

CHAPTER 23
VOTER REGISTRATION IN STATE AGENCIES

721—23.1(48A) Definitions.

“*Agency*” means a voter registration agency as defined in Iowa Code section 48A.19 and the offices of each county auditor.

“*Applicant*” means a person who is provided an application for services or assistance by a voter registration agency. This includes persons who have been accepted for services or assistance and who are submitting change of address notices or applications for renewal or recertification. The term also includes a person who has submitted an application for services or assistance and whose application has been rejected by the agency.

“*Application*” means the forms used to request services or assistance from a voter registration agency and which are used to determine eligibility. If no written form is required or used, “application” means the act of requesting services or assistance.

“*Recertification*” means a process initiated by the agency to reevaluate the applicant’s qualifications for services or assistance. This does not include regular reports by applicants to show continuing eligibility or compliance with agency requirements.

“*Renewal*” means the process of applying to continue to receive services or assistance from an agency after the prescribed time of service has passed.

“*Service or assistance*” means a government benefit or service other than voter registration for which application is made to an agency.

721—23.2(48A) Registration forms. The use of electronic registration records and combined forms for voter registration and for application for services is encouraged. These forms shall be approved by the voter registration commission. Otherwise, the Iowa mail registration form shall be used. Agencies, such as military recruiting offices, which serve a substantial number of applicants who live outside the state of Iowa shall keep a supply of the Election Assistance Commission’s national registration form.

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

STATE OF IOWA

Voter Registration Information

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

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

To register to vote in Iowa you must—

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

Help: If you would like help in filling out the voter registration form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.

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

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

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

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

you may file a complaint with:

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

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

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

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

Sign here: X _____

Print your name: _____

Date: _____

[ARC 2490C, IAB 4/13/16, effective 5/18/16; ARC 4491C, IAB 6/5/19, effective 7/10/19]

721—23.4(48A) Electronic declination records.

23.4(1) The agency may offer the opportunity to register to vote orally and record the applicant's responses electronically. The agency shall ask each applicant the following questions:

“Did you receive a copy of the Voter Registration Information brochure?” If the applicant has not received it, the agency shall provide the applicant with a copy of the brochure and shall review it with the applicant. Then the applicant shall be asked the following question:

“If you are not registered to vote where you live now, would you like to apply to register to vote here today?” (The applicant may answer yes or no. If the applicant does not answer, the applicant shall be presumed to have declined to register to vote.)

23.4(2) The agency shall track the results of its voter registration activities in a form prescribed by the secretary of state's office. The agency shall report those totals in the prescribed format to the elections division of the secretary of state's office.

23.4(3) The secretary of state's office shall make the information available upon request.

[ARC 2490C, IAB 4/13/16, effective 5/18/16]

721—23.5(48A) Retention and storage of declination forms. Declination forms shall be retained by the agency receiving them for 22 months after the next general election following receipt of the form. Declination forms signed during the ten days before a general election, when registration is closed, shall be retained for 22 months after the general election to be held in two years. The forms shall be stored in a secure location where the safety and confidentiality of the records can be protected. If the applicant's responses are stored electronically, the declination record shall be retained by the agency for the same period of time required for paper declination forms. The secretary of state's office shall maintain on its Web site a schedule for disposal of declination forms.

[ARC 2490C, IAB 4/13/16, effective 5/18/16]

721—23.6(48A) Distribution of voter registration forms. All persons, except those exempted by rule 721—23.10(48A), who receive an application for services or assistance from a designated voter registration agency shall be given, along with the application, a voter registration form and the declination form described in rule 721—23.3(48A).

[ARC 2490C, IAB 4/13/16, effective 5/18/16]

721—23.7(48A) Applications, recertifications, renewals and changes of address received from applicant representatives. Agencies which permit applicants to be represented by another person shall offer the opportunity to register to vote to each applicant. The declination form and registration form shall be given to the applicant's representative. If the applicant registers to vote, the applicant shall sign the form. The declination form and registration form shall be returned to the agency.

721—23.8(48A) Recertification and renewal applications. Applicants who apply in person for recertification and renewal of agency services or assistance shall be offered the opportunity to register to vote in the same way the offer is made to applicants making initial applications for services or assistance.

If the agency accepts recertification and renewal applications by telephone or by mail, the agency shall mail the applicant the declination form and a voter registration form.

721—23.9(48A) Change of address notices.

23.9(1) *In person.* The agency shall offer the opportunity to register to vote to each applicant who submits a change of address notice in person. The applicant shall be provided with the declination form and the voter registration form.

23.9(2) *By telephone.* Agencies are strongly urged to offer the opportunity to register to vote to applicants who submit changes of address by telephone. The applicant may be asked whether the change of address is intended for voter registration purposes. If the applicant says yes, the applicant shall be mailed a voter registration form.

23.9(3) *By mail.* Change of address forms provided by the agency shall include the declination form and a voter registration form. If the change of address is reported without the use of the form, the agency shall provide the applicant with a written verification of the reported change of address which instructs the applicant how to obtain a voter registration form.

721—23.10(48A) Ineligible applicants.

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

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

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

[ARC 2490C, IAB 4/13/16, effective 5/18/16; ARC 4491C, IAB 6/5/19, effective 7/10/19]

721—23.11(48A) Other voter registration agencies. The offices of all Iowa county auditors shall provide voter registration services to applicants for services, such as licenses issued by the auditor's

office. These offices are required to provide declination forms to each person who is offered the opportunity to register to vote when applying for services at the auditor's office.

These rules are intended to implement Iowa Code section 48A.19(3) and Section 1973gg-5 of the National Voter Registration Act of 1993.

[Filed emergency 7/8/88—published 7/27/88, effective 7/8/88]

[Filed 9/2/88, Notice 7/27/88—published 9/21/88, effective 10/26/88]

[Filed 1/4/90, Notice 11/15/89—published 1/24/90, effective 2/28/90]

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

[Filed 6/24/08, Notice 4/23/08—published 7/16/08, effective 8/20/08]

[Filed ARC 2490C (Notice ARC 2262C, IAB 11/25/15), IAB 4/13/16, effective 5/18/16]

[Filed ARC 4491C (Notice ARC 4384C, IAB 4/10/19), IAB 6/5/19, effective 7/10/19]