CHAPTER 28
VOTER REGISTRATION FILE (I-VOTERS) MANAGEMENT

721—28.1(47,48A) State registrar's responsibility. The state registrar of voters is responsible for the implementation of a single, uniform, official, centralized, interactive, computerized statewide voter registration file of every legally registered voter in the state. This file is known as I-Voters. These rules regulate access to the file by county registrars and others and set forth protocols for adding, changing or deleting file information.
[**ARC 6063C**, IAB 12/1/21, effective 1/5/22]

721—28.2(48A) Access and fees.
    28.2(1) The state registrar and county registrars shall grant access to the I-Voters database consistent with the Iowa Code and the security plan for the system. Authorized users of the system shall be issued secure password-protected access that is monitored by the state registrar. Access may be denied or revoked by the state registrar for violation of the security policy.
    28.2(2) Fees shall be assessed by the state registrar and county registrars for voter registration information provided to the public or to authorized requesters consistent with Iowa Code chapter 48A and the rules of the voter registration commission. The state registrar shall establish appropriate forms for voter registration information requests. Fees collected by the state registrar shall be deposited in the state general fund. Fees collected by county registrars shall be deposited in the appropriate county fund.
    28.2(3) Statewide or congressional district voter registration information from I-Voters may be obtained only from the state registrar. Voter registration information from I-Voters other than statewide or congressional district information may be obtained from the state registrar or a county registrar. A county registrar may provide from I-Voters voter registration information for a district or other jurisdiction that is located in whole or in part within the registrar's county.
[**ARC 6063C**, IAB 12/1/21, effective 1/5/22]

721—28.3(48A) Duplicate and multiple voter registration record deletion process.
    28.3(1) The state registrar shall provide a search function within the I-Voters software to search for likely duplicate or multiple voter registration records. County registrars shall have the capability to activate this function.
    28.3(2) During each calendar quarter, the county registrar shall activate the search function described in subrule 28.3(1) and review the list of likely duplicate or multiple voter registration records. The county registrar shall resolve duplicate or multiple records for the same voter. No voter shall have more than one voter record. The voter record associated with the most recent registration or other voter-initiated activity shall be considered the voter's current record. The voter shall be registered in the county of current record, and the voter record in any other county shall be merged with the record in the current county. Individual voter history and other voter data shall be transferred to the voter's record in the current county of registration.
    28.3(3) The state registrar shall periodically request information from the electronic information registration center regarding the existence of duplicate registrations. Within 15 days of a county registrar's receipt of notification from the state registrar of the existence of a duplicate or multiple record, the county registrar shall follow the process outlined in subrule 28.3(2).
    28.3(4) On an ongoing basis, the state registrar shall request reports from the electronic information registration center for the purpose of engaging in interstate checking of voter registration records with other participating states. The purpose of these interstate checks is to identify duplicate or multiple voter registration records. A report based on information provided by the electronic information registration center shall be timely provided to each county registrar.
    28.3(5) Within 15 days of the receipt of a report produced by the state registrar in accordance with subrule 28.3(4), the county registrar shall review the list of likely duplicate or multiple voter registration records and determine the accuracy of the search results. If the voter is found to be registered to vote in another state more recently than the voter's last voter-initiated activity in Iowa, the commissioner shall make the voter's status "inactive" and the voter shall be mailed a forwardable National Voter Registration

Act-compliant confirmation notice. The notice shall contain a statement in substantially the following form:

> Information received by this office indicates that you are no longer a resident at the address printed on the reverse side of this card. If this information is not correct, and you still live at that address, please complete and mail the attached postage-paid card at least 15 days before any election at which you wish to vote. If the information is correct and you have moved outside the state of Iowa, you may check the box below requesting cancellation of your Iowa voter registration to ensure you are not registered to vote in more than one state. If you have moved within the state of Iowa, please contact the county auditor in your new location for assistance in updating your voter registration or visit sos.iowa.gov/register for more information. If you do not return the card and you do not vote in an election in [name of county] County, Iowa, on or before (date of second general election following the date of the notice), your name will be removed from the list of voters in that county.

28.3(6) County registrars shall cooperate with each other to ensure that voter records are properly merged into the current county file.
[**ARC 9989B**, IAB 2/8/12, effective 1/17/12; **ARC 6063C**, IAB 12/1/21, effective 1/5/22]

721—28.4(48A) Cancellations and restorations of voter registration due to felony conviction.
28.4(1) Based upon information provided to the state registrar by the state or federal judicial branch and by the governor, the state registrar shall maintain a list of felons convicted in State of Iowa District Courts and the United States District Courts of the Northern and Southern Districts of Iowa and a list of convicted felons whose voting rights have been restored by the governor of Iowa. Periodically, these lists shall be matched with I-Voters. Based upon predetermined search criteria, a list of likely matches of ineligible voters shall be produced for each county and provided to each county registrar.

28.4(2) The state registrar has a demonstrated institutional need for documentation that sufficiently establishes an individual defendant's felony conviction. Therefore, the state registrar shall collaborate with the judicial branch to obtain documentation about felony convictions in a timely, efficient fashion, which shall include documentation sufficient to establish an individual defendant's felony conviction. When the state registrar receives felony conviction information from the United States attorney pursuant to Iowa Code section 48A.30(1)*"d,"* the state registrar shall request documentation sufficient to establish conviction of an offense classified as a felony under federal law. The state registrar shall verify any conviction information provided pursuant to Iowa Code section 48A.30(1)*"d"* prior to adding an individual to the list of convicted felons maintained pursuant to subrule 28.4(1).

28.4(3) Within 30 days of the receipt of the list produced by the state registrar in accordance with subrule 28.4(1), the county registrar shall review the list of likely matches, determine the accuracy of the search results based on first name, last name, date of birth and social security number and cancel the registrations of those voters found to be ineligible to vote. The county registrar may also utilize sex, Iowa driver's license or nonoperator's identification numbers, and previous names, if available, to determine the accuracy of the search results. If the county registrar has questions regarding a felony conviction, the county registrar shall contact the court of conviction's clerk of court. Notice shall be sent to the voter at the voter's address in the voter registration file pursuant to Iowa Code section 48A.30(2). The notice shall be sent by forwardable mail and shall provide the voter an opportunity to have the county registrar review any relevant information that establishes the voter's eligibility to vote. When inclusion of a voter's name on the list of likely matches is found to be inaccurate, the registrar shall mark the record as a "no match" and provide that information to the state registrar.

28.4(4) New applicants for registration entered into I-Voters by a county registrar shall be electronically matched against the list of convicted felons in the file, and applicants disqualified due to felony conviction shall not be registered as voters. The county registrar shall notify the registration applicant of the applicant's disqualification in the same manner as provided for in subrule 28.4(2) above.
[**ARC 4932C**, IAB 2/12/20, effective 3/18/20; **ARC 6063C**, IAB 12/1/21, effective 1/5/22]

721—28.5(47,48A) Noncitizen registered voter identification and removal process.

28.5(1) *Matching of foreign national files and the voter registration list.* Matches between lists of foreign nationals obtained by the secretary of state from a federal or state agency and the voter registration list shall be based on a combination of a registrant's name, driver's license number, date of birth or last four digits of the registrant's social security number. The match may be completed as often as the secretary of state deems necessary, but not more than once a quarter.

28.5(2) *Confirming matches between the foreign national file and the voter registration list.* After producing a list of probable matches based on the criteria listed in subrule 28.5(1), the secretary of state shall determine whether the registrant has obtained citizenship status subsequent to the date on which the record in the file obtained from the other federal or state agency was generated. This determination shall be made by obtaining access to the Systematic Alien Verification Entitlement (SAVE) program administered by the United States Department of Homeland Security or to an equivalent database administered by the United States Department of Homeland Security.

Following verification that a registrant is not a United States citizen, the secretary of state shall send the registrant a letter and a response form by certified mail that the registrant may use to respond to the information received by the secretary of state. The letter shall inform the registrant of the source of the information received by the secretary of state (e.g., driver's license files from the Iowa department of transportation), provide the registrant with information regarding how to correct the information obtained by the secretary of state, and provide the registrant with information regarding how to voluntarily remove the registrant's name from the voter registration list if the registrant is not a United States citizen. A postage-paid return envelope shall be included with the letter and response form. The response form shall include spaces for the registrant to indicate that the information received by the secretary of state is either correct or incorrect and a space for the registrant to indicate that the registrant needs more time to provide a response. In the event a registrant indicates that the registrant needs more time to provide a response, the secretary of state shall not proceed under subrule 28.5(3) for a minimum of 60 days from the date the letter was originally mailed.

28.5(3) *Registered voter notification.* Upon receipt of information indicating that a noncitizen is registered to vote, the secretary of state shall take the following steps.

a. *Subsequent notice.* If the registrant does not respond to the initial letter from the secretary of state sent pursuant to subrule 28.5(2) within 30 days from the date the letter was originally mailed, the secretary of state shall send the registrant a subsequent notice informing the registrant of the source of the information received by the secretary of state (e.g., driver's license files from the Iowa department of transportation). The subsequent notice shall also provide the registrant with information regarding how to correct the information obtained by the secretary of state, provide the registrant with information regarding how to voluntarily remove the registrant's name from the voter registration list if the registrant is not a United States citizen, and list the penalty for being registered to vote while knowing oneself not qualified. A postage-paid return envelope shall be included with the notice and response form. The response form shall include spaces for the registrant to indicate that the information received by the secretary of state is either correct or incorrect and a space for the registrant to indicate that the registrant needs more time to provide a response. In the event a registrant indicates that the registrant needs more time to provide a response, the secretary of state shall not proceed under paragraph 28.5(3)*"b"* for a minimum of 60 days from the date the notice was originally mailed.

b. *County auditor notification.*

(1) If a registrant receives a notice from the secretary of state pursuant to paragraph 28.5(3)*"a"* and fails to respond to the notice within 30 days from the date the notice was originally mailed, the secretary of state shall notify the county auditor that the secretary of state has received information indicating that the registrant may not be a citizen of the United States and may be illegally registered to vote. The county auditor shall notify the precinct election officials working at the polling places on election day that the secretary of state has indicated that a registrant appearing on the election register for an election may not be a United States citizen and shall be challenged by the precinct election officials if that registrant attempts to vote.

(2) The county auditor shall notify the secretary of state when any registrant who is the subject of one of these notices voluntarily requests cancellation of the registrant's record.

c. Noncitizen registrant with active absentee ballot request. If a county auditor receives notice pursuant to this rule from the secretary of state for a registrant who has an active absentee ballot request on the registrant's record, the county auditor shall attach the notice from the secretary of state regarding the registrant to the voter's absentee ballot affidavit envelope if the absentee ballot is returned to the auditor's office. The county auditor shall instruct the precinct election officials to challenge the voter's absentee ballot as provided in Iowa Code section 53.31.

d. Noncitizen registrant with voting history on voter record. If a county auditor receives notice pursuant to this rule from the secretary of state for a registrant who has a previous voting history on the voter's record, the county auditor shall immediately print a copy of the voter's voting history, make copies of any signed election registers or absentee ballot affidavit envelopes that are still in the custody of the county auditor and make a copy of the notice received by the county auditor pursuant to this rule. The foregoing list of documents shall be forwarded to the secretary of state within 30 days of receipt of the notice.

28.5(4) *Removing confirmed matches from the voter registration list.* A registered voter shall only be removed from the voter registration list following the voter's request for removal or the completion of the legal process set forth in Iowa Code sections 48A.14 through 48A.16.

This rule is intended to implement Iowa Code chapters 39A, 48A, 49 and 53.
[**ARC 0272C**, IAB 8/8/12, effective 7/20/12; **ARC 0616C**, IAB 2/20/13, effective 3/27/13]

721—28.6(48A) Cancellations and restorations of voter registration due to jury declination.

28.6(1) Based upon information provided to the state registrar by the state or federal judicial branch, the list of likely matches of ineligible voters shall be produced for each county and provided to each county registrar.

28.6(2) On a monthly basis, the state registrar shall, using predetermined search criteria, compare the list of declined jurors against the list of registered voters.

28.6(3) Within 15 days of the receipt of the list produced by the state registrar in accordance with 28.6(2), the county registrar shall review the list of likely matches, determine the accuracy of the search results and cancel the registrations of those voters found to be ineligible to vote. Notice shall be sent to the voter at the voter's address in the voter registration file pursuant to Iowa Code section 48A.30(2). The notice shall provide the voter an opportunity to have the county registrar review any relevant information that establishes the voter's eligibility to vote. When inclusion of a voter's name on the list of likely matches is found to be inaccurate, the registrar shall mark the record as a "no match" and provide that information to the state registrar.

This rule is intended to implement Iowa Code section 48A.30 as amended by 2017 Iowa Acts, House File 516, section 4.
[**ARC 3447C**, IAB 11/8/17, effective 12/31/17]

721—28.7(48A) Voter list maintenance reports. The reporting requirements in Iowa Code section 48A.40 shall be met by the county registrar entering registration information into I-Voters in accordance with guidance prescribed by the state registrar.
[**ARC 6063C**, IAB 12/1/21, effective 1/5/22]

These rules are intended to implement Iowa Code section 47.7(2) and chapter 48A.
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