SECRETARY OF STATE[721]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)*"b."*

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 17A.4 and 2017 Iowa Acts, House File 516, the Secretary of State hereby gives Notice of Intended Action to amend Chapter 21, "Election Forms and Instructions," Chapter 22, "Voting Systems," Chapter 26, "Counting Votes," and Chapter 28, "Voter Registration File (I-Voters) Management," Iowa Administrative Code.

These proposed amendments are necessary because the General Assembly has enacted 2017 Iowa Acts, House File 516. The Secretary of State has determined that as a result of this newly enacted law, the following amendments are necessary to keep the administrative rules in compliance with the Iowa Code. House File 516 makes significant changes to elections in the state of Iowa, creating the need to update Chapters 21, 22, 26, and 28, which are chapters that contain elections rules in the Iowa Administrative Code.

Any interested person may make written suggestions or comments on the proposed amendments on or before September 19, 2017. Written suggestions or comments should be directed to Eric R. Gookin, Election Administrator, Office of the Secretary of State, First Floor, Lucas State Office Building, Des Moines, Iowa 50319.

Persons who want to convey their views orally should contact the Secretary of State's office by telephone at (515)281-0145 or in person at the Secretary of State's office on the first floor of the Lucas State Office Building.

A public hearing will be held on October 16, 2017, at 3 p.m. at the Secretary of State's office on the first floor of the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa.

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

These amendments are intended to implement 2017 Iowa Acts, House File 516.

The following amendments are proposed.

ITEM 1.   Amend subrule 21.2(2) as follows:

21.2(2) *Original absentee ballot applications.* The original absentee ballot application submitted electronically shall also be mailed or delivered to the commissioner. If mailed, the envelope bearing the original absentee ballot application shall be postmarked not later than the ~~Friday before the election~~ voter registration deadline provided in Iowa Code section 48A.9 for the election for which the ballot is requested. This subrule shall not apply to documents submitted electronically by UOCAVA voters pursuant to rule 721—21.320(53).

a.   The voter's absentee ballot shall be rejected by the absentee and special voters precinct board if the original absentee ballot application which was filed electronically is not received by the time the polls close on election day.

b.   The voter's absentee ballot shall be rejected by the absentee and special voters precinct board if the postmark or Intelligent Mail barcode (IMb) on the envelope containing the original absentee ballot application is either illegible or later than the ~~Friday before the election~~ voter registration deadline provided in Iowa Code section 48A.9 for the election for which the ballot is requested.

ITEM 2.   Amend rule 721—21.3(49,48A) as follows:

721—21.3(49,48A) Voter identification documents.

21.3(1) *Identification documents for persons other than election day registrants.*

a.   Unless the person is registering to vote at the polls on election day, precinct election officials shall accept the identification documents listed in Iowa Code section 48A.8 and 2017 Iowa Acts, House File 516, section 27, from any person who is asked or required to present identification pursuant to Iowa Code section 49.77.

b.   Current and valid identification. "Current and valid" or "identification," for persons other than election day registrants, means identification that meets the following criteria:

(1)   Iowa driver's licenses and nonoperator's identification cards used to establish identity pursuant to 2017 Iowa Acts, House File 516, section 27, shall be accepted up to 90 days after the expiration date listed on the license. It is still acceptable on the ninetieth day. An Iowa nonoperator's identification card that does not expire shall be considered current and valid.

(2)   Veterans and military identification cards that do not contain an expiration date or that do not expire and voter identification cards issued pursuant to 2017 Iowa Acts, House File 516, section 18, shall be considered current and valid.

(3)   For registration pursuant to Iowa Code section 48A.8, the proof of residence must be dated, or describe terms of residency current to, within 45 days prior to submission.

(4)   All other forms of identification used to establish identity pursuant to 2017 Iowa Acts, House File 516, section 27, shall not be expired. An identification is still valid on the expiration date.

c.   A current and valid identification may include a former address, when used for identification purposes only.

21.3(2) *Identification for election day registrants.*

a.   A person who applies to register to vote on election day shall provide proof of identity and residence pursuant to Iowa Code section 48A.7A and 2017 Iowa Acts, House File 516, section 27, in the precinct where the person is applying to register and vote.

b.   Any registered voter who attests for another person registering to vote at the polls on election day shall ~~be a registered voter of the same precinct~~ meet the requirements in Iowa Code section 48A.7A. The registered voter may be a precinct election official or a pollwatcher, but may not attest for more than one person applying to register at the same election.

c.   Current and valid identification. "Current and valid" or "identification," for the purposes of election day registration, means identification that meets the following criteria:

(1)   The expiration date on the identification card has not passed. An identification is still valid on the expiration date. An Iowa nonoperator's identification card that does not expire shall be considered current and valid.

(2)   Veterans and military identification cards that do not contain an expiration date or that do not expire and voter identification cards issued pursuant to 2017 Iowa Acts, House File 516, section 18, shall be considered current and valid.

d.   A current and valid identification may include a former address, when used for identification purposes only.

~~**21.3(3)** *Current and valid identification.*~~

~~*a.*   "Current and valid" or "identification," for the purposes of this rule, means identification that meets the following criteria:~~

~~(1)   The expiration date on the identification has not passed. An identification is still valid on the expiration date. An Iowa nonoperator's identification that shows "none" as the expiration date shall be considered current and valid.~~

~~(2)   The identification has not been revoked or suspended.~~

~~*b.*   A current and valid identification may include a former address.~~

21.3(3) *Proof of residence standards for all voters.*   Any person required to present proof of residence pursuant to Iowa Code sections 48A.7A and 48A.8 shall provide documentation that meets the following requirements:

a.   The proof of residence document must be listed in Iowa Code section 48A.7A or 48A.8.

b.   The document must be current within 45 days of election day, unless otherwise provided by law.

c.   A residential lease's stated term must include election day.

d.   Property tax statements are current within 45 days of March 31 or the final payment date, if the final payment date is stated in the document.

21.3(4) *Identification not provided.* A After January 1, 2019, a person who ~~has been requested~~ is required to provide identification and does not provide it shall vote only by provisional ballot pursuant to Iowa Code section 49.81. However, a person who is registering to vote on election day pursuant to Iowa Code section 48A.7A may establish identity and residency in the precinct by written oath of a person who is registered to vote in the precinct. A registered voter may only attest for one election day registrant.

21.3(5) *Attesting to identity by signing oath.* A person who cannot show proof of identity at the polls may swear to the oath appearing in 2017 Iowa Acts, House File 516, section 27(8). This provision is repealed effective January 1, 2019.

21.3(6) *Determination of identity and residency.* Proof of identity and residence of persons offering to vote is presumed valid unless the precinct election official determines the proof offered does not match the voter. In determining whether a person offering to vote is eligible under Iowa Code section 48A.7A and Iowa Code chapter 49, precinct election officials shall consider all of the information presented by the person offering to vote prior to determining that the person is not eligible. The following are factors that shall be considered by precinct election officials in making the determination:

a.   Changes to the physical appearance or signatures that are caused by age, disability, or medical conditions, except that a precinct election official's perception of a person's mental capacity shall not be considered unless there is documented proof that the person has been adjudged mentally incompetent to vote,

b.   Time elapsed since the proof was generated, subject to the Iowa Code sections that govern the validity and expiration timelines of the proof,

c.   Other documentation allowable under Iowa Code chapter 48A to prove the facts in question.

21.3(7) *Post-election day proof of identity or residency.* As of January 1, 2019, a person required to cast a provisional ballot under this rule may submit proof of identity or residence after election day. The proof must be received by the commissioner not later than 12 noon on the Monday following the election, or if the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, it must be received by the commissioner before the canvass for that election by the board of supervisors. Defects may be cured through the use of documentation as permitted under Iowa Code section 48A.7A or 2017 Iowa Acts, House File 516, section 27. If such defects are cured, the voter's ballot shall be counted.

This rule is intended to implement Iowa Code sections 48A.7A and 49.77, 2017 Iowa Acts, House File 516, section 27, and ~~P.L. 107-252, Section 303~~ the Help America Vote Act.

ITEM 3.   Amend subrule 21.4(1) as follows:

21.4(1) To qualify to vote in the election being held that day, the voter shall:

a.   Go to the polling place for the precinct where the voter lives on election day.

b.   Complete a registration form showing the person's current address in the precinct.

c.   Present proof of residence and identity as required by ~~subrule~~ subrules 21.3(1) and 21.3(4).

ITEM 4.   Amend rule 721—21.5(49) as follows:

721—21.5(49) Eligibility declarations in the election register. To compensate for the absence of a separate declaration of eligibility form, the commissioner shall provide to each precinct a voter roster with space for each person who appears at the precinct to vote to print the following information: first and last name, address, date of birth, and, at the voter's option, telephone number, and, in primary elections, political party affiliation.

The roster forms shall include the name and date of the election and the name of the precinct, and may be provided on paper that makes carbonless copies. If a multicopy form is used, the commissioner shall retain the original copy of the voter roster with other records of the election.

This rule is intended to implement Iowa Code section 49.77.

ITEM 5.   Amend rule 721—21.7(48A) as follows:

721—21.7(48A) Election day registration. In addition to complying with the identification provisions in rule 721—21.3(49,48A), precinct election officials shall comply with the following requirements:

21.7(1) Precinct election officials shall inspect the identification documents presented by election day registrants to verify the following:

a.   The photograph shows the person who is registering to vote, and the document has not expired.

b.   The name on the identification document is the same as the name of the applicant.

c.   The address on the ~~identification~~ proof of residence document is in the precinct where the person is registering to vote and is current within 45 days.

21.7(2) Precinct election officials shall verify that each person who attempts to attest to the identity and residence of a person who is registering to vote on election day is a registered voter in the precinct and has not attested for any other voter in the election. The officials shall note in the election register that the person has attested for an election day registrant.

21.7(3) Precinct election officials shall permit any person who is in line to vote at the time the polls close to register and vote on election day if the person otherwise meets all of the election day registration requirements.

21.7(4) In precincts where an electronic program is not used to check the name of an election day registrant against the statewide list of felons who have had their right to vote revoked, ~~precinct~~ the voter shall be required to cast a provisional ballot. The voter shall be allowed to present evidence of the person's right to vote until 12 noon on the Monday following the election, or if the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, the evidence must be received by the commissioner before the canvass for that election by the board of supervisors. Precinct election officials shall provide each election day registrant with a "Notice to Election Day Registrants" prepared by the state commissioner before allowing the voter to register and vote on election day. The "Notice to Election Day Registrants" prepared by the state commissioner will be posted on the state commissioner's Web site.

This rule is intended to implement Iowa Code section 48A.7A.

ITEM 6.   Adopt the following **new** rule 721—21.15(49):

721—21.15(49) Proof of residence or identification after casting provisional ballot. If a voter casts a provisional ballot pursuant to Iowa Code section 49.81 or 2017 Iowa Acts, House File 516, section 27, the voter must offer the required proof of residency or identification to vote in the polling place before the polls close on election day, or to the commissioner's office in order for the ballot to be counted. The proof must be received by the commissioner not later than 12 noon on the Monday following the election, or if the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, the proof must be received by the commissioner before the canvass for that election by the board of supervisors.

This rule is intended to implement 2017 Iowa Acts, House File 516, section 27, and Iowa Code section 49.81 as amended by 2017 Iowa Acts, House File 516.

ITEM 7.   Adopt the following **new** rule 721—21.52(48A):

721—21.52(48A) Request for new voter identification card.

21.52(1) If a voter's identification card is lost or damaged, the registered voter may request a new card in person at the commissioner's office by showing identification, or by a written, signed request to the commissioner's office. Upon receiving the request, the commissioner shall print and mail a new voter identification card.

21.52(2) If the voter appears in person but does not have the correct form of identification, the commissioner shall verify the voter's identity by asking the voter to provide at least two of the following personal facts:

a.   Date of birth;

b.   Last four digits of the voter's social security number (if the number is stored within I-Voters);

c. Driver's license or nonoperator's identification card number (if the number is stored within I-Voters);

d. Address;

e. Middle name;

f. Voter verification number pursuant to Iowa Code section 53.2(4).

Upon the successful verification of the voter, the commissioner shall issue a new copy of the voter identification card over the counter. If the voter is unable to respond correctly to at least two of the questions in this subrule, the commissioner shall not issue a copy of the voter identification to the voter.

This rule is intended to implement 2017 Iowa Acts, House File 516, section 18.

ITEM 8. Adopt the following **new** rule 721—21.76(48A):

721—21.76(48A) Electronic poll book training for poll workers. The state commissioner shall create and maintain training materials for poll workers relating to voter identification and the use of electronic poll books. The training materials shall be available from the state commissioner's Web site.

This rule is intended to implement Iowa Code section 48A.7A as amended by 2017 Iowa Acts, House File 516, section 16.

ITEM 9. Adopt the following **new** rule 721—21.77(49):

721—21.77(49) Photographing ballots. A voter may not use a photographic device to display a voted ballot if doing so interferes with other voters or the orderly operation of the polling location or violates any part of Iowa Code chapter 39A. The display shall only include the voter and the voter's ballot.

"Interferes," for purposes of this rule, means loitering, congregating, interrupting, or hindering a voter from approaching the poll booth for the purpose of voting, or while the voter is inside the enclosed voting space when marking a ballot.

This rule is intended to implement Iowa Code section 49.88 as amended by 2017 Iowa Acts, House File 516, section 38.

ITEM 10. Adopt the following **new** rule 721—21.101(47):

721—21.101(47) State commissioner's review of complaints. Upon receiving credible information that a commissioner may have violated a provision in Iowa Code chapters 39 through 52, the state commissioner shall require the commissioner to provide more information, or certification that the commissioner complied with the relevant law. The determination of credibility is solely at the discretion of the state commissioner. The state commissioner may require a complaining party to provide more information. The state commissioner may reject anonymous complaints without any additional inquiry. If it appears that the complaint originated from the commissioner's office, the state commissioner shall consult with the attorney general before proceeding.

If the state commissioner determines that a commissioner has not sufficiently responded to the inquiry, the state commissioner may issue a notice of infraction pursuant to Iowa Code chapter 39A, or refer the matter to the appropriate law enforcement agency, or both.

This rule is intended to implement Iowa Code section 47.1 as amended by 2017 Iowa Acts, House File 516, section 41.

ITEM 11. Adopt the following **new** rule 721—21.102(49):

721—21.102(49) Commissioner's filings and notifications to state commissioner.

21.102(1) The commissioner shall certify to the state commissioner that all relevant election laws and requirements were followed as required by Iowa law. A form for the certification shall be published to the state commissioner's Web site, pursuant to 2017 Iowa Acts, House File 516, section 41.

21.102(2) The commissioner shall report each suspected incidence of election misconduct to the state commissioner regardless of proximity to any election, pursuant to 2017 Iowa Acts, House File 516,

section 41(4). The commissioner shall provide to the state commissioner all updates as they are received by the commissioner from law enforcement.

This rule is intended to implement 2017 Iowa Acts, House File 516, section 41.

ITEM 12.   Amend subrule 21.203(1) as follows:

21.203(1) *Required information.* In addition to other requirements listed in the Iowa Code, general election ballots shall also include the following information:

a.   The name of the election.

b.   The name of the county.

c.   Instructions for how to mark the ballot, including instructions for voting on judicial retentions and constitutional amendments or public measures and instructions for straight-party voting.

d.   Ballot location of the judges' names and any constitutional amendment(s).

ITEM 13.   Amend subrule 21.301(3) as follows:

21.301(3) *Absentee ballots received from a voter subsequently assigned "inactive" status.*

a.   The commissioner shall mail an absentee ballot to a voter if a voter's status is changed to "inactive" between the time the voter requested an absentee ballot and the time the absentee ballots are ready to mail. The commissioner shall also separately notify the voter of the requirement to provide identification and proof of residence before the ballot can be counted pursuant to paragraph 21.301(3)*"c."*

b.   The commissioner shall set aside the absentee ballot of a voter whose status is changed to "inactive" pursuant to Iowa Code section 48A.26, subsection 6, after the voter has submitted the voter's absentee ballot.

c.   Pursuant to Iowa Code section 53.31, the commissioner shall notify any voter assigned an "inactive" status subsequent to requesting or returning an absentee ballot that the voter's absentee ballot has been challenged and may be counted only if the voter personally delivers or mails a copy of the voter's identification and proof of residence as listed in Iowa Code section 48A.8 to the commissioner's office before the absentee and special voters precinct board convenes to count absentee ballots, or reconvenes to consider challenged absentee ballots pursuant to Iowa Code section 50.22. If the commissioner does not receive a copy of the voter's identification before the absentee and special voters precinct board reconvenes to consider challenged absentee ballots pursuant to Iowa Code section 50.22, the absentee and special voters precinct board shall reject the absentee ballot.

ITEM 14.   Adopt the following **new** rule 721—21.306(53):

721—21.306(53) Incomplete absentee ballot applications. If the commissioner receives an absentee ballot request lacking any of the information required by 2017 Iowa Acts, House File 516, section 6(4)(a), the commissioner shall obtain the necessary information by the best means available pursuant to 2017 Iowa Acts, House File 516, section 6(4)(a). "Best means available," for the purposes of this rule, means contacting the voter directly by mail, e-mail, or telephone or in person. Commissioners may not use the voter registration system to obtain the information.

21.306(1) If the voter does not have current access to the voter identification card, the commissioner shall verify the voter's identity by asking the voter to provide at least two of the following facts about the voter:

a.   Date of birth;

b.   Last four digits of the voter's social security number (if the number is stored within I-Voters);

c.   Driver's license or nonoperator's identification card number (if the number is stored within I-Voters);

d.   Address;

e.   Middle name;

f.   Voter verification number pursuant to Iowa Code section 53.2(4).

21.306(2) If an unregistered person offering to vote an absentee ballot pursuant to Iowa Code section 53.10 or 53.11 prior to the pre-registration deadline does not have an Iowa-issued driver's license, a nonoperator's identification card, or a voter identification card, the person may satisfy residence and

identity requirements in the manner described by 2017 Iowa Acts, House File 516, section 27. This section shall also apply to a registered voter casting a ballot pursuant to Iowa Code section 53.10 or 53.11 who has not yet received a voter verification number.

21.306(3) This provision shall not apply to the absence of a preferred political party ballot for primaries held pursuant to Iowa Code section 53.2(5).

This rule is intended to implement Iowa Code section 53.2 as amended by 2017 Iowa Acts, House File 516, section 6.

ITEM 15.   Adopt the following **new** rule 721—21.307(49,53):

721—21.307(49,53) Updating signatures on file. A registered voter may update the signature on record with the commissioner at any time. A commissioner shall not require a reason from the voter for the change. The state commissioner shall prescribe a form for the signature update. The form must include the voter's name and the voter's verification number. The form shall be published on the state commissioner's Web site. A written request with the required information shall not require the form. Upon receiving the signature update request, the commissioner shall verify the information on the form. If the required information is valid, the commissioner shall scan the form into I-Voters. This action shall be processed as a ministerial update and shall not be processed as a change to the voter registration record. If the registrant is attempting to vote pursuant to Iowa Code section 53.10 or 53.11, the registrant shall provide proof of identity prior to submitting the update.

This rule is intended to implement 2017 Iowa Acts, House File 516, section 27, and Iowa Code section 53.18 as amended by 2017 Iowa Acts, House File 516, section 31.

ITEM 16.   Amend paragraph **21.359(5)"a"** as follows:

a.   The process shall be witnessed by observers appointed by the county chairperson of each of the political parties referred to in Iowa Code section 49.13, subsection 2. If, after receiving notice from the commissioner pursuant to Iowa Code section 53.23, subsection 3, paragraph *"a,"* ~~either or both~~ any of the political parties fail to appoint ~~an observer~~ observers, the commissioner may continue with the proceedings.

ITEM 17.   Rescind and reserve subrule **22.11(4)**.

ITEM 18.   Rescind paragraph **22.41(1)"f."**

ITEM 19.   Amend rule 721—22.42(52) as follows:

721—22.42(52) Preparing test decks. The commissioner shall prepare test decks from all ballots printed for use in the election, including those for use at the polling places and for absentee balloting. Each of the following test decks shall be prepared for every precinct and ballot style in the election. Commissioners may use additional test methods to supplement the process described in this rule.

22.42(1) *Requirements for all test decks prepared by the commissioner and used in public testing.* The commissioner shall:

a.   Replace ballots spoiled during the marking process instead of attempting to correct errors.

b.   Fill in each oval completely using the recommended pen, pencil or ~~AutoMARK VAT~~ voter assist terminal.

c.   Mark each ballot "Test Ballot."

d.   Mark at least one valid vote for each candidate and question on the ballot using the OVI unit (if applicable). The ballots marked by the OVI unit may be used as part of the systematic ~~or straight party~~ test deck (if applicable).

e.   Mark at least one valid vote for each candidate and question on the ballot using the ImageCast Evolution or ImageCast Precinct with audio and printer (if applicable). The ballots marked by one of these units may be used as part of the systematic ~~or straight party~~ test deck (if applicable).

22.42(2) *Required test method.* The commissioner shall:

a.　Prepare a test plan showing the planned number of votes, including undervotes and overvotes for each oval on the ballot. Follow the instructions in subrules 22.42(3) through 22.42(5) in preparing the test decks.

b.　Mark the test ballots according to the test plan.

c.　Print a zero totals report from the optical scan tabulator before inserting any ballots.

d.　Insert the ballots into the optical scan tabulator and print a report showing the number of votes recorded for all offices, questions and judges, including undervotes and overvotes.

e.　Compare the printed report with the test plan to ensure that the correct number of votes was counted for each oval.

f.　If the commissioner finds errors, the commissioner shall identify and correct them. The commissioner shall repeat the testing process until the printed results from the tabulator match the test plan. If the commissioner cannot produce an errorless test, the equipment shall not be used in the election.

22.42(3) *Systematic test deck.* The commissioner shall determine a unique number of votes for each candidate in each office, such as one vote for each write-in oval for the office, two votes for the first candidate listed (or "NO" votes on public measures and judges), three votes for the second candidate, etc. It is not necessary to have a different number of votes for each write-in oval for offices for which the voter may select more than one candidate. However, the write-in oval shall have a different number of votes marked than any candidate for the office. The commissioner shall:

~~*a.*　On general election ballots, leave the straight party choice blank.~~

~~*b.*~~ *a.*　For offices without candidates, mark all of the write-in ovals for that office.

~~*c.*~~ *b.*　For offices in which the voter may vote for more than one candidate, vote for the maximum allowed on at least one ballot.

~~*d.*~~ *c.*　On a ballot that contains at least one valid vote, overvote one other office or question.

22.42(4) *System-specific testing requirements.* Separate tests are prescribed for each certified voting system.

a.　*Election Systems & Software, Unisyn OpenElect and Dominion Democracy Suite—overvote and blank ballot test.* For an overvote and blank ballot test, the commissioner shall:

(1)　Overvote all offices and questions (including judges) on one ballot, by marking one more vote than permitted. Do not mark the write-in ovals for any offices for which there are no candidates' names on the ballot.

~~(2)　If the test is for ballots that will be used in a general election, mark two straight party votes on one ballot. Do not mark any other ovals. In the test plan, this ballot should be tallied to show that the straight party selection was overvoted, and to show undervotes for all other offices and questions on the ballot.~~

~~(3)~~ (2)　When the overvoted ballots are rejected by the optical scan tabulator, override the rejection and include the ballot in the tally. Add to the manual tally the number of overvotes in this test. The tally for this part of the test deck will show no votes for any candidate.

~~(4)~~ (3)　Insert a blank ballot. When the blank ballot is rejected by the optical scan tabulator, override the rejection and include the ballot in the tally. This is a very important test of the accuracy of ballot printing. Printing errors sometimes put readable marks in the voting target area.

~~(5)~~ (4)　Orientation test. Mark the maximum number of choices for each office and question on one ballot.

Scan this ballot in each of the four possible orientations:

● Face up, head first.
● Face down, head first.
● Face up, feet first.
● Face down, feet first.

b.　*Premier Election Solutions.*

(1)　Blank and fully voted test. The commissioner shall use two ballots for this test.

1. Leave one ballot completely blank.
2. On the second ballot, mark every oval on both sides of the ballot.

3. Select "Test Blank Ballots" and insert the blank ballot in all four orientations:
- Face up, head first.
- Face down, head first.
- Face up, feet first.
- Face down, feet first.

4. Select "Test Fully Voted Ballots" and insert the second ballot in each of the four orientations listed in numbered paragraph "3" above.

5. Reinsert the blank ballot and the fully voted ballot and override the rejection feature.

(2) Overvote. Overvote all offices and questions (including judges) on one ballot, by marking one more vote than permitted. Do not mark the write-in ovals for any offices for which there are no candidates' names on the ballot.

22.42(5) ~~*Straight party test for general elections.* For a straight party test, the commissioner shall:~~
~~*a.* For each set of ballots:~~
~~(1) Mark straight party votes in a pattern, such as one vote for the first straight party choice, two votes for the second, and so on, and tally the expected results. Do not mark anything else on this group of ballots.~~
~~(2) On a second set of ballots containing as many ballots as there are straight party choices, mark the straight party option and, for each office affected by the straight party vote, mark the write-in oval, and tally the expected results.~~
~~(3) If the election includes an at-large county supervisor race with more than one person to be elected, mark a ballot with only a straight party vote and then vote for one candidate from the same political party as the straight party vote. Only this separately marked candidate should receive a vote.~~
~~*b.* Compile the results of the straight party test deck.~~

ITEM 20. Amend paragraph **22.261(4)"b"** as follows:
b. *Instructions for voters.* The following instructions shall be printed on ballots:
(1) Voting mark. "To vote, fill in the oval next to your choice."
~~(2) Straight party voting. "To vote for all candidates from a single party, fill in the oval in front of the party name. Not all parties have nominated candidates for all offices. Marking a straight party vote does not include votes for nonpartisan offices, judges or questions."~~
~~(3)~~ (2) Public measures. "Notice to voters. To vote to approve any question on this ballot, fill in the oval in front of the word 'Yes'. To vote against a question, fill in the oval in front of the word 'No'."

ITEM 21. Amend subrule 22.262(2) as follows:
22.262(2) *Configuration choices.* The following selections are mandatory for all elections:
a. Reject settings shall be configured as follows:
(1) Return to voters ballots that include one or more overvoted races and blank-voted ballots. Include on the override log the number of times the override option was used for overvoted and blank-voted ballots.
(2) Divert to the write-in ballot bin only ballots with write-in votes.
(3) Do not include reject settings for blank voted races, undervoted races, ~~straight party overvotes, multiparty overvotes~~ or duplicate votes.
b. Tally settings shall be as follows:
~~(1) The straight party shall be "Exclusive."~~
~~(2)~~ The write-in setting shall be "Combined."

ITEM 22. Amend paragraph **22.264(3)"b"** as follows:
b. *Instructions for voters.* The ballots shall contain instructions for voters, including:
(1) How to mark the ballot;
~~(2) Straight party voting instructions in general elections as required by Iowa Code section 49.37;~~
~~(3)~~ (2) Where to find the judicial ballot (if any); and
~~(4)~~ (3) Constitutional amendment (if any) as required by Iowa Code section 49.48 and notices to voters on ballots with public measures (if any) as required by Iowa Code section 49.47.

ITEM 23. Amend paragraph **22.266(4)"b"** as follows:

b. *Instructions for voters.* The ballots shall contain instructions for voters, including:

(1) How to mark the ballot;

(2) ~~Straight party voting instructions in general elections as required by Iowa Code section 49.37;~~

~~(3)~~ (2) Where to find the judicial ballot (if any); and

~~(4)~~ (3) Constitutional amendment (if any) as required by Iowa Code section 49.48 and notices to voters on ballots with public measures (if any) as required by Iowa Code section 49.47.

ITEM 24. Rescind and reserve rule **721—26.19(49)**.

ITEM 25. Adopt the following **new** rule 721—28.6(48A):

721—28.6(48A) Cancellations and restorations of voter registration due to jury declination.

28.6(1) Based upon information provided to the state registrar by the state or federal judicial branch, the list of likely matches of ineligible voters shall be produced for each county and provided to each county registrar.

28.6(2) On a monthly basis, the state registrar shall, using predetermined search criteria, compare the list of declined jurors against the list of registered voters.

28.6(3) Within 15 days of the receipt of the list produced by the state registrar in accordance with 28.6(2), the county registrar shall review the list of likely matches, determine the accuracy of the search results and cancel the registrations of those voters found to be ineligible to vote. Notice shall be sent to the voter at the voter's address in the voter registration file pursuant to Iowa Code section 48A.30(2). The notice shall provide the voter an opportunity to have the county registrar review any relevant information that establishes the voter's eligibility to vote. When inclusion of a voter's name on the list of likely matches is found to be inaccurate, the registrar shall mark the record as a "no match" and provide that information to the state registrar.

This rule is intended to implement Iowa Code section 48A.30 as amended by 2017 Iowa Acts, House File 516, section 4.