

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) 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.

2.1(2) Definitions.

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

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 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. The agency type code shall be on a perforated stub attached to the registration form.

821—2.3(48A) Federal mail-in application. Rules 2.1(48A) and 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 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 form 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.

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 the mail-in voter registration application. 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.

821—2.7(48A) Availability of forms. Mail-in 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.

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 commissioner shall not add to the official voter registration file a voter whose registration application lacks any of the following information about the applicant:

- a. 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;
- b. Name;
- c. Sex;
- d. Date of birth;
- e. Residence address or description.

2.8(3) A person who submits an application by mail and does not mark either "yes" or "no" to the question "Are you a citizen of the United States of America?" shall not be registered to vote in federal elections until the application form is completed. The registration shall be coded to be valid only for elections for which no candidate for federal office appears on the ballot. Within seven days after receipt of the application, the commissioner shall contact the applicant by mail and request the missing required information. The applicant may provide the required information in writing until the date registration closes for the next federal election by appearing in person at the commissioner's office to complete a new application, by mailing a new and complete application, or by sending a letter to the commissioner confirming that the applicant is a U.S. citizen.

2.8(4) Within seven days after receipt of an incomplete application, the commissioner shall contact the applicant by mail, using the notice prescribed in subrule 2.8(5), and request the missing required information. If the applicant failed to provide an address, the commissioner shall make a reasonable effort to determine where the acknowledgement should be sent. However, if the incomplete application is received during the 12 days before the close of registration for an election, the commissioner shall provide the registrant with an opportunity to complete the form before the close of registration by sending written notice within one working day after receiving the incomplete application. If the applicant provided a telephone number, the commissioner shall also attempt to contact the applicant by telephone to convey the information contained in the notice required in subrule 2.8(5).

2.8(5) The notice 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. The notice shall include the date registration closes for the next election.

2.8(6) 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, the notice described in subrule 2.8(5) 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 non-driver ID number or the last four numbers of your social security number.

You must submit a new voter registration form. If you submit the registration form by mail, your registration information will be checked against the records of the Iowa Department of Transportation driver's license files. This process may delay the effective date of your registration. If your registration information cannot be verified, your registration application will be rejected. Verification is not required if you submit your application in person.

"ID number required. If you have an Iowa driver's license, you must put that number on the voter registration form. If you do not have an Iowa driver's license, use the number from your Iowa non-driver ID card. If you do not have either of these, put the last four numbers of your social security number on the form. If you don't have any of these ID numbers, please write 'NONE' in the box on the form. Please note that it is a crime to lie on a voter registration application."

2.8(7) 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 enter the registration as "pending identification."

2.8(8) The commissioner shall keep a rejected application for voter registration for 22 months after the date of the next general election after the application was received.

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 form shall be the same size as the mail-in form available from the registrar. 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 them to purchase the relatively expensive mail-in 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 camera-ready copies of a form meeting the requirements of this rule.

821—2.11(48A) Registration forms in languages other than English. Notwithstanding any other provision of these rules, any county commissioner may cause production of any approved voter registration form in a language other than English if the commissioner determines that such a form would be of value in the commissioner's county. The registrar shall assist any county commissioner with the translation of voter registration forms upon the request of the county commissioner.

821—2.12(48A) Date of registration. For the purposes of record keeping and determining timeliness of an application to register to vote, the date of registration of an application received from a source other than the United States Postal Service is the date the application is received by the commissioner, or submitted to a voter registration agency, or submitted to the office of driver services, department of transportation, whichever is earlier. The date of registration of an application delivered to the commissioner by the United States Postal Service is the postage cancellation date on the application or on the envelope containing the application. If the postage cancellation date is missing or illegible, the

registration date is the date of the second day preceding the application's receipt in the commissioner's office.

821—2.13(48A) Effective date of registration. Effective dates of registration shall be determined as follows.

2.13(1) If the applicant is at least 18 years of age and registration in the applicant's precinct is not closed due to a pending election, the effective date of registration is the date of registration.

2.13(2) If the applicant is at least 18 years of age and registration is closed in the applicant's precinct due to a pending election, the effective date of registration is the date of the day after the pending election.

2.13(3) If the applicant is less than 18 years of age and registration is not closed in the applicant's precinct due to a pending election, the effective date of registration is the date of the applicant's eighteenth birthday.

2.13(4) If the applicant is less than 18 years of age and registration is closed in the applicant's precinct due to a pending election, the effective date of registration is the date of the day after the pending election, or of the applicant's eighteenth birthday, whichever is later.

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 (I). The registration will be deleted after two general elections unless the registrant responds to a confirmation mailing pursuant to Iowa Code section 48A.27(4) "c," votes in an election or submits a registration form updating the registration. Inactive registrants shall show identification when voting in person, pursuant to Iowa Code section 49.77(3), or shall submit a voter registration form when voting by absentee ballot, pursuant to 721 IAC 21.301(53).

2.14(3) Pending.

a. (P) Pending Identification. Any application received by mail before September 10, 2004, cannot be activated until the applicant provides one of the required identification documents prescribed in 721 IAC 21.3(49), or 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 information is verified. On and after September 10, 2004, any application received by mail shall be entered into the system as "pending identification" only if the applicant reports that the applicant does not have any of the three acceptable identification documents.

b. (V) Pending verification. On and after September 10, 2004, any application received by mail from an applicant who provides the required ID number shall be "pending verification" until the number is verified, pursuant to 821 IAC 2.15(48A).

2.14(4) Local (L). The registrant applied by mail to register to vote and failed to check the box on the voter registration form indicating that the applicant is a U.S. citizen. The registrant may provide the required information in writing until the day before the next federal election by appearing in person at the commissioner's office to complete a new voter registration form, by mailing to the commissioner a new and complete voter registration form, or by sending a letter to the commissioner, pursuant to 821 IAC 2.8(3). The registrant may vote in all elections for which there are no federal offices on the ballot. The commissioner shall print the name of a registrant with local status on the election register for an election if there are federal offices on the ballot.

2.14(5) Pending and inactive (N). The applicant must comply with the requirements to correct both of these status codes.

2.14(6) Local and inactive (C). The applicant must comply with the requirements to correct both of these status codes.

821—2.15(48A) Verification of voter registration information. Every new voter registration application by mail shall be entered as "pending verification" until 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 can 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 registrar or 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 application shall be rejected and the applicant shall be notified of the reason. The notice shall include the following statement:

"Your voter registration application was rejected because the information you provided could not be verified. Your name, date of birth and Iowa driver's license number, Iowa non-driver ID number, or the last four digits of your social security number were compared to the Iowa driver's license records. The following items did not match an existing record: [list nonmatching items].

"You may send in a new registration form. Please print your name, date of birth and Iowa driver's license number exactly as they appear on your Iowa driver's license. If you do not have an Iowa driver's license, print your name, date of birth and Iowa non-driver ID number exactly as they appear on your non-driver ID card. If you don't have either of those cards, use the last four digits of your social security number and print your name on the registration form exactly as it appears on your social security card. You may also register in person at [auditor's office address and other registration addresses at the discretion of the commissioner]. In-person registration applications are not subject to verification."

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 report. If the application cannot be verified, the record shall show what information on the application did not match an existing record. The verification information shall be kept for the period of time required in Iowa Code section 48A.32.

2.15(5) If an application cannot be verified before the close of registration, the applicant shall be notified by mail. The notice shall read as follows:

"Your application for voter registration has been submitted for verification, but has not yet been verified. Your name will not appear on the election register for the _____ election. If you vote, you will be required to cast a provisional ballot. Your ballot will be counted only if your registration can be verified by [date and time of county canvass of votes].

"The following information has been submitted for verification: Name, date of birth, Iowa driver's license number, Iowa non-driver ID number or the last four digits of your social security number. If any of this information is wrong, please contact _____ immediately."

These rules are intended to implement Iowa Code chapter 48A as amended by 2004 Iowa Acts, Senate File 2269.

[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]