

Senate File 2231 - Introduced

SENATE FILE 2231

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A BILL FOR

1 An Act establishing a requirement for voters to provide certain
2 identification when voting in person at the polling place.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 48A.8, Code Supplement 2009, is amended
2 by striking the section and inserting in lieu thereof the
3 following:

4 **48A.8 Registration by mail.**

5 An eligible elector may register to vote by completing a
6 mail registration form. The completed form may be mailed or
7 delivered by the registrant or the registrant's designee to
8 the commissioner in the county where the person resides. A
9 separate registration form shall be signed by each individual
10 registrant.

11 Sec. 2. Section 48A.25A, subsection 1, paragraph a, Code
12 Supplement 2009, is amended to read as follows:

13 a. Upon receipt of an application for voter registration,
14 the commissioner of registration shall compare the Iowa
15 driver's license number, the Iowa nonoperator's identification
16 card number, or the last four numerals of the social security
17 number provided by the registrant with the records of the
18 state department of transportation. To be verified, the
19 voter registration record shall contain the same name,
20 date of birth, and Iowa driver's license number or Iowa
21 nonoperator's identification card number or whole or partial
22 social security number as the records of the state department
23 of transportation. If the information cannot be verified, the
24 application shall be recorded and the status of the voter's
25 record shall be designated as pending status. ~~The commissioner~~
26 ~~of registration shall notify the applicant that the applicant~~
27 ~~is required to present identification described in section~~
28 ~~48A.8, subsection 2, before voting for the first time in the~~
29 ~~county.~~ If the information can be verified, a record shall be
30 made of the verification and the status of the voter's record
31 shall be designated as active status.

32 Sec. 3. Section 48A.26, Code Supplement 2009, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 10. An acknowledgment mailed pursuant
35 to subsection 2 or 4 shall include a statement informing the

1 registered voter that the voter is required to show current and
2 valid identification before the person will be allowed to vote,
3 and that the identification must contain a photograph of the
4 voter and a validity expiration date.

5 Sec. 4. Section 48A.27, subsection 4, paragraph c,
6 subparagraph (2), Code Supplement 2009, is amended to read as
7 follows:

8 (2) The notice shall contain a statement in substantially
9 the following form:

10 "Information received from the United States postal service
11 indicates that you are no longer a resident of, and therefore
12 not eligible to vote in (name of county) County, Iowa. If this
13 information is not correct, and you still live in (name of
14 county) County, please complete and mail the attached postage
15 paid card at least ten days before the primary or general
16 election and at least eleven days before any other election at
17 which you wish to vote. If the information is correct and you
18 have moved, please contact a local official in your new area
19 for assistance in registering there. If you do not mail in
20 the card, you may be required to show identification to prove
21 residency before being allowed to vote in (name of county)
22 County. If you do not return the card, and you do not vote
23 in an election in (name of county) County, Iowa, on or before
24 (date of second general election following the date of the
25 notice) your name will be removed from the list of voters in
26 that county."

27 Sec. 5. Section 48A.29, subsection 1, paragraph b, Code
28 2009, is amended to read as follows:

29 b. The notice shall contain a statement in substantially the
30 following form:

31 "Information received from the United States postal service
32 indicates that you are no longer a resident of (residence
33 address) in (name of county) County, Iowa. If this information
34 is not correct, and you still live in (name of county) County,
35 please complete and mail the attached postage paid card at

1 least ten days before the primary or general election and at
2 least eleven days before any other election at which you wish
3 to vote. If the information is correct, and you have moved,
4 please contact a local official in your new area for assistance
5 in registering there. If you do not mail in the card, you may
6 be required to show identification to prove residency before
7 being allowed to vote in (name of county) County. If you do not
8 return the card, and you do not vote in some election in (name
9 of county) County, Iowa, on or before (date of second general
10 election following the date of the notice) your name will be
11 removed from the list of voters in that county.”

12 Sec. 6. Section 48A.29, subsection 3, paragraph b, Code
13 2009, is amended to read as follows:

14 b. The notice shall contain a statement in substantially the
15 following form:

16 “Information received by this office indicates that you
17 are no longer a resident of (residence address) in (name of
18 county) County, Iowa. If the information is not correct, and
19 you still live at that address, please complete and mail the
20 attached postage paid card at least ten days before the primary
21 or general election and at least eleven days before any other
22 election at which you wish to vote. If the information is
23 correct, and you have moved within the county, you may update
24 your registration by listing your new address on the card and
25 mailing it back. If you have moved outside the county, please
26 contact a local official in your new area for assistance in
27 registering there. If you do not mail in the card, you may
28 be required to show identification to prove residency before
29 being allowed to vote in (name of county) County. If you do not
30 return the card, and you do not vote in some election in (name
31 of county) County, Iowa, on or before (date of second general
32 election following the date of the notice) your name will be
33 removed from the list of registered voters in that county.”

34 Sec. 7. Section 48A.37, subsection 2, Code Supplement 2009,
35 is amended to read as follows:

1 2. Electronic records shall include a status code
2 designating whether the records are active, inactive,
3 incomplete, pending, or canceled. Inactive records are records
4 of registered voters to whom notices have been sent pursuant
5 to section 48A.28, subsection 3, and who have not returned
6 the card or otherwise responded to the notice, and those
7 records have been designated inactive pursuant to section
8 48A.29. Inactive records are also records of registered
9 voters to whom notices have been sent pursuant to section
10 48A.26A and who have not responded to the notice. Incomplete
11 records are records missing required information pursuant to
12 section 48A.11, subsection 8. Pending records are records of
13 applicants whose applications have not been verified pursuant
14 to section 48A.25A. Canceled records are records that have
15 been canceled pursuant to section 48A.30. All other records
16 are active records. An inactive record shall be made active
17 when the registered voter requests an absentee ballot, votes
18 at an election, registers again, or reports a change of name,
19 address, telephone number, or political party or organization
20 affiliation. An incomplete record shall be made active when
21 a completed application is received from the applicant and
22 verified pursuant to section 48A.25A. A pending record shall
23 be made active upon verification ~~or upon the voter providing~~
24 ~~identification pursuant to section 48A.8.~~

25 Sec. 8. Section 49.77, subsection 3, Code Supplement 2009,
26 is amended to read as follows:

27 ~~3. a. A precinct election official shall require any person~~
28 ~~whose name does not appear on the election register as an~~
29 ~~active voter to show identification. Specific documents which~~
30 ~~are acceptable forms of identification shall be prescribed by~~
31 ~~the state commissioner.~~

32 ~~b.~~ 3. a. A precinct election official ~~may~~ shall require
33 of that the voter unknown to the official, ~~identification in~~
34 ~~the form prescribed by the state commissioner by rule.~~ produce
35 for inspection one of the following current and valid forms of

1 identification if such identification contains the person's
2 photograph and a validity expiration date:

3 (a) An out-of-state driver's license or nonoperator's
4 identification card.

5 (b) A United States passport.

6 (c) A United States military identification card.

7 (d) An identification card issued by an employer.

8 (e) A student identification card issued by an Iowa high
9 school or an Iowa postsecondary educational institution.

10 b. If identification is established to the satisfaction of
11 the precinct election officials, the person may then be allowed
12 to vote.

13 Sec. 9. Section 49.77, subsection 4, paragraph a, Code
14 Supplement 2009, is amended to read as follows:

15 a. A precinct election official shall require any person
16 whose name does not appear on the election register as an
17 active voter to show identification to prove residency in
18 the precinct. Specific documents which are acceptable forms
19 of identification under this subsection shall be prescribed
20 by rule by the state commissioner. A person whose name does
21 not appear on the election register of the precinct in which
22 that person claims the right to vote shall not be permitted to
23 vote, unless the person affirms that the person is currently
24 registered in the county and presents proof of identity, or the
25 commissioner informs the precinct election officials that an
26 error has occurred and that the person is a registered voter
27 of that precinct. If the commissioner finds no record of the
28 person's registration but the person insists that the person
29 is a registered voter of that precinct, the precinct election
30 officials shall allow the person to cast a ballot in the manner
31 prescribed by section 49.81.

32 Sec. 10. Section 49.81, subsection 1, Code 2009, is amended
33 to read as follows:

34 1. A prospective voter who is prohibited under ~~section~~
35 ~~48A.8, subsection 4,~~ section 49.77, subsection 4, or section

1 49.80 from voting except under this section shall be notified
2 by the appropriate precinct election official that the
3 voter may cast a provisional ballot. If a booth meeting the
4 requirement of section 49.25 is not available at that polling
5 place, the precinct election officials shall make alternative
6 arrangements to insure the voter the opportunity to vote in
7 secret. The voter shall mark the ballot, fold it or insert
8 it in a secrecy envelope as required by section 49.84, and
9 immediately seal it in an envelope of the type prescribed by
10 subsection 4. The voter shall deliver the sealed envelope to a
11 precinct election official who shall deposit it in an envelope
12 marked "provisional ballots". The ballot shall be considered
13 as having been cast in the special precinct established by
14 section 53.20 for purposes of the postelection canvass.

15 Sec. 11. Section 53.38, Code 2009, is amended to read as
16 follows:

17 **53.38 What constitutes registration.**

18 Whenever a ballot is requested pursuant to section 53.39 or
19 53.45 on behalf of a voter in the armed forces of the United
20 States, the affidavit upon the affidavit envelope of such
21 voter, if the voter is found to be an eligible elector of the
22 county to which the ballot is submitted, shall constitute
23 a sufficient registration under chapter 48A. A completed
24 federal postcard registration and federal absentee ballot
25 request form submitted by such eligible elector shall also
26 constitute a sufficient registration under chapter 48A. The
27 commissioner shall place the voter's name on the registration
28 record as a registered voter if it does not already appear
29 there. ~~The identification requirements of section 48A.8 and~~
30 ~~the verification requirements of section 48A.25A do not apply~~
31 to persons who register to vote under this division.

32 **EXPLANATION**

33 This bill requires that all voters show current and valid
34 identification before being allowed to vote at the polls.
35 Correspondingly, the bill strikes the requirement that certain

1 persons who register by mail and who have not previously voted
2 in a federal election in the county of registration must show
3 identification when voting for the first time in the county at
4 an election with federal offices on the ballot.

5 The bill further provides that the current and valid
6 identification is the same forms of identification required
7 for election day and in-person absentee registrants if such
8 identification contains a photograph of the voter and the
9 validity expiration date of the identification.

10 The bill also specifies that the requirement in current
11 law that a voter show identification if the voter's name does
12 not appear on the election register or if the voter did not
13 respond to a confirmation card sent by the county commissioner
14 of elections is required in order to establish residency in the
15 precinct. Current law provides that the secretary of state
16 shall provide, by rule, the acceptable forms of identification
17 in these circumstances.