

VOTER REGISTRATION COMMISSION[821]

Notice of Intended Action

**Proposing rule making related to five-year review of rules
and providing an opportunity for public comment**

The Voter Registration Commission hereby proposes to amend Chapter 1, “Organization, Purpose, Procedures and Definitions,” Chapter 2, “Voter Registration Forms, Acceptability, Registration Dates, and Effective Dates,” Chapter 3, “Lists of Registered Voters,” Chapter 7, “Voter Registration Mailing Address Maintenance,” and Chapter 9, “National Change of Address Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 47.8.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 17A.7, 47.7, 48A.10A, 48A.11, 48A.38 and 48A.39.

Purpose and Summary

The Commission undertook a review of all of its rules as required by Iowa Code section 17A.7.

These proposed amendments conform the Commission’s rules with the Iowa Code, provide updates to citations, and clarify which version of the Iowa Voter Registration Application is “official.”

The proposed amendments to Chapter 3 include clarifying that voter list requests must be made in writing and what information the requester is required to provide and providing a clearer definition of “political purpose” that is already utilized in the Iowa Code.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commission no later than 4:30 p.m. on January 17, 2023. Comments should be directed to:

Eric Gookin
Office of the Secretary of the State
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50023
Email: eric.gookin@sos.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **1.8(5)“b”** as follows:

b. Within ~~90~~ 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the commission must, in writing, deny the petition, and notify petitioner of its action and the specific grounds for the denial, or grant the petition and notify petitioner that it has instituted rule-making proceedings on the subject of the petition. Petitioner shall be deemed notified of the denial or grant of the petition on the date when a designee of the commission mails or delivers the required notification to petitioner.

ITEM 2. Amend subrule 2.14(2) as follows:

2.14(2) Inactive. If either an acknowledgment mailed to the registrant pursuant to Iowa Code section 48A.26, a notice mailed to the registrant pursuant to Iowa Code section 48A.27, a notice mailed to the registrant pursuant to Iowa Code section 48A.28, an absentee ballot mailed to the registrant pursuant to Iowa Code section 53.8, or a voter identification card issued pursuant to ~~2017 Iowa Acts, House File 516, section 18,~~ Iowa Code section 48A.10A is returned to the commissioner by the United States Postal Service as undeliverable, the registrant’s status shall be changed to “inactive” status. In addition, a voter registration record shall be made “inactive” pursuant to Iowa Code section 48A.27, subsection 4, paragraph “c,” during the annual NCOA process. Inactive registrations will be deleted after two general elections unless the registrant responds to a confirmation mailing pursuant to Iowa Code section 48A.27, 48A.28, 48A.29 or 48A.30, requests an absentee ballot, votes in an election or submits a registration form updating the registration. Inactive registrants shall show identification when voting in person at the polling place, pursuant to Iowa Code section 49.77(3), or shall restore their voter registration to “active” status pursuant to rule 721—21.301(53) when voting by absentee ballot.

ITEM 3. Amend subrule 2.15(5) as follows:

2.15(5) If the application is verified, but the registered voter’s name does not appear in the department of transportation-issued driver’s license and nonoperator’s identification card files, the commissioner shall issue a voter identification card to the registered voter’s address on file pursuant to ~~2017 Iowa Acts, House File 516, section 18~~ Iowa Code section 48A.10A.

ITEM 4. Amend rule 821—2.16(47,48A) as follows:

821—2.16(47,48A) Form of official Iowa voter registration application. The official Iowa voter registration application pursuant to Iowa Code section 48A.11 shall be the most recent State of Iowa Official Voter Registration Form ~~Revised 4/9/2014~~ approved by the commission.

ITEM 5. Amend rule 821—3.1(48A) as follows:

821—3.1(48A) List defined. For the purposes of this rule, a “list” of registered voters is any information from one or more voter registration records related to any individual or group of registered voters.

~~Statistical~~ Statewide statistical data, regularly generated by the state commissioner, containing no personally identifiable information is not a “list.”

ITEM 6. Amend rule 821—3.2(48A) as follows:

821—3.2(48A) Request for list.

3.2(1) Requests. A request for a list of registered voters may be made in writing on a Specifications for Voter List form submitted to either a county commissioner or the state registrar. ~~A commissioner or the registrar may accept a request for a list made via telephone provided the commissioner or registrar is confident that both the requester and the commissioner or registrar clearly understand the specifics of the request and provided the requester agrees that the voter registration information will only be used for the purposes set forth in Iowa Code section 48A.39.~~ If a request is unclear or ambiguous, the commissioner or registrar may require that the request be submitted in writing.

3.2(2) Definition. The term “political purpose” means ~~research, advocacy, or education relating to the election, administration, or governance of public policies or officials~~ a noncommercial purpose related to the express advocacy of a candidate or ballot issue.

3.2(3) Usage. A person in possession of voter list information shall not post or otherwise provide access to any portion of that information through unrestricted access on the Internet. Using voter registration information, including resale or redistribution of the voter registration list without written permission of the state registrar, for purposes other than those permitted by Iowa Code section 48A.39 shall constitute an aggravated misdemeanor pursuant to Iowa Code section 39A.3(1) “c.”

ITEM 7. Amend rule 821—3.3(48A) as follows:

821—3.3(48A) Contents of written request. Each written request for a list of registered voters shall contain all of the following information:

1. The name of the requester.
2. The address of the requester.
3. The telephone number of the requester.
4. A description of the records to be included in the list.
5. A description of the sequence of the records on the list.
6. A description of the output medium for the list.
7. The date of the request.
8. The date the list is desired.
9. ~~The~~ A written explanation regarding the specific intended use of the list.

10. The following signed statement: “I am aware that information from voter registration records may be used lawfully only to request a registrant’s vote, for a genuine political purpose, for bona fide political research, or for a bona fide official purpose by an elected official. I understand that ~~using the information for any commercial purpose is a serious misdemeanor under Iowa law.~~ the use of voter registration information, including resale or redistribution of the voter registration list without written permission of the Iowa Secretary of State’s Office, for purposes other than those permitted by Iowa Code section 48A.39 is an aggravated misdemeanor. I agree to pay the cost of the above ordered list ~~upon~~ prior to delivery.”

ITEM 8. Rescind and reserve rule **821—3.4(48A)**.

ITEM 9. Amend rule 821—7.2(48A) as follows:

821—7.2(48A) Voter registration acknowledgment card returned from mailing address as undeliverable. If a voter registration acknowledgment card or voter identification card issued pursuant to ~~2017 Iowa Acts, House File 516, section 18,~~ Iowa Code section 48A.10A is mailed to the mailing address listed on a voter’s registration record and the acknowledgment is returned to the county registrar as undeliverable by the United States Post Office, the county registrar shall leave the voter’s status as active or pending, remove the mailing address from the voter’s registration record, and mail another registration acknowledgment or voter identification card to the voter’s residential address. If

the acknowledgment or voter identification card mailed to the voter's residential address is also returned as undeliverable by the United States Post Office, the voter's registration record shall be made inactive, and the voter shall be mailed a notice as required by Iowa Code section 48A.29, subsection 1.

ITEM 10. Amend rule 821—9.1(48A) as follows:

821—9.1(48A) State registrar to organize.

9.1(1) The state registrar of voters shall annually ~~offer to every county commissioner the opportunity to participate~~ facilitate participation for all counties in the registrar's submittal of voter registration records to a licensed vendor of the United States Postal Service for matching with national change of address (NCOA) records.

9.1(2) The vendor used by the state registrar shall be selected in accordance with all procurement laws and rules of the state and the department of administrative services, unless the state registrar utilizes the electronic registration information center pursuant to Iowa Code section 47.7(3) "f."

9.1(3) The state registrar shall prepare a file of all registered voters in all counties ~~whose commissioners have chosen to participate in the program~~. The file shall be in the form and format required by the vendor. The voter records contained in the file shall be categorized according to the following statuses: active, inactive, and pending.

9.1(4) Upon receipt of the NCOA data from the vendor, the state registrar shall promptly prepare a data file for each county to process in a batch-processing module at the county level. There shall be three statuses of NCOA records: processed, unprocessed, and deleted. The batch-processing screen's default shall be a display of all unprocessed records. The state registrar shall prescribe and notify each ~~participating~~ commissioner about how the commissioner shall process the NCOA records.