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FOR JUSTICE

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Iowa Voter Registration Commission
c/o Sarah Reisetter, Director of Elections
Office of the Secretary of State
First Floor, Lucas State Office Building
Des Moines, Iowa 50319
Via email: sarah.reisetter@sos.iowa.gov

Re: Comments to ARC 1679C

Dear Members of the Iowa Voter Registration Commission:

Thank you for your consideration of our comments in response to the above-identified proposed rulemaking.

The Brennan Center for Justice at NYU School of Law¹ is a nonpartisan, nonprofit law and policy institute that seeks to improve our systems of democracy and justice. The Brennan Center has extensively studied the nation's voter registration systems and leverages such research to encourage states nationwide to harness proven technology to modernize voter registration.

The Brennan Center supports the Voter Registration Commission's (Commission) proposed amendments to the Iowa Administrative Code contained in Items 2 and 5, which would implement an online voter registration system. The Center urges the Commission to expand the proposed rulemaking, as outlined below in greater detail, to mandate that all voter registration agencies implement an electronic system to seamlessly transmit voter registration information from voter registration agencies to the Secretary of State's office.

Subrules 2.4(6) and 11.6(3) relating to Online Voter Registration

The Brennan Center supports new subrule 2.4(6) (Item 2) and new subrule 11.6(3) (Item 5), so long as it is amended consistent with the recommendation included in the joint comments submitted by the ACLU Iowa, the League of Women Voters Iowa, et al., which we joined as signatories. Specifically, the joint letter recommends that the

¹ This comment does not purport to convey the positions of NYU School of Law, if any.

Commission should amend the proposed rule to expand access to the online voter registration system to all eligible Iowa voters on a non-discriminatory and fair basis.

Subules Rules Relating to Electronic Voter Registration Applications

The Brennan Center urges the Commission to expand the proposed amendments to Administrative Code Rules 821-8.1 (Item 4) and 821-11.6(1) (in Item 5) and new subrule 11.6(2) (in Item 5) to mandate that all voter registration agencies register voters in a paperless manner.

To implement electronic voter registration at all voter registration agencies, we suggest the following amendments to the Administrative Code:

Chapter 2:

- 821-2.4(48A) **Paperless (electronic) registration forms.** ~~Any v~~Voter registration agencies and the office of driver services, department of transportation, ~~may~~shall devise a system of collecting registration applications without using paper forms, in accordance with the following restrictions

Chapter 8:

- 821-8.1(48A) ~~Cataloging registration data~~ **Transmission of electronic voter registration applications.** Every agency which registers voters in a paperless manner shall ~~daily catalog transmit~~ a file of registration ~~records applications~~ to the computer system used by the registrar on a daily basis. The file shall contain all voter registration ~~records applications~~ collected by the agency during the previous working day, except that the file containing registration records collected on the last day of registration for a regularly scheduled election shall be cataloged not later than 8 p.m. of that day.

The Brennan Center recommends the Commission either:

1. Retain the following language that is proposed for deletion in Item 4, rule 821-8.1(48A) “except that the file containing registration records collected on the last day of registration for a regularly scheduled election shall be cataloged not later than 8 p.m. of that day,;” or
2. Delete the following language from Item 4, rule 821-8.1(48A) “during the previous working day.”

The purpose of the Brennan Center’s suggested change is to ensure agency clarity regarding transmission deadlines and that all registration forms are timely received and processed, especially those submitted to an agency on the final day of registration. As drafted, the Commission’s proposed rule change would result in registrations submitted to the agency on the last day of registration not being processed until after the registration

deadline has passed, since under the Commission's proposed rule change registrations would not have to be submitted until the day after the registration deadline.

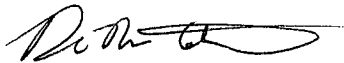
- Delete 821-8.5(48A) **Transmission of paper voter registration forms** and replace with the following:

821-8.5(48A) **Signature on attestation required.** At the conclusion of the applicant's business, an applicant who applies to register, or gives information to update an existing registration, shall be asked to sign the registration application attestation, either on a paper copy or an electronic version. Any applicant who fails to sign the attestation shall be deemed to have declined to apply to register to vote.

The Brennan Center urges the Commission to adopt the proposed rules as they pertain to online voter registration, and to expand its proposed rules to mandate that all voter registration agencies utilize electronic voter registration forms. Instituting the above changes will save Iowa time and money, ensure that the voter rolls are accurate, increase voter registration rates, and solidify Iowa's position as a national leader in modernized voter registration.

Thank you for the opportunity to comment. Please do not hesitate to contact us if we can answer your questions or provide you with additional information regarding the proposals discussed in this document.

Sincerely,



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