

VOTER REGISTRATION COMMISSION[821]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Voter Registration Commission hereby gives Notice of Intended Action to adopt new Chapter 7, “Voter Registration Mailing Address Maintenance,” Iowa Administrative Code.

Proposed Chapter 7 includes procedures for maintaining, updating and removing mailing addresses from voter registration records. Iowa statute requires that the voter registration form contain a space for a voter to provide a mailing address if it is different from the voter’s residential address. Once the mailing address is added to the voter’s registration record, there are currently no established procedures for maintaining the address by updating it when notice is received from the post office or during the annual national change of address (NCOA) process or for removing the address when it is no longer valid.

Any interested person may make written suggestions or comments on the proposed rules on or before November 20, 2012. Written suggestions or comments should be directed to Sarah Reisetter, Director of Elections, Office of the Secretary of State, First Floor, Lucas State Office Building, Des Moines, Iowa 50319. Persons who want to convey their views orally should contact the Secretary of State’s office by telephone at (515)281-0145 or in person at the Secretary of State’s office on the first floor of the Lucas State Office Building.

Requests for a public hearing must be received by November 20, 2012.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code chapter 48A.

The following amendment is proposed.

Adopt the following new 821—Chapter 7:

CHAPTER 7

VOTER REGISTRATION MAILING ADDRESS MAINTENANCE

821—7.1(48A) Mailing addresses on voter registration applications. The voter registration application shall contain a space for a voter to provide a mailing address if it is different from the voter’s residential address.

7.1(1) *Voter registration application received from registered voter with notice of change to residential address, no new mailing address provided.* If a registered voter with a mailing address listed on the voter’s registration record submits a new application with an updated residential address and no change to the mailing address, the county registrar shall remove the mailing address on the voter’s registration record and mail the registration acknowledgment to the voter’s new residential address.

7.1(2) *Voter registration application received from registered voter with no change to the residential address, no new mailing address provided.* If a registered voter with a mailing address listed on the voter’s registration record submits a new application with no change to the residential address and no change to the mailing address, the county registrar shall not change the mailing address on the voter’s registration record and mail the registration acknowledgment to the voter’s mailing address.

7.1(3) *Voter registration application received from registered voter with no change to the residential address, new mailing address provided.* If a registered voter with a mailing address listed on the voter’s registration record submits a new application with no change to the residential address and a new or

updated mailing address, the county registrar shall list the voter's new or updated mailing address on the voter's registration record and mail the registration acknowledgment to the voter's new mailing address.

821—7.2(48A) Voter registration acknowledgment card returned from mailing address as undeliverable. If a voter registration acknowledgment card is mailed to the mailing address listed on a voter's registration record and the acknowledgment is returned to the county registrar as undeliverable by the United States Post Office, the county registrar shall leave the voter's status as active or pending, remove the mailing address from the voter's registration record, and mail another registration acknowledgment to the voter's residential address. If the acknowledgment mailed to the voter's residential address is also returned as undeliverable by the United States Post Office, the voter's registration record shall be made inactive and the voter shall be mailed a notice as required by Iowa Code section 48A.29, subsection 1.

821—7.3(48A) Absentee ballot sent to address on absentee ballot application. An absentee ballot shall be mailed to the address designated by the voter on the voter's absentee ballot application notwithstanding any other mailing address that may be listed on a voter's registration record. If an absentee ballot mailed to the address designated by the voter on the absentee ballot application is returned to the county commissioner as undeliverable by the United States Post Office, the county commissioner shall verify that the mailing address to which the ballot was sent matches the mailing address listed on the voter's absentee ballot application. If the ballot was sent to the correct mailing address, the commissioner shall void the absentee ballot request and send a notice to the voter's residential address notifying the voter that the absentee ballot request has been canceled because it was mailed to the address designated by the voter and was returned as undeliverable.

821—7.4(48A) Voter registration list maintenance notice returned from mailing address as undeliverable. If a voter registration list maintenance notice is sent to the mailing address listed on a voter's registration record and the notice is returned to the county registrar as undeliverable by the United States Post Office, the county registrar shall leave the voter's status as active, inactive or pending, remove the mailing address from the voter's registration record, and send the notice by forwardable mail to the voter's residential address. If the notice sent to the residential address on the voter's registration record is returned as undeliverable by the United States Post Office, the county registrar shall make the voter's status inactive, and the voter shall be mailed a notice as required by Iowa Code section 48A.29, subsection 1. A voter registration list maintenance notice for purposes of this rule includes any notice sent pursuant to Iowa Code section 48A.27 or 48A.28.

821—7.5(48A) National change of address (NCOA) match returns new mailing address information for a registered voter. County registrars that participate in the annual NCOA process shall include mailing address maintenance as part of the voter list review.

7.5(1) NCOA match returns information indicating that the voter's address is a mailing address and the voter has no mailing address currently listed on the voter registration record. If the NCOA match indicates that an active voter has a mailing address and there is no mailing address currently listed on the voter's registration record, the county registrar shall add the mailing address to the voter's registration record and mail a voter registration acknowledgment to the voter's new mailing address. If the acknowledgment is returned to the county registrar as undeliverable by the United States Post Office, the mailing address shall be removed from the voter's registration record, and the voter's status shall remain active.

7.5(2) NCOA match returns information indicating that the voter's address is not a mailing address and the voter has a mailing address listed on the voter registration record. If the NCOA match indicates that an active voter does not have a mailing address and there is a mailing address currently listed on the voter's registration record, the county registrar shall remove the mailing address from the voter's registration record and mail a voter registration acknowledgment to the voter's residential address. If the acknowledgment is returned to the county registrar as undeliverable by the United States Post Office,

the mailing address shall be restored on the voter's registration record, and the voter's status shall remain active.

7.5(3) *NCOA match returns information indicating that the voter's address is a mailing address that does not match the mailing address currently listed on the voter registration record.* If the NCOA match indicates that an active voter has a mailing address that differs from the mailing address currently listed on the voter's registration record, the county registrar shall update the mailing address and mail a voter registration acknowledgment to the voter's new mailing address. If the acknowledgment is returned to the county registrar as undeliverable by the United States Post Office, the voter's status shall remain active, the previous mailing address shall be restored on the voter's registration record, and a voter registration acknowledgment shall be mailed to the voter's old mailing address. If the acknowledgment mailed to the voter's old mailing address is also returned to the county registrar as undeliverable by the United States Post Office, the voter's status shall be made inactive, and the voter shall be mailed a notice as required by Iowa Code section 48A.29, subsection 1.

821—7.6(48A) United States Post Office provides notice of commencement or termination of household mail delivery. If the United States Post Office provides official notice to the county registrar of commencement or termination of household mail delivery in a particular jurisdiction or area over which the registrar has authority to register voters and maintain the voter registration list, the county registrar may use that official notice to update or remove the mailing addresses on voter registration records affected by the notice. Mailing addresses may be added to or removed from the voter registration records based on the official notice from the United States Post Office. If a mailing address is added to or removed from a voter's registration record pursuant to this rule, a voter registration acknowledgment shall be mailed to the voter at the updated mailing or residential address on file. If the acknowledgment mailed to the updated address is returned as undeliverable by the United States Post Office, the voter's registration status shall remain unchanged, and the voter's registration record shall be restored to remove the update initiated pursuant to this rule.

These rules are intended to implement Iowa Code chapter 48A.