

House File 138 - Introduced

HOUSE FILE 138

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A BILL FOR

1 An Act providing for the registration of eligible electors upon
2 review of electronic records received from state agencies
3 and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 48A.7, Code 2021, 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 2021, 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 2021, 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 2021, 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 2021, 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 of the county where the person resides. Upon reviewing the
8 electronic record received from the state registrar of voters,
9 along with any other relevant information, the commissioner of
10 registration shall determine if a person is an eligible elector
11 of the county. If the commissioner determines that a person is
12 an eligible elector of the county and is not registered to vote
13 in 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.19, subsection 1, Code 2021, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *d.* The department of education and all
8 state offices that collect personal information sufficient to
9 complete a voter registration application, as determined by the
10 state commissioner.

11 Sec. 7. Section 48A.19, subsection 4, paragraph a,
12 unnumbered paragraph 1, Code 2021, is amended to read as
13 follows:

14 The A voter registration agency that does not collect
15 personal information sufficient to complete a voter
16 registration application shall provide a form to applicants
17 that includes all of the following:

18 Sec. 8. Section 48A.21, Code 2021, is amended to read as
19 follows:

20 **48A.21 Transmission of forms from agencies and driver's**
21 **license stations.**

22 1. The state registrar of voters shall adopt administrative
23 rules regulating the transmission of completed voter
24 registration forms from voter registration agencies and from
25 driver's license stations, including county treasurer's offices
26 participating in county issuance of driver's licenses under
27 chapter 321M. All completed voter registration applications
28 in the possession of a voter registration agency, a driver's
29 license station, or a county treasurer's office that is
30 participating in county issuance of driver's licenses at 5:00
31 p.m. on the last workday of each week shall be transmitted
32 to the location designated by the state registrar of voters
33 by rule. Procedures or requirements for more frequent
34 transmissions may be specified by rule.

35 2. a. The state voter registration commission shall

1 establish schedules by which the voter registration agencies
2 pursuant to section 48A.19 that collect personal information
3 sufficient to complete a voter registration application shall
4 transmit to the state registrar of voters electronic records
5 containing the legal name, age, residence, and citizenship
6 information for, and the electronic signature of, each person
7 providing personal information as described in this section.

8 b. The state voter registration commission shall establish
9 schedules by which the state registrar of voters shall make
10 accessible or transmit electronic records and electronic
11 signatures received under paragraph "a" to the appropriate
12 commissioner of registration.

13 c. The state voter registration commission shall establish
14 schedules by which voter registration agencies shall transmit
15 any completed paper registration forms to the appropriate
16 commissioner of registration.

17 d. The state commissioner of elections shall adopt rules,
18 consistent with section 9E.6, for the registration of address
19 confidentiality program participants.

20 e. The state voter registration commission shall adopt
21 rules pursuant to chapter 17A to administer and interpret this
22 section, including rules to establish electronic and paper
23 forms and all procedures used by voter registration agencies
24 for voter registration purposes, rules to establish schedules
25 for transmission of electronic records, electronic signatures,
26 and completed paper voter registration forms, and rules and
27 forms to decline being registered to vote.

28 3. a. (1) Upon receiving the electronic record for, and
29 electronic signature of, a person under subsection 2, the state
30 registrar of voters shall transmit or otherwise make accessible
31 the electronic record and electronic signature of the person to
32 the commissioner of registration of the county where the person
33 resides. Upon reviewing the electronic record received from
34 the state registrar of voters, along with any other relevant
35 information, the commissioner of registration shall determine

1 if a person is an eligible elector of the county. If the
2 commissioner determines that a person is an eligible elector
3 of the county and is not registered to vote in that county, the
4 commissioner shall notify the person of the separate processes
5 to decline being registered to vote or to declare a political
6 party affiliation.

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

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

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

23 d. The electronic record and electronic signature, received
24 under this subsection, of a person who does not qualify as
25 an eligible elector shall not constitute a completed voter
26 registration form under section 48A.11 and such a person shall
27 not be considered to have submitted a voter registration
28 application for purposes of section 39A.2, subsection 1,
29 paragraph "a".

30 Sec. 9. Section 48A.26, subsection 1, paragraph b, Code
31 2021, is amended to read as follows:

32 b. (1) For a voter registration form or change of
33 information in a voter registration record submitted at a
34 precinct caucus, the commissioner shall send an acknowledgment
35 within forty-five days of receipt of the form or change of

1 information.

2 (2) For a voter registration application or change of
3 information in a voter registration record completed pursuant
4 to section 48A.18 or 48A.19, the commissioner shall send an
5 acknowledgment within seven working days of the person being
6 registered under either section.

7 Sec. 10. Section 48A.26, subsection 8, Code 2021, is amended
8 to read as follows:

9 8. ~~An~~ A completed voter registration application,
10 improperly transmitted under section 48A.18, subsection
11 4A, or under section 48A.21, subsection 2, or an improperly
12 addressed or delivered registration form shall be transmitted
13 or forwarded to the appropriate county commissioner of
14 registration within two working days after it is received by
15 any other official. The date of registration shall be the date
16 the completed application or registration form was received by
17 the first official. If the registration form was postmarked
18 fifteen or more days before an election and the registration
19 form was received by the first official after the close of
20 registration, the registration form shall be considered on time
21 for the election.

22 Sec. 11. Section 48A.36, subsection 1, Code 2021, is amended
23 to read as follows:

24 1. ~~Voter registration agencies and the office of driver~~
25 ~~services of the state department of transportation may~~
26 ~~electronically transmit registration data to the state~~
27 ~~registrar of voters, who shall distribute the information,~~
28 ~~electronically or otherwise, to the appropriate commissioner~~
29 ~~in accordance with rules of the state voter registration~~
30 ~~commission and the state registrar of voters. The office of~~
31 driver services of the state department of transportation and
32 voter registration agencies that collect personal information
33 sufficient to complete a voter registration application
34 shall electronically transmit registration data to the state
35 registrar of voters as required pursuant to sections 48A.18

1 and 48A.21. The state agency originating the registration
2 data shall permanently retain an electronic copy of the
3 form completed by the registrant, including the registrant's
4 signature, and shall develop procedures for the retrieval and
5 printing of that electronic document. A printed copy of an
6 electronic registration document shall be made only upon the
7 agency's receipt of a court order.

8 Sec. 12. Section 331.557A, subsection 5, Code 2021, is
9 amended to read as follows:

10 5. Participate in voter registration according to the
11 terms of chapter 48A, and submit completed voter registration
12 forms to the ~~state registrar of voters~~ appropriate county
13 commissioner of registration.

14 Sec. 13. EMERGENCY RULES. The state voter registration
15 commission, in consultation with the department of
16 transportation and voter registration agencies, may adopt
17 emergency rules under section 17A.4, subsection 3, and section
18 17A.5, subsection 2, paragraph "b", to implement the provisions
19 of this Act and the rules shall be effective immediately upon
20 filing unless a later date is specified in the rules. Any
21 rules adopted in accordance with this section shall also be
22 published as a notice of intended action as provided in section
23 17A.4.

24 Sec. 14. IMPLEMENTATION OF ACT. Section 25B.2, subsection
25 3, shall not apply to this Act.

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

28 EXPLANATION

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

31 This bill provides for the registration of eligible electors
32 upon review of electronic records received from state agencies.

33 The bill allows for registration of eligible electors
34 to vote following review of electronic records received
35 from driver's license and nonoperator's identification card

1 applications by county commissioners of registration (county
2 auditors).

3 The bill requires that the office of driver services of the
4 department of transportation transmit to the state registrar of
5 voters (the secretary of state) electronic records containing
6 the legal name, age, residence, and citizenship information
7 for, and the electronic signature of, each person submitting
8 an application for a driver's license or nonoperator's
9 identification card, or any renewal application. Current Code
10 section 321.182 requires that an application for a license
11 or card include an applicant's full name, signature, current
12 mailing address, current residential address, date of birth,
13 social security number, and other information. Under current
14 administrative rules of the state department of transportation,
15 an applicant for a license or card is required to provide proof
16 of lawful status in the United States. Also under current
17 administrative rules, a person's signature for a driver's
18 license or nonoperator's identification card application is
19 required to be captured electronically. Under current law,
20 a county treasurer's office participating in county issuance
21 of driver's licenses is required to participate in voter
22 registration to the same extent as a license facility of the
23 state department of transportation.

24 The bill requires the state registrar of voters to transmit
25 the electronic records and electronic signatures to the county
26 commissioner of registration of the county where the person
27 resides. The bill requires that the county commissioner review
28 the electronic record and any other relevant information to
29 determine if a person is an eligible elector. If the county
30 commissioner determines a person to be an eligible elector
31 and the person is not registered to vote in the county, the
32 county commissioner is required to notify the person of the
33 separate processes to decline to register to vote or to declare
34 a political party affiliation. If a notified person fails to
35 decline voter registration within 21 days after the county

1 commissioner issued the notification, the bill provides that
2 the electronic record and electronic signature shall constitute
3 a completed voter registration form for that person and the
4 bill requires the county commissioner to register the person to
5 vote in that county and send the person an acknowledgment as
6 required by current law.

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

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

31 The bill makes changes to current law related to address
32 confidentiality program participants under Code chapter
33 9E by requiring the state registrar to adopt rules for
34 administration of registration for those participants. The
35 bill maintains current law to allow for submission of a paper

1 voter registration form through driver's license offices. The
2 bill specifies that a requirement that separate registration
3 forms be signed by each individual registrant only applies to
4 paper registration forms. Under the bill, driver's license
5 offices are required to transmit voter registration forms
6 to the appropriate county commissioner and to transmit all
7 electronic records and electronic signatures to the state
8 registrar of voters.

9 Under current law, the state registrar of voters is
10 required to establish rules regulating transmission of voter
11 registration forms from driver's license stations and voter
12 registration agencies. Under the bill, such rules are required
13 to be established by the state commission.

14 The bill also allows for automatic voter registration
15 to be completed based upon information received from
16 voter registration agencies, including, under the bill,
17 the department of education and other state offices that
18 collect personal information sufficient to complete a voter
19 registration application.

20 The bill provides that the state voter registration
21 commission, in consultation with the department of
22 transportation and voter registration agencies, may adopt
23 emergency rules to implement the provisions of the bill.

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

31 The bill takes effect upon enactment.