

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 section 17A.4 and 2017 Iowa Acts, House File 516, the Voter Registration Commission hereby gives Notice of Intended Action to amend Chapter 2, “Voter Registration Forms, Acceptability, Registration Dates, and Effective Dates,” Chapter 3, “Lists of Registered Voters,” Chapter 5, “Election Registers,” and Chapter 7, “Voter Registration Mailing Address Maintenance,” Iowa Administrative Code.

These proposed amendments are necessary because of the enactment of 2017 Iowa Acts, House File 516, by the General Assembly. The Commission has determined that because of this newly enacted law, the following amendments are necessary to keep the administrative rules in compliance with the Iowa Code. House File 516 makes significant changes to elections in the state of Iowa, creating the need to update Chapters 2, 3, 5, and 7, which are chapters that contain voter registration rules of the Iowa Administrative Code.

Any interested person may make written suggestions or comments on the proposed amendments on or before September 19, 2017. Written suggestions or comments should be directed to Eric R. Gookin, Election Administrator, 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.

A public hearing will be held on October 16, 2017, at 3 p.m. at the Secretary of State’s office, on the first floor of the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa.

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

These amendments are intended to implement 2017 Iowa Acts, House File 516.

The following amendments are proposed.

ITEM 1. Amend subrule 2.8(3) as follows:

2.8(3) If the application does not include the applicant’s Iowa driver’s license number, Iowa department of transportation-issued nonoperator’s identification card number, or the last four digits of the applicant’s social security number, and the applicant has not indicated that the applicant does not have any of these numbers, the notice described in subrule 2.8(2) shall also include the following statement:

“Your voter registration application cannot be accepted because it does not include an Iowa driver’s license number, an Iowa nonoperator’s identification number or the last four numbers of your social security number. You must submit a new voter registration form before you can be registered to vote in this county.

“If you have an Iowa driver’s license, you must write that number on your voter registration form. If you do not have an Iowa driver’s license, use the number from your Iowa nonoperator’s identification card. If you do not have an identification card issued by the state of Iowa, write the last four numbers of your social security number on the form. If you don’t have any of these identification numbers, please check the box next to ‘NONE’ on the form. Failure to provide any of the three forms of identification will require you to register to vote on election day. Please note it is a Class “D” felony to provide false information on a voter registration application.”

ITEM 2. Amend rule 821—2.10(48A) as follows:

821—2.10(48A) Alternate (nonmailable) registration forms. An alternate registration form is authorized for the use of voter registration agencies ~~and nongovernmental organizations engaging in registration programs and registration drives~~. The form shall contain spaces for all of the required and optional information solicited by the standard form, a list of the qualifications to register to vote, a statement to be signed by the applicant that the applicant is eligible to register to vote, and a statement of the penalty for submission of a false voter registration form. The face of the form shall contain spaces for all the personal information asked of the applicant, along with the attestation and warning. The reverse of the form may contain the list of qualifications, and may contain space for the county commissioner's notations. The form may be printed as a detachable part of a larger piece or may be printed by itself. Because registration forms are frequently generally kept for many years, registration forms shall be printed on paper at least as thick as 20-pound xerographic paper.

~~The intent of this rule is to make available a mechanism for individuals, groups and organizations to conduct registration drives without requiring individuals, groups and organizations to purchase registration forms. To that end, the state registrar shall make available, without charge, a limited quantity of forms as determined by the voter registration commission, and PDF versions of a form meeting the requirements of this rule.~~

ITEM 3. Amend subrule 2.14(2) as follows:

2.14(2) Inactive. If either an acknowledgment mailed to the registrant pursuant to Iowa Code section 48A.26 ~~as amended by 2009 Iowa Acts, House File 475, section 17~~, a notice mailed to the registrant pursuant to Iowa Code section 48A.27 ~~as amended by 2009 Iowa Acts, House File 475, section 18~~, a notice mailed to the registrant pursuant to Iowa Code section 48A.28, ~~or an absentee ballot mailed to the registrant pursuant to Iowa Code section 53.8~~, or a voter identification card issued pursuant to 2017 Iowa Acts, House File 516, section 18, is returned to the commissioner by the United States Postal Service as undeliverable, the registrant's status shall be changed to "inactive" status. In addition, a voter registration record shall be made "inactive" pursuant to Iowa Code section 48A.27, subsection 4, paragraph "c," ~~as amended by 2009 Iowa Acts, House File 475, section 18~~, during the annual NCOA process. Inactive registrations will be deleted after two general elections unless the registrant responds to a confirmation mailing pursuant to Iowa Code section 48A.27 ~~as amended by 2009 Iowa Acts, House File 475, section 17, 48A.28, 48A.29 or 48A.30~~, requests an absentee ballot, votes in an election or submits a registration form updating the registration. Inactive registrants shall show identification when voting in person at the polling place, pursuant to Iowa Code section 49.77(3) ~~as amended by 2009 Iowa Acts, House File 475, section 33~~, or shall restore their voter registration to "active" status pursuant to 721—21.301(53) when voting by absentee ballot.

ITEM 4. Amend paragraph **2.14(3)"c"** as follows:

c. An applicant assigned a status of "pending" shall not be activated until the applicant provides identification and proof of residence pursuant to 721—21.3(49,48A) Iowa Code section 48A.8.

ITEM 5. Amend subrule 2.15(3) as follows:

2.15(3) If all three required elements do not match, the applicant shall be assigned a status of "pending" with reason "DL or SSN Not Verified." The applicant shall be notified that the applicant's voter registration is in pending status and the applicant will be required to show identification and proof of residence pursuant to 721—21.3(49,48A) before voting in the county. The notice shall include the following statement:

"Your voter registration application is pending because the information you provided on your application could not be verified. Your name, date of birth and identification number were compared to the Iowa driver's license records and your identification number cannot be verified.

~~"Before voting for the first time in this county, you will be required to show identification.~~ "Any voter with a 'pending' registration status is required to present an acceptable photo identification and proof of residence pursuant to Iowa Code section

48A.8 in person before their ballot will be counted. You may submit identification either by showing your identification in person when you vote or by mailing a photocopy of your identification to the county ~~auditor's~~ commissioner's office.”

ITEM 6. Adopt the following **new** subrule 2.15(5):

2.15(5) If the application is verified, but the registered voter's name does not appear in the department of transportation-issued driver's license and nonoperator's identification card files, the commissioner shall issue a voter identification card to the registered voter's address on file pursuant to 2017 Iowa Acts, House File 516, section 18.

ITEM 7. Amend rule 821—3.10(48A) as follows:

821—3.10(48A) Driver's license numbers. The county commissioner of registration and the state registrar of voters shall remove a voter's department of transportation-issued driver's license number, Iowa department of transportation-issued nonoperator's identification card number, voter identification number, or whole or partial social security number from a voter registration list prepared pursuant to Iowa Code section 48A.38.

ITEM 8. Amend subrule 5.1(1) as follows:

5.1(1) Election registers shall contain at least the following information:

- a. Full name.
- b. Address.
- c. Date of birth.
- d. Registration status if it is ~~not “active.”~~ “pending.”
- e. Political affiliation (for partisan primary elections only).

ITEM 9. Amend rule 821—7.2(48A) as follows:

821—7.2(48A) Voter registration acknowledgment card returned from mailing address as undeliverable. If a voter registration acknowledgment card or voter identification card issued pursuant to 2017 Iowa Acts, House File 516, section 18, 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 or voter identification card to the voter's residential address. If the acknowledgment or voter identification card 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.