

SECRETARY OF STATE[721]

Notice of Intended Action

**Proposing rule making related to voter registration age
and providing an opportunity for public comment**

The Secretary of State hereby proposes to amend Chapter 23, “Voter Registration in State Agencies,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 17A.3 and 48A.19.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2017 Iowa Acts, House File 516.

Purpose and Summary

2017 Iowa Acts, House File 516, division VIII, lowered the voter registration age from 17½ years of age to 17 years of age effective January 1, 2019. These proposed amendments bring the corresponding administrative rules into conformity with the law.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Secretary of State for a waiver of the discretionary provisions, if any, pursuant to 721—Chapter 10.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Secretary of State no later than 4:30 p.m. on April 30, 2019. Comments should be directed to:

Molly Widen
Office of the Secretary of State
Lucas State Office Building, First Floor
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.281.5864
Email: molly.widen@sos.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 721—23.3(48A) as follows:

721—23.3(48A) Declination forms. The offer of voter registration shall include a declination form in substantially the following form:

STATE OF IOWA

Voter Registration Information

You can apply to register to vote when you apply for assistance. This agency is required to offer you the chance to register to vote.

Registration Rules—You must be registered before you can vote in an election.

To register to vote in Iowa you must—

- be a citizen of the United States
- be a resident of Iowa
- be at least ~~17½~~ 17 years old (you must be 18 years old by election day to vote)
- not have been convicted of a felony (or have had your rights restored)
- not currently be judged “mentally incompetent” by a court
- give up the right to vote in any other place.

Help: 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.

Benefits: Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.

Privacy: If you register to vote, the name of the office where you turn in the form will be kept private. If you do not register to vote, this fact will be kept private. This information will be used only for voter registration purposes.

Complaints: If you believe that someone has interfered with your right to

- register or to decline to register to vote,
- privacy in deciding whether to register,
- privacy in applying to register to vote,
- choose your own political party or other political preference,

you may file a complaint with:

Voter Registration Commission
Office of the Secretary of State
Lucas State Office Building
Des Moines, Iowa 50319
Telephone: (515)281-0145

If you are not registered to vote where you live now, would you like to apply to register to vote here today?

- Yes**, I want to register to vote.
- No**, I do not want to register to vote.

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

Sign here: X _____

Print your name: _____

Date: _____

ITEM 2. Amend rule 721—23.10(48A) as follows:

721—23.10(48A) Ineligible applicants.

23.10(1) *Ineligible minor applicants.* An agency that has applicants who are ineligible to vote because they are minors shall not offer an opportunity to register to vote to applicants who the agency has validated are under the age of ~~17½~~ 17. The agency must still offer information about voter registration to all applicants.

23.10(2) *All other ineligible applicants.* Except for those applicants specifically described in subrule 23.10(1), the opportunity to register to vote must be offered to every applicant. The applicant, not the agency, is responsible for determining the applicant's eligibility to register to vote. The agency shall accept a registration form even if it is submitted by an applicant the agency believes to be ineligible to register to vote.

Applicants who are not accepted for services or assistance by an agency shall be offered the opportunity to register to vote. Even if the applicant will not receive services or assistance from the agency, voter registration forms shall be processed and transmitted not later than the final working day of the week to the appropriate county commissioner of elections as required by Iowa Code section 48A.21.