

**Senate File 331 - Introduced**

SENATE FILE 331  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1152)

**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 accessible to the registrant through  
9 the state commissioner's internet site, maintained by the  
10 state commissioner in cooperation with the department of  
11 transportation. Each commissioner of registration's internet  
12 site shall provide an electronic link to the electronic voter  
13 registration form on the state commissioner's internet site  
14 provided under this subsection.

15 2. Each internet site described in this section and the  
16 electronic voter registration form accessible through the state  
17 commissioner's internet site shall meet the requirements of 29  
18 U.S.C. §794d and 42 U.S.C. §12131 et seq. to ensure access to  
19 and usability for eligible electors with disabilities. The  
20 state commissioner shall consult with accessibility experts  
21 in developing the electronic voter registration form provided  
22 under this section. The state commissioner shall present the  
23 electronic voter registration form and the state commissioner's  
24 internet site to the clinical law program for disability law at  
25 the university of Iowa to verify conformity of those electronic  
26 materials with the requirements of this subsection.

27 3. An electronic voter registration form completed pursuant  
28 to this section shall require that a registrant:

29 a. Provide the information and attestation required pursuant  
30 to section 48A.11.

31 b. Provide an Iowa driver's license number, an Iowa  
32 nonoperator's identification card number, or a social security  
33 number.

34 c. Attest to a statement that lists each eligibility  
35 requirement and affirm that the registrant meets all of the

1 requirements.

2 *d.* Affirmatively authorize the state commissioner to use  
3 the registrant's signature obtained from the department of  
4 transportation if the registrant has a current and valid  
5 driver's license or nonoperator's identification card that was  
6 issued by the department.

7 *e.* Affirmatively authorize the state commissioner to use the  
8 digitally typed signature obtained pursuant to section 48A.13  
9 if the applicant does not have a current and valid driver's  
10 license or nonoperator's identification card that was issued by  
11 the department of transportation.

12 *f.* If a registrant submits an electronic voter registration  
13 form after the voter registration deadline under section  
14 48A.9, the state commissioner shall, immediately following  
15 the submission, provide the registrant with notice through  
16 the state commissioner's internet site of election day and  
17 in-person absentee registration procedures under section  
18 48A.7A. If the state commissioner is required to provide  
19 notice under this paragraph, the state commissioner shall also  
20 send a notice by mail advising the registrant of election day  
21 and in-person absentee registration procedures under section  
22 48A.7A.

23 *g.* The electronic registration form developed by the state  
24 commissioner shall provide a registrant with the ability to  
25 print the form for completion and submission to the appropriate  
26 commissioner of registration.

27 4. *a.* The department of transportation shall, upon request,  
28 provide to the state commissioner a copy of the registrant's  
29 signature in electronic format if the registrant's signature is  
30 on record with the department of transportation.

31 *b.* A voter registration agency shall, upon request, provide  
32 to the state commissioner a copy of the registrant's signature  
33 in electronic format if the registrant's signature is on record  
34 with that agency.

35 *c.* A commissioner of registration shall, upon request,

1 provide to the state commissioner a copy of the registrant's  
2 signature in electronic format if the registrant's signature is  
3 accepted and on record with the commissioner of registration  
4 pursuant to section 48A.13.

5 5. The state commissioner and the department of  
6 transportation shall transmit to the appropriate commissioner  
7 of registration a registrant's completed voter registration  
8 form not later than the next business day following the  
9 registrant's electronic submission of the form or by the next  
10 applicable voter registration deadline under section 48A.9,  
11 whichever is earlier.

12 6. An electronic voter registration form completed under  
13 this section shall be accompanied by the following statement  
14 featured prominently on the internet site in boldface capital  
15 letters prior to submission of the form:

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

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

25 8. For the purposes of this section:

26 a. "*Digitally typed signature*" means the registrant's  
27 electronic signature that is made by typing the registrant's  
28 name and the current date and provided by the registrant  
29 to affirmatively verify the truthfulness and legitimacy of  
30 the information provided by the registrant on the completed  
31 electronic voter registration form.

32 b. "*State commissioner*" means the state commissioner of  
33 elections.

34 c. "*Voter registration agency*" means a voter registration  
35 agency under section 48A.19 or voter registration agencies

1 designated by another state pursuant to 42 U.S.C. §1973gg-1.

2 Sec. 3. Section 48A.13, Code 2015, is amended to read as  
3 follows:

4 **48A.13 Electronic signatures on voter registration records.**

5 Electronic Digitally typed signatures shall be accepted.

6 ~~However, before the use of electronic signatures is accepted~~  
7 ~~on voter registration forms, the state voter registration~~  
8 ~~commission shall prescribe by rule the technological~~  
9 ~~requirements for guaranteeing the security and integrity~~  
10 ~~of electronic signatures.~~ The state voter registration  
11 commission may adopt rules to require a registrant, in order  
12 to submit an electronic voter registration form pursuant to  
13 section 48A.8A, to affirmatively verify the truthfulness and  
14 legitimacy of the information provided by the registrant on a  
15 completed electronic voter registration form. The state voter  
16 registration commission may prescribe by rule additional means  
17 of providing an electronic signature on voter registration  
18 forms.

19 Sec. 4. Section 48A.27, subsection 1, Code 2015, is amended  
20 to read as follows:

21 1. Any voter registration form received by any voter  
22 registration agency, driver's license station, including  
23 county treasurer's offices participating in county issuance of  
24 driver's licenses under chapter 321M, the state commissioner  
25 of elections or the department of transportation pursuant to  
26 section 48A.8A, or the commissioner shall be considered as  
27 updating the registrant's previous registration.

28 Sec. 5. Section 48A.27, subsection 2, paragraph a, Code  
29 2015, is amended by adding the following new subparagraph:

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

32 Sec. 6. EFFECTIVE DATE. This Act takes effect January 1,  
33 2016.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       This bill permits electronic voter registration, electronic  
3 updating of voter registration information, and electronic  
4 correction of voter registration information, all from the  
5 state commissioner of elections' internet site.

6       The bill allows an eligible elector to apply to register to  
7 vote or allows a registered voter to update or correct voter  
8 registration information by electronic means by completing and  
9 submitting an electronic voter registration form accessible  
10 to the registrant on the internet site for the secretary of  
11 state, serving as the state commissioner of elections. The  
12 bill also requires that the state commissioner of elections  
13 maintain the internet site in cooperation with the department  
14 of transportation.

15       The bill requires that an electronic voter registration  
16 form provide space for all the information that is currently  
17 required on printed voter registration forms. The bill also  
18 requires that a registrant seeking to use the electronic voter  
19 registration form provide an Iowa driver's license number, Iowa  
20 nonoperator's identification card number, or a social security  
21 number.

22       The bill requires that a registrant attest to a statement  
23 that lists each voter registration eligibility requirement,  
24 that the registrant meets all of the requirements, and requires  
25 the electronic signature of the registrant as described in the  
26 bill.

27       The bill requires that the registrant authorize the state  
28 commissioner of elections to use the applicant's signature  
29 obtained from the department of transportation.

30       The state commissioner of elections is required to notify a  
31 registrant by mail within five business days if a copy of the  
32 registrant's signature cannot be obtained and is required to  
33 include a voter registration form with that notice.

34       The bill requires that a registrant authorize the state  
35 commissioner of elections to use a digitally typed signature

1 under certain circumstances and provides a definition.

2 The bill requires the state commissioner of elections to  
3 transmit to the appropriate commissioner of registration a  
4 registrant's completed voter registration application and  
5 electronic signature not later than the next business day after  
6 the date of submission of the application and signature or by  
7 the next applicable voter registration deadline, whichever is  
8 earlier.

9 The bill requires that the electronic registration form be  
10 accompanied by a statement featured prominently in boldface  
11 capital letters informing the registrant of the penalty  
12 for providing false information on a voter registration  
13 application.

14 The bill also requires that an electronic voter registration  
15 registrant who has not previously voted in an election for  
16 federal office in the county of registration must follow the  
17 voting requirements of Code section 48A.8 for registrants  
18 submitting applications by mail under current law and who  
19 have not previously voted in an election for federal office  
20 in the county of registration. Code section 48A.8 requires  
21 that a mail registrant who has not previously voted in an  
22 election for federal office in the county of registration is  
23 required to provide identification documents when voting for  
24 the first time in the county, unless the registrant provided on  
25 the registration form the registrant's Iowa driver's license  
26 number, the registrant's Iowa nonoperator's identification  
27 card number, or the last four numerals of the registrant's  
28 social security number and such information provided matches  
29 an existing state or federal identification record with the  
30 same number, name, and date of birth. Code section 48A.8  
31 also provides that a registrant who votes in person at the  
32 polls or by absentee ballot at the commissioner's office  
33 or at a satellite voting station shall provide a form of  
34 identification specified in that Code section. Code section  
35 48A.8 also requires that if a registrant is voting for the

1 first time following mail registration and votes an absentee  
2 ballot by mail, the registrant shall provide a photocopy of the  
3 identification document when returning the absentee ballot.  
4 Code section 48A.8 also allows a registrant voting in person  
5 for the first time following submission of a registration form  
6 by mail to vote a provisional ballot if the voter does not  
7 provide the required identification documents.

8 The bill provides that the crime of voter registration fraud  
9 includes fraudulent electronic registration. Registration  
10 fraud is a class "D" felony. A class "D" felony is punishable  
11 by confinement for no more than five years and a fine of at  
12 least \$750 but not more than \$7,500.

13 The bill takes effect January 1, 2016.