

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.

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.

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 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 engage in interstate checking of voter registration records with cooperating states for the purpose of identifying duplicate or multiple voter registration records. A list of likely matches of records based upon predetermined search criteria shall be timely sent to each county registrar.

28.3(4) Within 15 days of the receipt of a list produced by the state registrar in accordance with 28.3(3), 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 in Iowa, the commissioner shall make the voter’s status “inactive” and the voter shall be mailed a 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 10 days before the primary or general election, or at least 11 days before any other election at which you wish

to vote. If the information is correct and you have moved within the county, you may update your registration by listing your new address on the card and mailing it back. If you have moved outside the county, please contact a local official in your new location for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in [name of county] County, Iowa. 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(5) 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]

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 convicted felons and a list of convicted felons whose voting rights have been restored. 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) Within 15 days of the receipt of the list produced by the state registrar in accordance with 28.4(1), 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.

28.4(3) 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.

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

28.5(1) *Periodic matching of foreign national files and the voter registration list.* The state registrar of voters may periodically engage in obtaining lists of foreign nationals who are residing in Iowa from a federal or state agency. The list of foreign nationals may be matched against the voter registration records to determine likely matches based on predetermined search criteria.

28.5(2) *Confirming matches between the foreign national file and the voter registration list.* After producing a list of likely matches, the secretary of state's office shall turn the list of likely matches over to the appropriate Iowa agency for additional follow-up and a determination as to whether the voter registration record is an exact match to an individual listed on the foreign national file. The secretary of state's office shall also determine whether the registrant has obtained citizenship status subsequent to the date the record in the file was generated.

28.5(3) *Removing confirmed matches from the voter registration list.* Upon receipt of information indicating a noncitizen is registered to vote, the secretary of state's office shall take the following steps to ensure removal of the voter's name from the voter registration list.

a. Voter notification. The secretary of state's office shall notify the voter that the secretary of state's office has received information indicating the registered voter may not be a citizen of the United States and may be illegally registered to vote. The notice shall advise the registrant that illegally registering to vote is classified as a class "D" felony under Iowa law and shall further advise the registrant that if the information received by the secretary of state is correct, the voter should request cancellation of the voter registration record by sending a written notice to the county registrar of voters in the county where the registrant is currently registered to vote. The voter shall also be notified of the voter's right to dispute and

respond to the information received by the secretary of state's office. The voter shall further be advised that failure to request removal from the voter registration list or respond to the notice within 14 days of the date of the notice may result in the commencement of a challenge to the voter's registration as set forth in Iowa Code section 48A.14. The notice from the secretary of state shall include a postage-paid envelope and response form.

b. County registrar notification. If a voter receives a notice from the secretary of state's office pursuant to paragraph 28.5(3) "a" and fails to respond to the notice within 14 days, the secretary of state's office shall also notify the county registrar that the secretary of state's office has received information indicating the registered voter may not be a citizen of the United States and may be illegally registered to vote. The county registrar shall notify the secretary of state's office when any voter who is the subject of one of these notices requests cancellation of the voter's record.

c. Failure of registrant to request removal from voter registration list. If a registered voter receives notice pursuant to this rule from the secretary of state's office and does not respond to the notice by either notifying the secretary of state's office that the registrant believes the secretary of state's information to be erroneous or by requesting removal of the registrant's name from the voter registration list, the voter's name may be removed pursuant to the process provided in Iowa Code sections 48A.14 through 48A.16.

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

e. Noncitizen registrant with voting history on voter record. If a county registrar receives notice pursuant to this rule from the secretary of state's office for a registrant who has previous voting history on the voter's record, the commissioner 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 commissioner and make a copy of the notice received by the county registrar pursuant to this rule. The foregoing list of documents shall be forwarded to the secretary of state's office within 30 days of receipt of the notice.

This rule is intended to implement Iowa Code chapters 39A, 48A, 49 and 53.

[ARC 0272C, IAB 8/8/12, effective 7/20/12]

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

[Filed emergency 6/1/06 after Notice 4/26/06—published 6/21/06, effective 7/1/06]

[Filed Emergency ARC 9989B, IAB 2/8/12, effective 1/17/12]

[Filed Emergency ARC 0272C, IAB 8/8/12, effective 7/20/12]