

VOTER REGISTRATION COMMISSION[821]

Prior to 3/21/90, Voter Registration Commission[845]

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CHAPTER 1
ORGANIZATION, PURPOSE, PROCEDURES AND DEFINITIONS

[Prior to 3/21/90, see Voter Registration Commission[845], Ch 1]

821—1.1(47) Voter registration commission composition. The commission consists of four members: the state commissioner of elections, and the chairpersons of the two state political parties whose candidates for President of the United States or for governor, as the case may be, in the most recent general election, received the greatest and the second greatest number of votes, or their designees, and a person appointed by the president of the Iowa State Association of County Auditors.

821—1.2(47) State registrar of voters. The state commissioner of elections is designated the state registrar of voters. The state registrar is responsible for the regulation of the preservation, preparation and maintenance of voter registration records. This regulation activity is in accordance with the policies of the voter registration commission.

This rule is intended to implement Iowa Code section 47.7(1).
[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—1.3(47) General operating rules.

1.3(1) The chair of the commission is the state commissioner of elections or the state commissioner's designee.

1.3(2) Any member of the commission, including the chair, may make and second any motion.

1.3(3) To prevail, a motion, declaratory ruling, or ruling in a contested case must receive the votes of a majority of commissioners present and voting.

1.3(4) Rescinded IAB 10/25/95, effective 10/6/95.

1.3(5) A designee of a statutory member shall present a letter from the statutory member appointing the designee.

1.3(6) A quorum of the commission is four members. No official action may be taken in the absence of a quorum.

1.3(7) Any member of the public may petition the commission concerning any subject under the commission's authority. Any member of the public may propose new rules or modifications to existing rules of the commission. Petitions or proposed rule changes may be in letter form, filed with the registrar and addressed to the commission. Any such letter must include a discussion of the problem or issue, addressing and supporting rationale for any proposed action by the commission. In addition, any such petition must state the legal authority which petitioner believes confers jurisdiction over the subject matter to the commission. Action on petitions received shall be taken not later than the second regular commission meeting following receipt of the petition. In the event a hearing is held on an issue, the hearing shall be scheduled within 90 days of receipt of the petition.

821—1.4(47) Voter registration staff.

1.4(1) Voter registration system. Under the general direction of the state registrar of voters, the voter registration staff conducts and directs those activities necessary to implement and maintain the statewide voter registration system. The voter registration staff includes clerical and technical personnel temporarily or permanently assigned by the registrar to support the voter registration function.

1.4(2) Intergovernmental relations. The voter registration staff is responsible for working with and assisting county commissioners in performing their voter registration duties under the law, including acquisition of voter registration data processing services, preparation of election registers, maintaining voter registration files, processing registration applications and related activities. The staff is responsible for communicating with state and federal court officials to arrange for the provision of information from voter registration records to the courts for use in the jury selection process. The staff is also responsible for ensuring the transfer of electronic registration data from registration agencies and the department of transportation to the appropriate county commissioner.

1.4(3) Staff support to the commission. The registrar and voter registration staff provide support services to the commission as required in the performance of the commission's official duties.
[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—1.5(47) Declaratory ruling by voter registration commission. Any member of the commission or the public may petition the commission for a declaratory ruling as to the applicability of any statutory provision, rule or other written statement of law or policy. The petition must be filed with the registrar at least seven days before the regular or special meeting at which the petition is to be considered. The registrar shall provide a copy of the petition to each voter registration commissioner at least four days before the meeting. Declaratory rulings shall be made in writing and placed on file with the registrar.

821—1.6(47) Contested cases.

1.6(1) Hearings. Hearings for contested cases under the authority of the voter registration commission shall be presided over by the voter registration commission. Notice shall be given, the hearing conducted and the records of the hearing kept in accordance with Iowa Code section 17A.12.

1.6(2) Rules of evidence. Rules of evidence shall be those enumerated under Iowa Code section 17A.14.

821—1.7(47) Definitions. The following terms have the meanings assigned to them by this rule wherever the terms appear in these rules, unless the context of usage clearly requires otherwise.

"Agency" means a voter registration agency and the office of driver services, department of transportation.

"Commission" or *"voter registration commission"* means the voter registration commission as defined in Iowa Code section 47.8.

"Commissioner" or *"county commissioner"* means the county commissioner of registration as defined in Iowa Code section 48.1.

"Driver license clerk" means an employee of the office of driver services, department of transportation, who has face-to-face contact with clients seeking a driver license or nonoperator identification card, or a county employee in the office of the county treasurer who performs a similar function.

"NCOA" means National Change of Address, and refers to the collection and distribution of information by the United States Postal Service or its licensed vendors; programs instituted to support that collection and distribution; or the information itself.

"Registrar" or *"state registrar"* means the state registrar of voters as defined in Iowa Code section 47.7.

"Voter registration agency" means any department, division, or bureau in state government which provides voter registration services pursuant to Iowa Code section 48A.19. A department, division, or bureau which merely makes mail-in voter registration applications available to its clients, employees, or general public is not a voter registration agency, nor is the office of driver services, department of transportation.

"Voter registration commissioner" means a member of the voter registration commission.
[ARC 7883B, IAB 7/1/09, effective 7/1/09]

These rules are intended to implement Iowa Code sections 47.7 and 47.8.

[Filed 7/5/77, Notice 6/1/77—published 7/27/77, effective 8/31/77]

[Filed 8/30/89, Notice 4/5/89—published 9/20/89, effective 10/25/89]

[Filed 3/1/90, Notice 9/6/89—published 3/21/90, effective 4/25/90]

[Filed 11/4/94, Notice 9/28/94—published 11/23/94, effective 1/5/95]

[Filed emergency 10/6/95—published 10/25/95, effective 10/6/95]

[Filed 12/16/99, Notice 10/20/99—published 1/12/00, effective 2/16/00]

[Filed Emergency ARC 7883B, IAB 7/1/09, effective 7/1/09]

CHAPTER 2
VOTER REGISTRATION FORMS, ACCEPTABILITY,
REGISTRATION DATES, AND EFFECTIVE DATES
[Prior to 3/21/90, see Voter Registration Commission[845], Ch 2]

821—2.1(48A) Voter registration forms.

2.1(1) Content and completion.

a. In addition to the spaces required by Iowa Code section 48A.11, every voter registration form shall include room for the county commissioner to make notations indicating such items as the date the form was received, the precinct and school district of the registrant, any other special district or note deemed necessary or appropriate by the commissioner, and the date the registration is effective. The notations may be on the reverse of the form.

b. The spaces on the paper voter registration form required by Iowa Code section 48A.11 and subrule 2.1(1) may be completed electronically. Voter registration forms completed electronically must be printed and, in the event adhesive labels are used, such labels must be firmly affixed to the form. The form must also be signed and dated by the voter.

2.1(2) Definitions.

“Agency application” means an application received at a voter registration agency pursuant to Iowa Code section 48A.19.

“Application” means a request to register to vote from a person who is not registered to vote in the county where the voter registration form is submitted. An application shall be made on a voter registration form prescribed by the voter registration commission.

“By-mail application” means an application received through the mail from an individual applicant. *“By-mail application”* also includes voter registration applications received from organizations that solicit voter registrations. *“By-mail application”* does not include registration forms sent through the mail by voter registration agencies.

“In-person application” means an application received in person from the applicant either by the registrar, the registrar’s designee, the commissioner, the commissioner’s designee or a precinct election official.

“New voter registration application” means a voter registration application received from an individual who is not already registered to vote in the county.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—2.2(48A) Agency code. In addition to the spaces and statements required to be included on registration forms by Iowa Code section 48A.11 and rule 821—2.1(48A), registration forms used by voter registration agencies shall contain a code, to be devised by the registrar, indicating the type of agency.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—2.3(48A) Federal mail-in application. Rules 821—2.1(48A) and 821—2.2(48A) do not apply to the mail voter registration form prescribed by the federal election commission, which shall be accepted in accordance with Iowa Code section 48A.12 and shall not be used by voter registration agencies.

821—2.4(48A) Paperless (electronic) registration forms. Any voter registration agency and the office of driver services, department of transportation, may devise a system of collecting registration applications without using paper forms, in accordance with the following restrictions:

2.4(1) All information required to be disclosed on a voter registration form shall be collected by the agency and captured electronically. The applicant shall also be asked to disclose the optional information solicited by the form if that information is not captured as a part of the agency’s own record-making process.

2.4(2) The applicant shall be shown a list of the eligibility requirements for registering to vote and the penalties for falsely registering, printed or displayed in large, easy-to-read type, and shall be advised to read them.

2.4(3) The application to register to vote and the signature of the applicant shall be recorded in digitized form in the agency's computer system and shall be kept permanently by the agency. The system shall ensure that neither the application information nor the signature, once captured, can be edited.

2.4(4) The agency shall develop procedures so that the digitized signature can be retrieved and reproduced on paper. Within three working days of receipt of an order from a state or federal court, the agency shall provide a reproduction of the requested application and signature.

2.4(5) The agency shall transmit electronic registration records to the registrar in accordance with 821—Chapter 8.

2.4(6) In the case of a voter registration applicant who registers to vote online through the Web site of the office of driver services, department of transportation, the applicant's signature for voter registration purposes shall be the last signature on file with the office of driver services, department of transportation. If there is no signature on file with the office of driver services, department of transportation, the applicant shall be offered the opportunity to print, complete, sign and return a paper copy of the Iowa voter registration application.

[ARC 2376C, IAB 2/3/16, effective 1/5/16]

821—2.5(48A) Acquisition of registration forms. To ensure that forms used by the various voter registration agencies contain no distinguishing characteristics that could be used to identify the agency from which the form came, all agency forms shall be ordered through the state registrar of voters. The registrar shall negotiate a contract for the procurement of the forms in accordance with all procurement laws and rules.

821—2.6(48A) Production of forms. Any person or organization, except voter registration agencies, may cause the printing and production of voter registration applications. Applications so produced shall be identical in size, shape, weight and similar in color of paper, type size, and color of ink to those available from the registrar, except that the independently produced applications may not contain an agency type code, may be preaddressed to a particular county commissioner on the reverse of the form, and may contain postage. This rule shall not apply to voter registration forms printed in newspapers or telephone books.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—2.7(48A) Availability of forms. Voter registration applications shall be available for purchase, at the cost of production, from the state registrar of voters. Application forms for an individual's personal use shall be available free of charge at the office of the registrar, all voter registration agencies, and the office of driver services, department of transportation.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—2.8(48A) Incomplete applications.

2.8(1) No commissioner shall refuse to register or accept an application from an applicant unable to specify the correct ward, precinct, or school district for the applicant's address. The commissioner shall make a determination of the correct political subdivisions from maps, legal descriptions, and other means at the commissioner's disposal.

2.8(2) The notice mailed to applicants who submit incomplete voter registration applications shall instruct the applicant that the applicant may provide the required information in writing by appearing in person at the commissioner's office to complete a new application or by mailing a new and complete application. If the incomplete registration application is received during the period in which registration is closed pursuant to Iowa Code section 48A.9 and by 5 p.m. on the Saturday before the election for general elections or by 5 p.m. on the Friday before the election for all other elections, the commissioner shall send a notice advising the applicant of election day and in-person absentee registration procedures under Iowa Code section 48A.7A.

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. Please note it is a Class ‘D’ felony to provide false information on a voter registration application.”

2.8(4) If the applicant reports that the applicant has not been issued an Iowa driver’s license, an Iowa department of transportation-issued nonoperator’s identification card number, or a social security number, the commissioner shall assign a unique identifying number that shall serve to identify the registrant for voter registration purposes and code the registration status as “pending.”

2.8(5) The commissioner shall keep an incomplete application for voter registration for 22 months after the date of the next general election after the application was received.

[ARC 7883B, IAB 7/1/09, effective 7/1/09; ARC 2376C, IAB 2/3/16, effective 1/5/16]

821—2.9(48A) Optional data not required. No commissioner shall refuse to register or accept an application from an applicant who fails or declines to reveal the applicant’s telephone number or political party affiliation.

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 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.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—2.11(48A) Registration forms in languages other than English. Rescinded IAB 7/1/09, effective 7/1/09.

821—2.12(48A) County registration date. For the purposes of determining timeliness of an application to register to vote, the county registration date shall be determined as follows:

2.12(1) The county registration date for an in-person applicant at least 18 years of age is the date the registration application is received by the commissioner or the commissioner’s designee. However, when preregistration is closed in the applicant’s precinct due to a pending election, the county registration date shall be the date of the day after the pending election unless the applicant registers pursuant to Iowa Code section 48A.7A.

2.12(2) The county registration date for a by-mail applicant at least 18 years of age is the date the registration application is received by the commissioner, unless the application is postmarked on or before the worry-free postmark date established pursuant to Iowa Code section 48A.9, subsection 3. However, when preregistration is closed in the applicant's precinct due to a pending election, the county registration date shall be the date of the day after the pending election unless the applicant registers pursuant to Iowa Code section 48A.7A.

2.12(3) The county registration date for an application received from a source other than in person or by mail is the date the application is received by the commissioner or submitted to the office of driver services, department of transportation, or to a voter registration agency pursuant to Iowa Code section 48A.19, whichever is earlier.

2.12(4) The county registration date for applicants aged 17 ½ to 18 shall be the date of the applicant's eighteenth birthday. However, when preregistration is closed in the applicant's precinct on the applicant's eighteenth birthday, the county registration date shall be the date of the day after the pending election unless the applicant registers pursuant to Iowa Code section 48A.7A.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—2.13(48A) Effective date of registration. Rescinded IAB 7/1/09, effective 7/1/09.

821—2.14(48A) Voter registration status codes. Voter registration records shall be coded to show the status of the record.

2.14(1) Active. The registration is in good standing. No action is required on the part of either the registrant or the commissioner.

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 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.

2.14(3) Pending.

a. No DL or SSN Provided. If an applicant indicates that the applicant does not have an Iowa driver's license number, Iowa department of transportation-issued nonoperator's identification card number, or a social security number, the applicant shall be assigned a status of "pending" with reason "No DL or SSN Provided."

b. DL or SSN Not Verified. If the applicant provides an 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 that information cannot be verified pursuant to 821—2.15(48A), the applicant shall be assigned a status of "pending" with reason "DL or SSN Not Verified."

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

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—2.15(48A) Verification of voter registration information. All new voter registration applications shall be verified. The registrar may arrange with the department of transportation for county

commissioners of elections to verify voter registration records without submitting the registration information to the registrar.

2.15(1) When the application is received, the commissioner shall compare the Iowa driver's license number, Iowa department of transportation-issued nonoperator's identification card number, or the last four digits of the social security number of each mail application with the records of the department of transportation.

2.15(2) All of the following information on the application must match an existing record:

a. All digits and numerals in the Iowa driver's license number, Iowa department of transportation-issued nonoperator's identification card number, or the last four digits of the social security number.

b. Name.

c. Date of birth, including the month, day and year.

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 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. 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 office."

2.15(4) If the application is verified, the registration record shall be made "active." The registrar or commissioner shall keep records showing whether the information in the application was verified and the date of the verification. If the application cannot be verified, the record shall show what information on the application did not match an existing record. The verification record shall be kept for the period of time required in Iowa Code section 48A.32.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—2.16(47,48A) Form of official Iowa voter registration application. The official Iowa voter registration application pursuant to Iowa Code section 48A.11 shall be the State of Iowa Official Voter Registration Form Revised 4/9/2014.

[ARC 0807C, IAB 6/26/13, effective 8/1/13; ARC 1361C, IAB 3/5/14, effective 4/9/14]

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

[Filed emergency 6/2/76—published 6/28/76, effective 6/2/76]

[Filed 7/24/78, Notice 6/14/78—published 8/9/78, effective 9/13/78]

[Filed 2/20/80, Notice 12/26/79—published 3/5/80, effective 4/9/80]

[Filed emergency after Notice 7/27/82, Notice 6/9/82—published 8/18/82, effective 7/27/82]

[Filed 12/16/83, Notice 11/9/83—published 1/4/84, effective 2/8/84]

[Filed emergency after Notice 8/22/84, Notice 7/18/84—published 9/12/84, effective 8/22/84]

[Filed 1/24/86, Notice 12/4/85—published 2/12/86, effective 3/19/86]

[Filed emergency 9/4/86—published 9/24/86, effective 9/4/86]

[Filed 8/30/89, Notice 4/5/89—published 9/20/89, effective 10/25/89]

[Filed 3/1/90, Notice 9/6/89—published 3/21/90, effective 4/25/90]

[Filed 10/12/90, Notice 9/19/90—published 10/31/90, effective 12/5/90]

[Filed 11/4/94, Notice 9/28/94—published 11/23/94, effective 1/5/95]

[Filed emergency 10/6/95—published 10/25/95, effective 10/6/95]

[Filed 1/29/04, Notice 12/24/03—published 2/18/04, effective 3/24/04]

[Filed 7/16/04, Notice 6/9/04—published 8/4/04, effective 9/10/04]

[Filed Emergency ARC 7883B, IAB 7/1/09, effective 7/1/09]

[Filed Without Notice ARC 0807C, IAB 6/26/13, effective 8/1/13]

[Filed ARC 1361C (Notice ARC 1281C, IAB 1/8/14), IAB 3/5/14, effective 4/9/14]

[Filed Emergency After Notice ARC 2376C (Notice ARC 2160C, IAB 9/30/15; Amended Notice ARC 2246C, IAB 11/25/15), IAB 2/3/16, effective 1/5/16]

CHAPTER 3
LISTS OF REGISTERED VOTERS
[Prior to 3/21/90, see Voter Registration Commission[845], Ch 3]

821—3.1(48A) List defined. For the purposes of this rule, a “list” of registered voters is any information from one or more voter registration records related to any individual or group of registered voters. Statistical data containing no personally identifiable information is not a “list.”

821—3.2(48A) Request for list.

3.2(1) Requests. A request for a list of registered voters may be made in writing on a Specifications for Voter List form submitted to either a county commissioner or the state registrar. A commissioner or the registrar may accept a request for a list made via telephone provided the commissioner or registrar is confident that both the requester and the commissioner or registrar clearly understand the specifics of the request and provided the requester agrees that the voter registration information will only be used for the purposes set forth in Iowa Code section 48A.39. If a request is unclear or ambiguous, the commissioner or registrar may require that the request be submitted in writing.

3.2(2) Definition. The term “political purpose” means research, advocacy, or education relating to the election, administration, or governance of public policies or officials.
[ARC 7883B, IAB 7/1/09, effective 7/1/09; ARC 2521C, IAB 5/11/16, effective 6/15/16]

821—3.3(48A) Contents of written request. Each written request for a list of registered voters shall contain all of the following information:

1. The name of the requester.
2. The address of the requester.
3. The telephone number of the requester.
4. A description of the records to be included in the list.
5. A description of the sequence of the records on the list.
6. A description of the output medium for the list.
7. The date of the request.
8. The date the list is desired.
9. The intended use of the list.
10. The following signed statement: “I am aware that information from voter registration records may be used lawfully only to request a registrant’s vote, for a genuine political purpose, for bona fide political research, or for a bona fide official purpose by an elected official. I understand that using the information for any commercial purpose is a serious misdemeanor under Iowa law. I agree to pay the cost of the above ordered list upon delivery.”

821—3.4(48A) Contents of telephone request. When a request for a list of registered voters is made by telephone, the person taking the request shall gather and record on a Specifications for Voter List form all of the information specified in 3.3“1” through 3.3“9.” In addition, the taker of the request shall read the statement in 3.3“10” to the requester. The taker of the request shall note, on the signature line of the form, the fact that the requester was read the statement. If a requester refuses to provide the requester’s identity or refuses to agree to the use restrictions for the voter registration information, the registrar or the commissioner shall not provide the requested information.
[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—3.5(48A) Requests received by a county commissioner. A request for a list of registered voters submitted to a county commissioner may be honored by that commissioner, or may be forwarded to the registrar. However, a county commissioner shall adhere to a consistent policy regarding the provision of lists. If a commissioner provides a list to any requester, the commissioner shall likewise provide lists to all requesters, provided the commissioner has the data and software necessary to meet the list request specifications. Similarly, if a commissioner refuses to provide a list for which the commissioner has

the necessary data and software to any requester, the commissioner shall refuse all requests for lists of registered voters.

821—3.6(48A) Requests received by the state registrar. Requests for lists of registered voters received by the registrar shall be honored in the order in which they are received, provided that the data necessary for compiling the list is available to the registrar. If provision of a list is delayed due to the absence of data, the registrar shall contact the list requester and explain the circumstances. The requester may choose to modify the request, cancel the request, or wait for the necessary data.

821—3.7(48A) Payment for lists required. Notwithstanding any other provision of these rules, no list shall be provided to a requester who has not paid for all previously requested and completed lists. Payment shall be made at the time the list is delivered, except that payment for lists ordered by political subdivisions of the state may be made within 60 days of delivery. A county commissioner or registrar may require an advance payment of 80 percent of the estimated cost of a list if the estimated cost is \$1000 or more.

821—3.8(48A) Confidential data. Nothing in these rules shall be construed to authorize or require any county commissioner or the registrar to disclose any information made confidential by the National Voter Registration Act of 1993 or any other federal or state law.

821—3.9(48A) List of a person's own voter registration record. Nothing in these rules shall be construed to prohibit any person from viewing that person's own voter registration record, including any confidential data associated with it.

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

These rules are intended to implement Iowa Code section 48A.38.

[Filed emergency 6/2/76—published 6/28/76, effective 6/2/76]

[Filed emergency 9/2/76—published 9/22/76, effective 9/2/76]

[Filed 5/4/77, Notice 3/9/77—published 6/1/77, effective 7/6/77]

[Filed 11/22/77, Notice 10/5/77—published 12/14/77, effective 1/18/78]

[Filed without Notice 2/20/78—published 3/8/78, effective 4/12/78]

[Filed without Notice 8/5/80—published 9/3/80, effective 10/8/80]

[Filed 12/4/81, Notice 10/14/81—published 12/23/81, effective 1/27/82]

[Filed 8/30/89, Notice 4/5/89—published 9/20/89, effective 10/25/89]

[Filed 3/1/90, Notice 9/6/89—published 3/21/90, effective 4/25/90]

[Filed 11/4/94, Notice 9/28/94—published 11/23/94, effective 1/5/95]

[Filed 1/29/04, Notice 12/24/03—published 2/18/04, effective 3/24/04]

[Filed Emergency ARC 7883B, IAB 7/1/09, effective 7/1/09]

[Filed ARC 2521C (Notice ARC 2261C, IAB 11/25/15), IAB 5/11/16, effective 6/15/16]

CHAPTER 4
SPECIFICATIONS FOR VOTER REGISTRATION DATA PROCESSING SERVICES CONTRACTS
AND APPROVAL PROCEDURE FOR SUCH CONTRACTS

[Prior to 3/21/90, see Voter Registration Commission[845], Ch 4]

Rescinded IAB 5/10/06, effective 6/14/06

CHAPTER 5
ELECTION REGISTERS

[Prior to 3/21/90, see Voter Registration Commission[845], Ch 5]

821—5.1(47) Election registers.

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.”
- e.* Political affiliation (for partisan primary elections only).

5.1(2) Other information may be included on the election register upon the approval of the county commissioner of registration.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

[Filed 11/23/77, Notice 3/9/77—published 12/14/77, effective 1/18/78]

[Filed 3/1/90, Notice 9/6/89—published 3/21/90, effective 4/25/90]

[Filed 7/16/04, Notice 6/9/04—published 8/4/04, effective 9/10/04]

[Filed Emergency ARC 7883B, IAB 7/1/09, effective 7/1/09]

CHAPTER 6
DATA PROCESSING SYSTEM REQUIREMENTS FOR VOTER REGISTRATION

[Prior to 3/21/90, see Voter Registration Commission[845], Ch 6]

821—6.1(47) Statewide voter registration system requirements. Every county commissioner is required to use the statewide voter registration system maintained by the state registrar for voter registration and election management purposes. The statewide voter registration system shall enable the county commissioner to:

6.1(1) Create a file of all registered voters in the county.

6.1(2) Automatically identify and post all election districts, including school district and director district (if applicable), area college district and director district, municipality or township, and precinct, and any applicable special districts, to every voter registration record which contains a street number and street name in the residence address fields.

6.1(3) Ensure the uniform spelling of street names in all records containing street names, such that the records of all voters whose residence addresses share a street name contain a common spelling of that street name.

6.1(4) Ensure the uniform spelling of city names, such that the records of all voters whose residence addresses share a city name contain a common spelling of that city name.

6.1(5) Prevent duplicate registrations for a given individual. For the purpose of this subrule, a duplicate registration is one which contains the same information in the Iowa driver's license number, Iowa nonoperator's identification number, last four digits of the applicant's social security number, birth date and sex code fields as another record in the same county.

6.1(6) Ensure the compatibility of election districts manually assigned to records with nonstandard addresses.

6.1(7) Ensure that numeric fields in records contain only numeric data, and that alphabetic fields contain only alphabetic data, except that the field for last name may contain one hyphen.

6.1(8) Ensure that all dates are reasonable, e.g., birth date, county registration date.

6.1(9) Ensure that the ZIP code contained in the record is compatible with the city name.

6.1(10) Assign a unique identification number, in lieu of an identification number, to records of voters whose registration forms indicate the voter does not have any of the requested identification numbers.

6.1(11) Allow the capture, retention and reporting of a mailing address different than the residence address.

6.1(12) Create election registers which contain the names of all voters eligible to vote at a polling place, and no others, for any type of election the commissioner is required to conduct, except annexation and other elections when creation or change of an election district is proposed.

6.1(13) Create election registers which identify those voters who are eligible to vote on an issue or for an office at a polling place when some, but not all, voters are eligible to cast a ballot on that issue or for that office.

6.1(14) Receive maintenance files collected from various agencies by the state registrar.

This rule is intended to implement Iowa Code section 47.7.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

[Filed 11/22/77, Notice 10/5/77—published 12/14/77, effective 1/18/78]

[Filed 8/30/89, Notice 4/5/89—published 9/20/89, effective 10/25/89]

[Filed 3/1/90, Notice 9/6/89—published 3/21/90, effective 4/25/90]

[Filed 11/4/94, Notice 9/28/94—published 11/23/94, effective 1/5/95]

[Filed Emergency ARC 7883B, IAB 7/1/09, effective 7/1/09]

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.
[ARC 0539C, IAB 12/26/12, effective 1/30/13]

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.
[ARC 0539C, IAB 12/26/12, effective 1/30/13]

821—7.3(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.
[ARC 0539C, IAB 12/26/12, effective 1/30/13]

821—7.4(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.

7.4(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.

7.4(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 take the following steps, depending on whether the NCOA match indicates the voter moved within the county of registration or outside the county of registration.

a. Within-county moves. The county registrar shall remove the mailing address from the voter's registration record and mail an NCOA card to the voter's residential address. If the NCOA card 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 NCOA card shall be sent by forwardable mail to the voter's mailing address. If the NCOA card sent to the voter's mailing address is returned as undeliverable by the United States Post Office, the voter's status shall be changed to inactive.

b. Out-of-county or out-of-state moves. The county registrar shall process the record and make the voter's status inactive as instructed by Iowa Code section 48A.29. The county registrar shall mail an NCOA card to the voter's new out-of-county or out-of-state residential address. If the NCOA card is returned to the county registrar as undeliverable by the United States Post Office, the NCOA card shall be sent by forwardable mail to the voter's mailing address. If the NCOA card sent to the voter's mailing address is returned as undeliverable by the United States Post Office, the voter's status shall remain inactive.

7.4(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.

[ARC 0539C, IAB 12/26/12, effective 1/30/13]

821—7.5(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.

[ARC 0539C, IAB 12/26/12, effective 1/30/13]

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

[Filed ARC 0539C (Notice ARC 0423C, IAB 10/31/12), IAB 12/26/12, effective 1/30/13]

CHAPTER 8
TRANSMISSION OF REGISTRATION FORMS BY AGENCIES

821—8.1(48A) Transmission of electronic voter registration applications. Every agency that registers voters in a paperless manner shall transmit a file of registration applications to the registrar on a daily basis. The file shall contain all voter registration applications collected by the agency during the previous working day.

[ARC 2376C, IAB 2/3/16, effective 1/5/16]

821—8.2(48A) Data elements of paperless voter registration transactions. The file specified in rule 8.1(48A) shall contain the following information:

1. The number of the county in which the applicant lives;
2. The applicant's Iowa driver's license number, if the applicant has one. If not, the applicant's Iowa department of transportation-issued nonoperator's identification card number. If the applicant has neither, the last four digits of the applicant's social security number;
3. The applicant's date of birth;
4. The applicant's gender;
5. The applicant's full name;
6. The applicant's residence address;
7. The applicant's mailing address, if different from the residence address;
8. The date of the transaction;
9. The applicant's party affiliation, if any;
10. The applicant's telephone number;
11. An identifier of the agency receiving the application;
12. The jurisdiction in which the applicant was previously registered to vote;
13. The name under which the applicant was previously registered to vote;
14. Audit information sufficient to allow the agency to identify the transaction and retrieve and reproduce the application, including the applicant's signature.

821—8.3(48A) File specifications. Technical requirements, including the record format, and the method of file transfer, shall be decided upon and agreed to by the registrar and the agency submitting electronic voter registration data.

821—8.4(48A) Technical requirements for electronic signatures. Agencies which accept and collect paperless voter registration transactions shall maintain an electronic "copy" of the document, including the applicant's signature. The design of the system shall be such that no change to the document can be made and the document can be reproduced in hard copy when necessary.

821—8.5(48A) Transmission of paper voter registration forms. Voter registration applications or changes accepted on paper documents by agencies shall be sent to the appropriate county commissioner by courier, U.S. mail, or other reliable carrier not later than the Friday of the week in which the document is received by the agency. If an agency receives completed voter registration forms on the Saturday which is a close of registration date for an election, the agency shall forward those registration forms immediately following the end of that business day. Nothing in these rules shall be construed to require an agency to be open for business on the last day of registration for an election.

These rules are intended to implement Iowa Code sections 48A.11 and 48A.21.

[Filed 11/4/94, Notice 9/28/94—published 11/23/94, effective 1/5/95]

[Filed 7/16/04, Notice 6/9/04—published 8/4/04, effective 9/10/04]

[Filed Emergency After Notice ARC 2376C (Notice ARC 2160C, IAB 9/30/15; Amended Notice ARC 2246C, IAB 11/25/15), IAB 2/3/16, effective 1/5/16]

CHAPTER 9
NATIONAL CHANGE OF ADDRESS PROGRAM

821—9.1(48A) State registrar to organize.

9.1(1) The state registrar of voters shall annually offer to every county commissioner the opportunity to participate in the registrar's submittal of voter registration records to a licensed vendor of the United States Postal Service for matching with national change of address (NCOA) records.

9.1(2) The vendor used by the state registrar shall be selected in accordance with all procurement laws and rules of the state and the department of administrative services.

9.1(3) The state registrar shall prepare a file of all registered voters in all counties whose commissioners have chosen to participate in the program. The file shall be in the form and format required by the vendor. The voter records contained in the file shall be categorized according to the following statuses: active, inactive, and pending.

9.1(4) Upon receipt of the NCOA data from the vendor, the state registrar shall promptly prepare a data file for each county to process in a batch-processing module at the county level. There shall be three statuses of NCOA records: processed, unprocessed, and deleted. The batch-processing screen's default shall be a display of all unprocessed records. The state registrar shall prescribe and notify each participating commissioner about how the commissioner shall process the NCOA records.

821—9.2(48A) Commissioner's responsibility upon receipt of NCOA data.

9.2(1) Commissioner to update county records. Each commissioner shall examine the data provided by the NCOA vendor and shall update the county's registration records on the basis of that data in accordance with Iowa Code subsections 48A.27(4) and 48A.27(5).

9.2(2) The commissioner shall process the registration records of voters who have moved within the county as well as the registration records of voters who have moved outside the county. For in-county moves, the commissioner shall change the voter's residential address to the address provided by the NCOA vendor. For out-of-county moves, the commissioner shall change the status of the voter registration record to "inactive."

9.2(3) In order to avoid complications because of scheduled special elections, the state registrar shall provide two date ranges in which the commissioner shall process NCOA records. The primary date range occurs first and shall apply to all counties that do not have a special election scheduled to be held within that date range. The second date range shall apply only to those counties that have a special election scheduled to be held during the primary date range.

821—9.3(48A) State to coordinate mailing of NCOA notifications.

9.3(1) After the county commissioners have processed NCOA records for each of the date ranges, the state registrar shall coordinate the printing and mailing of the required NCOA notifications. The state registrar shall notify the commissioners when the notifications have been mailed. Any postage-paid preaddressed return cards returned by voters will be sent back to the counties, not to the state registrar.

9.3(2) The state registrar shall send one notification to each voter identified as having moved either within or outside a county. The notice shall be mailed to the voter's new address as provided by NCOA records.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—9.4(48A) Fees. The state registrar shall charge the counties for the costs of the NCOA process, including matching the records and the printing of and postage for the mailing. The fees charged to the counties shall reflect actual costs to the state registrar.

These rules are intended to implement Iowa Code sections 48A.27(4) and 48A.28(2).

[Filed 11/4/94, Notice 9/28/94—published 11/23/94, effective 1/5/95]

[Filed emergency 2/22/06—published 3/15/06, effective 2/22/06]

[Filed 4/21/06, Notice 3/15/06—published 5/10/06, effective 6/14/06]

[Filed Emergency ARC 7883B, IAB 7/1/09, effective 7/1/09]

CHAPTER 10
NOTICE TO VOTERS WITHOUT ACTIVITY IN FOUR YEARS IN COUNTIES USING
NCOA RECORDS; TO ALL VOTERS IN OTHER COUNTIES

821—10.1(48A) NCOA county commissioner determines nonactivity; sends notices.

10.1(1) During the first quarter of each calendar year, every commissioner who elects to participate in the NCOA process that year shall examine voter registration records to identify those without activity during the period between and following the previous two general elections and for which no information has been reported in NCOA data. For the purpose of this subrule, “activity” means any registration application, including an application which duplicates existing information, a notice of change of name, address, mailing address, party affiliation, a vote in any election, or the mailing of a notice pursuant to subrule 10.1(2).

10.1(2) The commissioner shall send a notice of the type described in Iowa Code section 48A.28 to each voter whose record is identified pursuant to subrule 10.1(1).

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—10.2(48A) Non-NCOA county commissioner sends notices. During February of each calendar year, every county commissioner who elects not to participate in the NCOA process shall send a notice of the type described in Iowa Code subsection 48A.28(3) to every registered voter in the county.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—10.3(48A) Voter record not made inactive. The act of mailing the notice required by this chapter does not, in and of itself, make a registration record inactive.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—10.4(48A) Notice available. The required notice is available from the state registrar of voters in a document titled “Section 48A.28(3) Notice.”

These rules are intended to implement Iowa Code subsections 48A.28(2) and (3).

[Filed 11/4/94, Notice 9/28/94—published 11/23/94, effective 1/5/95]

[Filed 7/16/04, Notice 6/9/04—published 8/4/04, effective 9/10/04]

[Filed Emergency ARC 7883B, IAB 7/1/09, effective 7/1/09]

CHAPTER 11
REGISTRATION PROCEDURE AT THE OFFICE OF DRIVER SERVICES,
DEPARTMENT OF TRANSPORTATION

821—11.1(48A) Registration status may be checked. The state registrar, in cooperation with officials of the department of transportation (DOT), shall develop a mechanism by which the registration status of an individual seeking a driver license or nonoperator identification card from the office of driver services, DOT, can be checked by computer while other business is being transacted.

821—11.2(48A) Driver services client to be afforded opportunity to apply to register to vote or make changes to existing registration. Every client, aged 17 years 6 months or older, of the office of driver services, DOT, shall be advised by the driver license clerk of the availability of voter registration services in substantially the following manner: “Would you like to apply to register to vote, or update your registration? It can be done quickly and easily at the same time as you get your (license — ID — other, as appropriate).”

1. If the client’s reply to the driver license clerk’s rule 821—11.2(48A) question is negative, the driver license clerk shall not pursue the matter of voter registration.

2. If the client’s reply to the driver license clerk’s rule 821—11.2(48A) question is affirmative, or the client expresses uncertainty of the client’s current registration status, the driver license clerk shall invoke the computer operation required in rule 821—11.1(48A).

821—11.3(48A) Unregistered client who wants to register. If the computer search invoked pursuant to 11.2“2” reveals the client is not a registered voter, and the client has expressed a desire to register, the driver license clerk shall determine the name of the client’s county, telephone number, party affiliation, and previous registration information by asking questions in substantially the following form: “In what county do you live?” “What is your telephone number?” “Would you like to declare an affiliation of Democratic, Republican, Green, Libertarian or None?” “Where were you previously registered, if ever?” The driver license clerk shall make computer entries reflecting the client’s replies.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—11.4(48A) Unregistered clients uncertain of status. If the computer search invoked pursuant to 11.2“2” reveals the client is not a registered voter, and the client has expressed uncertainty of the client’s registration status, the driver license clerk shall tell the client the result of the computer search and determine if the client wishes to proceed with registration in substantially the following words: “According to the computer, you are not currently registered to vote in Iowa. Would you like to apply to register now?” If the reply to the inquiry is negative, the driver license clerk shall not pursue the matter of voter registration. If the reply is affirmative, the driver license clerk shall proceed as specified in rule 11.2(48A).

821—11.5(48A) Registered clients. If the computer search invoked pursuant to 11.2“2” reveals the client is a registered voter, the driver license clerk shall review the record. If the name and address in the voter record are the same as the name and address in the driver record, the driver license clerk shall determine if changes are necessary in substantially the following manner: “According to the computer records, (name of client) is registered to vote in (name of county) county at (address, including city) and the telephone number is (telephone number, or “blank”). Are there any changes or corrections to this information?” The driver license clerk shall make appropriate computer entries based on the client’s reply. If the name and address in the voter record are not the same as the name and address in the driver license record, the driver license clerk shall determine the changes necessary in substantially the following manner: “According to the computer records, (name of client) is registered to vote in (name of county) county at (address, including city) and the telephone number is (telephone number or “blank”). I will change the (“name”), (“address”) or (“name and address”) as appropriate to that on the driver record. Is there a change to your county or telephone number?” The driver license clerk shall make appropriate computer entries based on the client’s reply.

821—11.6(48A) Signature on attestation required. The signature required for voter registration shall be obtained in the following manner:

11.6(1) In-person applicants. At the conclusion of the applicant's business, applicants who apply to register, or give information to update an existing registration shall be asked to sign the registration application attestation, either on a paper copy or an electronic version. Any applicant who fails to sign the attestation shall be deemed to have declined to apply to register to vote.

11.6(2) Online driver's license and nonoperator identification card renewal applicants. During the online renewal transaction, applicants shall be asked if they would like to register to vote or update an existing voter registration record. If an applicant answers the question in the affirmative, the applicant shall have the opportunity to select a political party and affirm the use of the applicant's last digitized signature on file with the office of driver services, department of transportation, to finalize the voter registration transaction.

11.6(3) Stand-alone online voter registration applicants. The office of driver services, department of transportation, may offer stand-alone online voter registration through its Web site to individuals with current state-issued driver's licenses or nonoperator identification cards. Applicants for voter registration must provide information from their state-issued identification cards to begin the online voter registration application, including the applicant's first and last name and date of birth as they appear on the state-issued identification card, the last five digits of the applicant's social security number, the state-issued identification card number and the first five digits of the document discriminator number which is printed on the state-issued identification card. Applicants who do not have a state-issued identification card who attempt to use the stand-alone online voter registration function shall be offered the opportunity to print, complete, sign and mail a paper copy of the Iowa voter registration application.

11.6(4) A notice shall appear on screen if a stand-alone online voter registration applicant transaction is terminated because of incomplete information. The notice shall instruct the applicant that the applicant may provide the required information by completing a paper voter registration form and mailing it to the commissioner's office or by completing a new application in person at the commissioner's office. Applicants shall also be advised of election day and in-person registration procedures under Iowa Code section 48A.7A.

11.6(5) If a stand-alone online voter registration applicant fails to make a party selection and the application is for a new registration, the commissioner shall enter the selection as "no party." If a stand-alone online voter registration applicant fails to make a party selection and the applicant is already a registered voter in the county, the previous party choice of the registrant shall be retained.

[ARC 2376C, IAB 2/3/16, effective 1/5/16]

821—11.7(48A) Electronic voter registration transactions. Registration transactions shall be transmitted electronically to the registrar in accordance with 821—Chapter 8. Every transaction shall include the applicant's Iowa driver's license number or Iowa department of transportation-issued nonoperator's identification card number.

These rules are intended to implement Iowa Code section 48A.18.

[Filed 11/4/94, Notice 9/28/94—published 11/23/94, effective 1/5/95]

[Filed 7/16/04, Notice 6/9/04—published 8/4/04, effective 9/10/04]

[Filed Emergency ARC 7883B, IAB 7/1/09, effective 7/1/09]

[Filed Emergency After Notice ARC 2376C (Notice ARC 2160C, IAB 9/30/15; Amended Notice ARC 2246C, IAB 11/25/15), IAB 2/3/16, effective 1/5/16]

CHAPTER 12
VOTER NOTIFICATIONS

821—12.1(48A) Primary and general election polling place change—voter notification required. When a precinct polling place used for the primary or general election is permanently changed by the county commissioner pursuant to Iowa Code section 49.10, the county commissioner shall mail every registered voter with a status of “active” who is affected by the change a notification informing the voter of the change. The county commissioner may either send a notice of the change to each household at which a voter with a status of “active” is registered or send notice of the change to each registered voter with a status of “active.” The notification shall be sent at the time the polling place change is made.

[ARC 9943B, IAB 12/28/11, effective 2/1/12]

This rule is intended to implement Iowa Code section 48A.26.

[Filed ARC 9943B (Notice ARC 9810B, IAB 10/19/11), IAB 12/28/11, effective 2/1/12]