Regulatory Analysis

Notice of Intended Action to be published: 721—Chapter 22
"Voting Systems and Electronic Poll Books"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 49.29 as amended by 2025 Iowa Acts, House File 954

State or federal law(s) implemented by the rulemaking: Iowa Code section 49.29 as amended by 2025 Iowa Acts, House File 954

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

December 2, 2025 11 a.m. to 12 noon	Via videoconference call: meet.google.com/ryj-soxo-nmz

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Secretary of State no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Emma Overschmidt
First Floor
Lucas State Office Building
321 East 12th Street
Des Moines, IA 50319
Email: emma.overschmidt@sos.iowa.gov

Purpose and Summary

This proposed rulemaking would provide a temporary certification application for vendors offering electronic poll books until a complete certification process is adopted.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs of the proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

The proposed rulemaking does not create or alter benefits.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no economic impact of the proposed rulemaking.

- **Qualitative description of impact:**

There is no qualitative impact of the proposed rulemaking.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no costs to the Secretary of State or any other agency.

- **Anticipated effect on State revenues:**

There is no effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

There is no cost difference between adoption of the proposed rulemaking and inaction.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No less costly methods or less intrusive methods exist.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

No alternative methods were considered.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend rule 721—22.600(47) as follows:

721—22.600(47) Revolving loan fund. The purpose of this rule is to establish an e-poll book and polling place modernization panel to review applications submitted to the state commissioner for distribution of moneys from the revolving loan fund ~~created by 2017 Iowa Acts, House File 516, section 37, to be codified at~~ created in Iowa Code section 47.11.

22.600(1) Definitions.

"E-poll book" is as defined in rule 721—22.1(52).

"Vendor," for purposes of this rule, means a person or representative of a person developing, offering, or supporting an e-poll book.

22.600(2) In order to ensure that the public funds in this rule are used responsibly and efficiently, this rule creates a panel consisting of designees of the state commissioner of elections, the state auditor, and the director of the department of management. Attendance by two of the three members constitutes a quorum. The panel shall conform to the party ~~and gender~~ balance requirements of Iowa Code ~~sections 69.16 and 69.16A~~ section 4A.12.

22.600(3) The state commissioner shall convene the panel whenever necessary to review loan applications received from county commissioners requesting moneys from the fund.

22.600(4) The state commissioner may convene the panel to review proposed expenditures for updating technology standards for elections. If the state commissioner determines that there is an urgent need that an expenditure of moneys from the fund be used to update technology standards, the state commissioner may spend the moneys without convening the panel. In such instance, the state commissioner shall report that expenditure at the next meeting of the panel.

22.600(5) The panel shall create guidelines for loaning moneys from the fund to county commissioners for the updating of polling place technology. The guidelines shall be published on the state commissioner's website. The panel shall not approve funding for the purchase of e-pollbooks that are not certified by the state commissioner pursuant to 2025 Iowa Acts, House File 954, section 11, or Iowa Code section 49.29, unless the e-pollbook's certification has been waived by the state commissioner.

22.600(6) Before distributing or loaning funds, the panel shall consider the published guidelines, but may take additional factors into consideration. The panel shall not waive any information technology security standards~~, but may waive other requirements~~. A majority vote of the panel members present is sufficient to approve funding.

22.600(7) Before any funds from the revolving loan fund are provided for the acquisition of e-poll books, the e-poll book system shall conform to the security requirements within this chapter.

This rule is intended to implement ~~2017 Iowa Acts, House File 516, section 37~~ Iowa Code section 47.11.

ITEM 2. Amend rule 721—22.601(47) as follows:

721—22.601(47) Operational ~~features~~ requirements of e-poll books.

22.601(1) *Definitions.*

"E-poll book" is as defined in rule 721—22.1(52).

"Vendor," for purposes of this rule, means a person or representative of a person developing, offering, or supporting an e-poll book.

22.601(2) *Operational ~~features~~ requirements.* When assessing applications for funding from the revolving loan fund established by ~~2017 Iowa Acts, House File 516, section 37~~ Iowa Code section 49.11, as implemented in rule 721—22.600(47), the e-poll book and polling place modernization panel shall consider whether the e-poll book sought includes the operational features described in this subrule. ~~Commissioners using only county funds for the purchase of e-poll book systems are not subject to the operational features described below, but are subject to all of the security requirements set forth in rule 721—22.602(47).~~ The panel shall consider:

a. Whether the e-poll book is able to accept a secure data file that imports voter registration data into the e-poll book application from the statewide voter registration system. This requirement may not be waived by the panel.

b. Whether the e-poll book is able to securely export data files that can be imported into the statewide voter registration system, including a file to update the voter activity portion of the statewide voter registration system.

c. Whether the e-poll book is able to scan the barcodes of driver's licenses, DOT-issued nonoperator identification cards, and the voter identification card issued pursuant to ~~2017 Iowa Acts, House File 516, section 18, to be codified at~~ Iowa Code section 48A.10A.

d. Whether the e-poll book is able to verify the voter against the felon database.

e. Whether the e-poll book is able to process, record, and export the complete range of possible voter registration updates available to voters under Iowa law. The state commissioner shall maintain a form that lists the possible updates that are required by this subrule.

f. Whether the e-poll book is able to complete and print the following forms:

(1) State of Iowa Official Voter Registration Form.

(2) Election Day Voter Registration Form, including Voter's Oath and Attester's Oath, if applicable.

(3) Provisional Ballot Form, including the State of Iowa Official Voter Registration Form and Statement to Person Casting a Provisional Ballot.

(4) Challenger's Statement.

(5) Affidavit of Voter Requesting Assistance.

~~**22.601(3)** *Certification.* A vendor providing an e-poll book platform in this state shall certify in writing to the state commissioner that the requirements of subrule 22.601(2) are met. If any of the requirements are not met, the vendor shall note the exceptions conspicuously.~~

This rule is intended to implement ~~2017 Iowa Acts, House File 516, section 37~~ Iowa Code section 47.11.

ITEM 3. Amend rule 721—22.602(47) as follows:

721—22.602(47) Security ~~features~~ requirements of e-poll books. All e-poll book systems in use in this state, including those funded by county moneys, shall conform to the following security standards.

22.602(1) *Definitions.*

"E-poll book" is as defined in rule 721—22.1(47).

"Secure," for purposes of this rule, means "encryption" as defined by Iowa Code section 715C.1(5).

"Vendor," for purposes of this rule, means a person or representative of a person developing, offering, or supporting an e-poll book.

22.602(2) *Encryption of data at rest.* The e-poll book system shall ensure that all voter data is encrypted at rest. "Encrypted at rest" includes encryption of the whole hard drive, database, application data deemed confidential, and removable media. The data encryption keys shall be stored separately from the e-poll book hardware and software.

22.602(3) *Encryption of data in transit.* The e-poll book system shall ensure that all voter data is encrypted in transit via secure transfer protocols.

22.602(4) *Security updates.* The commissioner shall ensure that the computer maintains the most recent security updates available for the computer's operating system. The vendor shall ensure that the e-poll book software remains compatible with all security updates issued for the computer's operating system. An e-poll book system in use in Iowa shall not be installed on an operating system that is no longer supported by the developer.

22.602(5) *Authentication.* Every e-poll book system shall require authentication to the operating system and to the e-poll book application separately through a minimum of a username-password combination. A commissioner shall use a unique username-password combination for each precinct.

22.602(6) *Decommissioning.* At the time of decommissioning, the hard drive from the computer shall be destroyed by the owner of the hardware. This shall occur before the commissioner or vendor resells, gifts, repurposes, or otherwise disposes of the equipment. A record of the destruction shall be kept by the owner.

22.602(7) *Notification.* A vendor upon offering a new e-poll book platform, or upon making a change to the security ~~features~~ requirements of an existing e-poll book, shall notify the state commissioner of the ~~encryption and authentication standards utilized~~ changes in sufficient detail for the state commissioner to determine whether reasonable security features are in place to protect the e-poll book and related data.

This rule is intended to implement ~~2017 Iowa Acts, House File 516, section 37~~ Iowa Code sections 47.11 and 49.29.

ITEM 4. Adopt the following **new** rule 721—22.603(47):

721—22.603(47) Certification of e-poll books. All e-poll book systems in use in this state, including those funded by county moneys, shall conform to the following certification procedure.

22.603(1) *Definitions.*

"E-poll book" means the same as defined in rule 721—22.1(47).

"Vendor," for purposes of this rule, means a person or representative of a person developing, offering, or supporting an e-poll book.

22.603(2) *Temporary certification application.*

a. A vendor providing or wanting to provide an e-poll book platform in this state may apply for certification on the form prescribed by the state commissioner. The vendor shall certify in writing to the state commissioner that the requirements of rules 721—22.601(47) and 721—22.602(47) are met. If any of the requirements are not met, the vendor shall note the exceptions conspicuously.

b. A vendor operating in this state on or after [the effective date of this rule] shall apply as provided above. Applications received for e-poll book versions currently operating in the state may be approved.

c. Upon adoption of the rule for permanent certification application, all vendors will need to reapply for certification within the time permitted by that rule to continue offering their products in the state.

This rule is intended to implement Iowa Code section 49.29.