

**Senate File 65 - Introduced**

SENATE FILE 65

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 2017, 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 2017, 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 2017, 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 the  
30 commissioner of registration determines that the applicant is  
31 not an eligible elector or the applicant declines to register  
32 to vote after receiving notification under subsection 4A. A  
33 completed ~~voter registration form~~ application submitted to  
34 the office of driver services of the state department of  
35 transportation shall be considered to update any previous voter

1 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 2017, 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, date of birth, residential  
13 address, mailing address, and social security number for each  
14 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 received under  
18 paragraph "a" to the appropriate commissioner of registration.

19 *c.* The state commissioner of elections shall adopt rules  
20 pursuant to chapter 17A, consistent with section 9E.6, for the  
21 registration of address confidentiality program participants.

22 *d.* The state voter registration commission, in consultation  
23 with the department of transportation, shall adopt rules  
24 pursuant to chapter 17A to administer and interpret this  
25 section, including rules to establish electronic applications  
26 and procedures used by the office of driver services for  
27 voter registration purposes, rules to establish schedules for  
28 transmission of electronic records, and rules and forms to  
29 decline being registered to vote.

30 Sec. 5. Section 48A.18, Code 2017, is amended by adding the  
31 following new subsection:

32 NEW SUBSECTION. 4A. *a.* (1) Upon receiving the electronic  
33 record for a person under subsection 4, the state registrar  
34 of voters shall transmit or otherwise make accessible the  
35 electronic record of the person to the commissioner of

1 registration where the person resides. Upon reviewing the  
2 electronic record received from the state registrar of voters,  
3 along with any other relevant information, the commissioner of  
4 registration shall determine if a person is an eligible elector  
5 of the county. If the commissioner determines that a person is  
6 an eligible elector of the county and is not registered to vote  
7 in that county, the commissioner shall notify the person of the  
8 separate processes to decline being registered to vote or to  
9 declare a political party affiliation.

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

13 *b.* If a person notified under paragraph "a" does not decline  
14 to be registered to vote within twenty-one calendar days after  
15 the commissioner of registration issues the notification,  
16 the person's electronic record and the electronic signature  
17 obtained by the department of transportation shall constitute a  
18 completed voter registration form under section 48A.11, and the  
19 commissioner of registration shall register the person to vote  
20 in that county. The commissioner shall send an acknowledgment  
21 pursuant to section 48A.26.

22 *c.* A commissioner of registration shall not add a person  
23 subject to registration under this subsection to a voter  
24 registration list until at least twenty-one calendar days  
25 after the commissioner has issued notification to the person  
26 as described in paragraph "a".

27 *d.* The electronic record and electronic signature of a  
28 person who does not qualify as an eligible elector shall not  
29 constitute a completed voter registration form under section  
30 48A.11 and such a person's application for a driver's license  
31 or nonoperator's identification card shall not be considered  
32 to be a voter registration application for purposes of section  
33 39A.2, subsection 1, paragraph "a".

34 Sec. 6. Section 48A.21, Code 2017, is amended to read as  
35 follows:

1     **48A.21 Transmission of forms from agencies and driver's**  
2 **license stations.**

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

16     Sec. 7. Section 48A.26, subsection 1, paragraph b, Code  
17 2017, is amended to read as follows:

18     **b. (1)** For a voter registration form or change of  
19 information in a voter registration record submitted at a  
20 precinct caucus, the commissioner shall send an acknowledgment  
21 within forty-five days of receipt of the form or change of  
22 information.

23     **(2)** For a voter registration application or change of  
24 information in a voter registration record completed pursuant  
25 to section 48A.18, subsection 4A, the commissioner shall send  
26 an acknowledgment within seven working days of the person being  
27 registered under that subsection.

28     Sec. 8. Section 48A.26, subsection 8, Code 2017, is amended  
29 to read as follows:

30     **8.** An A completed voter registration application,  
31 improperly transmitted under section 48A.18, subsection 4A, or  
32 an improperly addressed or delivered registration form shall be  
33 transmitted or forwarded to the appropriate county commissioner  
34 of registration within two working days after it is received by  
35 any other official. The date of registration shall be the date

1 the completed application or registration form was received by  
2 the first official. If the registration form was postmarked  
3 fifteen or more days before an election and the registration  
4 form was received by the first official after the close of  
5 registration, the registration form shall be considered on time  
6 for the election.

7 Sec. 9. Section 48A.36, subsection 1, Code 2017, is amended  
8 to read as follows:

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

26 Sec. 10. Section 331.557A, subsection 5, Code 2017, is  
27 amended to read as follows:

28 5. Participate in voter registration according to the  
29 terms of [chapter 48A](#), and submit completed voter registration  
30 forms to the ~~state registrar of voters~~ appropriate county  
31 commissioner of registration.

32 Sec. 11. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
33 3, shall not apply to this Act.

34 Sec. 12. EFFECTIVE DATE. This Act takes effect January 1,  
35 2018.

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EXPLANATION

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

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

The bill requires that the office of driver services of the department of transportation transmit to the state registrar of voters (the secretary of state) electronic records containing the legal name, date of birth, residential address, mailing address, and social security number for each person submitting an application for a driver's license or nonoperator's identification card, or any renewal application. Current Code section 321.182 requires that an application for a license or card include an applicant's full name, signature, current mailing address, current residential address, date of birth, social security number, and other information. Under current administrative rules of the state department of transportation, an applicant for a license or card is required to provide proof of lawful status in the United States. Also under current administrative rules, a person's signature for a driver's license or nonoperator's identification card application is required to be captured electronically. Under current law, a county treasurer's office participating in county issuance of driver's licenses is required to participate in voter registration to the same extent as a license facility of the state department of transportation.

The bill requires the state registrar of voters to transmit the electronic records to the county commissioner of registration of the county where the person resides. The bill requires that the county commissioner review the electronic record and any other relevant information to determine if a person is an eligible elector. If the county commissioner

1 determines a person to be an eligible elector and the person is  
2 not registered to vote in the county, the county commissioner  
3 is required to notify the person of the separate processes to  
4 decline to register to vote or to declare a political party  
5 affiliation. If a notified person fails to decline voter  
6 registration within 21 days after the county commissioner  
7 issued the notification, the bill provides that the electronic  
8 record and electronic signature shall constitute a completed  
9 voter registration form for that person and the bill requires  
10 the county commissioner to register the person to vote in that  
11 county and send the person an acknowledgment as required by  
12 current law.

13 The bill prohibits a county commissioner from adding a  
14 person's name to a voter registration list until at least 21  
15 days after the commissioner has issued notification to the  
16 person. The bill requires that a county commissioner send an  
17 acknowledgment of registration within seven business days of  
18 registering a person under the bill. The bill also provides  
19 that the electronic record of a person who does not qualify  
20 as an eligible elector does not constitute a completed voter  
21 registration form. Under the bill, such a person submitting  
22 an application for a license or card will not be subject to  
23 charges for voter registration fraud under Code section 39A.2  
24 for submitting such an application.

25 The bill also grants the state voter registration  
26 commission, in consultation with the department of  
27 transportation, the authority to adopt rules to administer  
28 and interpret the provisions of the bill relating to voter  
29 registration at motor vehicle driver's license stations. If  
30 interpretive rulemaking authority is clearly vested in the  
31 discretion of an agency by statute, the applicable judicial  
32 standard of review is whether the rules constitute an  
33 irrational, illogical, or wholly unjustifiable interpretation  
34 of law by the agency (Code section 17A.19(10)(1)). If  
35 interpretive rulemaking authority is not clearly vested in



1 the discretion of an agency, the applicable judicial standard  
2 of review is whether the rules constitute an erroneous  
3 interpretation of law (Code section 17A.19(10)(c)).

4 The bill makes changes to current law related to address  
5 confidentiality program participants under Code chapter 9E by  
6 requiring the state registrar to adopt rules for administration  
7 of registration for those participants.

8 The bill specifies that a requirement that separate  
9 registration forms be signed by each individual registrant only  
10 applies to paper registration forms.

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

18 The bill takes effect January 1, 2018.