

Senate File 2099 - Introduced

SENATE FILE 2099

BY PETERSEN

A BILL FOR

1 An Act relating to voter registration by providing for the
2 registration of eligible electors upon review of electronic
3 records received from driver's license and nonoperator's
4 identification card applications, and including effective
5 date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 48A.7, Code 2016, is amended to read as
2 follows:

3 **48A.7 Registration in person.**

4 An eligible elector may register to vote by appearing
5 personally and completing a voter registration form at the
6 office of the commissioner in the county in which the person
7 resides, at a motor vehicle driver's license station, including
8 any county treasurer's office that is participating in county
9 issuance of driver's licenses under [chapter 321M](#), or at any
10 voter registration agency. A For paper registration forms,
11 a separate voter registration form shall be signed by each
12 individual registrant.

13 Sec. 2. Section 48A.8, subsection 1, Code 2016, is amended
14 to read as follows:

15 1. An eligible elector may request that a voter registration
16 form be mailed to the elector. The completed form may be
17 mailed or delivered by the registrant or the registrant's
18 designee to the commissioner in the county where the person
19 resides or to the state commissioner of elections for a
20 program participant, as provided in [section 9E.6](#). A For paper
21 registration forms, a separate voter registration form shall be
22 signed by each individual registrant.

23 Sec. 3. Section 48A.18, subsections 1 and 3, Code 2016, are
24 amended to read as follows:

25 1. Each state motor vehicle driver's license application,
26 including any renewal application or application for a
27 nonoperator's identification card, submitted to the office
28 of driver services of the state department of transportation
29 shall serve as an application for voter registration unless
30 the commissioner of registration determines that the applicant
31 is not an eligible elector or the applicant declines to
32 register to vote after receiving notification under subsection
33 4A. A completed application or paper voter registration
34 form submitted to the office of driver services of the state
35 department of transportation shall be considered to update any

1 previous voter registration by the registrant.

2 3. Information relating to the ~~refusal~~ decision of an
3 applicant for a driver's license to ~~apply~~ decline to register
4 to vote shall not be used for any purpose other than voter
5 registration.

6 Sec. 4. Section 48A.18, subsection 4, Code 2016, is amended
7 by striking the subsection and inserting in lieu thereof the
8 following:

9 4. *a.* The state voter registration commission shall
10 establish schedules by which the department of transportation
11 shall transmit to the state registrar of voters electronic
12 records containing the legal name, age, residence, and
13 citizenship information for, and the electronic signature of,
14 each person submitting an application under this section.

15 *b.* The state voter registration commission shall establish
16 schedules by which the state registrar of voters shall make
17 accessible or transmit electronic records and electronic
18 signatures received under paragraph "a" to the appropriate
19 commissioner of registration.

20 *c.* The state voter registration commission shall establish
21 schedules by which the department of transportation shall
22 transmit any completed paper registration forms to the
23 appropriate commissioner of registration.

24 *d.* The state commissioner of elections shall adopt rules,
25 consistent with section 9E.6, for the registration of address
26 confidentiality program participants.

27 *e.* The state voter registration commission shall adopt
28 rules pursuant to chapter 17A to administer and interpret this
29 section, including rules to establish electronic and paper
30 forms and all procedures used by the office of driver services
31 for voter registration purposes, rules to establish schedules
32 for transmission of electronic records, electronic signatures,
33 and completed paper voter registration forms, and rules and
34 forms to decline being registered to vote.

35 Sec. 5. Section 48A.18, Code 2016, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 4A. a. (1) Upon receiving the electronic
3 record for, and electronic signature of, a person under
4 subsection 4, the state registrar of voters shall transmit or
5 otherwise make accessible the electronic record and electronic
6 signature of the person to the commissioner of registration
7 where the person resides. Upon reviewing the electronic record
8 received from the state registrar of voters, along with any
9 other relevant information, the commissioner of registration
10 shall determine if a person is an eligible elector of the
11 county. If the commissioner determines that a person is an
12 eligible elector of the county and is not registered to vote in
13 that county, the commissioner shall notify the person of the
14 separate processes to decline being registered to vote or to
15 declare a political party affiliation.

16 (2) If the person is registered to vote in the county, the
17 commissioner shall use the electronic record and information to
18 update the person's voter registration if appropriate.

19 b. If a person notified under paragraph "a" does not decline
20 to be registered to vote within twenty-one calendar days after
21 the commissioner of registration issues the notification, the
22 person's electronic record and electronic signature shall
23 constitute a completed voter registration form under section
24 48A.11, and the commissioner of registration shall register the
25 person to vote in that county. The commissioner shall send an
26 acknowledgment pursuant to section 48A.26.

27 c. A commissioner of registration shall not add a person
28 subject to registration under this subsection to a voter
29 registration list until at least twenty-one calendar days
30 after the commissioner has issued notification to the person
31 as described in paragraph "a".

32 d. The electronic record and electronic signature, received
33 under this subsection, of a person who does not qualify
34 as an eligible elector shall not constitute a completed
35 voter registration form under section 48A.11 and such a

1 person's application for a driver's license or nonoperator's
2 identification card shall not be considered to be a voter
3 registration application for purposes of section 39A.2,
4 subsection 1, paragraph "a".

5 Sec. 6. Section 48A.21, Code 2016, is amended to read as
6 follows:

7 **48A.21 Transmission of forms from agencies and driver's**
8 **license stations.**

9 The state registrar of voters shall adopt administrative
10 rules regulating the transmission of completed voter
11 registration forms from voter registration agencies and from
12 ~~driver's license stations, including county treasurer's offices~~
13 ~~participating in county issuance of driver's licenses under~~
14 ~~chapter 321M.~~ All completed voter registration applications
15 in the possession of a voter registration agency, ~~a driver's~~
16 ~~license station, or a county treasurer's office~~ that is
17 participating in county issuance of driver's licenses at 5:00
18 p.m. on the last workday of each week shall be transmitted
19 to the location designated by the state registrar of voters
20 by rule. Procedures or requirements for more frequent
21 transmissions may be specified by rule.

22 Sec. 7. Section 48A.26, subsection 1, paragraph b, Code
23 2016, is amended to read as follows:

24 b. (1) For a voter registration form or change of
25 information in a voter registration record submitted at a
26 precinct caucus, the commissioner shall send an acknowledgment
27 within forty-five days of receipt of the form or change of
28 information.

29 (2) For a voter registration application or change of
30 information in a voter registration record completed pursuant
31 to section 48A.18, subsection 4A, the commissioner shall send
32 an acknowledgment within seven working days of the person being
33 registered under that subsection.

34 Sec. 8. Section 48A.26, subsection 8, Code 2016, is amended
35 to read as follows:

1 8. ~~An~~ A completed voter registration application,
2 improperly transmitted under section 48A.18, subsection 4A, or
3 an improperly addressed or delivered registration form shall be
4 transmitted or forwarded to the appropriate county commissioner
5 of registration within two working days after it is received by
6 any other official. The date of registration shall be the date
7 the completed application or registration form was received by
8 the first official. If the registration form was postmarked
9 fifteen or more days before an election and the registration
10 form was received by the first official after the close of
11 registration, the registration form shall be considered on time
12 for the election.

13 Sec. 9. Section 48A.36, subsection 1, Code 2016, is amended
14 to read as follows:

15 1. ~~Voter registration agencies and the office of driver~~
16 ~~services of the state department of transportation may~~
17 ~~electronically transmit registration data to the state~~
18 ~~registrar of voters, who shall distribute the information,~~
19 ~~electronically or otherwise, to the appropriate commissioner~~
20 ~~in accordance with rules of the state voter registration~~
21 ~~commission and the state registrar of voters. The office of~~
22 ~~driver services of the state department of transportation~~
23 ~~shall electronically transmit registration data to the state~~
24 ~~registrar of voters as required pursuant to section 48A.18.~~
25 The state agency originating the registration data shall
26 permanently retain an electronic copy of the form completed
27 by the registrant, including the registrant's signature, and
28 shall develop procedures for the retrieval and printing of
29 that electronic document. A printed copy of an electronic
30 registration document shall be made only upon the agency's
31 receipt of a court order.

32 Sec. 10. Section 331.557A, subsection 5, Code 2016, is
33 amended to read as follows:

34 5. Participate in voter registration according to the
35 terms of [chapter 48A](#), and submit completed voter registration

1 forms to the ~~state registrar of voters~~ appropriate county
2 commissioner of registration.

3 Sec. 11. EMERGENCY RULES. The state voter registration
4 commission and the department of transportation may adopt
5 emergency rules under section 17A.4, subsection 3, and section
6 17A.5, subsection 2, paragraph "b", to implement the provisions
7 of this Act and the rules shall be effective immediately upon
8 filing unless a later date is specified in the rules. Any
9 rules adopted in accordance with this section shall also be
10 published as a notice of intended action as provided in section
11 17A.4.

12 Sec. 12. IMPLEMENTATION OF ACT. Section 25B.2, subsection
13 3, shall not apply to this Act.

14 Sec. 13. EFFECTIVE UPON ENACTMENT. This Act, being deemed
15 of immediate importance, takes effect upon enactment.

16 EXPLANATION

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

19 This bill relates to voter registration by allowing
20 registration of eligible electors to vote following review
21 of electronic records received from driver's license and
22 nonoperator's identification card applications by county
23 commissioners of registration (county auditors).

24 The bill requires that the office of driver services of the
25 department of transportation transmit to the state registrar of
26 voters (the secretary of state) electronic records containing
27 the legal name, age, residence, and citizenship information
28 for, and the electronic signature of, each person submitting
29 an application for a driver's license or nonoperator's
30 identification card, or any renewal application. Current Code
31 section 321.182 requires that an application for a license
32 or card include an applicant's full name, signature, current
33 mailing address, current residential address, date of birth,
34 social security number, and other information. Under current
35 administrative rules of the state department of transportation,

1 an applicant for a license or card is required to provide proof
2 of lawful status in the United States. Also under current
3 administrative rules, a person's signature for a driver's
4 license or nonoperator's identification card application is
5 required to be captured electronically. Under current law,
6 a county treasurer's office participating in county issuance
7 of driver's licenses is required to participate in voter
8 registration to the same extent as a license facility of the
9 state department of transportation.

10 The bill requires the state registrar of voters to transmit
11 the electronic records and electronic signatures to the county
12 commissioner of registration of the county where the person
13 resides. The bill requires that the county commissioner review
14 the electronic record and any other relevant information to
15 determine if a person is an eligible elector. If the county
16 commissioner determines a person to be an eligible elector
17 and the person is not registered to vote in the county, the
18 county commissioner is required to notify the person of the
19 separate processes to decline to register to vote or to declare
20 a political party affiliation. If a notified person fails to
21 decline voter registration within 21 days after the county
22 commissioner issued the notification, the bill provides that
23 the electronic record and electronic signature shall constitute
24 a completed voter registration form for that person and the
25 bill requires the county commissioner to register the person to
26 vote in that county and send the person an acknowledgment as
27 required by current law.

28 The bill prohibits a county commissioner from adding a
29 person's name to a voter registration list until at least 21
30 days after the commissioner has issued notification to the
31 person. The bill requires that a county commissioner send an
32 acknowledgment of registration within seven business days of
33 registering a person under the bill. The bill also provides
34 that the electronic record and electronic signature of a person
35 who does not qualify as an eligible elector does not constitute

1 a completed voter registration form. Under the bill, such a
2 person submitting an application for a license or card will
3 not be subject to charges for voter registration fraud under
4 section 39A.2 for submitting such an application.

5 The bill also grants the state voter registration commission
6 the authority to adopt rules to administer and interpret the
7 provisions of the bill relating to voter registration at motor
8 vehicle driver's license stations. If interpretive rulemaking
9 authority is clearly vested in the discretion of an agency by
10 statute, the applicable judicial standard of review is whether
11 the rules constitute an irrational, illogical, or wholly
12 unjustifiable interpretation of law by the agency (Code section
13 17A.19(10)(1)). If interpretive rulemaking authority is not
14 clearly vested in the discretion of an agency, the applicable
15 judicial standard of review is whether the rules constitute an
16 erroneous interpretation of law (Code section 17A.19(10)(c)).

17 The bill makes changes to current law related to address
18 confidentiality program participants under Code chapter
19 9E by requiring the state registrar to adopt rules for
20 administration of registration for those participants. The
21 bill maintains current law to allow for submission of a paper
22 voter registration form through driver's license offices. The
23 bill specifies that a requirement that separate registration
24 forms be signed by each individual registrant only applies to
25 paper registration forms. Under the bill, driver's license
26 offices are required to transmit voter registration forms
27 to the appropriate county commissioner and to transmit all
28 electronic records and electronic signatures to the state
29 registrar of voters.

30 The bill provides that the state voter registration
31 commission and the department of transportation may adopt
32 emergency rules to implement the provisions of the bill. Under
33 current law, the state registrar of voters is required to
34 establish rules regulating transmission of voter registration
35 forms from driver's license stations. Under the bill, such

1 rules are required to be established by the state commission.

2 The bill may include a state mandate as defined in Code
3 section 25B.3. The bill makes inapplicable Code section 25B.2,
4 subsection 3, which would relieve a political subdivision from
5 complying with a state mandate if funding for the cost of
6 the state mandate is not provided or specified. Therefore,
7 political subdivisions are required to comply with any state
8 mandate included in the bill.

9 The bill takes effect upon enactment.