

Senate Study Bill 3130 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act permitting electronic voter registration and including
2 penalties and effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39A.2, subsection 1, paragraph a,
2 subparagraph (2), Code 2014, is amended to read as follows:

3 (2) Falsely swears to an oath required pursuant to section
4 48A.7A or section 48A.8A.

5 Sec. 2. NEW SECTION. **48A.8A Electronic registration.**

6 1. An eligible elector may apply to register to vote by
7 electronic means by completing and submitting an electronic
8 voter registration form provided through the state commissioner
9 of elections' internet site. A commissioner of registration's
10 internet site may provide an electronic link to the electronic
11 voter registration form provided under this subsection.

12 2. An electronic voter registration form completed pursuant
13 to this section shall require that a registrant:

14 a. Provide the information as required pursuant to section
15 48A.11.

16 b. Have an Iowa driver's license, Iowa nonoperator's
17 identification card, a social security number, or an
18 identification number provided pursuant to section 48A.11,
19 subsection 8.

20 c. Attest to a statement that lists each eligibility
21 requirement, that the registrant meets all of the requirements,
22 and requires the electronic signature of the registrant,
23 consistent with electronic signatures as defined in section
24 554D.103.

25 d. Sign the electronic voter registration form in a manner
26 consistent with electronic signatures as defined in section
27 554D.103.

28 e. Affirmatively authorize the state commissioner of
29 elections to use the registrant's signature obtained from
30 the department of transportation or from a commissioner of
31 registration for voter registration purposes.

32 f. In order for a registrant to register under this section,
33 the state commissioner of elections shall verify that the Iowa
34 driver's license number, Iowa nonoperator's identification card
35 number, last four numerals of the registrant's social security

1 number, or the unique identifying number, and date of birth
2 provided by the registrant match the information contained in
3 department of transportation records or in commissioner of
4 registration records.

5 3. *a.* The department of transportation shall, upon
6 request, provide to the state commissioner of elections a copy
7 of the registrant's signature in electronic format, if the
8 registrant's signature is on record with the department of
9 transportation.

10 *b.* A commissioner of registration shall, upon request,
11 provide to the state commissioner of elections a copy of
12 the registrant's signature in electronic format, if the
13 registrant's signature is accepted and on record with the
14 commissioner of registration pursuant to section 48A.13.

15 4. *a.* The state commissioner of elections shall transmit
16 to the appropriate commissioner of registration a registrant's
17 completed voter registration form and electronic signature not
18 later than five business days after the date of electronic
19 submission of the form by the registrant.

20 *b.* The state commissioner of elections shall notify the
21 registrant by mail within five business days if a copy of
22 the registrant's signature cannot be obtained by the state
23 commissioner of elections in electronic format pursuant to
24 subsection 3. The state commissioner of elections shall
25 include a voter registration form with the notice.

26 5. A voter registration form completed under this section
27 shall be accompanied by the following statement featured
28 prominently on the internet site in boldface capital letters:

29 **WARNING: I UNDERSTAND THAT ANY FALSE STATEMENT IN THIS OATH**
30 **IS A CLASS "D" FELONY PUNISHABLE BY NO MORE THAN FIVE YEARS IN**
31 **CONFINEMENT AND A FINE OF AT LEAST SEVEN HUNDRED FIFTY DOLLARS**
32 **BUT NOT MORE THAN SEVEN THOUSAND FIVE HUNDRED DOLLARS.**

33 6. An eligible elector who registers pursuant to this
34 section and who has not previously voted in an election for
35 federal office in the county of registration shall be treated

1 as a registrant by mail and is subject to the provisions of
2 section 48A.8, subsections 2 through 4.

3 Sec. 3. Section 48A.27, subsection 2, paragraph a, Code
4 2014, is amended by adding the following new subparagraph:
5 NEW SUBPARAGRAPH. (6) A voter registration form submitted
6 as provided in section 48A.8A.

7 Sec. 4. EFFECTIVE DATE. This Act takes effect January 1,
8 2015.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill permits electronic voter registration from the
13 state commissioner of elections' internet site.

14 The bill allows an eligible elector to apply to register
15 to vote by electronic means by completing and submitting an
16 electronic voter registration form provided on the internet
17 site for the secretary of state as the state commissioner of
18 elections.

19 The bill requires that an electronic voter registration
20 form provide all information that is currently required on
21 printed voter registration forms. The bill also requires that
22 a registrant seeking to use the electronic voter registration
23 form have an Iowa driver's license, Iowa nonoperator's
24 identification card, a social security number, or a unique
25 identifying number assigned to the registrant for voter
26 registration purposes.

27 The bill requires that a registrant attest to a statement
28 that lists each voter registration eligibility requirement,
29 that the registrant meets all of the requirements, and requires
30 the electronic signature of the registrant, consistent with
31 Code section 554D.103, as part of the uniform electronic
32 transactions Act. The bill further requires that a registrant
33 sign the electronic voter registration form in a manner
34 consistent with that Code section.

35 The bill requires that the registrant authorize the

1 state commissioner of elections to use the applicant's
2 signature obtained from the department of transportation or a
3 commissioner of registration for voter registration purposes.
4 The state commissioner of elections is required to notify a
5 registrant by mail within five business days if a copy of the
6 registrant's signature cannot be obtained and is required to
7 include a voter registration form with that notice.

8 The bill requires that the state commissioner of elections
9 verify that the Iowa driver's license, Iowa nonoperator's
10 identification card, last four numerals of the registrant's
11 social security number, or unique identifying number, and date
12 of birth provided by the registrant match the information
13 contained in department of transportation records or in
14 commissioner of registration records. The bill requires the
15 state commissioner of elections to transmit to the appropriate
16 commissioner of registration a registrant's completed voter
17 registration application and electronic signature not later
18 than five business days after the date of submission of the
19 application and signature.

20 The bill requires that the electronic registration form be
21 accompanied by a statement featured prominently in boldface
22 capital letters informing the registrant of the penalty
23 for providing false information on a voter registration
24 application.

25 The bill also requires that an electronic voter registration
26 registrant who has not previously voted in an election for
27 federal office in the county of registration must follow the
28 voting requirements of Code section 48A.8 for registrants
29 submitting applications by mail under current law and who have
30 not previously voted in an election for federal office in the
31 county of registration. These provisions under current law
32 require that a mail registrant who has not previously voted in
33 an election for federal office in the county of registration
34 shall be required to provide identification documents when
35 voting for the first time in the county, unless the registrant

1 provided on the registration form the registrant's Iowa
2 driver's license number, the registrant's Iowa nonoperator's
3 identification card number, or the last four numerals of the
4 registrant's social security number and such information
5 provided matches an existing state or federal identification
6 record with the same number, name, and date of birth. Code
7 section 48A.8 also provides that a registrant who votes in
8 person at the polls or by absentee ballot at the commissioner's
9 office or at a satellite voting station shall provide a form of
10 identification specified in that Code section. Code section
11 48A.8 also requires that if a registrant is voting for the
12 first time following mail registration and votes an absentee
13 ballot by mail, the registrant shall provide a photocopy of the
14 identification document when returning the absentee ballot.
15 Code section 48A.8 also allows a registrant voting in person
16 for the first time following submission of a registration form
17 by mail to vote a provisional ballot if the voter does not
18 provide the required identification documents.

19 The bill extends the category for the crime of voter
20 registration fraud to include fraudulent electronic
21 registration. Registration fraud is a class "D" felony. A
22 class "D" felony is punishable by confinement for no more than
23 five years and a fine of at least \$750 but not more than \$7,500.

24 The bill takes effect January 1, 2015.