

**House File 8 - Introduced**

HOUSE FILE 8

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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.7A, subsection 1, paragraph a, Code  
2 2011, is amended to read as follows:

3 a. A person who is eligible to register to vote and to  
4 vote may register on election day by appearing in person at  
5 the polling place for the precinct in which the individual  
6 resides and completing a voter registration application, making  
7 written oath, and providing proof of ~~identity and residence~~  
8 identification pursuant to section 49.77, subsection 3.

9 Sec. 2. Section 48A.7A, subsection 1, paragraphs b and c,  
10 Code 2011, are amended by striking the paragraphs.

11 Sec. 3. Section 48A.7A, subsections 2 and 3, Code 2011, are  
12 amended to read as follows:

13 2. The oath required in subsection 1, paragraph "a", and in  
14 ~~paragraph "c", if applicable,~~ shall be attached to the voter  
15 registration application.

16 3. At any time before election day, and after the deadline  
17 for registration in section 48A.9, a person who appears in  
18 person at the commissioner's office or at a satellite absentee  
19 voting station or whose ballot is delivered to a health care  
20 facility pursuant to section 53.22 may register to vote and  
21 vote an absentee ballot by following the procedure in this  
22 section for registering to vote on election day. A person who  
23 wishes to vote in person at the polling place on election day  
24 and who has not registered to vote before the deadline for  
25 registering in section 48A.9, is required to register to vote  
26 at the polling place on election day following the procedure  
27 in this section. However, the person may complete the voter  
28 registration application at the commissioner's office and,  
29 after the commissioner has reviewed the completed application,  
30 may present the application to the appropriate precinct  
31 election official along with proof of ~~identity and residency~~  
32 identification.

33 Sec. 4. Section 48A.7A, subsection 4, paragraph b, Code  
34 2011, is amended by striking the paragraph.

35 Sec. 5. Section 48A.8, Code 2011, is amended by striking the

1 section and inserting in lieu thereof the following:

2 **48A.8 Registration by mail.**

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

9 Sec. 6. Section 48A.25A, subsection 1, paragraph a, Code  
10 2011, is amended to read as follows:

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

30 Sec. 7. Section 48A.26, Code 2011, is amended by adding the  
31 following new subsection:

32 NEW SUBSECTION. 10. An acknowledgment mailed pursuant  
33 to subsection 2 or 4 shall include a statement informing the  
34 registered voter that the voter is required to show proof of  
35 identification as provided in section 49.77 before the person

1 will be allowed to vote.

2 Sec. 8. Section 48A.27, subsection 4, paragraph c,  
3 subparagraph (2), Code 2011, is amended to read as follows:

4 (2) The notice shall contain a statement in substantially  
5 the following form:

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

22 Sec. 9. Section 48A.29, subsection 1, paragraph b, Code  
23 2011, is amended to read as follows:

24 b. The notice shall contain a statement in substantially the  
25 following form:

26 Information received from the United States postal service  
27 indicates that you are no longer a resident of (residence  
28 address) in (name of county) County, Iowa. If this information  
29 is not correct, and you still live in (name of county) County,  
30 please complete and mail the attached postage paid card at  
31 least ten days before the primary or general election and at  
32 least eleven days before any other election at which you wish  
33 to vote. If the information is correct, and you have moved,  
34 please contact a local official in your new area for assistance  
35 in registering there. ~~If you do not mail in the card, you may~~

1 ~~be required to show identification before being allowed to vote~~  
2 ~~in (name of county) County.~~ If you do not return the card, and  
3 you do not vote in some election in (name of county) County,  
4 Iowa, on or before (date of second general election following  
5 the date of the notice) your name will be removed from the list  
6 of voters in that county.

7 Sec. 10. Section 48A.29, subsection 3, paragraph b, Code  
8 2011, is amended to read as follows:

9 b. The notice shall contain a statement in substantially the  
10 following form:

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

29 Sec. 11. Section 48A.37, subsection 2, Code 2011, is amended  
30 to read as follows:

31 2. Electronic records shall include a status code  
32 designating whether the records are active, inactive,  
33 incomplete, pending, or canceled. Inactive records are records  
34 of registered voters to whom notices have been sent pursuant  
35 to section 48A.28, subsection 3, and who have not returned

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

20 Sec. 12. Section 49.77, subsection 3, Code 2011, is amended  
21 by striking the subsection and inserting in lieu thereof the  
22 following:

23 3. a. A precinct election official shall require the voter  
24 to produce for inspection proof of identification before being  
25 allowed to vote.

26 b. For purposes of this section, "*proof of identification*"  
27 refers to a document that satisfies all of the following:

28 (1) The document shows the name of the individual to whom  
29 the document was issued which shall conform to the name on the  
30 election register.

31 (2) The document shows a photograph of the individual to  
32 whom it was issued.

33 (3) The document contains an expiration date that has  
34 not passed as of the date of the election for which proof of  
35 identification is required.

1 (4) The document was issued by the government of the United  
2 States or the state of Iowa.

3 c. If a voter is unable or refuses to present proof of  
4 identification or the precinct election official determines  
5 the proof of identification provided by the voter does not  
6 qualify as proof of identification under paragraph "b",  
7 the precinct election official shall challenge the voter as  
8 provided in section 49.80. If the voter is challenged under  
9 this paragraph, the voter shall be offered the option to vote a  
10 ballot, but only in accordance with section 49.81.

11 Sec. 13. Section 49.77, Code 2011, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 3A. If proof of identification is  
14 established under subsection 3 to the satisfaction of the  
15 precinct election officials, the person may then be allowed to  
16 vote.

17 Sec. 14. Section 49.77, subsection 4, paragraphs a and b,  
18 Code 2011, are amended to read as follows:

19 a. A person whose name does not appear on the election  
20 register of the precinct in which that person claims the right  
21 to vote shall not be permitted to vote, unless the person  
22 affirms that the person is currently registered in the county  
23 and presents proof of identity identification pursuant to  
24 subsection 3, or the commissioner informs the precinct election  
25 officials that an error has occurred and that the person is a  
26 registered voter of that precinct. If the commissioner finds  
27 no record of the person's registration but the person insists  
28 that the person is a registered voter of that precinct, the  
29 precinct election officials shall allow the person to cast a  
30 ballot in the manner prescribed by section 49.81.

31 b. If the voter informs the precinct election official that  
32 the voter resides in the precinct and is not registered to  
33 vote, the voter may register to vote pursuant to section 48A.7A  
34 and cast a ballot. ~~If such a voter is unable to establish~~  
35 ~~identity and residency in the manner provided in section~~

1 ~~48A.7A, subsection 1, paragraph "b" or "c", the voter shall be~~  
2 ~~allowed to cast a ballot in the manner prescribed by section~~  
3 ~~49.81.~~

4 Sec. 15. Section 49.79, subsection 2, Code 2011, is amended  
5 by adding the following new paragraph:

6 NEW PARAGRAPH. *h.* The challenged person was unable or  
7 refused to provide proof of identification, or provided  
8 insufficient proof of identification, pursuant to section  
9 49.77, subsection 3.

10 Sec. 16. Section 49.81, subsection 1, Code 2011, is amended  
11 to read as follows:

12 1. A prospective voter who is prohibited under ~~section~~  
13 ~~48A.8, subsection 4,~~ section 49.77, subsection 3 or 4, section  
14 49.80, or section 53.19, subsection 3, from voting except under  
15 this section shall be notified by the appropriate precinct  
16 election official that the voter may cast a provisional  
17 ballot. The voter shall mark the ballot and immediately  
18 seal it in an envelope of the type prescribed by subsection  
19 4. The voter shall deliver the sealed envelope to a precinct  
20 election official who shall deposit it in an envelope marked  
21 "provisional ballots". The ballot shall be considered as  
22 having been cast in the special precinct established by section  
23 53.20 for purposes of the postelection canvass.

24 Sec. 17. Section 49.81, subsection 2, paragraph b, Code  
25 2011, is amended to read as follows:

26 *b.* If the person is casting a provisional ballot because the  
27 person ~~failed~~ was unable or refused to provide a ~~required form~~  
28 proof of identification under section 49.77, subsection 3, a  
29 list of the types of acceptable identification and notification  
30 that the person must show identification or execute an  
31 affidavit pursuant to subsection 5 before the ballot can be  
32 counted.

33 Sec. 18. Section 49.81, Code 2011, is amended by adding the  
34 following new subsection:

35 NEW SUBSECTION. 5. *a.* If a voter casts a provisional



1 ballot pursuant to section 49.77, subsection 3, the precinct  
2 election official shall indicate on the provisional ballot  
3 envelope that the voter was challenged for the voter's  
4 inability or refusal to provide proof of identification.

5     *b.* No later than the Monday following the election, a voter  
6 challenged pursuant to section 49.77, subsection 3, paragraph  
7 "c", shall appear before the absentee ballot and special voters  
8 precinct election board and execute an affidavit in the form  
9 prescribed by the state commissioner, affirming that the voter  
10 is the same individual who personally appeared before the  
11 precinct election board and cast the provisional ballot on  
12 election day and further affirming either of the following:

13       (1) The voter is indigent and unable to obtain proof of  
14 identification without the payment of a fee.

15       (2) The voter has a religious objection to being  
16 photographed.

17     *c.* If the board determines that the voter has been  
18 challenged solely for the inability or refusal of the voter to  
19 provide proof of identification, the board shall find that the  
20 provisional ballot is valid and direct that it be counted.

21     Sec. 19. Section 53.38, Code 2011, is amended to read as  
22 follows:

23     **53.38 What constitutes registration.**

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

1 ~~the~~ verification requirements of section 48A.25A do not apply  
2 to persons who register to vote under this division.

3

EXPLANATION

4 This bill requires that all voters show proof of  
5 identification, as defined in the bill, before being allowed to  
6 vote at the polls.

7 The bill allows a voter to cast a provisional ballot in  
8 certain circumstances where the voter is unable to provide or  
9 refuses to provide the required proof of identification. If  
10 a voter casts a provisional ballot for this reason, the voter  
11 has until the Monday following the election to appear before  
12 the absentee ballot and special voters precinct election board  
13 to execute an affidavit.

14 The bill amends Code section 48A.7A, relating to election  
15 day and in-person absentee voter registration, to require that  
16 the forms of identification necessary to register in this  
17 manner are the same forms of proof of identification necessary  
18 to vote. The Code section is also amended to strike the  
19 provision allowing another registered voter to sign an oath  
20 affirming a registrant's identity and residency.

21 The bill makes corresponding amendments regarding  
22 identification requirements for certain persons who register to  
23 vote by mail and for registered voters who do not respond to a  
24 confirmation card sent by the county commissioner of elections.