



A Short Guide to Helping Voters Register Under Iowa Law

WHO IS ELIGIBLE TO VOTE?

In Iowa, an individual may register to vote if she is:¹

- A citizen of the United States;
- An Iowa resident;
 - A person's residence, for voting purposes only, is the place that the person declares is the person's home with the intent to remain there permanently or for a definite, indefinite, or indeterminable length of time.
 - A person who is homeless or has no established residence may declare residence in a precinct by describing on the voter registration form a place to which the person often returns.
 - A student who resides at or near the school the student attends, but who is also able to claim a residence at another location, may choose either location as the student's residence for voter registration and voting purposes.²
- At least 18 years of age. Completed registration forms shall be accepted from registrants who are at least 17½ years of age; however, the registration shall not be effective until the registrant reaches the age of 18; and
- Not claiming the right to vote in more than one place.

A person is not eligible to register to vote if he:³

- Has been convicted of a felony as classified under Iowa or U.S. law, unless the person's rights were restored by the governor (currently through an application process), or by the president of the United States; or
- Is incompetent to vote as adjudged by a court.

WHAT CONSTITUTES A COMPLETE VOTER REGISTRATION APPLICATION?

Federal law⁴ requires that voter registration applications include:

- The applicant's Driver's License or State ID number; or, if none,
- Last four digits of Social Security Number; or, if none,
- The state will assign the applicant a number; and
- Check boxes for the applicant to indicate whether she is a U.S. citizen and will be 18 by Election Day.

Federal law authorizes states to require only such identifying information as "is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process."⁵

Iowa law states that a voter registration form will not be processed without the following information:⁶

- The registrant's name, including first name and any family forename or surname;
- Residence address or description;
 - Mailing address, if different, is required to receive notices required to be sent by law.⁷
- The registrant's Iowa driver's license number if the registrant has a current and valid Iowa driver's license, or if not, Iowa nonoperator's identification card if the registrant has a current and valid Iowa



nonoperator's identification card, or if neither, the last four numerals of the registrant's social security number, or if none of the above, a notification that a registrant does not have any of these identifiers;

- First-time voters whose information is not verified must show identification before voting for the first time in the county either by mail or when voting in person⁸
- The registrant's date of birth, including month, date, and year;
- The registrant's sex; and
- The registrant's signature, under penalty of perjury, attesting to a statement that the applicant meets all eligibility requirements.
 - If a person is unable due to a physical disability to make a written signature or mark, that person may substitute either of the following in lieu of a signature required by law:
 - The name of the person with a disability written by another upon the request and in the presence of the person with a disability; or
 - A rubber stamp reproduction of the name or facsimile of the actual signature of the person with a disability when adopted by that person for all purposes requiring a signature and then only when affixed by that person or another upon the request and in the presence of the person with a disability.⁹

WHAT IS THE DEADLINE FOR SUBMITTING REGISTRATION APPLICATIONS?

When registering before a primary or general election, registration closes at 5:00p.m. ten days before the election. For other elections, registration closes at 5:00p.m. eleven days before those elections. A registration form submitted by mail is considered on time if it is postmarked no later than the fifteenth day before the election, even if it is received by the commissioner after the deadline, or if the registration form is received by the commissioner no later than 5:00p.m. on the last day to register to vote for an election, even if it is postmarked after the fifteenth day before the election.¹⁰ However, Iowa also has election day voter registration; a person who is eligible to register to vote and to vote may register on election day by appearing in person at the polling place for the precinct in which the individual resides and completing a voter registration application, making written oath, and providing proof of identity and residence.¹¹

WHAT ARE THE STATE RULES GOVERNING VOTER REGISTRATION DRIVES?

Because the intent of the laws relating to voter registration is "to facilitate the registration of eligible residents of this state through the widespread availability of voter registration services," the statutes relating to voter registration "are to be liberally construed."¹² The state commissioner of elections shall make the federal mail voter registration forms available for distribution to governmental and private entities, with particular emphasis on making them available to organized voter registration entities and programs.¹³

BEFORE THE DRIVE

A. Does the state require organizations conducting voter registration drives to register or file other information detailing its voter registration activities?

No. Further, voter registration applications must be available for purchase, at the cost of production, from the state registrar of voters.¹⁴ In addition, the state registrar must make available, without charge, a limited quantity of alternate, nonmailable registration forms, and PDF versions.¹⁵

Further, [a]ny person or organization, except voter registration agencies, may cause the printing and production of voter registration applications. Applications so produced shall be identical in size, shape, weight and similar in color of paper, type size, and color of ink to those available from the registrar, except that the independently produced applications may not contain an agency type code, may be preaddressed to a particular county commissioner on the reverse of the form, and may contain postage.¹⁶



B. Does the state require any training in order to conduct voter registration drives?

No.

C. Does the state have restrictions on who may help others register to vote?

No; however, a person commits the crime of election misconduct in the first degree, a class D felony, if the person willfully submits or accepts a voter registration application that is known by the person to be materially false, fictitious, forged, or fraudulent.¹⁷

D. Does the state have restrictions on whether workers may be paid?

Yes. A person may pay, offer to pay, or accept compensation for assisting others in completing voter registration forms only if the compensation is based solely on the time spent providing the assistance. Paying, offering to pay, or receiving compensation based on the number of registration forms completed, or the party affiliations shown on completed registration forms, or on any other performance criteria, is unlawful.¹⁸ Paying, offering to pay, or receiving compensation for voter registration assistance in violation of this provision is guilty of election misconduct in the third degree, which is classified as a serious misdemeanor.¹⁹ However, this statute does not apply to political committees.²⁰

E. Can canvassers or the voter registration drive offer something of value to a person in exchange for completing a voter registration application?

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."²¹ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter" and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."²²

Another example is California's Secretary of State's interpretation of the federal law to mean that "Any type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."²³

DURING THE DRIVE

A. Are there special rules requiring the registration drive worker to sign her name to the completed voter registration application?

No.

B. Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?

This is not addressed in Iowa election law. However, Iowa administrative regulations state that "independently produced applications may not contain an agency type code."²⁴

C. Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar?

This is not addressed in Iowa election law. However, information about individual registrants obtained from voter registration records shall be used only to request the registrant's vote at an election, or for another genuine political purpose, or for a bona fide official purpose by an elected official, or for bona fide political research, but shall not be used for any commercial purposes.²⁵



D. Are voter registration groups subject to time limits for submitting the voter registration applications they have collected?

Iowa law does not address this issue; however, for an applicant to avoid having to register in person, applications must be either received by the voter registration deadline or postmarked by 15 days before the election for the applicant to vote in that election.²⁶

E. What are the consequences for failing to submit voter registration applications on time?

This is not addressed in Iowa election law.

F. How are completed voter registration forms tracked?

Within seven working days of receipt of a voter registration form or change of information in a voter registration record, other than Election Day registration or in-person absentee registration, the commissioner shall send an acknowledgment to the registrant at the mailing address shown on the registration form. If the registration form is missing required information the acknowledgment shall advise the applicant what additional information is required. The commissioner shall enclose a new registration form for the applicant to use. If the registration form has no address, the commissioner shall make a reasonable effort to determine where the acknowledgment should be sent. If the incomplete registration form is received during the period in which registration is closed, the commissioner shall send a notice advising the applicant of Election Day and in-person absentee registration procedures.²⁷

G. Who is responsible for investigating and enforcing the state rules?

The county commissioner of elections is designated the commissioner of registration for a county.²⁸ The state commissioner of elections is designated the state registrar of voters, and regulates the preparation, preservation, and maintenance of voter registration records, and the preparation of other data on voter registration and participation in elections. The state commissioner has rule-making authority regarding voter registration.²⁹

WHAT ARE THE RULES FOR CORRECTING INCOMPLETE APPLICATIONS?

A. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?

A person assisting another in completing a voter registration form shall not complete any portion of the form without the knowledge or consent of the registrant.³⁰

B. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?

A voter registration application lacking the registrant's name, sex, date of birth, residence address or description, or signature, or lacking the ID number required will not be processed. A registrant whose registration is not processed must be sent an acknowledgment that advises the applicant what additional information is required. The commissioner must enclose a new registration form for the applicant to use. If the incomplete form is received after the registration deadline but by 5:00pm on the Saturday before the general and primary elections (or Friday for other elections), the applicant must be sent a notice advising the applicant of Election Day and in-person absentee registration procedures.³¹

If the registrant applied by mail (including through a voter registration drive) to register to vote and did not answer the U.S. citizenship check box, the application will still be processed, and if the application is complete and proper in all other respects and information on the application is verified, the applicant will be registered to vote and sent an acknowledgment. If a registrant has not supplied enough information on a registration form for the commissioner to determine the correct precinct and other districts, the



commissioner will obtain the information as quickly as possible either from the registrant or other sources available to the commissioner.³²

WEB PAGE OF STATUTE

Expand Iowa Code/2013 IOWA CODE/2013 IOWA CODE/Title II ELECTIONS AND OFFICIALS

<http://search.legis.state.ia.us/nxt/gateway.dll/ic?f=templates&fn=default.htm>

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¹ Iowa Code § 48A.5

² Iowa Code § 48A.5A.5

³ Iowa Code § 48A.6

⁴ Help America Vote Act of 2002 (HAVA), §§ 303(a), 303(b)

⁵ National Voter Registration Act of 1993 (NVRA), 42 U.S.C. § 1973gg-7(b)

⁶ Iowa Code § 48A.11(8)

⁷ See Iowa Code § 48A.29

⁸ Iowa Admin. Code r. 821-2.15(48A)

⁹ Iowa Code § 39.3

¹⁰ Iowa Code § 48A.9

¹¹ Iowa Code § 48A.7A.1.a

¹² Iowa Code § 48A.1

¹³ Iowa Code § 48A.12.2

¹⁴ Iowa Admin. Code r. 821-2.7(48A)

¹⁵ Iowa Admin. Code r. 821-2.10(48A)

¹⁶ Iowa Admin. Code r. 821-2.6(48A)

¹⁷ Iowa Code § 39A.2

¹⁸ Iowa Code § 48A.25

¹⁹ Iowa Code § 39A.4

²⁰ Iowa Code § 48A.25

²¹ 42 U.S.C. § 1973i(c).

²² *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

²³ California Secretary of State, *Guide to Voter Registration Drives* 10, available at <http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf> (last revised March 2013).

²⁴ Iowa Admin. Code r. 821-2.6(48A)



²⁵ Iowa Code § 48A.39

²⁶ Iowa Code § 48A.9

²⁷ Iowa Code §§ 48A.26, 48A.26A

²⁸ Iowa Code § 48A.3

²⁹ Iowa Code § 47.7

³⁰ Iowa Code § 48A.25

³¹ Iowa Code §§ 48A.11, 48A.26

³² Iowa Code § 48A.26