVRA, two voter registration  
33 programs currently in Iowa's voter registration law are  
34 retained by the bill. First, the department of revenue and  
35 finance is required, for odd-numbered tax years, to place two

1 voter registration forms in every state income tax return form  
2 or instruction booklet. Second, the bill requires schools, at  
3 least twice each year, to offer registration services to  
4 students of voting age, rather than simply to report their  
5 names to the county commissioner of registration, as provided  
6 in the current statute. The bill also requires all  
7 postsecondary schools receiving state funding to offer voter  
8 registration services at least once each year. Present law  
9 requires board of regents institutions to make space available  
10 in residence halls and lounges for voter registration  
11 activities.

12 The requirements of the NVRA relating to administration of  
13 voter registration encompass the following procedures:  
14 acknowledgement of voter registration forms; changes to voter  
15 registration records; a voter registration confirmation  
16 system; cancellation of voter registration; retention,  
17 storage, and destruction of voter registration records;  
18 electronic registration records; voter lists; and voter  
19 registration reporting requirements. The procedure required  
20 by the NVRA for acknowledgement of voter registration forms is  
21 more detailed than present law requiring the commissioner to  
22 send a registration receipt to the elector upon receipt of a  
23 completed voter registration form. If an acknowledgement is  
24 returned as undeliverable, the commissioner is to follow the  
25 notice procedure for cancellation of voter registration.

26 The procedure provided by the NVRA for changing voter  
27 registration records, either initiated by the registered voter  
28 or automatic changes without any action by the registrant if  
29 certain events occur, is not changed from present Iowa law,  
30 except that a county commissioner may obtain address changes  
31 through the United States postal service change of address  
32 program and may confirm an address change by mailing to the  
33 registered voter a preaddressed postage paid return card.

34 The NVRA requires county commissioners of registration to  
35 use one of two methods prescribed by the bill to conduct a

1 systematic program to remove from the list of registered  
2 voters the names of registered voters who have changed  
3 residence. Under the first method, a county commissioner of  
4 registration participating in the United States postal service  
5 national change of address program shall, in the first quarter  
6 of each calendar year mail, an address confirmation notice and  
7 return card to those registered voters whose name was not  
8 reported by the national change of address program and who has  
9 not voted, registered again, or reported a change of address  
10 in the preceding four years. For those commissioners not  
11 participating in the national change of address program, each  
12 February the commissioner is required to send a confirmation  
13 notice to each registered voter on the voting list.

14 The bill details the procedure to be followed by the  
15 commissioners of registration with respect to the disposition  
16 of the return card. If a return card is returned to the  
17 commissioner as nondeliverable, the registration record of the  
18 voter is made inactive.

19 The bill sets out the reasons for canceling the voter  
20 registration of a registered voter. The reasons are the same  
21 as present law, except that the NVRA prohibits canceling a  
22 registration solely for failure to vote. However, the  
23 registration of a registered voter may be canceled if the  
24 registered voter has not voted for two successive general  
25 elections following the return of two confirmation notices as  
26 nondeliverable.

27 Voter registrations which have been canceled may not be  
28 destroyed for 22 months after the next general election  
29 following the cancellation. Declinations to vote collected by  
30 a voter registration agency must be kept for 22 months before  
31 they may be destroyed. The bill provides, as does present  
32 law, that voter registration records, voter lists, and other  
33 information is available for public inspection and copying,  
34 subject to some confidentiality requirements. The bill  
35 prohibits the use of voter registration information for

1 commercial purposes and provides that violation of this  
2 provision is a serious misdemeanor.

3 The bill requires that voter registration records be  
4 maintained in an electronic medium, and requires that the  
5 voter registration and certain voting records be retained for  
6 a certain period of time. The bill also allows voter  
7 registration agencies and the drivers' services division of  
8 the state department of transportation to maintain and  
9 transmit voter registration records electronically.

10 The bill, as does present law, prescribes the information  
11 to be included on the state voter registration form. The bill  
12 provides that voter registration forms may be on paper or  
13 electronic media and allows the use of electronic signatures  
14 on voter registration forms.

15 The bill enacts a penalty section similar to present law  
16 except that certain violations of the law remain an aggravated  
17 misdemeanor and other violations are made class "D" felonies.  
18 The NVRA requires that the penalty for falsely signing a voter  
19 registration form be the penalty for committing perjury; under  
20 Iowa law that is a class "D" felony.

21 The NVRA requires each state to designate a chief election  
22 official to coordinate the implementation of the bill. This  
23 bill designates the state commissioner of elections (secretary  
24 of state) as the officer responsible for implementation of the  
25 bill.

26 The bill contains complementary amendments to other  
27 sections of the Code and instructs the Iowa Code editor to  
28 change each reference to "qualified elector" or "qualified  
29 electors" in the Code to "registered voter" and "registered  
30 voters".

31 The bill takes effect January 1, 1995.

32 The bill may impose a state mandate as defined in section  
33 25B.3.

34  
35

SENATE FILE 2223  
FISCAL NOTE

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A fiscal note for Senate File 2223 is hereby submitted pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2223 rewrites the State voter registration statutes to conform with the federal National Voter Registration Act of 1993 (NVRA). The major parts of the bill deal with voter registration simultaneous with drivers' services, voter registration by mail, voter registration services by certain designated agencies, and requirements for voter registration administration. The bill makes using voter registration information for commercial purposes a serious misdemeanor and increases the penalty for certain violations from an aggravated misdemeanor to a Class D felony.

Assumptions:

1. The Department of Revenue and Finance currently inserts 2 voter registration forms in each individual income tax return form or instruction booklet. No significant alteration in the procedure will be required.
2. No aggravated misdemeanor charges for voter registration violations have been filed within the past several years. No Class D felony charges for voter registration violations are anticipated.
3. The Office of the Secretary of State will be required to modify some work patterns but this can be done within the current budget.
4. The appropriation to the Department of General Services (DGS) in Senate File 2229 will be sufficient for development and distribution of forms.
5. Counties will make one-time computer equipment and software purchases at an average cost of \$4,000. Mailing costs will increase by \$2,500 annually.
6. The Department of Employment Services (DES) will process 528,000 clients annually.
7. The salary for DES staff handling voter registration averages \$20,738 annually.
8. The Department of Human Services (DHS) will process 443,175 clients requiring voter registration in FY 1995 and 440,607 in FY 1996.
9. DHS Income Maintenance staff's salaries are \$30,809 and Service staff's salaries are \$35,519.
10. Forms and pamphlets will cost DHS \$0.09 each.
11. The estimates for DES and DHS staff time to handle voter registration vary from 4 to 5 minutes per client.
12. Postage costs to counties associated with DHS activities are estimated at \$19,528 in FY 1995 and \$19,415 in FY 1996.
13. Federal regulations for DES do not permit reimbursement for voter registration activities, but federal regulations for DHS allow for reimbursement. It is uncertain whether the Vocational Education Program, Department of Education will be allowed to receive federal reimbursement

for this activity.

**Fiscal Impact:**

The costs for all counties are estimated at \$396,000 for one-time computer equipment and software purchases and annual mailing costs of \$247,000. The costs to the counties created by DHS activities, after federal reimbursement, will be \$19,528 in FY 1995. The FY 1996 costs to the counties created by DHS activities after federal reimbursement, will be \$19,415 in FY 1996. The total costs to counties for FY 1995 are estimated at \$662,528 and \$266,415 in FY 1996.

The State will incur the following costs:

1. The costs to DCS are estimated at \$10,000.
2. The costs for DES are estimated at \$15,000 for one-time programming related costs and \$351,000 for staff costs bringing the total FY 1995 cost to \$366,000. The FY 1996 costs are estimated at \$351,000.
3. The FY 1995 costs to DHS are estimated at \$599,338 which will be offset by federal revenues of \$279,066 for a net cost to the State of \$320,272. The FY 1996 costs to DHS are estimated at \$534,336 which will be offset by federal revenues of \$278,993 for a net cost to the State of \$320,114.
4. The Department of Transportation will experience some additional costs for purchasing additional forms and revisions to computer programs. The fiscal impact will not be significant.
5. The Department of Human Rights has indicated that implementing this bill would have a fiscal impact from staff time required to register clients; from compiling, storing, and reporting data; and from postage. These costs cannot be estimated.
6. The Department of Revenue and Finance will continue inserting voter registration forms as in the past and experience no increase in costs.
7. Other departments do not anticipate a significant fiscal impact.

The total costs to the State are estimated to be \$696,727 in FY 1995 and \$681,114 in FY 1996.

**Correctional Impact Statement:**

There is no impact on the correctional system.

**Sources:**

Department of Corrections  
Department of Education  
Department of General Services  
Criminal and Juvenile Justice Planning Division, Department of Human Rights  
Iowa State Association of Counties  
Judicial Department  
Parole Board  
Department of Revenue and Finance  
Secretary of State  
Department of Transportation  
Department of Employment Services

Department of Human Services  
Department of Human Rights

(LSB 3292sv, MDF)

FILED MARCH 14, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

## SENATE FILE 2223

H-5718

1 Amend Senate File 2223, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 29 the follow-  
4 ing:

5 "4. "Voter registration agency" means an agency  
6 designated to conduct voter registration under section  
7 48A.19. Offices of the driver services division of  
8 the state department of transportation are not voter  
9 registration agencies."

10 2. Page 1, line 30, by striking the figure "4"  
11 and inserting the following: "5".

12 3. Page 4, by inserting after line 16 the  
13 following:

14 "Sec. \_\_\_\_ . NEW SECTION. 48A.5A DETERMINATION OF  
15 RESIDENCE.

16 Residence shall be determined in accordance with  
17 the following principles:

18 1. The residence of a person is in the precinct  
19 where the person's home is located, from which the  
20 person has no present intention of moving, and to  
21 which the person intends to return when absent.

22 2. A person does not lose residence if the person  
23 leaves the person's home to live temporarily in  
24 another state or precinct.

25 3. A person does not acquire a residence in any  
26 precinct of this state if the person is living there  
27 only temporarily, without the intention of  
28 establishing the person's home in that precinct.

29 4. If a person goes to another state or precinct  
30 with the intent of establishing the person's home in  
31 that state or precinct or files an affidavit of  
32 residence in that state or precinct for election  
33 purposes, the person loses residence in the former  
34 state or precinct, unless the person moved to the  
35 other state after that state's deadline for  
36 registering to vote in a particular election.

37 5. If a person moves to another state with the  
38 intention of living in that state for an indefinite  
39 period, the person loses residence in this state,  
40 notwithstanding the person's intention to return at  
41 some indefinite future time.

42 6. The mere intention to acquire a new residence  
43 is not sufficient to acquire a new residence unless  
44 the person moves to that location. Moving to a new  
45 location is not sufficient to acquire a new residence  
46 unless the person intends to remain at the new  
47 location.

48 7. The residence of a person who is working  
49 temporarily in any precinct of this state is in the  
50 precinct where the person's permanent home is located.

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Page 2

1 8. A student who resides at or near the school the  
2 student attends, but who is also able to claim a  
3 residence at another location under the provisions of  
4 this section, may choose either location as the  
5 student's residence for voting purposes.

6 9. If an active member of the United States armed  
7 forces, as defined by section 53.37, has previously  
8 resided at a location that meets the requirements of  
9 this section, that person may claim either the  
10 previous or current residence as the person's  
11 residence for voting purposes.

12 10. If a person owns real property and claims it  
13 as a residence for the purposes of receiving a  
14 homestead property tax credit or elderly and disabled  
15 property tax credit or rent reimbursement, that  
16 location shall be presumed to be that person's voting  
17 residence.

18 11. If a person owns real property and does not  
19 claim it as a residence for tax purposes, and usually  
20 sleeps at another location, it is presumed that the  
21 person's residence for voting purposes is that  
22 location where that person usually sleeps.

23 12. The residence of a homeless person is in the  
24 precinct where the homeless person usually sleeps.  
25 Residence requirements shall be construed liberally to  
26 provide homeless persons with the opportunity to  
27 register to vote and to vote.

28 A person's declaration of residency for voting  
29 purposes is presumed to be valid unless a  
30 preponderance of evidence indicates that another  
31 location should be considered the person's voting  
32 residence under the provisions of this chapter.

33 If a person can claim no residence under the  
34 provisions of this chapter, the person's residence,  
35 for voting purposes only, is the place which the  
36 person declares is the person's home with the intent  
37 to remain there permanently or for a definite or  
38 indefinite or undeterminable length of time."

39 4. Page 4, line 34, by striking the word  
40 "drivers'" and inserting the following: "driver's".

41 5. Page 7, line 20, by inserting after the word  
42 "and" the following: "the information".

43 6. Page 9, line 13, by striking the figure  
44 "48A.8" and inserting the following: "48A.16".

45 7. Page 11, line 2, by striking the word  
46 "DRIVERS'" and inserting the following: "DRIVER'S".

47 8. Page 12, line 2, by striking the words "state  
48 funded" and inserting the following: "state-funded".

49 9. Page 12, line 10, by inserting after the word  
50 "rights" the following: "or its successor agency".

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1 10. Page 12, line 12, by inserting after the word  
2 "rights" the following: "or its successor agency".

3 11. Page 12, by striking lines 13 and 14.

4 12. Page 12, by striking lines 21 through 24 and  
5 inserting the following: "the United States armed  
6 forces recruiting offices."

7 13. Page 12, by inserting after line 24 the  
8 following:

9 "\_\_\_\_. Agencies designated to provide voter  
10 registration services shall provide the following  
11 services:

12 a. Distribution of a voter registration form  
13 either on paper or electronic medium.

14 b. Assistance to registrants in completing voter  
15 registration forms, unless the registrant refuses  
16 assistance.

17 c. Acceptance of completed voter registration  
18 forms for transmittal as required in section 48A.21."

19 14. Page 14, line 2, by striking the word  
20 "application".

21 15. Page 14, line 19, by striking the word  
22 "DRIVERS'" and inserting the following: "DRIVER'S".

23 16. Page 14, line 23, by striking the word  
24 "drivers'" and inserting the following: "driver's".

25 17. Page 14, line 25, by striking the word  
26 "drivers'" and inserting the following: "driver's".

27 18. Page 15, by inserting after line 19 the  
28 following:

29 "Sec. \_\_\_\_ . NEW SECTION. 48A.25 COMPENSATION FOR  
30 ASSISTANCE IN COMPLETING REGISTRATION FORMS.

31 A person may pay, offer to pay, or accept  
32 compensation for assisting others in completing voter  
33 registration forms only if the compensation is based  
34 solely on the time spent providing the assistance.  
35 Paying, offering to pay, or receiving compensation  
36 based on the number of registration forms completed,  
37 or the party affiliations shown on completed  
38 registration forms, or on any other performance  
39 criteria, is a serious misdemeanor.

40 This section shall not apply to state and political  
41 subdivision employees who are required to offer  
42 assistance to clients as a part of their regular job  
43 duties, and who shall not be granted additional  
44 compensation for voter registration activities. A  
45 person assisting another in completing a voter  
46 registration form shall not complete any portion of  
47 the form without the knowledge or consent of the  
48 registrant."

49 19. Page 16, line 12, by striking the figure  
50 "48A.27," and inserting the following: "48A.29,".

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- 1 20. Page 17, line 4, by striking the word  
2 "drivers'" and inserting the following: "driver's".  
3 21. Page 17, line 16, by striking the word  
4 "notice" and inserting the following: "form".  
5 22. Page 19, line 9, by striking the word "form"  
6 and inserting the following: "card".  
7 23. Page 19, by striking lines 34 and 35 and  
8 inserting the following: "the notice required by  
9 paragraph "c" shall include a statement that  
10 registration in".  
11 24. Page 21, line 9, by striking the word  
12 "section" and inserting the following: "subsection".  
13 25. Page 21, line 32, by inserting after the word  
14 "notice" the following: "and return card".  
15 26. Page 22, line 4, by striking the word "form"  
16 and inserting the following: "card".  
17 27. Page 22, line 15, by striking the words  
18 "changed residence" and inserting the following:  
19 "moved".  
20 28. Page 23, line 12, by striking the word "an"  
21 and inserting the following: "the primary or general  
22 election and at least eleven days before any other".  
23 29. Page 24, line 12, by inserting after the word  
24 "court" the following: ", or the United States  
25 attorney,".  
26 30. Page 24, line 15, by inserting after the word  
27 "law." the following: "The clerk of district court  
28 shall send notice of a felony conviction to the state  
29 registrar of voters. The registrar shall determine in  
30 which county the felon is registered to vote, if any,  
31 and shall notify the county commissioner of  
32 registration for that county of the felony  
33 conviction."  
34 31. Page 24, line 20, by striking the figure  
35 "48A.28" and inserting the following: "48A.29".  
36 32. Page 25, by striking lines 23 and 24 and  
37 inserting the following: "shall be kept by the voter  
38 registration agency for twenty-two months after the  
39 next general election after which time the agency may  
40 destroy the records."  
41 33. Page 26, line 9, by striking the figure  
42 "48A.31" and inserting the following: "48A.32".  
43 34. Page 26, line 19, by striking the word  
44 "either".  
45 35. Page 29, by striking lines 28 through 34, and  
46 inserting the following:  
47 "d. Files a challenge under section 48A.14 which  
48 the challenger knows contains false information  
49 pertaining to the reasons the registration is being  
50 challenged.

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1 e. Willfully or knowingly intimidates or  
 2 threatens, or attempts to intimidate or threaten, any  
 3 person for registering to vote or attempting to  
 4 register to vote, or intimidates, threatens, or  
 5 coerces, or attempts to intimidate, threaten, or  
 6 coerce any person to register to vote or to attempt to  
 7 register to vote."

8 36. Page 30, by striking lines 4 through 10.

9 37. By striking page 30, line 32 through page 31,  
 10 line 1.

11 38. Page 35, by striking lines 3 through 9 and  
 12 inserting the following: "registration. ~~If the~~  
 13 ~~challenged-voter's-registration-was-canceled-in-the~~  
 14 ~~same-county-where-the-person-attempted-to-vote-because~~  
 15 ~~first-class-mail-other-than-the-registration-receipt~~  
 16 ~~mailed-pursuant-to-section-48-3-was-returned-by-the~~  
 17 ~~postal-service-during-the-four-years-preceding-the~~  
 18 ~~election-in-progress,-the-person's-ballot-shall-be~~  
 19 ~~accepted-for-counting-and-the-electors-registration~~  
 20 ~~shall-be-reinstated."~~

21 39. By renumbering and correcting internal  
 22 references as necessary.

By COMMITTEE ON STATE GOVERNMENT  
 CARPENTER of Polk, Chairperson

H-5718 FILED MARCH 28, 1994

*adopted 4-15-94*  
*(P. 1746)*

## SENATE FILE 2223

H-6000

1 Amend the amendment, H-5718, to Senate File 2223,  
 2 as passed by the Senate, as follows:  
 3 1. Page 3, line 7, by striking the words "after  
 4 line 24" and inserting the following: "before line  
 5 25".

By HANSON of Delaware

H-6000 FILED APRIL 6, 1994

*adopted 4-15-94*  
*(P. 1748)*

## SENATE FILE 2223

H-6013

1 Amend the amendment, H-5718, to Senate File 2223,  
 2 as passed by the Senate, as follows:  
 3 1. Page 1, line 8, by inserting after the word  
 4 "transportation" the following: "and offices of the  
 5 job service division of the department of employment  
 6 services".

By SPENNER of Henry

H-6013 FILED APRIL 6, 1994

*lost 4/15/94 (P. 1747)*

## SENATE FILE 2223

H-6133

1 Amend the amendment, H-5718, to Senate File 2223,  
2 as passed by the Senate, as follows:

3 1. Page 2, by inserting after line 40, the  
4 following:

5 "\_\_\_\_. Page 5, line 10, by striking the word  
6 "Registration" and inserting the following: "Except  
7 as otherwise provided in section 48A.9A,  
8 registration".

9 \_\_\_\_\_. Page 5, by inserting after line 34 the  
10 following:

11 "Sec. \_\_\_\_\_. NEW SECTION. 48A.9A ELECTION DAY  
12 REGISTRATION.

13 1. An eligible elector may register to vote and  
14 vote on the day of the election by appearing in person  
15 at the polling place for the precinct in which the  
16 eligible elector resides, by completing a voter  
17 registration form, making an oath in the form  
18 prescribed by the secretary of state, and providing  
19 proof of residence. An eligible elector may prove  
20 residence for purposes of voter registration by  
21 meeting one of the following requirements:

22 a. Showing a driver's license or nonoperator's  
23 identification card issued pursuant to section 321.189  
24 or 321.190, respectively.

25 b. Showing any document approved as proper  
26 identification by the secretary of state by rule.

27 c. Showing one of the following:

28 (1) A current valid student identification card  
29 from a postsecondary school in Iowa if a list of  
30 students from that school has been prepared under  
31 section 48A.23 and certified to the county  
32 commissioner in the manner prescribed by the secretary  
33 of state by rule.

34 (2) A current student fee statement that contains  
35 the student's valid address in the precinct together  
36 with a picture identification card.

37 d. Having a registered voter who resides in the  
38 precinct sign an oath in the presence of the election  
39 official vouching that the voter personally knows that  
40 the eligible elector is a resident of the precinct. A  
41 voter who has been vouched for on election day shall  
42 not sign a proof of residence oath vouching for any  
43 other eligible elector on that election day.

44 2. Registration at the polling place on election  
45 day shall be conducted by the election official. The  
46 election official who registers an individual at the  
47 polling place on election day shall not handle that  
48 voter's ballot at any time before the opening of the  
49 ballot box after the voting ends. Registration forms  
50 and oath forms shall be available at each polling

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1 place. If an eligible elector who registers to vote  
2 on election day proves residence by oath of a  
3 registered voter, the form containing the oath shall  
4 be attached to the elector's voter registration form  
5 until the elector's address is verified by the county  
6 commissioner. The election official responsible for  
7 election day registration shall initial each completed  
8 voter registration form.

9 Voter registration forms completed on election day  
10 shall be forwarded to the county commissioner who  
11 shall add the name of each voter to the registration  
12 list unless the information forwarded is inadequate  
13 for the commissioner to make a determination that the  
14 elector is qualified to vote. In such case, the  
15 commissioner shall send an acknowledgement to the  
16 eligible elector pursuant to section 48A.26,  
17 subsection 3. A voter registration form completed on  
18 election day shall not be found inadequate solely  
19 because the registered voter who provided proof of  
20 residence was ineligible to do so.

21 3. The commissioner shall provide each precinct  
22 with an accurate precinct map to assist the election  
23 official in determining whether an address is located  
24 in that precinct.

25 4. The election official responsible for election  
26 day registration shall keep a record of the number of  
27 persons who attempt to register to vote on election  
28 day but who cannot provide proof of residence as  
29 required by this section. The record shall be  
30 forwarded to the county commissioner with the election  
31 returns for that precinct."

32 \_\_\_\_\_. Page 6, line 2, by inserting after the word  
33 "form" the following: ", and proof of identification  
34 if the registered voter submits the voter registration  
35 form at the polling place on the day of the  
36 election,".

37 \_\_\_\_\_. Page 6, by striking line 3 and inserting the  
38 following: "commissioner in order to vote in that  
39 county.""

40 2. Page 3, by inserting after line 26 the  
41 following:

42 "\_\_\_\_\_. Page 15, by inserting before line 13 the  
43 following:

44 "3. Postsecondary schools that enroll students  
45 accepting state or federal financial aid may provide  
46 each full-time student a student identification card  
47 that contains the enrolling student's photograph and  
48 name. Postsecondary schools that enroll students  
49 accepting state or federal financial aid may prepare a  
50 list of students currently enrolled in the school and

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1 residing in the school's housing or within ten miles  
2 of the school's campus. The list shall include each  
3 student's current address. The list shall be  
4 certified and sent to the appropriate county  
5 commissioner for use in election day registration as  
6 provided in section 48A.9A.""  
7 3. By renumbering and correcting internal  
8 references as necessary.

By BEATTY of Warren

H-6133 FILED APRIL 12, 1994

WITHDRAWN  
4-15-94

## SENATE FILE 2223

H-6156

1 Amend the amendment, H-5718, to Senate File 2223,  
2 as passed by the Senate as follows:  
3 1. Page 3, by striking lines 3 through 6.  
4 2. By renumbering as necessary.

By HALVORSON of Webster

H-6156 FILED APRIL 13, 1994

*Lost 4-15-94**(P. 1748)*

## SENATE FILE 2223

H-6173

1 Amend Senate File 2223, as passed by the Senate, as  
2 follows:

3 1. Page 5, line 10, by striking the word  
4 "Registration" and inserting the following: "Except  
5 as otherwise provided in section 48A.9A,  
6 registration".

7 2. Page 5, by inserting after line 34 the  
8 following:

9 "Sec.     . NEW SECTION. 48A.9A ELECTION DAY  
10 REGISTRATION.

11 1. An eligible elector may register to vote and  
12 vote on the day of the election by appearing in person  
13 at the polling place for the precinct in which the  
14 eligible elector resides, by completing a voter  
15 registration form, making an oath in the form  
16 prescribed by the secretary of state, and providing  
17 proof of residence. An eligible elector may prove  
18 residence for purposes of voter registration by  
19 meeting one of the following requirements:

20 a. Showing a driver's license or nonoperator's  
21 identification card issued pursuant to section 321.189  
22 or 321.190, respectively.

23 b. Showing any document approved as proper  
24 identification by the secretary of state by rule.

25 c. Showing one of the following:

26 (1) A current valid student identification card  
27 from a postsecondary school in Iowa if a list of  
28 students from that school has been prepared under  
29 section 48A.23 and certified to the county  
30 commissioner in the manner prescribed by the secretary  
31 of state by rule.

32 (2) A current student fee statement that contains  
33 the student's valid address in the precinct together  
34 with a picture identification card.

35 d. Having a registered voter who resides in the  
36 precinct sign an oath in the presence of the election  
37 official vouching that the voter personally knows that  
38 the eligible elector is a resident of the precinct. A  
39 voter who has been vouched for on election day shall  
40 not sign a proof of residence oath vouching for any  
41 other eligible elector on that election day.

42 2. Registration at the polling place on election  
43 day shall be conducted by the election official. The  
44 election official who registers an individual at the  
45 polling place on election day shall not handle that  
46 voter's ballot at any time before the opening of the  
47 ballot box after the voting ends. Registration forms  
48 and oath forms shall be available at each polling  
49 place. If an eligible elector who registers to vote  
50 on election day proves residence by oath of a

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1 registered voter, the form containing the oath shall  
2 be attached to the elector's voter registration form  
3 until the elector's address is verified by the county  
4 commissioner. The election official responsible for  
5 election day registration shall initial each completed  
6 voter registration form.

7 Voter registration forms completed on election day  
8 shall be forwarded to the county commissioner who  
9 shall add the name of each voter to the registration  
10 list unless the information forwarded is inadequate  
11 for the commissioner to make a determination that the  
12 elector is qualified to vote. In such case, the  
13 commissioner shall send an acknowledgement to the  
14 eligible elector pursuant to section 48A.26,  
15 subsection 3. A voter registration form completed on  
16 election day shall not be found inadequate solely  
17 because the registered voter who provided proof of  
18 residence was ineligible to do so.

19 3. The commissioner shall provide each precinct  
20 with an accurate precinct map to assist the election  
21 official in determining whether an address is located  
22 in that precinct.

23 4. The election official responsible for election  
24 day registration shall keep a record of the number of  
25 persons who attempt to register to vote on election  
26 day but who cannot provide proof of residence as  
27 required by this section. The record shall be  
28 forwarded to the county commissioner with the election  
29 returns for that precinct."

30 3. Page 6, line 2, by inserting after the word  
31 "form" the following: ", and proof of identification  
32 if the registered voter submits the voter registration  
33 form at the polling place on the day of the  
34 election,".

35 4. Page 6, by striking line 3 and inserting the  
36 following: "commissioner in order to vote in that  
37 county."

38 5. Page 15, by inserting before line 13 the  
39 following:

40 "3. Postsecondary schools that enroll students  
41 accepting state or federal financial aid may provide  
42 each full-time student a student identification card  
43 that contains the enrolling student's photograph and  
44 name. Postsecondary schools that enroll students  
45 accepting state or federal financial aid may prepare a  
46 list of students currently enrolled in the school and  
47 residing in the school's housing or within ten miles  
48 of the school's campus. The list shall include each  
49 student's current address. The list shall be  
50 certified and sent to the appropriate county

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1 commissioner for use in election day registration as  
2 provided in section 48A.9A."  
3 6. By renumbering and correcting internal  
4 references as necessary.

By BEATTY of Warren

H-6173 FILED APRIL 14, 1994

WITHDRAWN

4-15-94

(P. 1744)

SENATE FILE 2223

H-6234

1 Amend the amendment, H-5718, to Senate File 2223,  
2 as passed by the Senate, as follows:  
3 1. Page 3, by inserting after line 39 the  
4 following:  
5 "This section shall not apply to state statutory  
6 political committees, as defined in section 43.111."

By CHURCHILL of Polk

H-6234 FILED APRIL 15, 1994

*Adopted 4-15-94 (P. 1749)*

## SENATE FILE 2223

H-6208

1 Amend the amendment, H-5718, to Senate File 2223,  
2 as passed by the Senate, as follows:

3 1. By striking page 1, line 18 through page 2,  
4 line 38, and inserting the following:

5 "1. The residence of a person is in the precinct  
6 where the person's home or dwelling is located.

7 2. A residence for purposes of this chapter cannot  
8 be established in a commercial or industrial building  
9 that is not normally used for residential purposes  
10 unless the building is used as a primary nighttime  
11 residence.

12 3. A person does not lose residence if the person  
13 leaves the person's home to reside temporarily in  
14 another state or precinct.

15 4. If a person goes to another state or precinct  
16 and files an affidavit of residence in that state or  
17 precinct for election purposes, the person loses  
18 residence in the former state or precinct, unless the  
19 person moved to the other state after that state's  
20 deadline for registering to vote in a particular  
21 election.

22 5. A student who resides at or near the school the  
23 student attends, but who is also able to claim a  
24 residence at another location under the provisions of  
25 this section, may choose either location as the  
26 student's residence for voter registration and voting  
27 purposes.

28 6. If an active member of the United States armed  
29 forces, as defined by section 53.37, has previously  
30 resided at a location that meets the requirements of  
31 this section, that person may claim either that  
32 previous residence or the person's current residence  
33 as the person's residence for voter registration and  
34 voting purposes.

35 7. Notwithstanding subsections 1 through 6, the  
36 residence of a homeless person is in the precinct  
37 where the homeless person usually sleeps. Residence  
38 requirements shall be construed liberally to provide  
39 homeless persons with the opportunity to register to  
40 vote and to vote.

41 8. A person's declaration of residency for voter  
42 registration and voting purposes is presumed to be  
43 valid unless a preponderance of evidence indicates  
44 that another location should be considered the  
45 person's voting residence under the provisions of this  
46 chapter."

By HANSON of Delaware  
BEATTY of Warren  
HALVORSON of Webster

KISTLER of Jefferson  
MARTIN of Scott

H-6208 FILED APRIL 14, 1994

*adopted 4-15-94  
(p. 1748)*

HOUSE AMENDMENT TO  
SENATE FILE 2223

S-5675

1 Amend Senate File 2223, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 29 the follow-  
4 ing:

5 "4. "Voter registration agency" means an agency  
6 designated to conduct voter registration under section  
7 48A.19. Offices of the driver services division of  
8 the state department of transportation are not voter  
9 registration agencies."

10 2. Page 1, line 30, by striking the figure "4"  
11 and inserting the following: "5".

12 3. Page 4, by inserting after line 16 the  
13 following:

14 "Sec. \_\_\_\_ . NEW SECTION. 48A.5A DETERMINATION OF  
15 RESIDENCE.

16 Residence shall be determined in accordance with  
17 the following principles:

18 1. The residence of a person is in the precinct  
19 where the person's home or dwelling is located.

20 2. A residence for purposes of this chapter cannot  
21 be established in a commercial or industrial building  
22 that is not normally used for residential purposes  
23 unless the building is used as a primary nighttime  
24 residence.

25 3. A person does not lose residence if the person  
26 leaves the person's home to reside temporarily in  
27 another state or precinct.

28 4. If a person goes to another state or precinct  
29 and files an affidavit of residence in that state or  
30 precinct for election purposes, the person loses  
31 residence in the former state or precinct, unless the  
32 person moved to the other state after that state's  
33 deadline for registering to vote in a particular  
34 election.

35 5. A student who resides at or near the school the  
36 student attends, but who is also able to claim a  
37 residence at another location under the provisions of  
38 this section, may choose either location as the  
39 student's residence for voter registration and voting  
40 purposes.

41 6. If an active member of the United States armed  
42 forces, as defined by section 53.37, has previously  
43 resided at a location that meets the requirements of  
44 this section, that person may claim either that  
45 previous residence or the person's current residence  
46 as the person's residence for voter registration and  
47 voting purposes.

48 7. Notwithstanding subsections 1 through 6, the  
49 residence of a homeless person is in the precinct  
50 where the homeless person usually sleeps. Residence

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1 requirements shall be construed liberally to provide  
2 homeless persons with the opportunity to register to  
3 vote and to vote.

4 8. A person's declaration of residency for voter  
5 registration and voting purposes is presumed to be  
6 valid unless a preponderance of evidence indicates  
7 that another location should be considered the  
8 person's voting residence under the provisions of this  
9 chapter.

10 4. Page 4, line 34, by striking the word  
11 "drivers'" and inserting the following: "driver's".

12 5. Page 7, line 20, by inserting after the word  
13 "and" the following: "the information".

14 6. Page 9, line 13, by striking the figure  
15 "48A.8" and inserting the following: "48A.16".

16 7. Page 11, line 2, by striking the word  
17 "DRIVERS'" and inserting the following: "DRIVER'S".

18 8. Page 12, line 2, by striking the words "state  
19 funded" and inserting the following: "state-funded".

20 9. Page 12, line 10, by inserting after the word  
21 "rights" the following: "or its successor agency".

22 10. Page 12, line 12, by inserting after the word  
23 "rights" the following: "or its successor agency".

24 11. Page 12, by striking lines 13 and 14.

25 12. Page 12, by striking lines 21 through 24 and  
26 inserting the following: "the United States armed  
27 forces recruiting offices."

28 13. Page 12, by inserting after line 24 the  
29 following:

30 "\_\_\_\_. Agencies designated to provide voter  
31 registration services shall provide the following  
32 services:

33 a. Distribution of a voter registration form  
34 either on paper or electronic medium.

35 b. Assistance to registrants in completing voter  
36 registration forms, unless the registrant refuses  
37 assistance.

38 c. Acceptance of completed voter registration  
39 forms for transmittal as required in section 48A.21."

40 14. Page 14, line 2, by striking the word  
41 "application".

42 15. Page 14, line 19, by striking the word  
43 "DRIVERS'" and inserting the following: "DRIVER'S".

44 16. Page 14, line 23, by striking the word  
45 "drivers'" and inserting the following: "driver's".

46 17. Page 14, line 25, by striking the word  
47 "drivers'" and inserting the following: "driver's".

48 18. Page 15, by inserting after line 19 the  
49 following:

50 "Sec. \_\_\_\_ . NEW SECTION. 48A.25 COMPENSATION FOR

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1 ASSISTANCE IN COMPLETING REGISTRATION FORMS.  
2 A person may pay, offer to pay, or accept  
3 compensation for assisting others in completing voter  
4 registration forms only if the compensation is based  
5 solely on the time spent providing the assistance.  
6 Paying, offering to pay, or receiving compensation  
7 based on the number of registration forms completed,  
8 or the party affiliations shown on completed  
9 registration forms, or on any other performance  
10 criteria, is a serious misdemeanor.

11 This section shall not apply to state statutory  
12 political committees, as defined in section 43.111.

13 This section shall not apply to state and political  
14 subdivision employees who are required to offer  
15 assistance to clients as a part of their regular job  
16 duties, and who shall not be granted additional  
17 compensation for voter registration activities. A  
18 person assisting another in completing a voter  
19 registration form shall not complete any portion of  
20 the form without the knowledge or consent of the  
21 registrant."

22 19. Page 16, line 12, by striking the figure  
23 "48A.27," and inserting the following: "48A.29,".

24 20. Page 17, line 4, by striking the word  
25 "drivers'" and inserting the following: "driver's".

26 21. Page 17, line 16, by striking the word  
27 "notice" and inserting the following: "form".

28 22. Page 19, line 9, by striking the word "form"  
29 and inserting the following: "card".

30 23. Page 19, by striking lines 34 and 35 and  
31 inserting the following: "the notice required by  
32 paragraph "c" shall include a statement that  
33 registration in".

34 24. Page 21, line 9, by striking the word  
35 "section" and inserting the following: "subsection".

36 25. Page 21, line 32, by inserting after the word  
37 "notice" the following: "and return card".

38 26. Page 22, line 4, by striking the word "form"  
39 and inserting the following: "card".

40 27. Page 22, line 15, by striking the words  
41 "changed residence" and inserting the following:  
42 "moved".

43 28. Page 23, line 12, by striking the word "an"  
44 and inserting the following: "the primary or general  
45 election and at least eleven days before any other".

46 29. Page 24, line 12, by inserting after the word  
47 "court" the following: ", or the United States  
48 attorney,".

49 30. Page 24, line 15, by inserting after the word  
50 "law." the following: "The clerk of district court

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-3-

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Page 4

1 shall send notice of a felony conviction to the state  
2 registrar of voters. The registrar shall determine in  
3 which county the felon is registered to vote, if any,  
4 and shall notify the county commissioner of  
5 registration for that county of the felony  
6 conviction."

7 31. Page 24, line 20, by striking the figure  
8 "48A.28" and inserting the following: "48A.29".

9 32. Page 25, by striking lines 23 and 24 and  
10 inserting the following: "shall be kept by the voter  
11 registration agency for twenty-two months after the  
12 next general election after which time the agency may  
13 destroy the records."

14 33. Page 26, line 9, by striking the figure  
15 "48A.31" and inserting the following: "48A.32".

16 34. Page 26, line 19, by striking the word  
17 "either".

18 35. Page 29, by striking lines 28 through 34, and  
19 inserting the following:

20 "d. Files a challenge under section 48A.14 which  
21 the challenger knows contains false information  
22 pertaining to the reasons the registration is being  
23 challenged.

24 e. Willfully or knowingly intimidates or  
25 threatens, or attempts to intimidate or threaten, any  
26 person for registering to vote or attempting to  
27 register to vote, or intimidates, threatens, or  
28 coerces, or attempts to intimidate, threaten, or  
29 coerce any person to register to vote or to attempt to  
30 register to vote."

31 36. Page 30, by striking lines 4 through 10.

32 37. By striking page 30, line 32 through page 31,  
33 line 1.

34 38. Page 35, by striking lines 3 through 9 and  
35 inserting the following: "registration. If the  
36 challenged-voter's-registration-was-canceled-in-the  
37 same-county-where-the-person-attempted-to-vote-because  
38 first-class-mail-other-than-the-registration-receipt  
39 mailed-pursuant-to-section-48-3-was-returned-by-the  
40 postal-service-during-the-four-years-preceding-the  
41 election-in-progress, the person's ballot shall be  
42 accepted-for-counting-and-the-electors-registration  
43 shall-be-reinstated."

44 39. By renumbering and correcting internal  
45 references as necessary.

RECEIVED FROM THE HOUSE

S-5675 FILED APRIL 15, 1994

*Senate concurred 4/18/94 (p. 1531)*

SENATE FILE 2223

S-5720

1 Amend the House amendment, S-5675, to Senate File  
2 2223, as passed by the Senate as follows:

3 1. Page 1, line 8, by inserting after the word  
4 "transportation" the following: "and offices of the  
5 job service division of the department of employment  
6 services".

By WILMER RENSINK

S-5720 FILED APRIL 18, 1994

LOST (p. 1231)

Gronstal - Chair  
Kibbie  
Drake  
Rittner  
Sorensen

SSB-2175  
State Government

SENATE/HOUSE FILE 2223  
BY (PROPOSED SECRETARY OF  
STATE BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to voter registration, implementing the federal  
2 National Voter Registration Act, and providing penalties and  
3 an effective date.

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

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SUBCHAPTER I

GENERAL PROVISIONS

Section 1. NEW SECTION. 48A.1 STATEMENT OF INTENT.

It is the intent of the general assembly to facilitate the registration of eligible residents of this state through the widespread availability of voter registration services. This chapter and other statutes relating to voter registration are to be liberally construed toward this end.

Sec. 2. NEW SECTION. 48A.2 DEFINITIONS.

The definitions established by this section and section 39.3 shall apply wherever the terms so defined appear in this chapter, unless the context in which any such term is used clearly requires otherwise.

1. "Commissioner of registration" means the county commissioner of elections as defined in section 47.2.

2. "Homeless person" means a person who lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is one of the following:

a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations.

b. An institution that provides a temporary residence for persons intended to be institutionalized.

c. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

3. "Mentally incompetent person" means a person who has been legally determined to be severely or profoundly mentally retarded, or has been found incompetent in a proceeding held pursuant to section 229.27.

4. "Voter registration form" means an application to register to vote which must be completed by any person registering to vote.

Sec. 3. NEW SECTION. 48A.3 COMMISSIONER OF REGISTRATION.

The county commissioner of elections is designated the commissioner of registration for the county, and may appoint

1 deputies and assistants, subject to the approval of the county  
2 board of supervisors, necessary to carry out the  
3 commissioner's responsibilities under this chapter and under  
4 rules of the state voter registration commission and the state  
5 registrar of voters.

6 Sec. 4. NEW SECTION. 48A.4 QUALIFICATION OF OFFICERS.

7 Before undertaking any voter registration duties, each  
8 voter registration officer, deputy, or assistant in whatever  
9 capacity, or clerk in the office of commissioner shall take an  
10 oath in the form prescribed by the state commissioner of  
11 elections.

12 SUBCHAPTER II

13 QUALIFICATIONS TO REGISTER TO VOTE

14 Sec. 5. NEW SECTION. 48A.5 VOTER QUALIFICATIONS.

15 1. An eligible elector wishing to vote in elections in  
16 Iowa shall register to vote as required by this chapter.

17 2. To be qualified to register to vote an eligible elector  
18 shall:

19 a. Be a citizen of the United States.

20 b. Be an Iowa resident. A person's residence, for voting  
21 purposes only, is the place which the person declares is the  
22 person's home with the intent to remain there permanently or  
23 for a definite, or indefinite or indeterminable length of  
24 time. A person who is homeless or has no established  
25 residence may declare residence in a precinct by describing on  
26 the voter registration form a place to which the person often  
27 returns.

28 c. Be at least eighteen years of age. Completed  
29 registration forms shall be accepted from registrants who are  
30 at least seventeen and a half years of age, however, the  
31 registration shall not be effective until the registrant  
32 reaches the age of eighteen.

33 d. Not claim the right to vote in more than one place. A  
34 registrant shall be presumed to revoke any earlier claim of  
35 residence for voter registration purposes.

1 3. If a person who meets the requirements set forth in  
2 subsection 2 moves to a new residence, either in Iowa or  
3 outside Iowa, and does not meet the voter requirements at the  
4 person's new residence, the person may vote at the person's  
5 former precinct in Iowa until the person meets the voter  
6 requirements of the person's new residence. However, a person  
7 who has moved to a new residence and fails to register to vote  
8 at the person's new residence after becoming eligible to do so  
9 shall not be entitled to vote at the person's former precinct  
10 in Iowa.

11 4. A citizen of the United States who lives outside of the  
12 United States has the right to register and vote as if the  
13 person were a resident of a precinct in Iowa if the citizen  
14 was an eligible elector of Iowa immediately before leaving the  
15 United States. A citizen who was not old enough to register  
16 to vote before leaving the United States but who met all of  
17 the other requirements for voter registration at that time  
18 also has the right to register and vote as if the person were  
19 a resident of a precinct in Iowa. This right applies even  
20 though while living outside the United States the citizen does  
21 not have a residence or other address in the precinct, and the  
22 citizen has not determined whether to return to Iowa. To  
23 qualify to vote in Iowa a United States citizen living outside  
24 the United States shall:

25 a. Comply with all applicable requirements of sections  
26 53.37 to 53.53 relating to absentee ballots for members of the  
27 armed forces and other citizens living outside the United  
28 States.

29 b. Not maintain a residence, shall not be registered to  
30 vote, and shall not vote in any other state, territory, or  
31 possession of the United States.

32 c. Possess a valid passport or identity card and  
33 registration issued under authority of the United States  
34 secretary of state, or, if the citizen does not possess a  
35 valid passport or card of identity or registration, an

1 alternative form of identification consistent with the  
2 provisions of applicable federal and state requirements.

3 5. If a United States citizen living outside the United  
4 States meets the requirements for voting, except for  
5 residence, has never lived in the United States, and has a  
6 parent who meets the definition of a member of the armed  
7 forces of the United States under section 53.37, the citizen  
8 is eligible to register to vote and vote at the same voting  
9 residence claimed by the citizen's parent.

10 6. The deadlines for voter registration shall not apply to  
11 a person who has been discharged from military service within  
12 thirty days preceding the date of an election. The person  
13 shall present to the precinct election official a copy of the  
14 person's discharge papers. The person shall complete a voter  
15 registration form and give it to the official before being  
16 permitted to vote.

17 Sec. 6. NEW SECTION. 48A.6 DISQUALIFIED ELECTORS.

18 The following persons are disqualified from registering to  
19 vote and from voting:

20 1. A person who has been convicted of a felony as defined  
21 in section 701.7, or convicted of an offense classified as a  
22 felony under federal law. If the person's rights are later  
23 restored by the governor, or by the president of the United  
24 States, the person may register to vote.

25 2. A person who has been legally determined to be mentally  
26 incompetent. Certification by the clerk of the district court  
27 that any such person has been found no longer incompetent by a  
28 court shall qualify such person to again be an elector,  
29 subject to the other provisions of this chapter.

30 Sec. 7. NEW SECTION. 48A.7 REGISTRATION IN PERSON.

31 An eligible elector may register to vote by appearing  
32 personally and completing a voter registration form at the  
33 office of the commissioner in the county in which the person  
34 resides, at a motor vehicle drivers' license station, or at  
35 any voter registration agency. A separate registration form

1 shall be signed by each individual registrant.

2 Sec. 8. NEW SECTION. 48A.8 REGISTRATION BY MAIL.

3 An eligible elector may register to vote by completing a  
4 mail registration form. The form may be mailed or delivered  
5 by the registrant or the registrant's designee to the  
6 commissioner in the county where the person resides. A  
7 separate registration form shall be signed by each individual  
8 registrant.

9 Sec. 9. NEW SECTION. 48A.9 VOTER REGISTRATION DEADLINES.

10 1. Registration closes at five p.m. eleven days before  
11 each election except primary and general elections. For  
12 primary and general elections, registration closes at five  
13 p.m. ten days before the election. An eligible elector may  
14 register during the time registration is closed in the  
15 elector's precinct but the registration shall not become  
16 effective until registration opens again in the elector's  
17 precinct.

18 2. The commissioner's office shall be open from eight a.m.  
19 until at least five p.m. on the day registration closes before  
20 each regularly scheduled election.

21 3. A registration form submitted by mail shall be  
22 considered on time if it is postmarked no later than the  
23 fifteenth day before the election, even if it is received by  
24 the commissioner after the deadline, or if the registration  
25 form is received by the commissioner no later than five p.m.  
26 on the last day to register to vote for an election, even if  
27 it is postmarked after the fifteenth day before the election.

28 4. Registration forms submitted to voter registration  
29 agencies or to motor vehicle driver's license stations shall  
30 be considered on time if they are received no later than five  
31 p.m. on the day registration closes for that election.  
32 Offices or agencies other than the county commissioner's  
33 office are not required to be open for voter registration  
34 purposes at times other than their usual office hours.

35 Sec. 10. NEW SECTION. 48A.10 REGISTRATION REQUIRED.

1 If a registered voter moves to a different county, the  
2 person shall submit a completed voter registration form to the  
3 commissioner in order to be qualified to vote in that county.  
4 An otherwise eligible elector whose right to vote has been  
5 restored pursuant to chapter 914 or who has been found not to  
6 be mentally incompetent may register to vote.

7 SUBCHAPTER III

8 FORMS AND PROCEDURES FOR VOTER REGISTRATION

9 Sec. 11. NEW SECTION. 48A.11 VOTER REGISTRATION FORM.

10 1. Each voter registration form shall provide space for  
11 the registrant to provide the following information:

- 12 a. The county where the registrant resides.
- 13 b. The registrant's name.
- 14 c. The address at which the registrant resides and claims  
15 as the registrant's residence for voting purposes.
- 16 d. The registrant's mailing address if it is different  
17 from the residence address.
- 18 e. Social security number of the registrant (optional to  
19 provide).
- 20 f. Date of birth.
- 21 g. Sex.
- 22 h. Residential telephone number (optional to provide).
- 23 i. Political party registration.
- 24 j. The name and address appearing on the registrant's  
25 previous voter registration.
- 26 k. A space for a rural resident to provide township and  
27 section number, and such additional information as may be  
28 necessary to describe the location of the rural resident's  
29 home.
- 30 l. A space for a registrant who is homeless or who has no  
31 established residence to provide such information as may be  
32 necessary to describe a place to which the person often  
33 returns.

34 m. A statement that lists each eligibility requirement,  
35 contains an attestation that the registrant meets all of the

1 requirements, and requires the signature of the registrant  
2 under penalty of perjury.

3 n. A space for the registrant's signature and the date  
4 signed.

5 2. The voter registration form shall include, in print  
6 that is identical to the attestation portion of the form, the  
7 following:

8 a. Each voter eligibility requirement.

9 b. The penalty provided by law for submission of a false  
10 voter registration form, which shall be the penalty for  
11 perjury as provided by section 902.9, subsection 4.

12 3. Voter registration forms used by voter registration  
13 agencies under section 48A.19 shall include the following  
14 statements:

15 a. If a person declines to register to vote, the fact that  
16 the person has declined to register will remain confidential  
17 and will be used only for voter registration purposes.

18 b. If a person does register to vote, the office at which  
19 the registrant submits a voter registration form will remain  
20 confidential and will be used only for voter registration  
21 purposes.

22 4. Voter registration forms may be on paper or electronic  
23 media.

24 5. All forms for voter registration shall be prescribed by  
25 rule adopted by the state voter registration commission.

26 Sec. 12. NEW SECTION. 48A.12 FEDERAL MAIL VOTER  
27 REGISTRATION FORM.

28 The mail voter registration form prescribed by the federal  
29 election commission shall be accepted for voter registration  
30 in Iowa if all required information is provided, if it is  
31 signed by the registrant, and if the form is timely received.

32 The state commissioner of elections shall make the federal  
33 mail voter registration forms available for distribution to  
34 governmental and private entities, with particular emphasis on  
35 making them available to organized voter registration entities

1 and programs.

2 Sec. 13. NEW SECTION. 48A.13 ELECTRONIC SIGNATURES ON  
3 VOTER REGISTRATION RECORDS.

4 Electronic signatures shall be accepted. However, before  
5 the use of electronic signatures is accepted on voter  
6 registration forms, the state voter registration commission  
7 shall prescribe by rule the technological requirements for  
8 guaranteeing the security and integrity of electronic  
9 signatures.

10 Sec. 14. NEW SECTION. 48A.14 CHALLENGES OF VOTER  
11 REGISTRATIONS.

12 1. The registration of a registered voter may be  
13 challenged by another registered voter of the same county  
14 subject to the conditions and limitations of this section. A  
15 challenge shall be a statement in writing to the commissioner  
16 alleging one or more of the following reasons the challenged  
17 registrant's registration should not have been accepted or  
18 should be canceled:

19 a. The challenged registrant is not a citizen of the  
20 United States.

21 b. The challenged registrant is less than seventeen and  
22 one-half years of age.

23 c. The challenged registrant is not a resident at the  
24 address where the registrant is registered.

25 d. The challenged registrant has falsified information on  
26 the registrant's registration form.

27 e. The challenged registrant has been convicted of a  
28 felony, and the registrant's voting rights have not been  
29 restored.

30 f. The challenged registrant has been adjudged mentally  
31 incompetent by a court of law and no subsequent proceeding has  
32 reversed that finding.

33 2. A challenge shall not contain allegations against more  
34 than one registered voter.

35 3. A challenge shall contain a statement signed by the

1 challenger in substantially the following form: "I swear or  
2 affirm that information contained on this challenge is true.  
3 I understand that knowingly filing a challenge containing  
4 false information is a serious misdemeanor."

5 4. A challenge may be filed at any time. A challenge  
6 filed less than seventy days before a regularly scheduled  
7 election shall not be processed until after the pending  
8 election unless the challenge is filed within twenty days of  
9 the commissioner's receipt of the challenged registrant's  
10 registration form or notice of change to an existing  
11 registration.

12 5. A challenger may withdraw a challenge at any time  
13 before the hearing held pursuant to section 48A.8 by notifying  
14 the commissioner in writing of the withdrawal.

15 Sec. 15. NEW SECTION. 48A.15 COMMISSIONER'S ACTION UPON  
16 RECEIPT OF CHALLENGE OR WITHDRAWAL.

17 1. A challenge is valid if it meets the criteria in  
18 section 48A.14, subsections 1, 2, and 3.

19 2. Upon receipt of a challenge which is not valid, the  
20 commissioner shall notify the challenger of the reason the  
21 challenge is not valid, and shall take no further action  
22 regarding the challenge.

23 3. Upon receipt of a valid challenge, the commissioner  
24 shall, within five working days, notify the challenged  
25 registrant and the challenger of the date, time, and place of  
26 a hearing on the matter of the challenge, to be held not less  
27 than twenty nor more than thirty days from the commissioner's  
28 receipt of the challenge. The notice of a hearing shall  
29 include a copy of the challenge, and shall advise the  
30 challenged registrant that the registrant may personally  
31 appear at the hearing, or may submit to the commissioner  
32 before the hearing evidence, documentation, or statements  
33 refuting the challenge.

34 4. The notice prescribed by subsection 3 shall be sent by  
35 first class forwardable mail to the challenged registrant at

1 the registrant's most recent mailing address according to the  
2 registration records.

3 5. If the challenge is withdrawn, the commissioner shall  
4 immediately notify the challenged registrant of the  
5 withdrawal, and shall cancel the scheduled hearing.

6 6. If the challenged registrant notifies the commissioner  
7 that the challenged registrant wishes to appear in person but  
8 is unable to do so on the date scheduled, the commissioner may  
9 reschedule the hearing.

10 Sec. 16. NEW SECTION. 48A.16 HEARING ON CHALLENGE.

11 1. At the time and place fixed for the hearing, the  
12 commissioner shall accept evidence on the challenge from the  
13 challenger and the challenged registrant, or from any person  
14 appearing on behalf of either, and review any documents or  
15 statements pertaining to the challenge received before the  
16 hearing. On the basis of the evidence submitted, the  
17 commissioner shall either reject the challenge or cancel the  
18 registration of the challenged registrant. Either the  
19 challenged registrant or the challenger may appeal the  
20 commissioner's decision to the district court in the  
21 commissioner's county, and the decision of the court shall be  
22 final.

23 2. If a challenged registrant does not personally appear  
24 at the hearing and the challenged registrant's registration is  
25 canceled, the commissioner shall immediately notify the  
26 challenged registrant of the cancellation by first class  
27 forwardable mail sent to the challenged registrant's most  
28 recent mailing address according to the registration records.

29 SUBCHAPTER IV

30 PLACES TO REGISTER

31 Sec. 17. NEW SECTION. 48A.17 REGISTRATION AT  
32 COMMISSIONER'S OFFICE.

33 A person who meets the qualifications to vote may appear in  
34 person at the office of the county commissioner of  
35 registration and apply to register to vote.

1     Sec. 18. NEW SECTION. 48A.18 VOTER REGISTRATION AT MOTOR  
2 VEHICLE DRIVERS' LICENSE STATIONS.

3     1. Each state motor vehicle driver's license application,  
4 including any renewal application or application for a  
5 nonoperator's identification card, submitted to the driver  
6 services division of the state department of transportation  
7 shall serve as an application for voter registration unless  
8 the applicant declines to register to vote. A completed voter  
9 registration form submitted to the driver services division of  
10 the state department of transportation shall be considered to  
11 update any previous voter registration by the registrant.

12    2. A change of address form submitted to the driver  
13 services division of the state department of transportation  
14 shall serve as a change of address for voter registration  
15 purposes unless the registrant states on the form that the  
16 change of address is not for voter registration purposes.

17    3. Information relating to the refusal of an applicant for  
18 a driver's license to apply to register to vote shall not be  
19 used for any purpose other than voter registration.

20    4. Forms and procedures used by the driver services  
21 division for voter registration and a schedule for  
22 transmission of voter registration forms from the division to  
23 the county commissioner of registration shall be prescribed by  
24 the state voter registration commission by rule.

25     Sec. 19. NEW SECTION. 48A.19 VOTER REGISTRATION  
26 AGENCIES.

27    1. The following state agencies are responsible for voter  
28 registration:

29    a. All state offices that have direct client contact and  
30 provide applications for public assistance, including but not  
31 limited to offices administering the following programs:

- 32       (1) Food stamps.
- 33       (2) Medical assistance under chapter 249A.
- 34       (3) Iowa family investment program.
- 35       (4) Special supplemental food program for women, infants,

1 and children.

2 b. All offices that provide state funded programs  
3 primarily engaged in providing services to persons with  
4 disabilities, including but not limited to all of the  
5 following:

6 (1) Department for the blind.

7 (2) Division of vocational rehabilitation services of the  
8 department of education.

9 (3) Deaf services division of the department of human  
10 rights.

11 (4) Division of persons with disabilities of the  
12 department of human rights.

13 (5) Other state-funded offices which shall be identified  
14 by the secretary of state by rule.

15 An agency designated a voter registration agency under this  
16 paragraph which provides services to persons with disabilities  
17 in their homes shall provide voter registration services at  
18 the clients' homes.

19 c. Other federal and state agencies designated to provide  
20 voter registration services include, but are not limited to,  
21 the following:

22 (1) United States armed forces recruiting offices.

23 (2) Other agencies or offices designated voter  
24 registration agencies by the secretary of state by rule.

25 2. The voter registration agency shall provide voter  
26 registration services with each application for services or  
27 assistance and with each recertification, renewal, or change  
28 of address form completed relating to the agency's services.  
29 The secretary of state shall adopt administrative rules in  
30 cooperation with voter registration agencies to carry out the  
31 requirements of this section.

32 3. The voter registration agency shall provide a form to  
33 applicants that includes all of the following:

34 a. The question, "If you are not registered to vote where  
35 you live now, would you like to apply to register to vote here

1 today?"

2 b. If the agency provides public assistance, the  
3 statement, "Applying to register or declining to register to  
4 vote will not affect the amount of assistance that you will be  
5 provided by this agency."

6 c. Boxes for the applicant to check and choices in  
7 substantially the following form:

8 "\_\_\_ . I want to register to vote.

9 \_\_\_ . I do not want to register to vote."

10 The following statement shall be printed near the choices  
11 and shall be printed in large, readable type:

12 "If you do not check either box, you will be considered to  
13 have decided not to register to vote at this time."

14 d. The statement, "If you would like help in filling out  
15 the voter registration form, we will help you. The decision  
16 whether to seek or accept help is yours. You may fill out the  
17 application form in private."

18 However, in those voter registration agencies where  
19 electronic forms are used, the following statement shall be  
20 used: "If you want to fill out the form in private, a  
21 separate paper form for voter registration will be provided."

22 e. The statement, "If you believe that someone has  
23 interfered with your right to register or to decline to  
24 register to vote, your right to privacy in deciding whether to  
25 register or in applying to register to vote, or your right to  
26 choose your own political party or other political preference,  
27 you may file a complaint with the state voter registration  
28 commission". The name, address, and telephone number of the  
29 voter registration commission shall complete the statement.

30 The voter registration agency may distribute the voter  
31 registration form either on paper or by electronic medium.

32 4. The voter registration agency shall provide each  
33 applicant who chooses to register to vote the same degree of  
34 assistance in completing the registration form as is provided  
35 by the office for the completion of its own forms unless the

1 applicant refuses such assistance.

2 5. Completed voter registration application forms shall be  
3 transmitted as provided in section 48A.21.

4 Sec. 20. NEW SECTION. 48A.20 PROHIBITED ACTS BY VOTER  
5 REGISTRATION AGENCY EMPLOYEES.

6 A person who provides voter registration services as  
7 required by this subchapter shall not:

8 1. Seek to influence an applicant's political preference  
9 or party registration.

10 2. Display a political preference or party affiliation.

11 3. Make any statement to an applicant or take any action  
12 which has the purpose or effect of discouraging the applicant  
13 from registering to vote.

14 4. Make any statement to an applicant or take any action  
15 which has the purpose or effect of leading the applicant to  
16 believe that a decision to register or not to register to vote  
17 has any bearing on the availability of services or benefits.

18 Sec. 21. NEW SECTION. 48A.21 TRANSMISSION OF FORMS FROM  
19 AGENCIES AND DRIVERS' LICENSE STATIONS.

20 The state registrar of voters shall adopt administrative  
21 rules regulating the transmission of completed voter  
22 registration forms from voter registration agencies and from  
23 drivers' license stations. All completed voter registration  
24 applications in the possession of a voter registration agency  
25 or a drivers' license station at five p.m. on the last work  
26 day of each week shall be transmitted to the location  
27 designated by the state registrar of voters by rule.  
28 Procedures or requirements for more frequent transmissions may  
29 be specified by rule.

30 Sec. 22. NEW SECTION. 48A.22 VOTER REGISTRATION BY  
31 VOLUNTEER ORGANIZATIONS.

32 The secretary of state shall encourage volunteer  
33 organizations to undertake voter registration drives by  
34 providing mail registration forms at the cost of production.

35 Sec. 23. NEW SECTION. 48A.23 REGISTRATION AT EDUCATIONAL

1 INSTITUTIONS.

2 1. At least twice during each school year, the board of  
3 directors of each school district operating a high school and  
4 the authorities in charge of each accredited nonpublic school  
5 shall offer the opportunity to register to vote to each  
6 student who is at least seventeen and one-half years of age.

7 2. All postsecondary schools, including but not limited  
8 to, colleges, universities, and trade and technical schools  
9 which receive state funding shall offer the opportunity to  
10 register to vote to each student at least once each year.  
11 Students shall be provided with the federal voter registration  
12 form or the Iowa voter registration form, as applicable.

13 Sec. 24. NEW SECTION. 48A.24 VOTER REGISTRATION FORMS IN  
14 INCOME TAX RETURNS AND BOOKLETS.

15 For odd-numbered tax years, the director of revenue and  
16 finance shall insert securely in each individual income tax  
17 return form or instruction booklet two voter registration  
18 forms, designed according to rules adopted by the state voter  
19 registration commission.

20 Sec. 25. NEW SECTION. 48A.25 COMPENSATION FOR ASSISTANCE  
21 IN COMPLETING REGISTRATION FORMS.

22 A person may pay, offer to pay, or accept compensation for  
23 assisting others in completing voter registration forms or  
24 applications only if the compensation is based solely on the  
25 time spent providing the assistance. Paying, offering to pay,  
26 or receiving compensation based on the number of applications  
27 completed, or the party affiliations shown on completed  
28 applications, or on any other performance criteria, is a  
29 serious misdemeanor.

30 This section shall not apply to state and political  
31 subdivision employees who are required to offer assistance to  
32 clients as a part of their regular job duties, and who shall  
33 not be granted additional compensation for voter registration  
34 activities. A person assisting another in completing a voter  
35 registration form shall not complete any portion of the form

1 without the knowledge or consent of the registrant.

2 SUBCHAPTER V

3 PROCESSING VOTER REGISTRATION RECORDS

4 Sec. 26. NEW SECTION. 48A.26 ACKNOWLEDGEMENT OF  
5 REGISTRATION FORM.

6 1. Within seven working days of receipt of a voter  
7 registration form or change of information in a voter  
8 registration record the commissioner shall send an  
9 acknowledgement to the registrant at the mailing address shown  
10 on the registration form. The acknowledgement shall be sent  
11 by first class nonforwardable mail.

12 2. If the registration form appears on its face to be  
13 complete and proper, the acknowledgement shall state that the  
14 registrant is now a registered voter of the county. The  
15 acknowledgement shall also specify the name of the precinct  
16 and the usual polling place for the precinct in which the  
17 person is now registered. The acknowledgement may include the  
18 political party affiliation most recently recorded by the  
19 registrant.

20 3. If the registration form is missing required  
21 information, the acknowledgement shall advise the applicant  
22 what additional information is required. The commissioner  
23 shall enclose a new registration by mail form for the  
24 applicant to use. If the registration form has no address,  
25 the commissioner shall make a reasonable effort to determine  
26 where the acknowledgement should be sent.

27 4. If the acknowledgement is returned as undeliverable by  
28 the United States postal service, the commissioner shall  
29 follow the procedure described in section 48A.27, subsection  
30 1.

31 5. If a registrant has not supplied enough information on  
32 a registration form for the commissioner to determine the  
33 correct precinct and other districts, the commissioner shall  
34 obtain the information as quickly as possible either from the  
35 registrant or other sources available to the commissioner.

1 6. An improperly addressed or delivered registration form  
2 shall be forwarded to the appropriate county commissioner of  
3 registration within two working days after it is received by  
4 any other official. The date of registration shall be the  
5 date the registration form was received by the first official.  
6 If the registration form was postmarked fifteen or more days  
7 before an election and the registration form was received by  
8 the first official after the close of registration, the  
9 registration form shall be considered on time for the  
10 election.

11 7. When a person who is at least seventeen and one-half  
12 years of age but less than eighteen years of age registers to  
13 vote, the commissioner shall maintain a record of the  
14 registration so as to clearly indicate that it will not take  
15 effect until the registrant's eighteenth birthday and that the  
16 person is registered and qualifies to vote at any election  
17 held on or after that date.

18 Sec. 27. NEW SECTION. 48A.27 CHANGES TO VOTER  
19 REGISTRATION RECORDS.

20 1. Any voter registration form received by any voter  
21 registration agency, drivers' license station, or the  
22 commissioner shall be considered as updating the registrant's  
23 previous registration.

24 2. a. A person who is registered to vote may request  
25 changes in the voter's registration record at any time by  
26 submitting one of the following, as applicable:

27 (1) A written notice to the county commissioner.

28 (2) A completed Iowa or federal mail registration form to  
29 the county commissioner.

30 (3) On election day, a registration form to the precinct  
31 election officials at the precinct of the voter's current  
32 residence.

33 (4) A change of address notice to the driver services  
34 division of the state department of transportation.

35 (5) A change of address notice for voter registration

1 submitted to any voter registration agency.

2 b. If a change of name, telephone number, or address is  
3 submitted under this subsection, the commissioner shall not  
4 change the party affiliation in the elector's prior  
5 registration other than that indicated by the elector.

6 3. The commissioner shall make the necessary changes in  
7 the registration records without any action by the registrant  
8 when any of the following events occur:

9 a. Annexation of territory by a city. When an existing  
10 city annexes territory, the city clerk shall furnish the  
11 commissioner a detailed map of the annexed territory. The  
12 commissioner shall change the registration of persons residing  
13 in that territory to reflect the annexation and the city  
14 precinct to which each of those persons is assigned. If the  
15 commissioner cannot determine the names and addresses of the  
16 persons affected by the annexation, the commissioner shall  
17 send each person who may be involved a letter informing the  
18 person that the person's registration may be in error, and  
19 requesting that each person provide the commissioner with the  
20 information necessary to correct the registration records.

21 b. Change of official street name or house or building  
22 number by a city or county. When the city or county changes  
23 the name of a street or the number of a house or other  
24 building in which a person resides, the city clerk or county  
25 board of supervisors shall inform the commissioner of the  
26 change, and the commissioner shall change the registration of  
27 each person affected.

28 c. Incorporation or discontinuance of a city. When a new  
29 city is incorporated or an existing city is discontinued, the  
30 city clerk shall notify the commissioner. The commissioner  
31 shall change the registration of each person affected.

32 d. Change of rural route designation of the residence of  
33 the registered voter. The commissioner shall request each  
34 postmaster in the county to inform the commissioner of each  
35 change in rural route designation and the names of the persons

1 affected, and the commissioner shall change the registration  
2 of each person as appropriate.

3 4. a. A commissioner, either independently or in  
4 cooperation with the state registrar of voters, and in  
5 accordance with rules of the state voter registration  
6 commission, may enter into an agreement with a licensed vendor  
7 of the United States postal service participating in the  
8 national change of address program to identify registered  
9 voters of the county who may have moved either within or  
10 outside the county.

11 b. If the information provided by the vendor indicates  
12 that a registered voter has moved to another address within  
13 the county, the commissioner shall change the registration  
14 records to show the new residence address, and shall also mail  
15 a notice of that action to both the former and new addresses.  
16 The notice shall be sent by forwardable first class mail, and  
17 shall include a postage prepaid preaddressed return form by  
18 which the registered voter may verify or correct the address  
19 information.

20 c. If the information provided by the vendor indicates  
21 that a registered voter has moved to an address outside the  
22 county, the commissioner shall make the registration record  
23 inactive, and shall mail a notice to the registered voter at  
24 both the former and new addresses. The notice shall be sent  
25 by forwardable first class mail, and shall include a postage  
26 paid preaddressed return form on which the registered voter  
27 may state the registered voter's current address. The notice  
28 shall contain a statement in substantially the following form:  
29 "Information received from the United States postal service  
30 indicates that you are no longer a resident of, and therefore  
31 not eligible to vote in (name of county) County, Iowa. If  
32 this information is not correct, and you still live in (name  
33 of county) County, please complete and mail the attached  
34 postage paid card at least ten days before the primary or  
35 general election and at least eleven days before any other

1 election at which you wish to vote. If the information is  
2 correct and you have moved, please contact a local official in  
3 your new area for assistance in registering there.

4 If you do not mail in the card, you may be required to show  
5 identification proving your residence in (name of county)  
6 County before being allowed to vote in (name of county)  
7 County. If you do not return the card, and you do not vote in  
8 an election in (name of county) County, Iowa on or before  
9 (date of second general election following the date of the  
10 notice) your name will be removed from the list of voters in  
11 that county. To ensure you receive this notice, it is being  
12 sent to both your most recent registration address and to your  
13 new address as reported by the postal service."

14 d. If the information provided by the vendor indicates the  
15 registered voter has moved to another county within the state,  
16 the commissioner of the county in which the registered voter  
17 formerly resided shall notify the person that registration in  
18 the county of the person's current residence is required, and  
19 shall provide a mail registration form for the person to use.

20 e. If a registered voter returns a card sent pursuant to  
21 this subsection and confirms that the registered voter has  
22 moved to a new residence outside the county, the commissioner  
23 shall cancel the registration of the voter.

24 f. If a registered voter returns a card sent pursuant to  
25 this subsection and states that the registered voter's  
26 residence address has not changed for the purpose of voter  
27 registration, the commissioner shall reinstate the record to  
28 active status, making any other changes directed by the  
29 registrant in the notice.

30 5. The commissioner shall keep a record of the names and  
31 addresses of the registered voters to whom notices under this  
32 section are sent and the date of the notice. When the return  
33 card from a notice is received by the commissioner, the  
34 commissioner shall record the date it was received and whether  
35 the registrant had moved within the county, moved to an

1 address outside the county, or had not changed residence.

2 Sec. 28. NEW SECTION. 48A.28 SYSTEMATIC CONFIRMATION  
3 PROGRAM.

4 1. Each commissioner shall conduct a systematic program  
5 that makes a reasonable effort to remove from the official  
6 list of registered voters the names of registered voters who  
7 have changed residence from their registration addresses.  
8 Either or both of the methods described in this section may be  
9 used.

10 2. A commissioner may participate in the United States  
11 postal service national change of address program, as provided  
12 in section 48A.27. The state voter registration commission  
13 shall adopt rules establishing specific requirements for  
14 participation and use of the national change of address  
15 program.

16 A commissioner participating in the national change of  
17 address program, in the first quarter of each calendar year,  
18 shall send a notice and preaddressed, postage paid return card  
19 by first class forwardable mail to each registered voter whose  
20 name was not reported by the national change of address  
21 program and who has not voted, registered again, or reported a  
22 change to an existing registration during the preceding four  
23 calendar years. The form and language of the notice and  
24 return card shall be specified by the state voter registration  
25 commission by rule. A registered voter shall not be sent a  
26 notice and return card under this section more frequently than  
27 once in a four-year period.

28 3. For a commissioner who is not participating in the  
29 national change of address program, in February of each year  
30 the commissioner shall mail a confirmation notice to each  
31 registered voter in the county. The notice shall be sent by  
32 first class forwardable mail. The notice shall include a  
33 preaddressed, postage paid return card for the use of the  
34 registered voter or the recipient of the notice. The card  
35 shall contain boxes for the recipient to check to indicate one

1 of the following:

2 a. That the recipient is the registered voter named on the  
3 card, and is still a resident at the address listed.

4 b. That the recipient is the registered voter named on the  
5 card, but is no longer a resident of the address listed.

6 c. That the recipient is not the registered voter named on  
7 the card, and the registered voter named on the card is not a  
8 resident of the address listed.

9 The form and language of the notice and return card shall  
10 be specified by the state voter registration commission by  
11 rule.

12 Sec. 29. NEW SECTION. 48A.29 PROCEDURE UPON RETURN OF  
13 CONFIRMATION CARD.

14 1. If a confirmation notice sent pursuant to section  
15 48A.28 is returned as undeliverable by the United States  
16 postal service, the commissioner shall make the registration  
17 record inactive and shall mail a notice to the registered  
18 voter at the registered voter's most recent mailing address,  
19 as shown by the registration records.

20 The notice shall be sent by forwardable first class mail,  
21 and shall include a postage paid preaddressed return form on  
22 which the registered voter may state the registered voter's  
23 current address. The notice shall contain a statement in  
24 substantially the following form: "Information received from  
25 the United States postal service indicates that you are no  
26 longer a resident of (residence address) in (name of county)  
27 County, Iowa. If this information is not correct, and you  
28 still live in (name of county) County, please complete and  
29 mail the attached postage paid card at least ten days before  
30 the primary or general election and at least eleven days  
31 before any other election at which you wish to vote. If the  
32 information is correct, and you have changed residence, please  
33 contact a local official in your new area for assistance in  
34 registering there. If you do not mail in the card, you may be  
35 required to show identification proving your residence in

1 (name of county) County before being allowed to vote in (name  
2 of county) County. If you do not return the card, and you do  
3 not vote in some election in (name of county) County, Iowa on  
4 or before (date of second general election following the date  
5 of the notice) your name will be removed from the list of  
6 voters in that county."

7 2. When a detachable return card originally attached to a  
8 confirmation notice is returned indicating that the registered  
9 voter is still a resident of the address shown on the  
10 registration records, the commissioner shall make a record of  
11 the date the card was received.

12 3. When a detachable return card originally attached to a  
13 confirmation notice is returned by anyone other than the  
14 registered voter indicating that the registered voter is no  
15 longer a resident of the registration address, the  
16 commissioner shall make the registration record inactive, and  
17 shall mail a notice to the registered voter at the registered  
18 voter's most recent mailing address, as shown by the  
19 registration records.

20 The notice shall be sent by forwardable first class mail,  
21 and shall include a postage paid preaddressed return card on  
22 which the registered voter may state the registered voter's  
23 current address. The notice shall contain a statement in  
24 substantially the following form: "Information received by  
25 this office indicates that you are no longer a resident of  
26 (residence address) in (name of county) County, Iowa. If the  
27 information is not correct, and you still live at that  
28 address, please complete and mail the attached postage paid  
29 card at least ten days before an election at which you wish to  
30 vote. If the information is correct, and you have moved  
31 within the county, you may update your registration by listing  
32 your new address on the card and mailing it back. If you have  
33 moved outside the county, please contact a local official in  
34 your new area for assistance in registering there. If you do  
35 not mail in the card, you may be required to show

1 identification proving your residence in (name of county)  
2 County before being allowed to vote in (name of county)  
3 County. If you do not return the card, and you do not vote in  
4 some election in (name of county) County, Iowa on or before  
5 (date of second general election following the date of the  
6 notice) your name will be removed from the list of registered  
7 voters in that county."

8 Sec. 30. NEW SECTION. 48A.30 CANCELLATION OF VOTER  
9 REGISTRATION.

10 1. The voter registration of a registered voter shall be  
11 canceled if any of the following occurs:

12 a. The registered voter dies. For the purposes of this  
13 subsection, the commissioner may accept as evidence of death a  
14 notice from the state registrar of vital statistics forwarded  
15 by the state registrar of voters, a written statement from a  
16 member of the registered voter's household, an obituary in a  
17 newspaper, a written statement from an election official, or a  
18 notice from the clerk of the district court in the county  
19 where the registered voter died.

20 b. The registered voter registers to vote in another  
21 jurisdiction, and the commissioner receives notice of the  
22 registration from the registration official in the other  
23 jurisdiction.

24 c. The registered voter requests the cancellation in  
25 writing.

26 For the purposes of this subsection, a confirmation by the  
27 registered voter that the registered voter is no longer a  
28 resident of the county constitutes a request for cancellation.

29 d. The clerk of the district court or the state registrar  
30 sends notice of the registered voter's conviction of a felony  
31 as defined in section 701.7, or conviction of an offense  
32 classified as a felony under federal law.

33 e. The clerk of the district court or the state registrar  
34 sends notice that the registered voter has been declared  
35 mentally incompetent under state law.

1 f. The registered voter's registration record has been  
2 inactive pursuant to section 48A.28 for two successive general  
3 elections.

4 2. When a registration is canceled pursuant to subsection  
5 1, paragraph "d", "e", or "f", the commissioner shall send a  
6 notice of the cancellation to the registered voter.

7 Sec. 31. NEW SECTION. 48A.31 DECEASED PERSONS RECORD.

8 The state registrar of vital statistics shall transmit or  
9 cause to be transmitted to the state registrar of voters, once  
10 each calendar quarter, a certified list of all persons  
11 seventeen and one-half years of age and older in the state  
12 whose deaths have been reported to the records and statistics  
13 division of the Iowa department of public health since the  
14 previous list of decedents was certified to the state  
15 registrar of voters. The list shall be submitted according to  
16 the specifications of the state registrar of voters, who shall  
17 determine whether each listed decedent was registered to vote  
18 in this state. If the decedent was registered in a county  
19 which uses its own data processing facilities for voter  
20 registration recordkeeping, the registrar shall notify the  
21 commissioner in that county who shall cancel the decedent's  
22 registration. If the decedent was registered in a county for  
23 which voter registration recordkeeping is performed under  
24 contract by the registrar, the registrar shall immediately  
25 cancel the registration and notify the commissioner of the  
26 county in which the decedent was registered to vote of the  
27 cancellation.

28 Sec. 32. NEW SECTION. 48A.32 DESTRUCTION OR REMOVAL OF  
29 CANCELED VOTER REGISTRATION RECORDS.

30 Twenty-two months after the next general election following  
31 the cancellation of a person's voter registration, the  
32 commissioner may destroy all records of that person's  
33 registration. At the discretion of the commissioner, canceled  
34 records may be donated to an historical society if all  
35 confidential information has been removed from the records.



1 either electronically or otherwise, to the appropriate  
2 commissioner in accordance with rules of the state voter  
3 registration commission and the state registrar of voters.  
4 The state agency originating the registration data shall  
5 permanently retain an electronic copy of the form completed by  
6 the registrant, including the registrant's signature, and  
7 shall develop procedures for the retrieval and printing of  
8 that electronic document. A printed copy of an electronic  
9 registration document shall be made only upon the agency's  
10 receipt of a court order.

11 2. Upon receipt of electronic registration data under  
12 subsection 1, the state registrar of voters may cause the  
13 updating of registration records for registrants in counties  
14 which have arranged for data processing services under section  
15 47.7, subsection 2. The registrar shall notify the  
16 commissioner of the actions taken.

17 Sec. 37. NEW SECTION. 48A.37 ELECTRONIC REGISTRATION  
18 RECORDS.

19 1. Voter registration records shall be maintained in an  
20 electronic medium. A history of local election participation  
21 shall be maintained as part of the electronic record for at  
22 least two general, primary, school, and city elections.  
23 Absentee voting shall be recorded for the previous two general  
24 and primary elections. After each election, the county  
25 commissioner shall update telephone numbers provided by  
26 registered voters pursuant to section 49.77.

27 2. Electronic records shall include a status code  
28 designating whether the records are active or inactive.  
29 Inactive records are records of registered voters to whom  
30 notices have been sent pursuant to section 48A.28, subsection  
31 3, and who have not returned the card or otherwise responded  
32 to the notice, and those records have been designated inactive  
33 pursuant to section 48A.29. All other records are active  
34 records. An inactive record shall be made active when the  
35 registered voter votes at an election, registers again, or

1 reports a change of name, address, telephone number, or  
2 political party affiliation.

3 Sec. 38. NEW SECTION. 48A.38 LISTS OF VOTERS.

4 1. Any person may request of the registrar and shall  
5 receive, upon payment of the cost of preparation, a list of  
6 registered voters and other data on registration and par-  
7 ticipation in elections, in accordance with the following  
8 requirements and limitations:

9 a. The registrar shall prepare each list requested within  
10 fourteen days of receipt of the request, except that the  
11 registrar shall not be required to prepare any list within  
12 seven days of the close of registration for any regularly  
13 scheduled election if the preparation of the list would impede  
14 the preparation of election registers for that election.

15 b. Each list shall be as current as possible, but shall in  
16 all cases reflect voter activity reported to any commissioner  
17 twenty-eight or more days before preparation of the list.

18 c. Each list shall be in the order and form specified by  
19 the list purchaser, and shall contain the registration data  
20 specified by the list purchaser, provided compliance with the  
21 request is within the capability of the record maintenance  
22 system used by the registrar.

23 d. Lists prepared shall not include inactive records  
24 unless specifically requested by the requester.

25 e. The registrar shall prepare updates to lists at least  
26 biweekly, and after the close of registration for a regularly  
27 scheduled election, but before the election, if requested to  
28 do so at the time a list is purchased. All updates shall be  
29 made available to all requesters at the same time, and shall  
30 be in the order and form specified by each requester.

31 2. The registrar shall maintain a log of the name,  
32 address, and telephone number of every person who receives a  
33 list under this section, and of every person who reviews  
34 registration records in the office of the registrar.  
35 Commissioners of registration shall maintain a similar log in

1 their offices of those who receive a list from the  
2 commissioner or who review registration records in the  
3 commissioner's office. Logs maintained under this subsection  
4 are public records, and shall be available for public  
5 inspection at reasonable times.

6 Sec. 39. NEW SECTION. 48A.39 USE OF REGISTRATION  
7 INFORMATION.

8 Information about individual registrants obtained from  
9 voter registration records shall be used only to request the  
10 registrant's vote at an election, or for another genuine  
11 political purpose, or for a bona fide official purpose by an  
12 elected official, or for bona fide political research, but  
13 shall not be used for any commercial purposes. A person who  
14 uses registration information in violation of this section  
15 commits a serious misdemeanor.

16 Sec. 40. NEW SECTION. 48A.40 REPORTS.

17 At least once each month and at other times deemed  
18 appropriate, the county commissioner of registration shall  
19 report to the state registrar the number of persons registered  
20 in each county. The report shall include the registration  
21 totals for each political party and the number of persons not  
22 registered with a political party.

23 Sec. 41. NEW SECTION. 48A.41 CRIMINAL PENALTIES.

24 1. A person who commits any of the following acts shall be  
25 guilty of a class "D" felony:

26 a. Willfully registers to vote, knowing oneself not to be  
27 eligible.

28 b. Willfully or knowingly provides false information for  
29 the purpose of registering to vote.

30 c. Willfully or knowingly registers a fictitious person to  
31 vote, or attempts to do so.

32 d. Forges another person's name to a voter registration  
33 form or other voter registration document.

34 2. A person who commits any of the following acts shall be  
35 guilty of an aggravated misdemeanor:

1 a. Willfully or knowingly entices another to fraudulently  
2 register to vote.

3 b. Conspires with another for the purpose of introducing  
4 information known to be false into voter registration records.

5 c. Willfully or knowingly destroys registration records,  
6 or attempts to do so, without proper authorization. For the  
7 purpose of this paragraph, an electronic record which has not  
8 been replaced with a more recent version of the same record,  
9 is a registration record.

10 d. Knowingly files a challenge under section 48A.14  
11 containing false information under section 48A.14.

12 e. Knowingly and willfully intimidates, threatens, or  
13 coerces, or attempts to intimidate, threaten, or coerce any  
14 person for registering to vote or attempting to register to  
15 vote, or urging or aiding any person to register to vote or to  
16 attempt to register to vote.

17 Sec. 42. Section 39.3, subsection 10, Code Supplement  
18 1993, is amended to read as follows:

19 10. "~~Qualified-electer~~" "Registered voter" means a person  
20 who is registered to vote pursuant to chapter 48 48A.

21 Sec. 43. Section 39.3, Code Supplement 1993, is amended by  
22 adding the following new subsection:

23 NEW SUBSECTION. 16. "Voter registration agency" means an  
24 agency designated to conduct voter registration under section  
25 48A.19. Offices of the driver services division of the state  
26 department of transportation are not voter registration  
27 agencies.

28 Sec. 44. Section 43.5, Code 1993, is amended to read as  
29 follows:

30 43.5 APPLICABLE STATUTES.

31 The provisions of chapters 39, 47, 48 48A, 49, 50, 51, 52,  
32 53, 56, 57, 58, 59, 61, 62 and 722 shall apply, so far as  
33 applicable, to all primary elections, except as hereinafter  
34 provided.

35 Sec. 45. Section 47.1, Code Supplement 1993, is amended by

1 adding the following new unnumbered paragraph after unnumbered  
2 paragraph 2:

3 The secretary of state is designated the chief state  
4 election official and is responsible for coordination of state  
5 responsibilities under the federal National Voter Registration  
6 Act of 1993.

7 Sec. 46. Section 47.2, subsection 1, Code 1993, is amended  
8 to read as follows:

9 1. The county auditor of each county is designated as the  
10 county commissioner of elections in each county. The county  
11 commissioner of elections shall conduct voter registration  
12 pursuant to chapter 48 48A and conduct all elections within  
13 the county.

14 Sec. 47. Section 47.4, subsection 1, paragraph e, Code  
15 1993, is amended to read as follows:

16 e. Every eligible elector shall be registered pursuant to  
17 the provisions of chapter 48 48A to qualify to vote in any  
18 election.

19 Sec. 48. Section 47.7, subsection 4, Code 1993, is amended  
20 to read as follows:

21 4. Not later than July 1, 1984, information listed in  
22 section ~~48-6~~ 48A.11 contained in a county's manual records but  
23 not on the county's computer readable records shall be  
24 provided to the registrar in a form specified by the  
25 registrar. The registrar shall require that any information  
26 supplied under section ~~48-6~~ 48A.11, except ~~subsections-9-and~~  
27 ~~±~~ the signature and attestation of the registrant, be  
28 provided to the registrar in a form specified by the  
29 registrar.

30 Sec. 49. Section 47.8, subsection 4, Code 1993, is amended  
31 to read as follows:

32 4. The registration commission shall annually adopt a set  
33 of standard charges to be made for the services the registrar  
34 is required to offer to the several commissioners, and for  
35 furnishing of voter registration records which are requested

1 by persons other than the registrar, the state commissioner or  
2 any commissioner pursuant to section ~~48-57-subsection-2~~  
3 48A.38. These charges shall be sufficient to reimburse the  
4 state for the actual cost of furnishing such services or  
5 information, and shall be specified by unit wherever possible.  
6 The standard charges shall be adopted by the commission by  
7 January 15 of each calendar year.

8 Sec. 50. Section 49.28, Code 1993, is amended by striking  
9 the section and inserting in lieu thereof the following:

10 49.28 COMMISSIONER TO FURNISH REGISTERS AND SUPPLIES.

11 The commissioner shall prepare and furnish to each precinct  
12 an election register and all other books, forms, materials,  
13 equipment, and supplies necessary to conduct the election.

14 After the registration deadline and before election day the  
15 commissioner shall prepare an election register for each  
16 precinct in which voting will occur on the day of the  
17 election. The precinct election register shall be a list of  
18 the names and addresses of all registered voters of the  
19 precinct. Inactive records listed in the election register  
20 shall be clearly identified with a special mark or symbol.

21 When a precinct is divided by a district boundary, and  
22 some, but not all, registered voters of the precinct may vote  
23 on an issue or office from that district, the election  
24 register shall clearly indicate which of the registered voters  
25 are entitled to vote in the district.

26 Sec. 51. Section 49.77, Code 1993, is amended to read as  
27 follows:

28 49.77 BALLOT FURNISHED TO VOTER.

29 1. The board members of their respective precincts shall  
30 have charge of the ballots and furnish them to the voters.  
31 Any person desiring to vote shall sign a voter's declaration  
32 provided by the officials, in substantially the following  
33 form:

34 VOTER'S DECLARATION OF ELIGIBILITY

35 I do solemnly swear or affirm that I am a resident of the

1 ..... precinct, ..... ward or township, city of  
2 ....., county of ....., Iowa.

3 I am a ~~qualified elector~~ registered voter. I have not voted  
4 and will not vote in any other precinct in said election.

5 (For primary election only:) I am affiliated with the .....  
6 ..... party.

7 I understand that any false statement in this declaration  
8 is a criminal offense punishable as provided by law.

9 .....  
10 SIGNATURE OF VOTER  
11 .....  
12 ADDRESS  
13 .....  
14 TELEPHONE

15 Approved:  
16 .....

17 BOARD MEMBER

18 2. One of the precinct election officials shall announce  
19 the ~~elector's~~ voter's name aloud for the benefit of any  
20 persons present pursuant to section 49.104, subsection 2, 3 or  
21 5. Any of those persons may upon request view the signed  
22 declarations of eligibility and may review the signed  
23 declarations on file so long as the person does not interfere  
24 with the functions of the precinct election officials.

25 3. A precinct election official shall require any person  
26 whose name does not appear on the election register as an  
27 active voter to show identification. Specific documents which  
28 are acceptable forms of identification shall be prescribed by  
29 the state commissioner.

30 PARAGRAPH DIVIDED. A precinct election official may  
31 require of ~~an elector~~ the voter unknown to the official,  
32 identification upon which the ~~elector's~~ voter's signature or  
33 mark appears. If identification is established to the  
34 satisfaction of the precinct election officials, the person  
35 may then be allowed to vote.

1 4. A person whose name does not appear on the election  
2 register of the precinct in which that person claims the right  
3 to vote shall not be permitted to vote, except in the  
4 circumstance described in section 48-77, subsection 1,  
5 paragraph "b", unless the commissioner informs the precinct  
6 election officials that an error has occurred and that the  
7 person is a qualified elector of that precinct. If the  
8 commissioner finds no record of the person's registration but  
9 the person insists that the person is a qualified elector of  
10 that precinct, the precinct election officials shall allow the  
11 person to cast a ballot in the manner prescribed by section  
12 49-81. A person whose name does not appear on the election  
13 register of the precinct in which that person claims the right  
14 to vote shall not be permitted to vote, unless the person  
15 affirms that the person is currently registered in the county  
16 and presents proof of identity, or the commissioner informs  
17 the precinct election officials that an error has occurred and  
18 that the person is a registered voter of that precinct. If  
19 the commissioner finds no record of the person's registration  
20 but the person insists that the person is a registered voter  
21 of that precinct, the precinct election officials shall allow  
22 the person to cast a ballot in the manner prescribed by  
23 section 49.81.

24 5. The request for the telephone number in the declaration  
25 of eligibility in subsection 1 is not mandatory and the  
26 failure by the elector voter to provide the telephone number  
27 does not affect the declaration's validity.

28 Sec. 52. Section 49.81, subsection 4, unnumbered paragraph  
29 1, Code 1993, is amended to read as follows:

30 The individual envelopes used for each paper ballot cast  
31 pursuant to subsection 1 shall have printed on them the format  
32 of the face of the registration form under section 48-3 48A.8  
33 and the following:

34 Sec. 53. Section 50.19, unnumbered paragraph 1, Code 1993,  
35 is amended to read as follows:

1 The commissioner may destroy precinct election registers,  
2 the declarations of eligibility signed by voters, and other  
3 material pertaining to any election in which federal offices  
4 are not on the ballot, except the tally lists, six months  
5 after the election if a contest is not pending. If a contest  
6 is pending all election materials shall be preserved until  
7 final determination of the contest. Before destroying the  
8 election registers and declarations of eligibility, the  
9 commissioner shall prepare records as necessary to permit  
10 compliance with ~~section 48-317-subsection 1~~ chapter 48A,  
11 subchapter V. Nomination papers for primary election  
12 candidates for state and county offices shall be destroyed ten  
13 days before the general election, if a contest is not pending.  
14 Sec. 54. Section 50.22, unnumbered paragraph 2, Code 1993,  
15 is amended to read as follows:

16 The decision to count or reject each ballot shall be made  
17 upon the basis of the information given on the envelope  
18 containing the special ballot, the evidence concerning the  
19 challenge, the registration and the returned receipts of  
20 registration. If the challenged voter's registration was  
21 canceled in the same county where the person attempted to vote  
22 because first class mail other than the registration receipt  
23 mailed pursuant to section ~~48-3~~ 48A.10 was returned by the  
24 postal service during the four years preceding the election in  
25 progress, the person's ballot shall be accepted for counting  
26 and the elector's registration shall be reinstated.

27 Sec. 55. Section 53.2, Code 1993, is amended to read as  
28 follows:

29 53.2 APPLICATION FOR BALLOT.

30 Any ~~qualified-electer~~ registered voter, under the  
31 circumstances specified in section 53.1, may on any day,  
32 except election day, and not more than seventy days prior to  
33 the date of the election, apply in person for an absentee  
34 ballot at the commissioner's office or at any location  
35 designated by the commissioner, or make written application to

1 the commissioner for an absentee ballot. The state  
2 commissioner shall prescribe a form for absentee ballot  
3 applications. However, if ~~an elector~~ a registered voter  
4 submits an application that includes all of the information  
5 required in this section, the prescribed form is not required.

6 This section does not require that a written communication  
7 mailed to the commissioner's office to request an absentee  
8 ballot, or any other document be notarized as a prerequisite  
9 to receiving or marking an absentee ballot or returning to the  
10 commissioner an absentee ballot which has been voted.

11 Each application shall contain the name and signature of  
12 the ~~qualified elector~~ registered voter, the address at which  
13 the ~~elector~~ voter is ~~qualified~~ registered to vote, and the  
14 name or date of the election for which the absentee ballot is  
15 requested, and such other information as may be necessary to  
16 determine the correct absentee ballot for the qualified  
17 elector. If insufficient information has been provided, the  
18 commissioner shall, by the best means available, obtain the  
19 additional necessary information.

20 If the application is for a primary election ballot and the  
21 request is for a ballot of a party different from that  
22 recorded on the ~~qualified elector's~~ registered voter's voter  
23 registration record, the requested ballot shall be mailed or  
24 given to the applicant together with a "Change or Declaration  
25 of Party Affiliation" form as prescribed in section 43.42, to  
26 be completed by the ~~qualified elector~~ registered voter at the  
27 time of voting. Upon receipt of the properly completed form,  
28 the commissioner shall approve the change or declaration and  
29 enter a notation of the change on the registration records.

30 If an application for an absentee ballot is received from  
31 an eligible elector who is not a ~~qualified elector~~ registered  
32 voter the commissioner shall send a registration form under  
33 section ~~48-3~~ 48A.8 and an absentee ballot to the eligible  
34 elector. If the application is received so late that it is  
35 unlikely that the registration form can be returned in time to

1 be effective on election day, the commissioner shall enclose  
2 with the absentee ballot a notice to that effect, informing  
3 the voter of the registration time limits in ~~sections 48-3 and~~  
4 ~~48-11~~ section 48A.9. The commissioner shall record on the  
5 elector's application that the elector is not currently  
6 registered to vote. If the registration form is properly  
7 returned by the time provided by section ~~48-3~~ 48A.8, the  
8 commissioner shall record on the elector's application the  
9 date of receipt of the registration form and enter a notation  
10 of the registration on the registration records.

11 A ~~qualified-elector~~ registered voter who has not moved from  
12 the county in which the elector is registered to vote may  
13 submit a change of name, telephone number, or address on the  
14 form prescribed in section ~~48-3~~ 48A.8 when casting an absentee  
15 ballot. Upon receipt of a properly completed form, the  
16 commissioner shall enter a notation of the change on the  
17 registration records.

18 Sec. 56. Section 53.38, Code 1993, is amended to read as  
19 follows:

20 53.38 AFFIDAVIT CONSTITUTES REGISTRATION.

21 Whenever a ballot is requested pursuant to section 53.39 or  
22 53.45 on behalf of a voter in the armed forces of the United  
23 States, the affidavit upon the ballot envelope of such voter,  
24 if the voter is found to be an eligible elector of the county  
25 to which the ballot is submitted, shall constitute a  
26 sufficient registration under the provisions of chapter ~~48~~ 48A  
27 and the commissioner shall place the voter's name on the  
28 registration record as a ~~qualified-elector~~ registered voter,  
29 if it does not already appear there.

30 Sec. 57. Section 53.53, unnumbered paragraph 2, Code 1993,  
31 is amended to read as follows:

32 The voter's declaration or affirmation on the federal  
33 write-in ballot constitutes a sufficient registration under  
34 the provisions of chapter ~~48~~ 48A and the commissioner shall  
35 place the voter's name on the registration record as a

1 ~~qualified-elector~~ registered voter, if the voter's name does  
2 not already appear on the registration record. No witness to  
3 the oath is necessary.

4 Sec. 58. Section 280.9A, subsection 2, Code 1993, is  
5 amended by striking the subsection and inserting in lieu  
6 thereof the following:

7 2. At least twice during each school year, the board of  
8 directors of each local public school district operating a  
9 high school and the authorities in charge of each accredited  
10 nonpublic school operating a high school shall offer the  
11 opportunity to register to vote to each student who is at  
12 least seventeen and one-half years of age, as required by  
13 section 48A.22.

14 Sec. 59. Section 331.424, subsection 1, paragraph i, Code  
15 1993, is amended to read as follows:

16 i. Elections, and voter registration pursuant to chapter  
17 ~~48~~ 48A.

18 Sec. 60. Section 331.505, subsection 4, Code 1993, is  
19 amended to read as follows:

20 4. Serve as county commissioner of registration as  
21 provided in chapter ~~48~~ 48A.

22 Sec. 61. Section 368.1, subsection 12, Code Supplement  
23 1993, is amended to read as follows:

24 12. "~~Qualified-elector~~ Registered voter" means a person  
25 who is registered to vote pursuant to chapter ~~48~~ 48A.

26 Sec. 62. Section 602.8102, subsection 15, Code Supplement  
27 1993, is amended by striking the subsection and inserting in  
28 lieu thereof the following:

29 15. Notify the county commissioner of registration and the  
30 state registrar of voters of persons seventeen and one-half  
31 years of age and older who have been convicted of a felony or  
32 who have been legally declared to be mentally incompetent.

33 Sec. 63. Section 914.6, subsections 1 and 3, Code 1993,  
34 are amended to read as follows:

35 1. Pardons, commutations of sentences, and remissions of

1 fines and forfeitures, ~~and restorations of rights of~~  
2 citizenship shall be issued in duplicate. Reprives  
3 Restorations of rights of citizenship and reprives shall be  
4 issued in triplicate.

5 3. In the case of a remission of fines and forfeitures,  
6 restoration of rights of citizenship, or a pardon, commutation  
7 of sentence, or reprieve, if the person is not in custody, one  
8 copy of the executive instrument shall be delivered to the  
9 person and one copy to the clerk of court where the judgment  
10 is of record. A list of the restorations of rights of  
11 citizenship issued by the governor shall be delivered to the  
12 state registrar of voters at least once each month.

13 Sec. 64. Sections 43.41, 43.42, 43.43, 43.120, 49.11,  
14 49.27, 49.30, 49.43, 49.74, 49.79, 49.80, 49.81, 49.105, 50.7,  
15 50.8, 53.7, 53.8, 53.15, 53.17, 53.19, 53.25, 53.39, 62.5,  
16 176A.5, 176A.8, 275.13, 283A.1, 303.25, 303.49, 331.201,  
17 331.751, 357.12, 357C.7, 357D.8, 357E.8, 357F.8, 358.7, and  
18 368.14, Code 1993, are amended by striking from the sections  
19 the words "qualified elector" and "qualified electors" and  
20 inserting in lieu thereof the words "registered voter" and  
21 "registered voters" and by striking from the sections the  
22 words "elector" and "electors" when it is used to mean  
23 "qualified elector" or "qualified electors" and inserting in  
24 lieu thereof the words "registered voter" or "voter" and  
25 "registered voters" or "voters", as appropriate.

26 Sec. 65. Sections 39.3, 53.1, 53.11, 53.22, 275.1, and  
27 362.2, Code Supplement 1993, are amended by striking from the  
28 sections the words "qualified elector" and "qualified  
29 electors" and inserting in lieu thereof the words "registered  
30 voter" and "registered voters" and by striking from the  
31 sections the words "elector" and "electors" when it is used to  
32 mean "qualified elector" or "qualified electors" and inserting  
33 in lieu thereof the words "registered voter" or "voter" and  
34 "registered voters" or "voters", as appropriate.

35 Sec. 66. Sections 47.4, 48.1, 48.2, 48.3, 48.4, 48.5,

1 48.6, 48.7, 48.8, 48.9, 48.10, 48.11, 48.12, 48.15, 48.17,  
2 48.20, 48.21, 48.22, 48.23, 48.29, 48.30, and 48.32, Code  
3 1993, are repealed.

4 Sec. 67. Sections 48.16 and 48.31, Code Supplement 1993,  
5 are repealed.

6 Sec. 68. EFFECTIVE DATE. This Act takes effect January 1,  
7 1995.

8 EXPLANATION

9 This bill rewrites the state voter registration statutes to  
10 conform with the federal National Voter Registration Act of  
11 1993 (NVRA).

12 There are four major parts of the NVRA: voter registration  
13 simultaneous with drivers' services; voter registration by  
14 mail; voter registration services by certain designated  
15 agencies; and requirements with respect to administration of  
16 voter registration.

17 Relating to the requirement that voter registration be  
18 simultaneous with application for certain drivers' services,  
19 current Iowa Code section 48.22, which requires that drivers'  
20 license and identification card application forms also serve  
21 as voter registration forms, is enacted as new section 48A.17.  
22 To conform with the NVRA, the bill requires that renewal  
23 applications shall also serve as voter registration forms,  
24 provides the applicant with the opportunity to decline in  
25 writing to register to vote, provides that a change of address  
26 for drivers' services purposes is a change of address for  
27 registration purposes, and provides that a registration form  
28 submitted to the drivers' services division of the state  
29 department of transportation serves to update the registrant's  
30 previous registration.

31 Present law provides that voter registration forms  
32 transmitted from drivers' services stations be transmitted  
33 within one business day of receipt. The bill provides that  
34 voter registration forms be transmitted from drivers' services  
35 stations by 5 p.m. of the last work day of each week. The

1 state voter registration commission is to provide by rule for  
2 forms, procedure, and transmission of forms.

3 Present law provides for voter registration in person at  
4 the commissioner's office or at a place designated by the  
5 commissioner and voter registration by mail. The bill also  
6 provides for registration in person and registration by mail  
7 and requires that the mail registration form developed by the  
8 federal election commission be accepted for purposes of  
9 registering to vote in Iowa.

10 Relating to voter registration services provided by certain  
11 designated agencies, present Iowa law requires that mail  
12 registration forms be available in all offices of state  
13 agencies and that employees of the offices offer to applicants  
14 or clients of the agency the opportunity to register to vote.  
15 The NVRA requires that agencies that provide public assistance  
16 or related services, all agencies that provide state-funded  
17 services primarily to persons with disabilities, and United  
18 States armed forces recruiting offices be designated voter  
19 registration agencies. Voter registration agencies are to  
20 provide voter registration services with each application for  
21 services or assistance, including each submitted change of  
22 address relating to the agency's services.

23 To conform with the requirements of the NVRA, the bill  
24 prescribes the form and contents of all notices relating to  
25 registration at a voter registration agency. Persons  
26 declining to register to vote at a voter registration agency  
27 must do so in writing. Voter registration agency employees  
28 are prohibited from influencing a registrant's political party  
29 preference, discouraging a person from registering to vote, or  
30 leading a person to believe that a decision whether or not to  
31 register to vote has a bearing on the availability of services  
32 or benefits. Agency employees are to assist persons  
33 registering to vote if assistance is requested. Agencies  
34 which provide services to clients in the clients' homes shall  
35 provide voter registration services in the clients' homes.

1 The Iowa secretary of state may designate, by rule, other  
2 agencies as voter registration agencies. The secretary of  
3 state is directed to encourage volunteer organizations to  
4 undertake voter registration drives by providing mail  
5 registration forms at the cost of production. Voter  
6 registration forms completed at voter registration agencies  
7 are to be transmitted from the voter registration agencies by  
8 5 p.m. of the last work day of each week.

9 Although not addressed by the NVRA, two voter registration  
10 programs currently in Iowa's voter registration law are  
11 retained by the bill. First, the department of revenue and  
12 finance is required, for odd-numbered tax years, to place two  
13 voter registration forms in every state income tax return form  
14 or instruction booklet. Second, the bill requires schools, at  
15 least twice each year, to offer registration services to  
16 students of voting age, rather than simply to report their  
17 names to the county commissioner of registration, as provided  
18 in the current statute. The bill also requires all  
19 postsecondary schools receiving state funding to offer voter  
20 registration services at least once each year. Present law  
21 requires board of regents institutions to make space available  
22 in residence halls and lounges for voter registration  
23 activities.

24 The requirements of the NVRA relating to administration of  
25 voter registration encompass the following procedures:  
26 acknowledgement of voter registration forms; changes to voter  
27 registration records; a voter registration confirmation  
28 system; cancellation of voter registration; retention,  
29 storage, and destruction of voter registration records;  
30 electronic registration records; voter lists; and voter  
31 registration reporting requirements. The procedure required  
32 by the NVRA for acknowledgement of voter registration forms is  
33 more detailed than present law requiring the commissioner to  
34 send a registration receipt to the elector upon receipt of a  
35 completed voter registration form. If an acknowledgement is

1 returned as undeliverable, the commissioner is to follow the  
2 notice procedure for cancellation of voter registration.

3 The procedure provided by the NVRA for changing voter  
4 registration records, either initiated by the registered voter  
5 or automatic changes without any action by the registrant if  
6 certain events occur, is not changed from present Iowa law,  
7 except that a county commissioner may obtain address changes  
8 through the United States postal service change of address  
9 program and may confirm an address change by mailing to the  
10 registered voter a preaddressed postage paid return card.

11 The NVRA requires county commissioners of registration to  
12 use one of two methods prescribed by the bill to conduct a  
13 systematic program to remove from the list of registered  
14 voters the names of registered voters who have changed  
15 residence. Under the first method, a county commissioner of  
16 registration participating in the United States postal service  
17 national change of address program shall, in the first quarter  
18 of each calendar year mail, an address confirmation notice and  
19 return card to those registered voters whose name was not  
20 reported by the national change of address program and who has  
21 not voted, registered again, or reported a change of address  
22 in the preceding four years. For those commissioners not  
23 participating in the national change of address program, each  
24 February the commissioner is required to send a confirmation  
25 notice to each registered voter on the voting list.

26 The bill details the procedure to be followed by the  
27 commissioners of registration with respect to the disposition  
28 of the return card. If a return card is returned to the  
29 commissioner as nondeliverable, the registration record of the  
30 voter is made inactive.

31 The bill sets out the reasons for canceling the voter  
32 registration of a registered voter. The reasons are the same  
33 as present law, except that the NVRA prohibits canceling a  
34 registration solely for failure to vote. However, the  
35 registration of a registered voter may be canceled if the

1 registered voter has not voted for two successive general  
2 elections following the return of two confirmation notices as  
3 nondeliverable.

4 Voter registrations which have been canceled may not be  
5 destroyed for 22 months after the next general election  
6 following the cancellation. Declinations to vote collected by  
7 a voter registration agency must be kept for 22 months before  
8 they may be destroyed. The bill provides, as does present  
9 law, that voter registration records, voter lists, and other  
10 information is available for public inspection and copying,  
11 subject to some confidentiality requirements. The bill  
12 prohibits the use of voter registration information for  
13 commercial purposes and provides that violation of this  
14 provision is a serious misdemeanor.

15 The bill requires that voter registration records be  
16 maintained in an electronic medium, and requires that the  
17 voter registration and certain voting records be retained for  
18 a certain period of time. The bill also allows voter  
19 registration agencies and the drivers' services division of  
20 the state department of transportation to maintain and  
21 transmit voter registration records electronically.

22 The bill, as does present law, prescribes the information  
23 to be included on the state voter registration form. The bill  
24 provides that voter registration forms may be on paper or  
25 electronic media and allows the use of electronic signatures  
26 on voter registration forms.

27 The bill enacts a penalty section similar to present law  
28 except that certain violations of the law remain an aggravated  
29 misdemeanor and other violations are made class "D" felonies.  
30 The NVRA requires that the penalty for falsely signing a voter  
31 registration form be the penalty for committing perjury; under  
32 Iowa law that is a class "D" felony.

33 The NVRA requires each state to designate a chief election  
34 official to coordinate the implementation of the bill. This  
35 bill designates the state commissioner of elections (secretary

1 of state) as the officer responsible for implementation of the  
2 bill.

3 The bill contains complementary amendments to other  
4 sections of the Code and instructs the Iowa Code editor to  
5 change each reference to "qualified elector" or "qualified  
6 electors" in the Code to "registered voter" and "registered  
7 voters".

8 The bill takes effect January 1, 1995.

9 The bill may impose a state mandate as defined in section  
10 25B.3.

11 BACKGROUND STATEMENT

12 SUBMITTED BY AGENCY

13 The National Voter Registration Act of 1993 (NVRA) took  
14 effect January 1, 1994. The NVRA requires changes to be made  
15 in virtually all aspects of Iowa's voter registration laws.  
16 This bill rewrites the state voter registration laws to  
17 conform with the NVRA and also makes technical changes to laws  
18 pertaining to voter registration.

19 There are four major parts of the NVRA: voter registration  
20 simultaneous with drivers' services; voter registration by  
21 mail; voter registration services by certain designated  
22 agencies; and requirements with respect to administration of  
23 voter registration. Many of the basic requirements of the  
24 NVRA have been the law in Iowa for many years. Iowa has had  
25 voter registration by mail for nearly 20 years, and a form of  
26 agency registration and "motor voter" (simultaneous  
27 application for driver's license and voter registration) for  
28 five years. The NVRA requires more demanding standards for  
29 providing those services than current state law provides.

30 Relating to the requirement that voter registration be  
31 simultaneous with application for certain drivers' services,  
32 current Iowa Code section 48.22, which requires that driver's  
33 license and identification card application forms also serve  
34 as voter registration forms, is enacted as new section 48A.17.  
35 To conform with the NVRA, the bill requires that renewal

1 applications shall also serve as voter registration forms,  
2 provides the applicant with the opportunity to decline to  
3 register to vote, provides that a change of address for  
4 drivers' services purposes is a change of address for  
5 registration purposes, and provides that a registration form  
6 submitted to the drivers' services division of the state  
7 department of transportation serves to update the registrant's  
8 previous registration.

9 Present law provides that voter registration forms  
10 transmitted from drivers' services stations be transmitted  
11 within one business day of receipt. The bill provides that  
12 voter registration forms be transmitted from drivers' services  
13 stations by 5 p.m. of the last work day of each week. The  
14 state voter registration commission is to provide by rule for  
15 forms, procedure, and transmission of forms.

16 Present law provides for voter registration in person at  
17 the commissioner's office or at a place designated by the  
18 commissioner and voter registration by mail. The bill also  
19 provides for registration in person and registration by mail  
20 and requires that the mail registration form developed by the  
21 Federal Election Commission be accepted for purposes of  
22 registering to vote in Iowa.

23 Relating to voter registration services provided by certain  
24 designated agencies, present Iowa law requires that mail  
25 registration forms be available in all offices of state  
26 agencies and that employees of the offices offer to applicants  
27 or clients of the agency the opportunity to register to vote.  
28 The NVRA requires that agencies that provide public assistance  
29 or related services, all agencies that provide state-funded  
30 services primarily to persons with disabilities, and United  
31 States armed forces recruiting offices be designated voter  
32 registration agencies. Voter registration agencies are to  
33 provide voter registration services with each application for  
34 services or assistance, including each submitted change of  
35 address relating to the agency's services.

1 To conform with the requirements of the NVRA, the bill  
2 prescribes the form and contents of all notices relating to  
3 registration at a voter registration agency. Persons  
4 declining to register to vote at a voter registration agency  
5 must do so in writing. Voter registration agency employees  
6 are prohibited from influencing a registrant's political party  
7 preference, discouraging a person from registering to vote, or  
8 leading a person to believe that a decision whether or not to  
9 register to vote has a bearing on the availability of services  
10 or benefits. Agency employees are to assist persons  
11 registering to vote if assistance is requested. Agencies  
12 which provide services to clients in the clients' homes shall  
13 provide voter registration services in the clients' homes.  
14 The Iowa secretary of state may designate, by rule, other  
15 agencies as voter registration agencies. The secretary of  
16 state is directed to encourage volunteer organizations to  
17 undertake voter registration drives by providing mail  
18 registration forms at the cost of production. Voter  
19 registration forms completed at voter registration agencies  
20 are to be transmitted from the voter registration agencies by  
21 5 p.m. of the last work day of each week.

22 Two current Iowa voter registration programs which are not  
23 addressed by the NVRA are retained by this bill: voter  
24 registration forms in income tax booklets and forms and voter  
25 registration by educational institutions. The latter program  
26 has been expanded to require schools to offer registration  
27 services to voting age students rather than simply to report  
28 their names to the county commissioner of registration.  
29 Regents institutions have been added to the program as well.  
30 These programs as outlined in the bill are less demanding of  
31 the institutions than designating them as voter registration  
32 agencies, but they would accomplish the goal of increasing the  
33 number of opportunities available for voter registration.

34 The requirements of the NVRA relating to administration of  
35 voter registration encompass the following procedures:

1 acknowledgement of voter registration forms; changes to voter  
2 registration records; a voter registration confirmation  
3 system; cancellation of voter registration; retention,  
4 storage, and destruction of voter registration records;  
5 electronic registration records; voter lists; and voter  
6 registration reporting requirements. The procedure required  
7 by the NVRA for acknowledgement of voter registration forms is  
8 more detailed than present law requiring the commissioner to  
9 send a registration receipt to the elector upon receipt of a  
10 completed voter registration form. If an acknowledgement is  
11 returned as undeliverable, the commissioner is to follow the  
12 notice procedure for cancellation of voter registration.

13 The procedure provided by the NVRA for changing voter  
14 registration records, either initiated by the registered voter  
15 or automatic changes without any action by the registrant if  
16 certain events occur, is not changed from present Iowa law,  
17 except that a county commissioner may obtain address changes  
18 through the United States postal service change of address  
19 program and may confirm an address change by mailing to the  
20 registered voter a preaddressed postage paid return card.

21 The NVRA specifically prohibits removal of names from the  
22 list of registered voters because a person has not voted for a  
23 given period of time. Present Iowa law allows a four-year  
24 purge of voter registration lists as its primary method of  
25 removing persons believed to be ineligible. The NVRA requires  
26 county commissioners of registration to use one or both  
27 methods prescribed by the bill to conduct a systematic program  
28 to remove from the list of registered voters the names of  
29 registered voters who have changed residence. Under the first  
30 method, a county commissioner of registration participating in  
31 the United States postal service national change of address  
32 program shall, in the first quarter of each calendar year,  
33 mail an address confirmation notice and return card to those  
34 registered voters whose name was not reported by the national  
35 change of address program and who has not voted, registered

1 again, or reported a change of address in the preceding four  
2 years. For those commissioners not participating in the  
3 national change of address program, each February the  
4 commissioner is required to send a confirmation notice to each  
5 registered voter on the voting list.

6 The NVRA outlines detailed procedures regarding the  
7 notification and protection of a registered voter from removal  
8 from the registered voter list without direct evidence that  
9 the registered voter is no longer eligible to vote. The bill  
10 details the procedure to be followed by the commissioners of  
11 registration with respect to the disposition of the return  
12 card. If a return card is returned to the commissioner as  
13 nondeliverable, the registration record of the voter is made  
14 inactive.

15 The bill sets out the reasons for canceling the voter  
16 registration of a registered voter. The reasons are the same  
17 as present law, except that the NVRA prohibits canceling a  
18 registration solely for failure to vote. However, the  
19 registration of a registered voter may be canceled if the  
20 registered voter has not voted for two successive general  
21 elections following the return of two confirmation notices as  
22 nondeliverable.

23 Voter registrations which have been canceled may not be  
24 destroyed for 22 months after the next general election  
25 following the cancellation. Declinations to vote collected by  
26 a voter registration agency must be kept for 22 months before  
27 they may be destroyed. The bill provides, as does present  
28 law, that voter registration records, voter lists, and other  
29 information is available for public inspection and copying,  
30 subject to some confidentiality requirements. The bill  
31 prohibits the use of voter registration information for  
32 commercial purposes and provides that violation of this  
33 provision is a serious misdemeanor.

34 The bill requires that voter registration records be  
35 maintained in an electronic medium, and requires that the

1 voter registration and certain voting records be retained for  
2 a certain period of time. The bill also allows voter  
3 registration agencies and the drivers' services division of  
4 the state department of transportation to maintain and  
5 transmit voter registration records electronically.

6 The bill, as does present law, prescribes the information  
7 to be included on the state voter registration form. The bill  
8 provides that voter registration forms may be on paper or  
9 electronic media and allows the use of electronic signatures  
10 on voter registration forms.

11 The bill enacts a penalty section similar to present law  
12 except that certain violations of the law remain an aggravated  
13 misdemeanor and other violations are made class "D" felonies.  
14 The NVRA requires that the penalty for signing a false voter  
15 registration form be the penalty for committing perjury; under  
16 Iowa law that is a class "D" felony.

17 The NVRA requires each state to designate a chief election  
18 official to coordinate the implementation of the NVRA. This  
19 bill designates the state commissioner of elections (secretary  
20 of state) as the officer who will be responsible.

21 Changes not required by the NVRA which are proposed by this  
22 chapter including moving all voter registration requirements  
23 into a new chapter 48A, reorganization of the chapter into six  
24 subchapters, changing the term "qualified elector" to  
25 "registered voter" everywhere in the Code to improve  
26 understanding by the reader, specifying the classes of persons  
27 who are disqualified from voting, clarification of the process  
28 for challenging a voter registration, and prohibiting the  
29 payment of a per person bounty for voter registration  
30 activities. The last item is a fraud prevention method to  
31 remove the temptation of submitting fraudulent voter  
32 registration forms in order to receive payment for having  
33 registered a large number of people.

34

35

SENATE FILE 2223

AN ACT  
RELATING TO VOTER REGISTRATION, IMPLEMENTING THE FEDERAL  
NATIONAL VOTER REGISTRATION ACT, AND PROVIDING  
PENALTIES AND AN EFFECTIVE DATE.

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

SUBCHAPTER I  
GENERAL PROVISIONS

Section 1. NEW SECTION. 48A.1 STATEMENT OF INTENT.

It is the intent of the general assembly to facilitate the registration of eligible residents of this state through the widespread availability of voter registration services. This chapter and other statutes relating to voter registration are to be liberally construed toward this end.

Sec. 2. NEW SECTION. 48A.2 DEFINITIONS.

The definitions established by this section and section 39.3 shall apply wherever the terms so defined appear in this chapter, unless the context in which any such term is used clearly requires otherwise.

1. "Commissioner of registration" means the county commissioner of elections as defined in section 47.2.

2. "Homeless person" means a person who lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is one of the following:

- a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations.
- b. An institution that provides a temporary residence for persons intended to be institutionalized.

c. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

3. "Mentally incompetent person" means a person who has been legally determined to be severely or profoundly mentally retarded, or has been found incompetent in a proceeding held pursuant to section 229.27.

4. "Voter registration agency" means an agency designated to conduct voter registration under section 48A.19. Offices of the driver services division of the state department of transportation are not voter registration agencies.

5. "Voter registration form" means an application to register to vote which must be completed by any person registering to vote.

Sec. 3. NEW SECTION. 48A.3 COMMISSIONER OF REGISTRATION.

The county commissioner of elections is designated the commissioner of registration for the county, and may appoint deputies and assistants, subject to the approval of the county board of supervisors, necessary to carry out the commissioner's responsibilities under this chapter and under rules of the state voter registration commission and the state registrar of voters.

Sec. 4. NEW SECTION. 48A.4 QUALIFICATION OF OFFICERS.

Before undertaking any voter registration duties, each voter registration officer, deputy, or assistant in whatever capacity, or clerk in the office of commissioner shall take an oath in the form prescribed by the state commissioner of elections.

SUBCHAPTER II  
QUALIFICATIONS TO REGISTER TO VOTE

Sec. 5. NEW SECTION. 48A.5 VOTER QUALIFICATIONS.

1. An eligible elector wishing to vote in elections in Iowa shall register to vote as required by this chapter.
2. To be qualified to register to vote an eligible elector shall:
  - a. Be a citizen of the United States.

b. Be an Iowa resident. A person's residence, for voting purposes only, is the place which the person declares is the person's home with the intent to remain there permanently or for a definite, or indefinite or indeterminable length of time. A person who is homeless or has no established residence may declare residence in a precinct by describing on the voter registration form a place to which the person often returns.

c. Be at least eighteen years of age. Completed registration forms shall be accepted from registrants who are at least seventeen and a half years of age, however, the registration shall not be effective until the registrant reaches the age of eighteen.

d. Not claim the right to vote in more than one place. A registrant shall be presumed to revoke any earlier claim of residence for voter registration purposes.

3. If a person who meets the requirements set forth in subsection 2 moves to a new residence, either in Iowa or outside Iowa, and does not meet the voter requirements at the person's new residence, the person may vote at the person's former precinct in Iowa until the person meets the voter requirements of the person's new residence. However, a person who has moved to a new residence and fails to register to vote at the person's new residence after becoming eligible to do so shall not be entitled to vote at the person's former precinct in Iowa.

4. A citizen of the United States who lives outside of the United States has the right to register and vote as if the person were a resident of a precinct in Iowa if the citizen was an eligible elector of Iowa immediately before leaving the United States. A citizen who was not old enough to register to vote before leaving the United States but who met all of the other requirements for voter registration at that time also has the right to register and vote as if the person were a resident of a precinct in Iowa. This right applies even

though while living outside the United States the citizen does not have a residence or other address in the precinct, and the citizen has not determined whether to return to Iowa. To qualify to vote in Iowa a United States citizen living outside the United States shall:

a. Comply with all applicable requirements of sections 53.37 to 53.53 relating to absentee ballots for members of the armed forces and other citizens living outside the United States.

b. Not maintain a residence, shall not be registered to vote, and shall not vote in any other state, territory, or possession of the United States.

c. Possess a valid passport or identity card and registration issued under authority of the United States secretary of state, or, if the citizen does not possess a valid passport or card of identity or registration, an alternative form of identification consistent with the provisions of applicable federal and state requirements.

5. If a United States citizen living outside the United States meets the requirements for voting, except for residence, has never lived in the United States, and has a parent who meets the definition of a member of the armed forces of the United States under section 53.37, the citizen is eligible to register to vote and vote at the same voting residence claimed by the citizen's parent.

6. The deadlines for voter registration shall not apply to a person who has been discharged from military service within thirty days preceding the date of an election. The person shall present to the precinct election official a copy of the person's discharge papers. The person shall complete a voter registration form and give it to the official before being permitted to vote.

Sec. 6. NEW SECTION. 48A.5A DETERMINATION OF RESIDENCE.

Residence shall be determined in accordance with the following principles:

1. The residence of a person is in the precinct where the person's home or dwelling is located.
2. A residence for purposes of this chapter cannot be established in a commercial or industrial building that is not normally used for residential purposes unless the building is used as a primary nighttime residence.
3. A person does not lose residence if the person leaves the person's home to reside temporarily in another state or precinct.
4. If a person goes to another state or precinct and files an affidavit of residence in that state or precinct for election purposes, the person loses residence in the former state or precinct, unless the person moved to the other state after that state's deadline for registering to vote in a particular election.
5. A student who resides at or near the school the student attends, but who is also able to claim a residence at another location under the provisions of this section, may choose either location as the student's residence for voter registration and voting purposes.
6. If an active member of the United States armed forces, as defined by section 53.17, has previously resided at a location that meets the requirements of this section, that person may claim either that previous residence or the person's current residence as the person's residence for voter registration and voting purposes.
7. Notwithstanding subsections 1 through 6, the residence of a homeless person is in the precinct where the homeless person usually sleeps. Residence requirements shall be construed liberally to provide homeless persons with the opportunity to register to vote and to vote.
8. A person's declaration of residency for voter registration and voting purposes is presumed to be valid unless a preponderance of evidence indicates that another location should be considered the person's voting residence under the provisions of this chapter.

Sec. 7. NEW SECTION. 48A.6 DISQUALIFIED ELECTORS.

The following persons are disqualified from registering to vote and from voting:

1. A person who has been convicted of a felony as defined in section 701.7, or convicted of an offense classified as a felony under federal law. If the person's rights are later restored by the governor, or by the president of the United States, the person may register to vote.
2. A person who has been legally determined to be mentally incompetent. Certification by the clerk of the district court that any such person has been found no longer incompetent by a court shall qualify such person to again be an elector, subject to the other provisions of this chapter.

Sec. 8. NEW SECTION. 48A.7 REGISTRATION IN PERSON.

An eligible elector may register to vote by appearing personally and completing a voter registration form at the office of the commissioner in the county in which the person resides, at a motor vehicle driver's license station, or at any voter registration agency. A separate registration form shall be signed by each individual registrant.

Sec. 9. NEW SECTION. 48A.8 REGISTRATION BY MAIL.

An eligible elector may register to vote by completing a mail registration form. The form may be mailed or delivered by the registrant or the registrant's designee to the commissioner in the county where the person resides. A separate registration form shall be signed by each individual registrant.

Sec. 10. NEW SECTION. 48A.9 VOTER REGISTRATION DEADLINES.

1. Registration closes at five p.m. eleven days before each election except primary and general elections. For primary and general elections, registration closes at five p.m. ten days before the election. An eligible elector may register during the time registration is closed in the elector's precinct but the registration shall not become

effective until registration opens again in the elector's precinct.

2. The commissioner's office shall be open from eight a.m. until at least five p.m. on the day registration closes before each regularly scheduled election.

3. A registration form submitted by mail shall be considered on time if it is postmarked no later than the fifteenth day before the election, even if it is received by the commissioner after the deadline, or if the registration form is received by the commissioner no later than five p.m. on the last day to register to vote for an election, even if it is postmarked after the fifteenth day before the election.

4. Registration forms submitted to voter registration agencies or to motor vehicle driver's license stations shall be considered on time if they are received no later than five p.m. on the day registration closes for that election. Offices or agencies other than the county commissioner's office are not required to be open for voter registration purposes at times other than their usual office hours.

Sec. 11. NEW SECTION. 48A.10 REGISTRATION REQUIRED.

If a registered voter moves to a different county, the person shall submit a completed voter registration form to the commissioner in order to be qualified to vote in that county. An otherwise eligible elector whose right to vote has been restored pursuant to chapter 914 or who has been found not to be mentally incompetent may register to vote.

SUBCHAPTER III

FORMS AND PROCEDURES FOR VOTER REGISTRATION

Sec. 12. NEW SECTION. 48A.11 VOTER REGISTRATION FORM.

1. Each voter registration form shall provide space for the registrant to provide the following information:

- The county where the registrant resides.
- The registrant's name.
- The address at which the registrant resides and claims as the registrant's residence for voting purposes.

d. The registrant's mailing address if it is different from the residence address.

e. Social security number of the registrant (optional to provide).

f. Date of birth.

g. Sex.

h. Residential telephone number (optional to provide).

i. Political party registration.

j. The name and address appearing on the registrant's previous voter registration.

k. A space for a rural resident to provide township and section number, and such additional information as may be necessary to describe the location of the rural resident's home.

l. A space for a registrant who is homeless or who has no established residence to provide such information as may be necessary to describe a place to which the person often returns.

m. A statement that lists each eligibility requirement, contains an attestation that the registrant meets all of the requirements, and requires the signature of the registrant under penalty of perjury.

n. A space for the registrant's signature and the date signed.

2. The voter registration form shall include, in print that is identical to the attestation portion of the form, the following:

a. Each voter eligibility requirement.

b. The penalty provided by law for submission of a false voter registration form, which shall be the penalty for perjury as provided by section 902.9, subsection 4.

3. Voter registration forms used by voter registration agencies under section 48A.19 shall include the following statements:

a. If a person declines to register to vote, the fact that the person has declined to register will remain confidential and will be used only for voter registration purposes.

b. If a person does register to vote, the office at which the registrant submits a voter registration form will remain confidential and the information will be used only for voter registration purposes.

4. Voter registration forms may be on paper or electronic media.

5. All forms for voter registration shall be prescribed by rule adopted by the state voter registration commission.

Sec. 13. NEW SECTION. 48A.12 FEDERAL MAIL VOTER REGISTRATION FORM.

The mail voter registration form prescribed by the federal election commission shall be accepted for voter registration in Iowa if all required information is provided, if it is signed by the registrant, and if the form is timely received.

The state commissioner of elections shall make the federal mail voter registration forms available for distribution to governmental and private entities, with particular emphasis on making them available to organized voter registration entities and programs.

Sec. 14. NEW SECTION. 48A.13 ELECTRONIC SIGNATURES ON VOTER REGISTRATION RECORDS.

Electronic signatures shall be accepted. However, before the use of electronic signatures is accepted on voter registration forms, the state voter registration commission shall prescribe by rule the technological requirements for guaranteeing the security and integrity of electronic signatures.

Sec. 15. NEW SECTION. 48A.14 CHALLENGES OF VOTER REGISTRATIONS.

1. The registration of a registered voter may be challenged by another registered voter of the same county subject to the conditions and limitations of this section. A

challenge shall be a statement in writing to the commissioner alleging one or more of the following reasons the challenged registrant's registration should not have been accepted or should be canceled:

a. The challenged registrant is not a citizen of the United States.

b. The challenged registrant is less than seventeen and one-half years of age.

c. The challenged registrant is not a resident at the address where the registrant is registered.

d. The challenged registrant has falsified information on the registrant's registration form.

e. The challenged registrant has been convicted of a felony, and the registrant's voting rights have not been restored.

f. The challenged registrant has been adjudged mentally incompetent by a court of law and no subsequent proceeding has reversed that finding.

2. A challenge shall not contain allegations against more than one registered voter.

3. A challenge shall contain a statement signed by the challenger in substantially the following form: "I swear or affirm that information contained on this challenge is true. I understand that knowingly filing a challenge containing false information is a serious misdemeanor."

4. A challenge may be filed at any time. A challenge filed less than seventy days before a regularly scheduled election shall not be processed until after the pending election unless the challenge is filed within twenty days of the commissioner's receipt of the challenged registrant's registration form or notice of change to an existing registration.

5. A challenger may withdraw a challenge at any time before the hearing held pursuant to section 48A.16 by notifying the commissioner in writing of the withdrawal.

Sec. 16. NEW SECTION. 48A.15 COMMISSIONER'S ACTION UPON RECEIPT OF CHALLENGE OR WITHDRAWAL.

1. A challenge is valid if it meets the criteria in section 48A.14, subsections 1, 2, and 3.
2. Upon receipt of a challenge which is not valid, the commissioner shall notify the challenger of the reason the challenge is not valid, and shall take no further action regarding the challenge.
3. Upon receipt of a valid challenge, the commissioner shall, within five working days, notify the challenged registrant and the challenger of the date, time, and place of a hearing on the matter of the challenge, to be held not less than twenty nor more than thirty days from the commissioner's receipt of the challenge. The notice of a hearing shall include a copy of the challenge, and shall advise the challenged registrant that the registrant may personally appear at the hearing, or may submit to the commissioner before the hearing evidence, documentation, or statements refuting the challenge.
4. The notice prescribed by subsection 3 shall be sent by first class forwardable mail to the challenged registrant at the registrant's most recent mailing address according to the registration records.
5. If the challenge is withdrawn, the commissioner shall immediately notify the challenged registrant of the withdrawal, and shall cancel the scheduled hearing.
6. If the challenged registrant notifies the commissioner that the challenged registrant wishes to appear in person but is unable to do so on the date scheduled, the commissioner may reschedule the hearing.

Sec. 17. NEW SECTION. 48A.16 HEARING ON CHALLENGE.

1. At the time and place fixed for the hearing, the commissioner shall accept evidence on the challenge from the challenger and the challenged registrant, or from any person appearing on behalf of either, and review any documents or

statements pertaining to the challenge received before the hearing. On the basis of the evidence submitted, the commissioner shall either reject the challenge or cancel the registration of the challenged registrant. Either the challenged registrant or the challenger may appeal the commissioner's decision to the district court in the commissioner's county, and the decision of the court shall be final.

2. If a challenged registrant does not personally appear at the hearing and the challenged registrant's registration is canceled, the commissioner shall immediately notify the challenged registrant of the cancellation by first class forwardable mail sent to the challenged registrant's most recent mailing address according to the registration records.

SUBCHAPTER IV

PLACES TO REGISTER

Sec. 18. NEW SECTION. 48A.17 REGISTRATION AT COMMISSIONER'S OFFICE.

A person who meets the qualifications to vote may appear in person at the office of the county commissioner of registration and apply to register to vote.

Sec. 19. NEW SECTION. 48A.18 VOTER REGISTRATION AT MOTOR VEHICLE DRIVER'S LICENSE STATIONS.

1. Each state motor vehicle driver's license application, including any renewal application or application for a nonoperator's identification card, submitted to the driver services division of the state department of transportation shall serve as an application for voter registration unless the applicant declines to register to vote. A completed voter registration form submitted to the driver services division of the state department of transportation shall be considered to update any previous voter registration by the registrant.
2. A change of address form submitted to the driver services division of the state department of transportation shall serve as a change of address for voter registration

purposes unless the registrant states on the form that the change of address is not for voter registration purposes.

3. Information relating to the refusal of an applicant for a driver's license to apply to register to vote shall not be used for any purpose other than voter registration.

4. Forms and procedures used by the driver services division for voter registration and a schedule for transmission of voter registration forms from the division to the county commissioner of registration shall be prescribed by the state voter registration commission by rule.

Sec. 20. NEW SECTION. 48A.19 VOTER REGISTRATION AGENCIES.

1. The following state agencies are responsible for voter registration:

a. All state offices that have direct client contact and provide applications for public assistance, including but not limited to offices administering the following programs:

- (1) Food stamps.
- (2) Medical assistance under chapter 249A.
- (3) Iowa family investment program.
- (4) Special supplemental food program for women, infants, and children.

b. All offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, including but not limited to all of the following:

- (1) Department for the blind.
- (2) Division of vocational rehabilitation services of the department of education.
- (3) Deaf services division of the department of human rights or its successor agency.
- (4) Division of persons with disabilities of the department of human rights or its successor agency.

An agency designated a voter registration agency under this paragraph which provides services to persons with disabilities

in their homes shall provide voter registration services at the clients' homes.

c. Other federal and state agencies designated to provide voter registration services include, but are not limited to, the United States armed forces recruiting offices.

2. Agencies designated to provide voter registration services shall provide the following services:

- a. Distribution of a voter registration form either on paper or electronic medium.
- b. Assistance to registrants in completing voter registration forms, unless the registrant refuses assistance.
- c. Acceptance of completed voter registration forms for transmittal as required in section 48A.21.

3. The voter registration agency shall provide voter registration services with each application for services or assistance and with each recertification, renewal, or change of address form completed relating to the agency's services. The secretary of state shall adopt administrative rules in cooperation with voter registration agencies to carry out the requirements of this section.

4. The voter registration agency shall provide a form to applicants that includes all of the following:

a. The question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

b. If the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

c. Boxes for the applicant to check and choices in substantially the following form:

"\_\_\_ I want to register to vote.

\_\_\_ I do not want to register to vote."

The following statement shall be printed near the choices and shall be printed in large, readable type:

"If you do not check either box, you will be considered to have decided not to register to vote at this time."

d. The statement, "If you would like help in filling out the voter registration form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."

However, in those voter registration agencies where electronic forms are used, the following statement shall be used: "If you want to fill out the form in private, a separate paper form for voter registration will be provided."

e. The statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the state voter registration commission". The name, address, and telephone number of the voter registration commission shall complete the statement.

The voter registration agency may distribute the voter registration form either on paper or by electronic medium.

5. The voter registration agency shall provide each applicant who chooses to register to vote the same degree of assistance in completing the registration form as is provided by the office for the completion of its own forms unless the applicant refuses such assistance.

6. Completed voter registration forms shall be transmitted as provided in section 48A.21.

Sec. 21. NEW SECTION. 48A.20 PROHIBITED ACTS BY VOTER REGISTRATION AGENCY EMPLOYEES.

A person who provides voter registration services as required by this subchapter shall not:

1. Seek to influence an applicant's political preference or party registration.
2. Display a political preference or party affiliation.

3. Make any statement to an applicant or take any action which has the purpose or effect of discouraging the applicant from registering to vote.

4. Make any statement to an applicant or take any action which has the purpose or effect of leading the applicant to believe that a decision to register or not to register to vote has any bearing on the availability of services or benefits.

Sec. 22. NEW SECTION. 48A.21 TRANSMISSION OF FORMS FROM AGENCIES AND DRIVER'S LICENSE STATIONS.

The state registrar of voters shall adopt administrative rules regulating the transmission of completed voter registration forms from voter registration agencies and from driver's license stations. All completed voter registration applications in the possession of a voter registration agency or a driver's license station at five p.m. on the last work day of each week shall be transmitted to the location designated by the state registrar of voters by rule. Procedures or requirements for more frequent transmissions may be specified by rule.

Sec. 23. NEW SECTION. 48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.

The secretary of state shall encourage volunteer organizations to undertake voter registration drives by providing mail registration forms at the cost of production.

Sec. 24. NEW SECTION. 48A.23 REGISTRATION AT EDUCATIONAL INSTITUTIONS.

1. At least twice during each school year, the board of directors of each school district operating a high school and the authorities in charge of each accredited nonpublic school shall offer the opportunity to register to vote to each student who is at least seventeen and one-half years of age.

2. All postsecondary schools, including but not limited to, colleges, universities, and trade and technical schools which receive state funding shall offer the opportunity to register to vote to each student at least once each year.

Students shall be provided with the federal voter registration form or the Iowa voter registration form, as applicable.

Sec. 25. NEW SECTION. 48A.24 VOTER REGISTRATION FORMS IN INCOME TAX RETURNS AND BOOKLETS.

For odd-numbered tax years, the director of revenue and finance shall insert securely in each individual income tax return form or instruction booklet two voter registration forms, designed according to rules adopted by the state voter registration commission.

Sec. 26. NEW SECTION. 48A.25 COMPENSATION FOR ASSISTANCE IN COMPLETING REGISTRATION FORMS.

A person may pay, offer to pay, or accept compensation for assisting others in completing voter registration forms only if the compensation is based solely on the time spent providing the assistance. Paying, offering to pay, or receiving compensation based on the number of registration forms completed, or the party affiliations shown on completed registration forms, or on any other performance criteria, is a serious misdemeanor.

This section shall not apply to state statutory political committees, as defined in section 43.111.

This section shall not apply to state and political subdivision employees who are required to offer assistance to clients as a part of their regular job duties, and who shall not be granted additional compensation for voter registration activities. A person assisting another in completing a voter registration form shall not complete any portion of the form without the knowledge or consent of the registrant.

SUBCHAPTER V.

PROCESSING VOTER REGISTRATION RECORDS

Sec. 27. NEW SECTION. 48A.26 ACKNOWLEDGMENT OF REGISTRATION FORM.

1. Within seven working days of receipt of a voter registration form or change of information in a voter registration record the commissioner shall send an

acknowledgment to the registrant at the mailing address shown on the registration form. The acknowledgment shall be sent by first class nonforwardable mail.

2. If the registration form appears on its face to be complete and proper, the acknowledgment shall state that the registrant is now a registered voter of the county. The acknowledgment shall also specify the name of the precinct and the usual polling place for the precinct in which the person is now registered. The acknowledgment may include the political party affiliation most recently recorded by the registrant.

3. If the registration form is missing required information, the acknowledgment shall advise the applicant what additional information is required. The commissioner shall enclose a new registration by mail form for the applicant to use. If the registration form has no address, the commissioner shall make a reasonable effort to determine where the acknowledgment should be sent.

4. If the acknowledgment is returned as undeliverable by the United States postal service, the commissioner shall follow the procedure described in section 48A.29, subsection 1.

5. If a registrant has not supplied enough information on a registration form for the commissioner to determine the correct precinct and other districts, the commissioner shall obtain the information as quickly as possible either from the registrant or other sources available to the commissioner.

6. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official. The date of registration shall be the date the registration form was received by the first official. If the registration form was postmarked fifteen or more days before an election and the registration form was received by the first official after the close of registration, the

registration form shall be considered on time for the election.

7. When a person who is at least seventeen and one-half years of age but less than eighteen years of age registers to vote, the commissioner shall maintain a record of the registration so as to clearly indicate that it will not take effect until the registrant's eighteenth birthday and that the person is registered and qualifies to vote at any election held on or after that date.

Sec. 28. NEW SECTION. 48A.27 CHANGES TO VOTER REGISTRATION RECORDS.

1. Any voter registration form received by any voter registration agency, driver's license station, or the commissioner shall be considered as updating the registrant's previous registration.

2. a. A person who is registered to vote may request changes in the voter's registration record at any time by submitting one of the following, as applicable:

(1) A written notice to the county commissioner.

(2) A completed Iowa or federal mail registration form to the county commissioner.

(3) On election day, a registration form to the precinct election officials at the precinct of the voter's current residence.

(4) A change of address form to the driver services division of the state department of transportation.

(5) A change of address notice for voter registration submitted to any voter registration agency.

b. If a change of name, telephone number, or address is submitted under this subsection, the commissioner shall not change the party affiliation in the elector's prior registration other than that indicated by the elector.

3. The commissioner shall make the necessary changes in the registration records without any action by the registrant when any of the following events occur: -

a. Annexation of territory by a city. When an existing city annexes territory, the city clerk shall furnish the commissioner a detailed map of the annexed territory. The commissioner shall change the registration of persons residing in that territory to reflect the annexation and the city precinct to which each of those persons is assigned. If the commissioner cannot determine the names and addresses of the persons affected by the annexation, the commissioner shall send each person who may be involved a letter informing the person that the person's registration may be in error, and requesting that each person provide the commissioner with the information necessary to correct the registration records.

b. Change of official street name or house or building number by a city or county. When the city or county changes the name of a street or the number of a house or other building in which a person resides, the city clerk or county board of supervisors shall inform the commissioner of the change, and the commissioner shall change the registration of each person affected.

c. Incorporation or discontinuance of a city. When a new city is incorporated or an existing city is discontinued, the city clerk shall notify the commissioner. The commissioner shall change the registration of each person affected.

d. Change of rural route designation of the residence of the registered voter. The commissioner shall request each postmaster in the county to inform the commissioner of each change in rural route designation and the names of the persons affected, and the commissioner shall change the registration of each person as appropriate.

4. a. A commissioner, either independently or in cooperation with the state registrar of voters, and in accordance with rules of the state voter registration commission, may enter into an agreement with a licensed vendor of the United States postal service participating in the national change of address program to identify registered

voters of the county who may have moved either within or outside the county.

b. If the information provided by the vendor indicates that a registered voter has moved to another address within the county, the commissioner shall change the registration records to show the new residence address, and shall also mail a notice of that action to both the former and new addresses. The notice shall be sent by forwardable first class mail, and shall include a postage prepaid preaddressed return form by which the registered voter may verify or correct the address information.

c. If the information provided by the vendor indicates that a registered voter has moved to an address outside the county, the commissioner shall make the registration record inactive, and shall mail a notice to the registered voter at both the former and new addresses. The notice shall be sent by forwardable first class mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address. The notice shall contain a statement in substantially the following form: "Information received from the United States postal service indicates that you are no longer a resident of, and therefore not eligible to vote in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct and you have moved, please contact a local official in your new area for assistance in registering there.

If you do not mail in the card, you may be required to show identification proving your residence in (name of county) County before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in an election in (name of county) County, Iowa on or before

(date of second general election following the date of the notice) your name will be removed from the list of voters in that county. To ensure you receive this notice, it is being sent to both your most recent registration address and to your new address as reported by the postal service."

d. If the information provided by the vendor indicates the registered voter has moved to another county within the state, the notice required by paragraph "c" shall include a statement that registration in the county of the person's current residence is required, and shall provide a mail registration form for the person to use.

e. If a registered voter returns a card sent pursuant to this subsection and confirms that the registered voter has moved to a new residence outside the county, the commissioner shall cancel the registration of the voter.

f. If a registered voter returns a card sent pursuant to this subsection and states that the registered voter's residence address has not changed for the purpose of voter registration, the commissioner shall reinstate the record to active status, making any other changes directed by the registrant in the notice.

5. The commissioner shall keep a record of the names and addresses of the registered voters to whom notices under this section are sent and the date of the notice. When the return card from a notice is received by the commissioner, the commissioner shall record the date it was received and whether the registrant had moved within the county, moved to an address outside the county, or had not changed residence.

Sec. 29. NEW SECTION. 48A.28 SYSTEMATIC CONFIRMATION PROGRAM.

1. Each commissioner shall conduct a systematic program that makes a reasonable effort to remove from the official list of registered voters the names of registered voters who have changed residence from their registration addresses. Either or both of the methods described in this section may be used.

2. A commissioner may participate in the United States postal service national change of address program, as provided in section 48A.27. The state voter registration commission shall adopt rules establishing specific requirements for participation and use of the national change of address program.

A commissioner participating in the national change of address program, in the first quarter of each calendar year, shall send a notice and preaddressed, postage paid return card by first class forwardable mail to each registered voter whose name was not reported by the national change of address program and who has not voted, registered again, or reported a change to an existing registration during the preceding four calendar years. The form and language of the notice and return card shall be specified by the state voter registration commission by rule. A registered voter shall not be sent a notice and return card under this subsection more frequently than once in a four-year period.

3. For a commissioner who is not participating in the national change of address program, in February of each year the commissioner shall mail a confirmation notice to each registered voter in the county. The notice shall be sent by first class forwardable mail. The notice shall include a preaddressed, postage paid return card for the use of the registered voter or the recipient of the notice. The card shall contain boxes for the recipient to check to indicate one of the following:

- a. That the recipient is the registered voter named on the card, and is still a resident at the address listed.
- b. That the recipient is the registered voter named on the card, but is no longer a resident of the address listed.
- c. That the recipient is not the registered voter named on the card, and the registered voter named on the card is not a resident of the address listed.

The form and language of the notice and return card shall be specified by the state voter registration commission by rule.

Sec. 30. NEW SECTION. 48A.29 PROCEDURE UPON RETURN OF CONFIRMATION CARD.

1. If a confirmation notice and return card sent pursuant to section 48A.28 is returned as undeliverable by the United States postal service, the commissioner shall make the registration record inactive and shall mail a notice to the registered voter at the registered voter's most recent mailing address, as shown by the registration records.

The notice shall be sent by forwardable first class mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address. The notice shall contain a statement in substantially the following form: "Information received from the United States postal service indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct, and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification proving your residence in (name of county) County before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county."

2. When a detachable return card originally attached to a confirmation notice is returned indicating that the registered

voter is still a resident of the address shown on the registration records, the commissioner shall make a record of the date the card was received.

3. When a detachable return card originally attached to a confirmation notice is returned by anyone other than the registered voter indicating that the registered voter is no longer a resident of the registration address, the commissioner shall make the registration record inactive, and shall mail a notice to the registered voter at the registered voter's most recent mailing address, as shown by the registration records.

The notice shall be sent by forwardable first class mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address. The notice shall contain a statement in substantially the following form: "Information received by this office indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If the information is not correct, and you still live at that address, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct, and you have moved within the county, you may update your registration by listing your new address on the card and mailing it back. If you have moved outside the county, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification proving your residence in (name of county) County before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa on or before (date of second general election following the date of the notice) your name will be removed from the list of registered voters in that county."

Sec. 31. NEW SECTION. 48A.30 CANCELLATION OF VOTER REGISTRATION.

1. The voter registration of a registered voter shall be canceled if any of the following occurs:
  - a. The registered voter dies. For the purposes of this subsection, the commissioner may accept as evidence of death a notice from the state registrar of vital statistics forwarded by the state registrar of voters, a written statement from a member of the registered voter's household, an obituary in a newspaper, a written statement from an election official, or a notice from the clerk of the district court in the county where the registered voter died.
  - b. The registered voter registers to vote in another jurisdiction, and the commissioner receives notice of the registration from the registration official in the other jurisdiction.
  - c. The registered voter requests the cancellation in writing.

For the purposes of this subsection, a confirmation by the registered voter that the registered voter is no longer a resident of the county constitutes a request for cancellation.

- d. The clerk of the district court, or the United States attorney, or the state registrar sends notice of the registered voter's conviction of a felony as defined in section 701.7, or conviction of an offense classified as a felony under federal law. The clerk of district court shall send notice of a felony conviction to the state registrar of voters. The registrar shall determine in which county the felon is registered to vote, if any, and shall notify the county commissioner of registration for that county of the felony conviction.
  - e. The clerk of the district court or the state registrar sends notice that the registered voter has been declared mentally incompetent under state law.

f. The registered voter's registration record has been inactive pursuant to section 48A.29 for two successive general elections.

2. When a registration is canceled pursuant to subsection 1, paragraph "d", "e", or "f", the commissioner shall send a notice of the cancellation to the registered voter.

Sec. 32. NEW SECTION. 48A.31 DECEASED PERSONS RECORD.

The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, once each calendar quarter, a certified list of all persons seventeen and one-half years of age and older in the state whose deaths have been reported to the records and statistics division of the Iowa department of public health since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications of the state registrar of voters, who shall determine whether each listed decedent was registered to vote in this state. If the decedent was registered in a county which uses its own data processing facilities for voter registration recordkeeping, the registrar shall notify the commissioner in that county who shall cancel the decedent's registration. If the decedent was registered in a county for which voter registration recordkeeping is performed under contract by the registrar, the registrar shall immediately cancel the registration and notify the commissioner of the county in which the decedent was registered to vote of the cancellation.

Sec. 33. NEW SECTION. 48A.32 DESTRUCTION OR REMOVAL OF CANCELED VOTER REGISTRATION RECORDS.

Twenty-two months after the next general election following the cancellation of a person's voter registration, the commissioner may destroy all records of that person's registration. At the discretion of the commissioner, canceled records may be donated to an historical society if all confidential information has been removed from the records.

Sec. 34. NEW SECTION. 48A.33 DECLINATION OF REGISTRATION OPPORTUNITY.

When a client or applicant of a voter registration agency declines to register to vote, the record of the declination shall be kept by the voter registration agency for twenty-two months after the next general election after which time the agency may destroy the records.

SUBCHAPTER VI

RETENTION AND STORAGE OF VOTER REGISTRATION RECORDS

Sec. 35. NEW SECTION. 48A.34 CONFIDENTIALITY OF CERTAIN RECORDS.

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

Sec. 36. NEW SECTION. 48A.35 VOTER REGISTRATION RECORDS UNDER CONTROL OF THE COMMISSIONER.

The county commissioner of elections shall be responsible for the maintenance and storage of all paper and electronic voter registration records in the commissioner's custody. Original registration records shall not be removed from the commissioner's office or from any other designated permanent storage location except upon request of a county commissioner or a court order, or as provided by section 48A.32. The state registrar of voters and the state voter registration commission shall adopt administrative rules to implement this section.

Sec. 37. NEW SECTION. 48A.36 ELECTRONIC REGISTRATION RECORD RETENTION IN VOTER REGISTRATION AGENCIES.

1. Voter registration agencies and the driver services division of the state department of transportation may electronically transmit registration data to the state

registrar of voters, who shall distribute the information, electronically or otherwise, to the appropriate commissioner in accordance with rules of the state voter registration commission and the state registrar of voters. The state agency originating the registration data shall permanently retain an electronic copy of the form completed by the registrant, including the registrant's signature, and shall develop procedures for the retrieval and printing of that electronic document. A printed copy of an electronic registration document shall be made only upon the agency's receipt of a court order.

2. Upon receipt of electronic registration data under subsection 1, the state registrar of voters may cause the updating of registration records for registrants in counties which have arranged for data processing services under section 47.7, subsection 2. The registrar shall notify the commissioner of the actions taken.

Sec. 38. NEW SECTION. 48A.37 ELECTRONIC REGISTRATION RECORDS.

1. Voter registration records shall be maintained in an electronic medium. A history of local election participation shall be maintained as part of the electronic record for at least two general, primary, school, and city elections. Absentee voting shall be recorded for the previous two general and primary elections. After each election, the county commissioner shall update telephone numbers provided by registered voters pursuant to section 49.77.

2. Electronic records shall include a status code designating whether the records are active or inactive. Inactive records are records of registered voters to whom notices have been sent pursuant to section 48A.28, subsection 3, and who have not returned the card or otherwise responded to the notice, and those records have been designated inactive pursuant to section 48A.29. All other records are active records. An inactive record shall be made active when the

registered voter votes at an election, registers again, or reports a change of name, address, telephone number, or political party affiliation.

Sec. 39. NEW SECTION. 48A.38 LISTS OF VOTERS.

1. Any person may request of the registrar and shall receive, upon payment of the cost of preparation, a list of registered voters and other data on registration and participation in elections, in accordance with the following requirements and limitations:

a. The registrar shall prepare each list requested within fourteen days of receipt of the request, except that the registrar shall not be required to prepare any list within seven days of the close of registration for any regularly scheduled election if the preparation of the list would impede the preparation of election registers for that election.

b. Each list shall be as current as possible, but shall in all cases reflect voter activity reported to any commissioner twenty-eight or more days before preparation of the list.

c. Each list shall be in the order and form specified by the list purchaser, and shall contain the registration data specified by the list purchaser, provided compliance with the request is within the capability of the record maintenance system used by the registrar.

d. Lists prepared shall not include inactive records unless specifically requested by the requester.

e. The registrar shall prepare updates to lists at least biweekly, and after the close of registration for a regularly scheduled election, but before the election, if requested to do so at the time a list is purchased. All updates shall be made available to all requesters at the same time, and shall be in the order and form specified by each requester.

2. The registrar shall maintain a log of the name, address, and telephone number of every person who receives a list under this section, and of every person who reviews registration records in the office of the registrar.

Commissioners of registration shall maintain a similar log in their offices of those who receive a list from the commissioner or who review registration records in the commissioner's office. Logs maintained under this subsection are public records, and shall be available for public inspection at reasonable times.

Sec. 40. NEW SECTION. 48A.39 USE OF REGISTRATION INFORMATION.

Information about individual registrants obtained from voter registration records shall be used only to request the registrant's vote at an election, or for another genuine political purpose, or for a bona fide official purpose by an elected official, or for bona fide political research, but shall not be used for any commercial purposes. A person who uses registration information in violation of this section commits a serious misdemeanor.

Sec. 41. NEW SECTION. 48A.40 REPORTS.

At least once each month and at other times deemed appropriate, the county commissioner of registration shall report to the state registrar the number of persons registered in each county. The report shall include the registration totals for each political party and the number of persons not registered with a political party.

Sec. 42. NEW SECTION. 48A.41 CRIMINAL PENALTIES.

1. A person who commits any of the following acts shall be guilty of a class "D" felony:

- a. Willfully registers to vote, knowing oneself not to be eligible.
- b. Willfully or knowingly provides false information for the purpose of registering to vote.
- c. Willfully or knowingly registers a fictitious person to vote, or attempts to do so.
- d. Forges another person's name to a voter registration form or other voter registration document.

2. A person who commits any of the following acts shall be guilty of an aggravated misdemeanor:

- a. Willfully or knowingly entices another to fraudulently register to vote.
- b. Conspires with another for the purpose of introducing information known to be false into voter registration records.
- c. Willfully or knowingly destroys registration records, or attempts to do so, without proper authorization. For the purpose of this paragraph, an electronic record which has not been replaced with a more recent version of the same record, is a registration record.
- d. Files a challenge under section 48A.14 which the challenger knows contains false information pertaining to the reasons the registration is being challenged.
- e. Willfully or knowingly intimidates or threatens, or attempts to intimidate or threaten, any person for registering to vote or attempting to register to vote, or intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce any person to register to vote or to attempt to register to vote.

Sec. 43. Section 39.3, subsection 10, Code Supplement 1993, is amended to read as follows:

10. "~~Qualified-elect~~or" "Registered voter" means a person who is registered to vote pursuant to chapter 48 48A.

Sec. 44. Section 43.5, Code 1993, is amended to read as follows:

43.5 APPLICABLE STATUTES.

The provisions of chapters 39, 47, 48 ~~48A~~, 49, 50, 51, 52, 53, 56, 57, 58, 59, 61, 62 and 722 shall apply, so far as applicable, to all primary elections, except as hereinafter provided.

Sec. 45. Section 47.1, Code Supplement 1993, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

The secretary of state is designated the chief state election official and is responsible for coordination of state responsibilities under the federal National Voter Registration Act of 1993.

Sec. 46. Section 47.2, subsection 1, Code 1993, is amended to read as follows:

1. The county auditor of each county is designated as the county commissioner of elections in each county. The county commissioner of elections shall conduct voter registration pursuant to chapter 40 48A and conduct all elections within the county.

Sec. 47. Section 47.7, subsection 4, Code 1993, is amended to read as follows:

4. Not later than July 1, 1984, information listed in section 48+6 48A.11 contained in a county's manual records but not on the county's computer readable records shall be provided to the registrar in a form specified by the registrar. The registrar shall require that any information supplied under section 48+6 48A.11, except subsections-9-and ~~11~~ the signature and attestation of the registrant, be provided to the registrar in a form specified by the registrar.

Sec. 48. Section 47.8, subsection 4, Code Supplement 1993, is amended to read as follows:

4. The registration commission shall annually adopt a set of standard charges to be made for the services the registrar is required to offer to the several commissioners, and for furnishing of voter registration records which are requested by persons other than the registrar, the state commissioner or any commissioner pursuant to section 48:57-subsection-2 48A.38. These charges shall be sufficient to reimburse the state for the actual cost of furnishing such services or information, and shall be specified by unit wherever possible. The standard charges shall be adopted by the commission by January 15 of each calendar year.

Sec. 49. Section 49.28, Code 1993, is amended by striking the section and inserting in lieu thereof the following:  
49.28 COMMISSIONER TO FURNISH REGISTERS AND SUPPLIES.

The commissioner shall prepare and furnish to each precinct an election register and all other books, forms, materials, equipment, and supplies necessary to conduct the election.

After the registration deadline and before election day the commissioner shall prepare an election register for each precinct in which voting will occur on the day of the election. The precinct election register shall be a list of the names and addresses of all registered voters of the precinct. Inactive records listed in the election register shall be clearly identified with a special mark or symbol.

When a precinct is divided by a district boundary, and some, but not all, registered voters of the precinct may vote on an issue or office from that district, the election register shall clearly indicate which of the registered voters are entitled to vote in the district.

Sec. 50. Section 49.77, Code 1993, is amended to read as follows:

49.77 BALLOT FURNISHED TO VOTER.

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

VOTER'S DECLARATION OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the ..... precinct, ..... ward or township, city of ..... county of ....., Iowa.

I am a ~~qualified elector~~ registered voter. I have not voted and will not vote in any other precinct in said election.

(For primary election only:) I am affiliated with the ..... party.

I understand that any false statement in this declaration

is a criminal offense punishable as provided by law.

.....  
SIGNATURE OF VOTER  
.....  
ADDRESS  
.....  
TELEPHONE

Approved:

.....  
BOARD MEMBER

2. One of the precinct election officials shall announce the elector's voter's name aloud for the benefit of any persons present pursuant to section 49.104, subsection 2, 3 or 5. Any of those persons may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person does not interfere with the functions of the precinct election officials.

3. A precinct election official shall require any person whose name does not appear on the election register as an active voter to show identification. Specific documents which are acceptable forms of identification shall be prescribed by the state commissioner.

PARAGRAPH DIVIDED. A precinct election official may require of an elector the voter unknown to the official, identification upon which the elector's voter's signature or mark appears. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote.

~~4. A person whose name does not appear on the election register of the precinct in which that person claims the right to vote shall not be permitted to vote, except in the circumstance described in section 49.7, subsection 1, paragraph "b", unless the commissioner informs the precinct election officials that an error has occurred and that the person is a qualified elector of that precinct; if the~~

~~commissioner finds no record of the person's registration but the person insists that the person is a qualified elector of that precinct, the precinct election officials shall allow the person to cast a ballot in the manner prescribed by section 49.81. A person whose name does not appear on the election register of the precinct in which that person claims the right to vote shall not be permitted to vote, unless the person affirms that the person is currently registered in the county and presents proof of identity, or the commissioner informs the precinct election officials that an error has occurred and that the person is a registered voter of that precinct. If the commissioner finds no record of the person's registration but the person insists that the person is a registered voter of that precinct, the precinct election officials shall allow the person to cast a ballot in the manner prescribed by section 49.81.~~

5. The request for the telephone number in the declaration of eligibility in subsection 1 is not mandatory and the failure by the elector voter to provide the telephone number does not affect the declaration's validity.

Sec. 51. Section 49.81, subsection 4, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The individual envelopes used for each paper ballot cast pursuant to subsection 1 shall have printed on them the format of the face of the registration form under section 49.3 48A.8 and the following:

Sec. 52. Section 50.19, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The commissioner may destroy precinct election registers, the declarations of eligibility signed by voters, and other material pertaining to any election in which federal offices are not on the ballot, except the tally lists, six months after the election if a contest is not pending. If a contest is pending all election materials shall be preserved until final determination of the contest. Before destroying the

election registers and declarations of eligibility, the commissioner shall prepare records as necessary to permit compliance with ~~section 48:31~~ chapter 48A, subchapter V. Nomination papers for primary election candidates for state and county offices shall be destroyed ten days before the general election, if a contest is not pending.

Sec. 53. Section 50.22, unnumbered paragraph 2, Code 1993, is amended to read as follows:

The decision to count or reject each ballot shall be made upon the basis of the information given on the envelope containing the special ballot, the evidence concerning the challenge, the registration and the returned receipts of registration. ~~If the challenged voter's registration was canceled in the same county where the person attempted to vote because first class mail other than the registration receipt mailed pursuant to section 48:3 was returned by the postal service during the four years preceding the election in progress, the person's ballot shall be accepted for counting and the elector's registration shall be reinstated.~~

Sec. 54. Section 53.2, Code 1993, is amended to read as follows:

#### 53.2 APPLICATION FOR BALLOT.

Any ~~qualified elector~~ registered voter, under the circumstances specified in section 53.1, may on any day, except election day, and not more than seventy days prior to the date of the election, apply in person for an absentee ballot at the commissioner's office or at any location designated by the commissioner, or make written application to the commissioner for an absentee ballot. The state commissioner shall prescribe a form for absentee ballot applications. However, if an ~~elector~~ registered voter submits an application that includes all of the information required in this section, the prescribed form is not required.

This section does not require that a written communication mailed to the commissioner's office to request an absentee

ballot, or any other document be notarized as a prerequisite to receiving or marking an absentee ballot or returning to the commissioner an absentee ballot which has been voted.

Each application shall contain the name and signature of the ~~qualified elector~~ registered voter, the address at which the ~~elector voter~~ registered voter is ~~qualified~~ registered to vote, and the name or date of the election for which the absentee ballot is requested, and such other information as may be necessary to determine the correct absentee ballot for the qualified elector. If insufficient information has been provided, the commissioner shall, by the best means available, obtain the additional necessary information.

If the application is for a primary election ballot and the request is for a ballot of a party different from that recorded on the ~~qualified elector's~~ registered voter's voter registration record, the requested ballot shall be mailed or given to the applicant together with a "Change or Declaration of Party Affiliation" form as prescribed in section 43.42, to be completed by the ~~qualified elector~~ registered voter at the time of voting. Upon receipt of the properly completed form, the commissioner shall approve the change or declaration and enter a notation of the change on the registration records.

If an application for an absentee ballot is received from an eligible elector who is not a ~~qualified elector~~ registered voter the commissioner shall send a registration form under section ~~48:3~~ 48A.8 and an absentee ballot to the eligible elector. If the application is received so late that it is unlikely that the registration form can be returned in time to be effective on election day, the commissioner shall enclose with the absentee ballot a notice to that effect, informing the voter of the registration time limits in ~~sections 48:3 and 48:11~~ section 48A.9. The commissioner shall record on the elector's application that the elector is not currently registered to vote. If the registration form is properly returned by the time provided by section ~~48:3~~ 48A.8, the

commissioner shall record on the elector's application the date of receipt of the registration form and enter a notation of the registration on the registration records.

A qualified-electoregistered voter who has not moved from the county in which the elector is registered to vote may submit a change of name, telephone number, or address on the form prescribed in section ~~48.3~~ 48A.8 when casting an absentee ballot. Upon receipt of a properly completed form, the commissioner shall enter a notation of the change on the registration records.

Sec. 55. Section 53.38, Code 1993, is amended to read as follows:

53.38 AFFIDAVIT CONSTITUTES REGISTRATION.

Whenever a ballot is requested pursuant to section 53.39 or 53.45 on behalf of a voter in the armed forces of the United States, the affidavit upon the ballot envelope of such voter, if the voter is found to be an eligible elector of the county to which the ballot is submitted, shall constitute a sufficient registration under the provisions of chapter ~~48~~ 48A and the commissioner shall place the voter's name on the registration record as a qualified-electoregistered voter, if it does not already appear there.

Sec. 56. Section 53.53, unnumbered paragraph 2, Code 1993, is amended to read as follows:

The voter's declaration or affirmation on the federal write-in ballot constitutes a sufficient registration under the provisions of chapter ~~48~~ 48A and the commissioner shall place the voter's name on the registration record as a qualified-electoregistered voter, if the voter's name does not already appear on the registration record. No witness to the oath is necessary.

Sec. 57. Section 280.9A, subsection 2, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

2. At least twice during each school year, the board of directors of each local public school district operating a high school and the authorities in charge of each accredited nonpublic school operating a high school shall offer the opportunity to register to vote to each student who is at least seventeen and one-half years of age, as required by section 48A.22.

Sec. 58. Section 283A.1, subsection 3, Code 1993, is amended to read as follows:

3. "School board" means a board of school directors regularly elected by the qualified registered voters of a school corporation or district of the state of Iowa.

Sec. 59. Section 331.424, subsection 1, paragraph i, Code 1993, is amended to read as follows:

1. Elections, and voter registration pursuant to chapter ~~48~~ 48A.

Sec. 60. Section 331.505, subsection 4, Code 1993, is amended to read as follows:

4. Serve as county commissioner of registration as provided in chapter ~~48~~ 48A.

Sec. 61. Section 368.1, subsection 12, Code Supplement 1993, is amended to read as follows:

12. "Qualified-electoregistered voter" means a person who is registered to vote pursuant to chapter ~~48~~ 48A.

Sec. 62. Section 602.8102, subsection 15, Code Supplement 1993, is amended by striking the subsection and inserting in lieu thereof the following:

15. Notify the county commissioner of registration and the state registrar of voters of persons seventeen and one-half years of age and older who have been convicted of a felony or who have been legally declared to be mentally incompetent.

Sec. 63. Section 914.6, subsections 1 and 3, Code 1993, are amended to read as follows:

1. Pardons, commutations of sentences, and remissions of fines and forfeitures; ~~and restorations of rights of~~

citizenship shall be issued in duplicate. Repeives Restorations of rights of citizenship and reprieves shall be issued in triplicate.

3. In the case of a remission of fines and forfeitures, restoration of rights of citizenship, or a pardon, commutation of sentence, or reprieve, if the person is not in custody, one copy of the executive instrument shall be delivered to the person and one copy to the clerk of court where the judgment is of record. A list of the restorations of rights of citizenship issued by the governor shall be delivered to the state registrar of voters at least once each month.

Sec. 64. Sections 43.41, 43.42, 43.43, 43.120, 49.11, 49.27, 49.30, 49.43, 49.74, 49.80, 49.81, 49.105, 50.7, 50.8, 53.7, 53.8, 53.15, 53.17, 53.19, 53.25, 53.39, 176A.5, 176A.8, 275.13, 303.25, 303.49, 331.201, 331.751, 357.12, 357C.7, 357D.8, 357E.8, 357F.8, 358.7, and 368.14, Code 1993, are amended by striking from the sections the words "qualified elector" and "qualified electors" and inserting in lieu thereof the words "registered voter" and "registered voters" and by striking from the sections the words "elector" and "electors" when it is used to mean "qualified elector" or "qualified electors" and inserting in lieu thereof the words "registered voter" or "voter" and "registered voters" or "voters", as appropriate.

Sec. 65. Sections 39.3, 53.1, 53.11, 53.22, 275.1, and 362.2, Code Supplement 1993, are amended by striking from the sections the words "qualified elector" and "qualified electors" and inserting in lieu thereof the words "registered voter" and "registered voters" and by striking from the sections the words "elector" and "electors" when it is used to mean "qualified elector" or "qualified electors" and inserting in lieu thereof the words "registered voter" or "voter" and "registered voters" or "voters", as appropriate.

Sec. 66. Sections 47.4, 48.1, 48.2, 48.3, 48.4, 48.5, 48.6, 48.7, 48.8, 48.9, 48.10, 48.11, 48.12, 48.15, 48.17,

48.20, 48.21, 48.22, 48.23, 48.29, 48.30, and 48.32, Code 1993, are repealed.

Sec. 67. Sections 48.16 and 48.31, Code Supplement 1993, are repealed.

Sec. 68. EFFECTIVE DATE. This Act takes effect January 1, 1995.

LEONARD L. BOSWELL  
President of the Senate

HAROLD VAN MAANEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2223, Seventy-fifth General Assembly.

JOHN F. DWYER  
Secretary of the Senate

Approved *May 11*, 1994

TERRY E. BRANSTAD  
Governor