

House File 28 - Introduced

HOUSE FILE 28
BY WESSEL-KROESCHELL

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 2015, 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 county commissioner of
10 registration's internet site may provide an electronic link
11 to the electronic voter registration form provided under this
12 subsection.

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

15 a. Provide the information as required pursuant to section
16 48A.11.

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

21 c. Attest to a statement that lists each eligibility
22 requirement, that the registrant meets all of the requirements,
23 and acknowledges that the registrant is required to provide an
24 electronic signature, consistent with electronic signatures as
25 defined in section 554D.103, to complete registration under
26 this section.

27 d. Sign the electronic voter registration form in a manner
28 consistent with electronic signatures as defined in section
29 554D.103.

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

34 f. In order for a registrant to register under this section,
35 the state commissioner of elections shall verify that the Iowa

1 driver's license number, Iowa nonoperator's identification card
2 number, last four numerals of the registrant's social security
3 number, or the unique identifying number, and date of birth
4 provided by the registrant match the information contained in
5 department of transportation records or in commissioner of
6 registration records.

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

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

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

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

28 5. An electronic voter registration form completed under
29 this section shall be accompanied by the following statement
30 featured prominently on the internet site in boldface capital
31 letters:

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

1 6. An eligible elector who registers pursuant to this
2 section and who has not previously voted in an election for
3 federal office in the county of registration shall be treated
4 as a registrant by mail and is subject to the provisions of
5 section 48A.8, subsections 2 through 4.

6 Sec. 3. Section 48A.27, subsection 2, paragraph a, Code
7 2015, is amended by adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (6) A voter registration form submitted
9 as provided in section 48A.8A.

10 Sec. 4. EFFECTIVE DATE. This Act takes effect January 1,
11 2016.

12 EXPLANATION

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

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

17 The bill allows an eligible elector to apply to register
18 to vote by electronic means by completing and submitting an
19 electronic voter registration form provided on the internet
20 site for the state commissioner of elections (secretary of
21 state).

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

30 The bill requires that a registrant attest to a statement
31 that lists each voter registration eligibility requirement,
32 that the registrant meets all of the requirements, and
33 acknowledges that the registrant must provide an electronic
34 signature, consistent with the definition of that term in Code
35 chapter 554D (electronic transactions — computer agreements)

1 as part of the uniform electronic transactions Act. The bill
2 further requires that a registrant sign the electronic voter
3 registration form using such an electronic signature.

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

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

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

29 The bill also requires that an electronic voter registration
30 registrant who has not previously voted in an election for
31 federal office in the county of registration must follow the
32 voting requirements of Code section 48A.8 for registrants
33 submitting applications by mail under current law and who have
34 not previously voted in an election for federal office in the
35 county of registration. These provisions under current law

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

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

28 The bill takes effect January 1, 2016.