

CHAPTER 1
ORGANIZATION, PURPOSE, PROCEDURES AND DEFINITIONS

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

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

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

1.3(5) A quorum of the commission is four members. No official action may be taken in the absence of a quorum.

[ARC 4493C, IAB 6/5/19, effective 7/10/19]

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]

821—1.8(17A) Petition for rule making. Any person or agency may file a petition for rule making with the voter registration commission at the Secretary of State’s Office, First Floor, State Capitol Building, Des Moines, Iowa 50319, or the Secretary of State’s Office, Lucas State Office Building, Des Moines, Iowa 50319. A petition is deemed filed when it is received in either office. The state registrar must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the agency an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

VOTER REGISTRATION COMMISSION

Petition by (Name of Petitioner)
for the (adoption, amendment, or
repeal) of rules relating to (state
subject matter).



PETITION FOR
RULE MAKING

The petition must provide the following information:

1. A statement of the specific rule-making action sought by the petitioner including the text or a summary of the contents of the proposed rule or amendment to a rule and, if it is a petition to amend or

repeal a rule, a citation to the particular portion or portions of the rule proposed to be amended or repealed, together with a quotation of the relevant language.

2. A citation to any law deemed relevant to the commission's authority to take the action urged or to the desirability of that action.

3. A brief summary of petitioner's arguments in support of the action urged in the petition.

4. A brief summary of any data supporting the action urged in the petition.

5. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the proposed action which is the subject of the petition.

6. Any request by petitioner for a meeting provided for by subrule 1.8(5).

1.8(1) The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative (if one is involved), and a statement indicating the person to whom communications concerning the petition should be directed.

1.8(2) The commission may deny a petition because it does not substantially conform to the required form.

1.8(3) The petitioner may attach a brief to the petition in support of the action urged in the petition. The commission may request a brief from the petitioner or from any other person concerning the substance of the petition.

1.8(4) Inquiries concerning the status of a petition for rule making may be made to the Deputy Secretary of State, Lucas State Office Building, Des Moines, Iowa 50319.

1.8(5) Upon receipt of a petition for rule making, the following steps shall be taken:

a. Within 30 days after the filing of a petition, the state registrar must submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by petitioner in the petition, the agency must schedule a brief and informal meeting between the petitioner and a designee of the state registrar to discuss the petition. The commission may request the petitioner to submit additional information or argument concerning the petition. The commission may also solicit comments from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the commission by any person.

b. Within 90 days after the filing of the petition, or within any longer period agreed to by the petitioner, the commission must, in writing, deny the petition, and notify petitioner of its action and the specific grounds for the denial, or grant the petition and notify petitioner that it has instituted rule-making proceedings on the subject of the petition. Petitioner shall be deemed notified of the denial or grant of the petition on the date when a designee of the commission mails or delivers the required notification to petitioner.

c. Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the agency's rejection of the petition.

[ARC 4493C, IAB 6/5/19, effective 7/10/19]

These rules are intended to implement Iowa Code sections 17A.7, 47.7 and 47.8.

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