

721—21.3(49,48A) Voter identification documents.**21.3(1)** *Identification documents for persons other than election day registrants.*

a. Unless the person is registering to vote at the polls on election day, precinct election officials shall accept the identification documents listed in Iowa Code section 48A.8 and 2017 Iowa Acts, House File 516, section 27, from any person who is asked or required to present identification pursuant to Iowa Code section 49.77.

b. Current and valid identification. “Current and valid” or “identification,” for persons other than election day registrants, means identification that meets the following criteria:

(1) Iowa driver’s licenses and nonoperator’s identification cards used to establish identity pursuant to 2017 Iowa Acts, House File 516, section 27, shall be accepted up to 90 days after the expiration date listed on the license. It is still acceptable on the ninetieth day. An Iowa nonoperator’s identification card that does not expire shall be considered current and valid.

(2) Veterans and military identification cards that do not contain an expiration date or that do not expire and voter identification cards issued pursuant to 2017 Iowa Acts, House File 516, section 18, shall be considered current and valid.

(3) For registration pursuant to Iowa Code section 48A.8, the proof of residence must be dated, or describe terms of residency current to, within 45 days prior to submission.

(4) All other forms of identification used to establish identity pursuant to 2017 Iowa Acts, House File 516, section 27, shall not be expired. An identification is still valid on the expiration date.

c. A current and valid identification may include a former address, when used for identification purposes only.

21.3(2) *Identification for election day registrants.*

a. A person who applies to register to vote on election day shall provide proof of identity and residence pursuant to Iowa Code section 48A.7A and 2017 Iowa Acts, House File 516, section 27, in the precinct where the person is applying to register and vote.

b. Any registered voter who attests for another person registering to vote at the polls on election day shall meet the requirements in Iowa Code section 48A.7A. The registered voter may be a precinct election official or a pollwatcher, but may not attest for more than one person applying to register at the same election.

c. Current and valid identification. “Current and valid” or “identification,” for the purposes of election day registration, means identification that meets the following criteria:

(1) The expiration date on the identification card has not passed. An identification is still valid on the expiration date. An Iowa nonoperator’s identification card that does not expire shall be considered current and valid.

(2) Veterans and military identification cards that do not contain an expiration date or that do not expire and voter identification cards issued pursuant to 2017 Iowa Acts, House File 516, section 18, shall be considered current and valid.

d. A current and valid identification may include a former address, when used for identification purposes only.

21.3(3) *Proof of residence standards for all voters.* Any person required to present proof of residence pursuant to Iowa Code sections 48A.7A and 48A.8 shall provide documentation that meets the following requirements:

a. The proof of residence document must be listed in Iowa Code section 48A.7A or 48A.8.

b. The document must be current within 45 days of election day, unless otherwise provided by law.

c. A residential lease’s stated term must include election day.

d. Property tax statements are current within 45 days of March 31 or the final payment date, if the final payment date is stated in the document.

21.3(4) *Identification not provided.* After January 1, 2019, a person who is required to provide identification and does not provide it shall vote only by provisional ballot pursuant to Iowa Code section 49.81. However, a person who is registering to vote on election day pursuant to Iowa Code section 48A.7A may establish identity and residency in the precinct by written oath of a person who is registered to vote in the precinct. A registered voter may only attest for one election day registrant.

21.3(5) *Attesting to identity by signing oath.* A person who cannot show proof of identity at the polls may swear to the oath appearing in 2017 Iowa Acts, House File 516, section 27(8). This provision is repealed effective January 1, 2019.

21.3(6) *Determination of identity and residency.* Proof of identity and residence of persons offering to vote is presumed valid unless the precinct election official determines the proof offered does not match the voter. In determining whether a person offering to vote is eligible under Iowa Code section 48A.7A and Iowa Code chapter 49, precinct election officials shall consider all of the information presented by the person offering to vote prior to determining that the person is not eligible. The following are factors that shall be considered by precinct election officials in making the determination:

- a. Changes to the voter's physical appearance or signature,
- b. Time elapsed since the proof was generated, subject to the Iowa Code sections that govern the validity and expiration timelines of the proof,
- c. Other documentation allowable under Iowa Code chapter 48A to prove the facts in question.

21.3(7) *Post-election day proof of identity or residency.* As of January 1, 2019, a person required to cast a provisional ballot under this rule may submit proof of identity or residence after election day. The proof must be received by the commissioner not later than 12 noon on the Monday following the election, or if the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, it must be received by the commissioner before the canvass for that election by the board of supervisors. Defects may be cured through the use of documentation as permitted under Iowa Code section 48A.7A or 2017 Iowa Acts, House File 516, section 27. If such defects are cured, the voter's ballot shall be counted.

This rule is intended to implement Iowa Code sections 48A.7A and 49.77, 2017 Iowa Acts, House File 516, section 27, and the Help America Vote Act.

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