

Section B

U.S. ELECTION ASSISTANCE COMMISSION



2008 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help us to better understand the quantitative data relating to the 2008 general election that we are collecting from all U.S. states and territories.

We understand that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
Name	
Title	
Office/Agency Name	
Address 1	
Address 2	
City	
State	
Zip Code	
Email Address	
Telephone (area Code and number)	
Fax Number (area code and number)	

The Code of Iowa and Iowa Administrative Code can be found at the following website:

www.legis.state.ia.us

DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable).

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks legal standing but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, please specify.

Please put your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.

There is no limit to the length of your response.

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

[Begin definition (a) below this line.]

Overvote means to vote for more than the permitted number of choices for any office or question on a ballot

[End definition (a) above this line.]

b. Under-vote

[Begin definition (b) below this line.]

Undervote means to vote for fewer than the permitted number of choices for any office or question on a ballot.

[End definition (b) above this line.]

c. Blank ballot

[Begin definition (c) below this line.]

Undervote means to vote for fewer than the permitted number of choices for any office or question on a ballot.

[End definition (c) above this line.]

d. Void/Spoiled ballot

[Begin definition (d) below this line.]

Code of Iowa, CH. 49.100 – Admin. Code. 721-26.12-25.16

[End definition (d) above this line.]

e. Provisional/Challenged ballot

[Begin definition (e) below this line.]

Code of Iowa, 49.79-49.81

[End definition (e) above this line.]

f. Absentee

[Begin definition (f) below this line.]

Code of Iowa, Ch. 53

[End definition (f) above this line.]

g. Early voting

[Begin definition (g) below this line.]

Iowa does not have true “early voting” – Voters may vote early by absentee ballot either through the mail or in person at the county auditors office, or at designated satellite voting stations as early as 40 days before the election. The absentee ballots are placed in an envelope and not counted until Election Day

[End definition (g) above this line.]

h. Active Voter

[Begin definition (h) below this line.]

Admin Code 821-2.14(1): Active: The registration is in good standing. No action is required on the part of either the registrant or the commissioner.

[End definition (h) above this line.]

i. Inactive Voter

[Begin definition (i) below this line.]

Admin. Code 821-2.14(2): Inactive: The registration will be deleted after two general elections unless the registrant responds to a confirmation mailing pursuant to Iowa Code section 48A.27A”c”, votes in an election or submits a registration for updating the registration. Inactive registrants shall show identification when voting in person, pursuant to Iowa Code section 49.77(3), or shall submit a voter registration form when voting by absentee ballot, pursuant to 721 IAC 21.301(53).

[End definition (i) above this line.]

j. Other terms (please specify) _____

[Identify each TERM and definition separately and begin below this line.]

Satellite Absentee Voting Stations. Code of Iowa 53.11 – Locations other than the commissioner’s office, established by the commissioner *or petitioned for by the public*, at which voters may cast an absentee ballot prior to the election. This is often referred to as “early voting”, but it is not true early voting.

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any **significant** changes to election laws or procedures that have been enacted or adopted since the previous Federal election. By “significant,” we do not mean routine or technical changes (such as changes to election district boundaries or polling place changes). However, we would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

[Begin response to above question (A2) below this line.]

1. Code of Iowa, Chapter 48A.7A Election Day Registration (EDR). Iowa adopted a law allowing voters to register and vote on Election Day at the polls. EDR voters must show proof of identity (photo) and proof of residency (current address in the precinct in which they are offering to vote). If a voter has no identification, another registered voter in the same precinct may sign an oath attesting that the person is who she says she is and that she lives in the precinct.
2. Code of Iowa, Chapter 52 - Voting equipment. Iowa adopted allow in 2007 requiring every jurisdiction in the state to have a voter verifiable paper trail. In 2008, Iowa adopted a law requiring every jurisdiction to have an optical scan/paper ballot system with a ballot marking device for the disabled, effective with the 2008 General Election, and provided funding for the counties to purchase the equipment. DRE's (touch screen equipment) were eliminated by the law, effective 11/4/08.
3. Administrative Rule 721 - All UOCAVA voters are able to apply for a ballot by either fax or email, and if serving in a war zone, may return the ballot by fax or email.

[End response to above question (A2) above this line.]

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

[Begin response to above question (B1) below this line.]

Iowa has a "top-down" voter registration system. Each of 99 counties maintains the data for their county. All data is live and available upon entry to the system by the counties.

[End response to above question (B1) above this line.]

If your state has a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

[Begin response to above clarification question to B1 below this line.]

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

[Begin response to above question (B2) below this line.]

Iowa Code Chapter 48A

An Iowa voter becomes inactive when:

- A voter registration card is returned as undeliverable
- An absentee ballot is returned as undeliverable
- The annual NCOA processes matches a voter with an address in different county or different state.
- A voter record shows no activity for two (2) successive General Elections and a mailed confirmation is returned as undeliverable, or the mailed confirmation is returned with information stating a change in the person living at the address

The process is the same for all voters in the voter registration database, including UOCAVA.

Voters will be moved from inactive to active status when they update their voter registration or vote in an election (after showing ID to the appropriate election official). ID requirements for inactive voters appearing to vote can be found in Iowa Administrative Code 721-21.3.

48A.27 Changes to voter registration records.

This section describes when a person's voter registration may be changed.

48A.28 Systematic confirmation program

This section describes the process under NVRA for matching voters' addresses with NCOA vendors' changes each year

The process is the same for all voters in the voter registration database, including UOCAVA voters.

[End response to above question (B2) above this line.]

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

[Begin response to above question (B3) below this line.]

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

[Begin response to above question (B4) below this line.]

Yes, we do match against the Iowa Department of Transportation (IDOT) for verification purposes, however this is not a live match. We import a master file once a week, which is a text file that is exported from IDOT to a secure ftp site. We then load the file into our database and match all of the voter registration information against the table we created from the IDOT export. At this time we aren't linked to any other databases. We follow a similar procedure with the State Health Department to identify deceased persons.

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with using NCOA?

[Begin response to above question (B5) below this line.]

The state contracts annually with an NCOA vendor. We export a list of all of the registered voters in the State of Iowa and get an NCOA vendor to match the list with their file. The file of matches is then imported back into our Voter Registration Database for processing.

For the records in which both the voter's new and old addresses are within the county, the address on the record is updated and the status of the voter is unchanged. Those individuals receive a mailing at both addresses letting them know that we have changed the address on their record to the NCOA address and we include a postage paid return card if the voter finds an error.

For records that the NCOA address is in a different county or state than the original address, the status is changed to inactive and cards are mailed to both addresses letting them know that NCOA has indicated they have moved to a new address and they need to re-register in their new county or state. This mailing also includes a postage paid card to respond if this is an error.

Our experience is that the NCOA process is somewhat valuable in cleaning up our files. However, Iowa law requires that the confirmation cards be sent to both a voter's new and old address, which seems a waste of postage and labor in preparing the cards, only to have them returned. It is something we hope to change legislatively, to mirror NVRA requirements.

Voters are confused by the mailings, and many of the cards for the changed addresses are returned undeliverable or not returned at all. Another issue is that the NCOA databases keep a "move" record for 18 months, meaning we identify the same records with the same addresses two years in a row in a lot of cases. It is a very costly process, compared

to the benefit received. Since Iowa now has Election Day Registration, it would seem that we should be exempt, as are other states that had EDR prior to NVRA.

[End response to above question (B5) above this line.]

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

[Begin response to above question (B6) below this line.]

A convicted felon cannot vote in the State of Iowa until his/her rights have been restored. This is an automated process that takes place once the Department of Corrections has released the individual from supervision. The Iowa Governor's Office receives the list of those being released from supervision and issues the certificate of restoration of rights and forwards to the Secretary of State's Office, a list of those individuals whose rights have been restored.

48A.6 DISQUALIFIED ELECTORS.

[End response to above question (B6) above this line.]

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

[Begin response to above question (B7) below this line.]

Yes. Our website has voter registration forms available online to download in .pdf form. They must be filled out and mailed to the Secretary of State's Office or to the respective County Auditor's Office.

[End response to above question (B7) above this line.]

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

[Begin response to above question (a) below this line.]

All ballots cast early and not at the precinct on Election Day are considered to be absentee ballots, and all absentee ballots, mail-in ballots and ballots cast at satellite stations are counted on election day in a central location

[End response to above question (a) above this line.]

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

[Begin response to above question (b) below this line.]

No

[End response to above question (b) above this line.]

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

[Begin response to above question (c) below this line.]

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

[Begin response to above question (d) below this line.]

UOCAVA ballots are counted in with all other absentee ballots.

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

[Begin response to above question (C2) below this line.]

Iowa Code Chapter 53.1 – We don't really say that we have "no excuse", but the third reason for voting under this section is "...when the voter expects to be unable to go to the polls and vote on election day." Voters are not required to provide any written or verbal excuse when applying to vote absentee

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

[Begin response to above question (C3) below this line.]

No.

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

[Begin response to above question (C4) below this line.]

No.

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

[Begin response to above question (C5) below this line.]

Iowa Code Chapters 49.79; 49.80; 49.81; 53.31

(Note: a voter may *not* be challenged just because the voter is registering to vote on Election Day or filing a change of address on Election Day as provided by law)

Also see our website – www.sos.state.ia.us, click on voters/elections, then under Auditor Information, click on Elections Forms Book. Under new forms for 2008, click on the challenge forms.

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

[Begin response to above question (C6) below this line.]

Iowa Code Ch. 49.81 – The ballots of voters who do not vote in the precinct in which they live/are registered, are rejected by the Special Precinct Board. Voters who vote provisional ballots at the polls are given a form which tells them when and where the special precinct board will meet and that they are allowed to present evidence as to why their ballot should be counted.

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any.

[Begin response to above question (C7) below this line.]

None at this time, but we have established a Post Election Audit Task Force and are in the process of developing a procedure.

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

[Begin response to above question (C8) below this line.]

Ch. 49.124 - Precinct election officials (poll workers) must be trained prior to every primary and general election.

In addition, Iowa developed a statewide certification program in 2007 called Precinct Election Official Training (PEOT), under which poll workers can become certified PEO's – this program is not mandatory, and the goal was to certify at least one precinct official in each of Iowa's 1,774 precincts. In the last year and half we have certified over 3,000 PEO's in Iowa.

[End response to above question (C8) above this line.]

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

[Begin response to above question (D1) below this line.]

Iowa Administrative Code 721-26.3 requires "reports from computerized voting equipment and canvass summaries for precinct, county and state canvasses of votes shall include the number of overvotes and undervotes for each office and question on the ballot..." Iowa's statewide voter registration and election management system (I-Voters) is configured to collect total overvotes and undervotes for every contest on the ballot at the time county commissioners enter election results into the statewide systems to prepare the canvass summaries referred to in the administrative rule quoted above.

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

[Begin response to above question (a) below this line.]

If the voter is registering before the pre-registration deadline, (which is 10 days before the General Election), no identification is required. If the voter is registering after the pre-registration deadline, including registration on Election Day, the voter must show proof of identity (photo) and residence (current address). The identification requirements for voters registering after the pre-registration deadline can be found in Iowa Code section 48A.7A

[End response to above question (a) above this line.]

b. casting an in-person ballot;

[Begin response to above question (b) below this line.]

It depends on the voter's current status. If the voter is an "active" voter, they are not required to show identification. If the voter is in either "inactive" or "pending" status, the voter is required to show either a current and valid photo id card or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. IAC 721-21.3(3). Voters registering to vote on Election Day must show identification listed in Iowa Code section 48A.7A.

[End response to above question (b) above this line.]

c. casting a mail-in or absentee vote;

[Begin response to above question (c) below this line.]

Voters casting mail-in absentee ballots are not required to show ID. If their status is “pending” or “inactive” they are required to fill out a new voter registration form before their ballot can be counted. IAC 721-21.301(2).

[End response to above question (c) above this line.]

d. casting a ballot under UOCAVA;

[Begin response to above question (d) below this line.]

Voter identification is not required.

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

[Begin response to above question (e) below this line.]

Precinct election officials are authorized under Iowa law to request identification from any elector “unknown to the official” on election day. Iowa Code section 49.77(3).

[End response to above question (e) above this line.]

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

[Begin response to above question (D3) below this line.]

Iowa law is very specific about persons allowed at the polling place on election day. Iowa Code section 49.104: "The following persons shall be permitted to be present at and in the immediate vicinity of the polling places, provided they do not solicit votes: 1. Any person who is by law authorized to perform or is charged with the performance of official duties at the election. 2. Any number of persons, not exceeding three at a time from each political party having candidates to be voted for at such election, to act as challenging committees, who are appointed and accredited by the executive or central committee of such political party or organization. 3. Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots... 4. Any peace officer assigned or called upon to keep order or maintain compliance with the provisions of this chapter, upon request of the commissioner or of the chairperson of the precinct election board. 5. One observer at a time representing any nonparty political organization, any candidate nominated by petition pursuant to chapter 45, or any other nonpartisan candidate in a city or school election, appearing on the ballot of the election in progress. Candidates who send observers to the polls shall provide each observer with a letter of appointment in the form prescribed by the state commissioner. 6. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner before election day. If more than three persons file a notice of intent to serve at the same time with respect to ballot issues at an election, the commissioner shall appoint from those submitting a notice of intent the three persons who may serve at that time as observers, and shall provide a schedule to all persons who filed notices of intent. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues. 7. Any person authorized by the commissioner, in consultation with the secretary of state, for the purposes of conducting and attending educational voting programs for youth.

[End response to above question (D3) above this line.]

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to have in place administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

[Begin response to above question (E1) below this line.]

A new chapter was added to the Iowa Administrative Rules in response to Section 402 of HAVA. It is chapter 721—25. It was effective on 12/17/2003 and has not been amended since that time.

[End response to above question (E1) above this line.]

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

[Begin response to above question (E2) below this line.]

N/A

[End response to above question (E2) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 3/31/09). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2008 Election Administration and Voting Survey, 1225 New York Avenue, Suite 1100, Washington, DC 20005.