

VOTER REGISTRATION COMMISSION[821]

Adopted and Filed Emergency

Rule making related to voter registration forms produced by electronic pollbooks

The Voter Registration Commission hereby amends Chapter 2, “Voter Registration Forms, Acceptability, Registration Dates, and Effective Dates,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections

State of Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 48A.

Purpose and Summary

This new rule will provide county commissioners of elections with option to utilize alternative voter registration forms produced by electronic pollbooks. Specifically, it will allow for voter registration forms to be completed on an electronic pollbook and then printed onto thermal receipt paper. Currently, voter registration forms filled out with the assistance of an electronic pollbook must “be identical in size, shape, weight and similar in color of paper, type size, and color of ink to those available from the registrar.”

Reason for Adoption of Rule Making Without Prior Notice and Opportunity for Public Participation

Pursuant to Iowa Code section 17A.4(3), the Commission finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its June 11, 2019, meeting reviewed the Commission’s determination and this rule making and approved the emergency adoption.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Commission also finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on June 14, 2019. These amendments confer a benefit on the public because it will allow county auditors to utilize voter registration forms produced by electronic pollbooks in elections on June 25.

Adoption of Rule Making

This emergency rule making was adopted by the Commission on May 9, 2019.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as **ARC XXXXC** to allow for public comment.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of this discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by the executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making became effective on June 14, 2018.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** rule 821—2.17

821—2.17(48A) Voter registration forms produced by electronic pollbooks.

“Electronic poll book,” “epollbook,” “e-poll book,” or “electronic register” means hardware and software components used to verify and process voting activity and changes in voter registration and to check in voters. This definition includes e-poll books in use in the commissioner's office. However, this definition does not apply to the I-Voters statewide voter registration database.

2.17(1) At the discretion of the commissioner, an electronic poll book may be used to produce an alternate registration form. The alternate registration form may be completed by the voter, an election official, or an individual offering assistance at the direction and in the presence of the voter.

2.17(2) The electronic poll book shall print the alternate registration form, and the registrant shall sign the registration form produced by the electronic poll book. A signature or marking made in accordance with Iowa Code section 39.3, subsection 17, shall be accepted. The use of an electronic signature is not permitted.

2.17(3) Pursuant to Iowa Code section 48A.11, the form shall contain spaces for all 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.

2.17(4) If thermal receipt paper is used to print the alternate registration form, the commissioner shall endeavor to store the printed forms in a dark room with limited exposure to UV light, relative humidity between 45% and 65%, and temperature below 77 degrees Fahrenheit to assure preservation. The county commissioner shall store an unaltered version of

the completed registration application, including the applicant's signature, as an electronic document. The electronic version of the registration application shall be uploaded and attached to the voter's electronic record stored in the statewide voter registration database within 60 days of completion. The electronic document shall be kept for the retention period prescribed by Iowa Code section 48A.32. Once the alternate registration form is stored electronically, the original thermal paper document may be destroyed in accordance with Iowa Code section 48A.35.

2.17(5) If paper at least as thick as 20-pound xerographic paper is used to print the alternate registration form, the county commissioner shall retain the form in accordance with Iowa Code sections 48A.32 and 48A.35.

2.17(6) All other types of paper shall require the approval of the Commission prior to use.