

Georgia



Ga. Code Ann., § 21-2-220



West's Code of Georgia Annotated Currentness
Title 21. Elections (Refs & Annos)
▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)
▣ Article 6. Registration of Voters (Refs & Annos)

→ § 21-2-220. Applications for registration; failure to provide required information or giving false information; registration assistance

(a) Any person desiring to register as an elector shall apply to do so by making application to a registrar or deputy registrar of such person's county of residence in person, by submission of the federal post card application form as authorized under Code Section 21-2-219, by making application through the Department of Driver Services as provided in Code Section 21-2-221, by making application through the Department of Natural Resources as provided in Code Section 21-2-221.1, by making application through designated offices as provided in Code Section 21-2-222, or by making application by mail as provided in Code Section 21-2-223.

(b) Notwithstanding any other provision of this title, whenever a person makes application to register in person or through the means specified in this Code section, the person authorized to offer registration shall inquire as to whether the individual seeking registration is a citizen of the United States, and the person offering registration shall not be required to offer registration to an individual who answers such inquiry with a negative response.

(c) Except as otherwise provided in this subsection, electors who register to vote for the first time in this state by mail must present current and valid identification either when registering to vote by mail or when voting for the first time after registering to vote by mail. The current and valid identification shall be one or more of those forms of identification provided in subsection (c) of Code Section 21-2-417 or a legible copy thereof. The registrars shall make copies of any original forms of identification submitted by applicants and return the originals to the applicants. The requirement to submit identification shall not apply to:

(1) Persons who submit identifying information with their applications that the registrars are able to match to information contained on a state data base available to such registrars containing the same number, name, and date of birth as contained in the application;

(2) Persons who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq.; or

(3) Persons who are entitled to vote otherwise than in person under any other federal law.

(d) If an applicant fails to provide all of the required information on the application for voter registration with the exception of current and valid identification, the board of registrars shall notify the registrant in writing of the missing information. The board of registrars shall not determine the eligibility of the applicant until and unless all required information is supplied by the applicant. If the initial application is received prior to the close of voter registration prior to an election, if the applicant supplies the necessary information on or prior to the date of the election, and if the applicant is found eligible to vote, the applicant shall be added to the list of electors and shall be permitted to vote in the election and any run-off elections resulting therefrom and subsequent elections; provided, however, that voters who registered to vote for the first time in this state by mail must supply current and valid identification when voting for the first time as required in subsection (c) of this Code section. In the event the

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elector does not respond to the request for the missing information within 30 days, the application shall be rejected.

(e) If an applicant submits false information, the board of registrars shall reject the application and shall refer the application to the district attorney of the county for criminal prosecution. If the false information is not discovered until after the applicant's application has been approved and the applicant's name added to the list of electors, the giving of such false information shall be cause to challenge the applicant's right to remain on the list of electors, which, if sustained, shall result in such applicant's name being removed from the list and the application being submitted to the district attorney of the county for criminal prosecution.

(f) A person registering to vote who is disabled or illiterate may request assistance from any other person in completing the form for registration, but the person offering assistance shall sign the voter registration form in the space provided to identify the person offering assistance.

(g) The registrars shall note on their records and the electors list any elector who registers by mail for the first time in this state and does not provide the identification required by subsection (c) of this Code section.

Laws 1994, p. 1443, § 3; Laws 1998, p. 295, § 1; Laws 1998, p. 1231, §§ 5, 29; Laws 2001, p. 240, § 16; Laws 2003, Act 209, § 18, eff. July 1, 2003; Laws 2004, Act 575, § 1, eff. July 1, 2005; Laws 2005, Act 53, § 24, eff. July 1, 2005; Laws 2005, Act 68, § 10-1, eff. July 1, 2005; Laws 2006, Act 452, § 1, eff. April 14, 2006.

HISTORICAL AND STATUTORY NOTES

Laws 2004, Act 575, § 3, provides:

"This Act shall become effective on July 1, 2005, or upon appropriation of funding for its implementation by the Department of Natural Resources."

The 2005 amendment by Act 53, in subsec. (c), inserted "subsection (c) of" in the introductory paragraph, and inserted "Section" in par. (2).

The 2005 amendment by Act 68, in subsec. (a), substituted "Department of Driver Services" for "Department of Motor Vehicle Safety".

CROSS REFERENCES

Handicapped persons, generally, see § 30-1-1 et seq.

ADMINISTRATIVE CODE REFERENCES

State election board, Georgia election code, see Comp. R. & Regs. § 183-1- 12-.06.

State election board, Georgia election code, see Comp. R. & Regs. § 183-1- 14-.03.

LIBRARY REFERENCES

Elections ↻106.
Westlaw Key Number Search: 144k106.
C.J.S. Elections §§ 39, 46.

NOTES OF DECISIONS

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Construction with federal law 1

1. Construction with federal law

State of Georgia violated Voting Rights Act by denying right to vote to prospective voters who refused to disclose their social security number on registration form. *Schwier v. Cox*, 2005, 412 F.Supp.2d 1266, affirmed 439 F.3d 1285. Elections ↪ 12(2.1)

Registration form distributed to voters, soliciting disclosure of social security numbers, violated Privacy Act by stating that disclosure was mandatory, when it was in fact voluntary. *Schwier v. Cox*, 2005, 412 F.Supp.2d 1266, affirmed 439 F.3d 1285. Records ↪ 31

State of Georgia did not maintain system of records compelling disclosure of social security numbers prior to effective date of Privacy Act, precluding application of grandfather clause exception to Act's general prohibition of any denial of rights of benefits to person refusing to disclose number; while state statute provided for voter registration cards, including a blank for social security numbers, 54 out of 78 counties either accepted cards lacking that information outright or accepted cards and tried to find out social security numbers later. *Schwier v. Cox*, 2005, 412 F.Supp.2d 1266, affirmed 439 F.3d 1285. Records ↪ 31

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Ga. Code Ann., § 21-2-224



West's Code of Georgia Annotated Currentness

Title 21. Elections (Refs & Annos)

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 6. Registration of Voters (Refs & Annos)

→ § 21-2-224. Time when persons must apply for registration to vote in primaries and elections; list of electors; voting only from list; place of voting where change made in county lines

(a) If any person whose name is not on the list of registered electors maintained by the Secretary of State under this article desires to vote at any general primary, general election, or presidential preference primary, such person shall make application as provided in this article by the close of business on the fifth Monday or, if such Monday is a legal holiday, by the close of business on the following business day prior to the date of such general primary, general election, or presidential preference primary.

(b) If any person whose name is not on the list of registered electors maintained by the Secretary of State under this article desires to vote at any special primary or special election, such person shall make application as provided in this article no later than the close of business on the fifth day after the date of the call for the special primary or special election, excluding Saturdays, Sundays, and legal holidays of this state; except that:

(1) If such special primary or special election is held in conjunction with a general primary, general election, or presidential preference primary, the registration deadline for such special primary or special election shall be the same as the registration deadline for the general primary, general election, or presidential preference primary in conjunction with which the special primary or special election is being conducted; or

(2) If such special primary or special election is not held in conjunction with a general primary, general election, or presidential preference primary but is held on one of the dates specified in Code Section 21-2-540 for the conduct of special elections to present a question to the voters or special primaries or elections to fill vacancies in elected county or municipal offices, the registration deadline for such a special primary or election shall be at the close of business on the fifth Monday prior to the date of the special primary or election or, if such Monday is a legal holiday, by the close of business on the following business day.

(c) Mail voter registration applications shall be deemed to have been made as of the date of the postmark affixed to such application by the United States Postal Service or, if no such postmark is affixed or if the postmark affixed by the United States Postal Service is illegible or bears no date, such application shall be deemed to have been made timely if received through the United States mail by the Secretary of State no later than the close of business on the fourth Friday prior to a general primary, general election, presidential preference primary, or special primary or special election held in conjunction with a general primary, general election, or presidential preference primary or special primary or special election held on one of the dates specified in Code Section 21-2-540 for the conduct of special elections to present questions to the voters or special primaries or special elections to fill vacancies in elected county or municipal offices or no later than the close of business on the ninth day after the date of the call, excluding Saturdays, Sundays, and legal holidays of this state, for all other special primaries and special elections.

(d) Each elector who makes timely application for registration, is found eligible by the board of registrars and placed on the official list of electors, and is not subsequently found to be disqualified to vote shall be entitled to vote in any primary or election; provided, however, that an elector, voting in the primary or primaries held by a

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single party for the nomination of candidates to seek public offices to be filled in an election, shall not vote in a primary held by any other party for the nomination of candidates to seek public offices to be filled in the same such election.

(e) The county board of registrars shall deliver to the chief registrar of the municipality, upon a basis mutually agreed upon between the county board of registrars and the governing authority of the municipality, a copy of the list of electors for the municipality for the primary or election. Such list shall be delivered at least 14 days prior to such primary or election for the purpose of permitting the chief registrar of the municipality to check the accuracy of the list. The municipal registrar shall, upon receipt of the county registration list, or as soon as practicable thereafter but in no event later than five days prior to such primary or election, review such list and identify in writing to the county board of registrars any names on the electors list of persons who are not qualified to vote at such primary or election stating the reason for disqualification. The county board of registrars shall challenge the persons identified in accordance with Code Section 21-2-228. In addition, the county board of registrars shall provide a list of inactive electors for the municipality. The municipal registrar shall certify such lists and file with the city clerk a copy showing the names of electors entitled to vote at such primary or election.

(f) The official list of electors eligible to vote in any primary or election shall be prepared and completed at least five calendar days prior to the date of the primary or election in which the list is to be used.

(g) The official list of electors and the official list of inactive electors prepared and distributed to the poll officers of each precinct shall include only the elector's name, address, ZIP Code, date of birth, voter identification number, a designation of whether the elector registered for the first time in this state by mail and is required to comply with Code Sections 21-2-220 and 21-2-417, congressional district, state Senate district, state House district, county commission district, if any, county or independent board of education district, if any, and municipal governing authority district designations, if any, and such other voting districts, if any. The official list of electors and the official list of inactive electors prepared and distributed to the poll officers of each precinct may also include codes designating that an elector has voted by absentee ballot, has been challenged, or has been sent mail by the registrars which has been returned marked undeliverable. No person whose name does not appear on the official list of electors shall vote or be allowed to vote at any election, except as otherwise provided in this article. The county registrars shall ensure that the information required to notify poll officers that an elector registered to vote for the first time in this state by mail and must comply with subsection (c) of Code Section 21-2-220 and subsection (c) of Code Section 21-2-417 is placed on each list of electors to be used at a polling place.

(h) All persons whose names appear on the list of electors placed in the possession of the managers in each precinct and no others, except as otherwise provided in this article, shall be allowed to deposit their ballots according to law at the precinct in which they are registered.

(i) When any portion of a county or municipality is changed from one county or municipality to another, the persons who would have been qualified to vote in the county or municipality from which taken, at the time of any primary or election, shall vote in the county or municipality to which they are removed; and, if required to swear or certify, the oath or certification may be so qualified as to contain this fact. The name of such elector shall be kept and checked as provided in Code Section 21-2-228.

Laws 1994, p. 1443, § 3; Laws 1995, p. 8, § 1; Laws 1995, p. 1027, § 5; Laws 1995, p. 1044, § 1; Laws 1996, p. 145, § 7; Laws 1997, p. 590, § 21; Laws 1998, p. 145, § 1; Laws 1998, p. 295, § 1; Laws 2003, Act 10, § 1(3), eff. May 14, 2003; Laws 2003, Act 209, § 20, eff. July 1, 2003; Laws 2005, Act 53, § 25, eff. July 1, 2005.

LIBRARY REFERENCES

Elections ↻103, 105.

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Ga. Code Ann., § 21-2-224

Westlaw Key Number Searches: 144k103; 144k105.
C.J.S. Elections §§ 39, 43.

NOTES OF DECISIONS

In general 1

1. In general

An elector whose name has been removed from the list of electors upon a challenge by a board of registrars after an administrative hearing is entitled to have that decision reviewed by a superior court. Op.Atty.Gen. No. 92-16, Aug. 5, 1992.

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Hawaii

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HI ST § 11-16

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HAWAII REVISED STATUTES ANNOTATED
DIVISION 1. GOVERNMENT
TITLE 2. ELECTIONS
CHAPTER 11. ELECTIONS, GENERALLY
PART II. REGISTRATION

§ 11-16 Application when not made in person.

(a) Any qualified person unable for any cause to present oneself in person before the clerk for registration may register to vote by mail, not later than thirty days prior to a primary or general election, through the affidavit on application for voter registration or other form prescribed by the chief election officer. The form shall include a self-subscribing oath for the applicant to swear to the truth of the allegations in the application. An applicant unable to write for reason of illiteracy, blindness, or other physical disability shall have the applicant's mark witnessed by a person who shall sign the affidavit in the space provided. Application forms shall be made available to any qualified person through community groups, political parties, and other groups prescribed by the chief election officer. Application forms shall be made available to any qualified person at the time of that person's driver's license application or renewal through the examiner of drivers.

(b) Upon receipt of the properly executed application, the clerk shall proceed to number the same and register the name of the voter in the general county register as provided in section 11-15. In registering persons under this section the clerk may accept requests for absentee ballot submitted in accordance with the Federal Voting Assistance Act of 1955 or other similar federal law as being sufficient for registration purposes.

History. L 1970, c 26, pt of § 2; am imp L 1984, c 90, § 1; am L 1990, c 45, § 4

REFERENCES

Cross references.

As to determination whether absentee voter is registered and has complied with requirements of this section, see § 15-9.

U.S. Code.

The Federal Voting Assistance Act of 1955, referred to in this section, was codified at 5 USCS § 2171 et seq. before being transferred to 50 USCS § 1451 and 42 USCS 1973cc, and ultimately repealed by Act August 28, 1986, P.L. 99-410, 100 Stat. 930. For present similar provisions, see 42 USCS 1973ff et seq.

H R S § 11-16, HI ST § 11-16

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HI ST § 11-24

HRS § 11-24



HAWAII REVISED STATUTES ANNOTATED
DIVISION 1. GOVERNMENT
TITLE 2. ELECTIONS
CHAPTER 11. ELECTIONS, GENERALLY
PART II. REGISTRATION

§ 11-24 Closing register; list of voters.

(a) At 4:30 p.m. on the thirtieth day prior to each primary, special primary, or special election (but if the day is a Saturday, Sunday, or holiday then at 4:30 p.m. on the first working day immediately thereafter), the general county register shall be closed to registration for persons seeking to vote at the primary, special primary or special election and remain closed to registration until after the election, subject to change only as provided in sections 11- 21(c), 11-22, 11-25, 11-26, and this section.

(b) Notwithstanding the closing of the register for registration to vote at the primary or special primary election, the register shall remain open for the registration of persons seeking to vote at the general or special general election, until 4:30 p.m. on the thirtieth day prior to the general or special general election (but if the day is a Saturday, Sunday, or holiday then at 4:30 p.m. on the first working day immediately thereafter), at the end of which period the general county register shall be closed to registration and remain closed until after the general or special general election next following, subject to change only as provided in sections 11-21(c), 11-22, 11-25, and 11- 26.

(c) Immediately upon the closing of the general county register, the clerk shall proceed to prepare a list of all registered voters in each precinct, separately. The list shall contain, in alphabetical order, without designation of the race or age of voters, the names of all voters so registered in each precinct, and the residence of each unless such residence is deemed confidential pursuant to section 11-14.5. The list shall be available for inspection at the office of the county clerk prior to election day. On election day the precinct officials shall post the list at the precinct polling place.

History. L 1970, c 26, pt of § 2; am L 1973, c 217, § 1 (1); am L 1976, c 106, § 1(6); am L 1977, c 189, § 1(3); am L 1979, c 139, § 3; am L 1990, c 156, § 7; am L 1992, c 129, § 5

HISTORICAL NOTES

OPINIONS OF ATTORNEY GENERAL

Change of registration by person moving.

A person is eligible to file nomination papers if he is moving and will change his

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election district in September, since county registers are open to registration for person seeking to vote in the general election through 4:30 P.M. on the 26th (now 30th) day prior to the general election under this section, so a person moving in September would be able to change his registration and meet the qualified voter requirement of Haw. Const., Art. 3, § 7. Op. Att'y Gen. No. 74-15 (1974).

Alien becoming naturalized citizen just prior to election is not eligible to vote in the election, since the person in question will not be able to register prior to the closing of the county register. However, upon his registration, he will be entitled to vote in future state and local elections. Op. Att'y Gen. No. 59-50 (1959) (decided under prior law).

H R S § 11-24, HI ST § 11-24

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Idaho

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I.C. § 34-408

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West's Idaho Code Annotated Currentness

Title 34. Elections

Chapter 4. Voters--Privileges, Qualifications and Registration

→ § 34-408. Closing of register--Time limit

(1) No elector may register in the office of the county clerk within twenty-four (24) days preceding any election held throughout the county in which he resides for the purpose of voting at such election; provided however, a legible, accurate and complete registration card received in the office of the county clerk during the twenty-four (24) day period preceding an election shall be accepted and held by the county clerk until the day following the election when registration reopens, at which time the registration shall become effective. This deadline shall also apply to any registrars the county clerk may have appointed.

(2) Any elector who will complete his residence requirement or attain the requisite voting age during the period when the register of electors is closed may register prior to the closing of the register.

(3) Notwithstanding subsection (1) of this section, an individual who is eligible to vote may also register, upon providing proof of residence, at the "absent electors' polling place" provided in section 34-1006, Idaho Code.

S.L. 1970, ch. 140, § 43; S.L. 1971, ch. 192, § 5; S.L. 1974, ch. 172, § 1; S.L. 1981, ch. 105, § 1; S.L. 1994, ch. 67, § 4; S.L. 2001, ch. 99, § 1; S.L. 2005, ch. 127, § 1.

LIBRARY REFERENCES

Elections 105.

Westlaw Key Number Search: 144k105.

NOTES OF DECISIONS

Absentee electors 1

I. Absentee electors

Under statutes governing voter registration, an elector appearing at the absentee electors' polling place may register during the 24 days prior to the election, as long as the elector votes when he or she registers. I.C. §§ 34-408, 34-408A. Noble v. Ada County Elections Bd., 2000, 20 P.3d 679, 135 Idaho 495, rehearing denied. Elections 105

I.C. § 34-408, ID ST § 34-408

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I.C. § 34-408A

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West's Idaho Code Annotated Currentness

Title 34. Elections

Chapter 4. Voters--Privileges, Qualifications and Registration

→ § 34-408A. Election day registration

An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) Showing a driver's license or Idaho identification card issued through the department of transportation; or

(2) Showing any document which contains a valid address in the precinct together with a picture identification card; or

(3) Showing a current valid student identification card from a post-secondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct together with a picture identification card.

Election day registration provided in this section shall apply to all elections conducted under title 34, Idaho Code, and to school district and municipal elections.

An individual who is eligible to vote may also register, upon providing proof of residence, at the "absent electors' polling place" provided in section 34-1006, Idaho Code.

S.L. 1994, ch. 67, § 5; S.L. 1995, ch. 215, § 3; S.L. 1997, ch. 356, § 2.

LIBRARY REFERENCES

Elections ↪ 105.

Westlaw Key Number Search: 144k105.

NOTES OF DECISIONS

Absentee electors 1

1. Absentee electors

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West's Idaho Code Annotated Currentness

Title 34. Elections

Chapter 4. Voters--Privileges, Qualifications and Registration

→ § 34-410. Mail registration

Any elector may register by mail for any election. Any mail registration application must be received by the county clerk prior to the close of registration as provided in section 34-408, Idaho Code, provided that any mail registration application postmarked not later than twenty-five (25) days prior to an election shall be deemed timely.

The secretary of state shall prescribe the form for the mail registration application. This mail application form shall be available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

Any federal mail registration form adopted pursuant to the provisions of the national voter registration act of 1993 (P.L. 103-31) shall also be accepted as a valid registration, if such form is postmarked not later than twenty-five (25) days prior to an election.

The county clerk shall prepare and issue by first class nonforwardable mail to each elector registering by mail a verification of registration containing the name and residence of the elector and the name or number of the precinct in which the elector resides.

A verification returned undeliverable shall cause the county clerk to remove the elector's card from the register of electors.

As required by the help America vote act of 2002 (P.L. 107-252), a copy of proper identification will be required prior to issuance of a ballot to anyone who has registered by mail and has not previously voted in an election for federal office in the state. Proper identification consists of:

- (1) A current and valid photo identification; or
- (2) 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.

S.L. 1994, ch. 67, § 7; S.L. 1995, ch. 215, § 4; S.L. 2003, ch. 48, § 4.

HISTORICAL AND STATUTORY NOTES

S.L. 2003, ch. 48, § 16, eff. Mar. 13, 2003, provides:

"An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval."

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Formerly cited as IL ST CH 46 ¶ 4-6

West's Smith-Hurd Illinois Compiled Statutes Annotated Currentness

Chapter 10. Elections

▣ Act 5. Election Code (Refs & Annos)

▣ Article 4. Registration of Electors in Counties Having a Population of Less Than 500,000 (Refs & Annos)

→ 5/4-6. County clerk; hours for registration; closing registration preceding election; registration officers

§ 4-6. For the purpose of registering voters under this Article in addition to the method provided for precinct registration under Section 4-7, the office of the county clerk shall be open every day, except Saturday, Sunday, and legal holidays, from 9:00 a.m. to 5:00 p.m. On Saturdays the hours of registration shall be from 9:00 a.m. to 12:00 noon, and such additional hours as the county clerk may designate. If, however, the county board otherwise duly regulates and fixes the hours of opening and closing of all county offices at the county seat of any county, such regulation shall control and supersede the hours herein specified. There shall be no registration at the office of the county clerk or at the office of municipal and township or road district clerks serving as deputy registrars during the 27 days preceding any regular or special election at which the cards provided in this Article are used, or until the 2nd day following such regular or special election; provided, that if by reason of the proximity of any such elections to one another the effect of this provision would be to close registrations for all or any part of the 10 days immediately prior to such 27 day period, the county clerk shall accept, solely for use in the subsequent and not in any intervening election, registrations and transfers of registration within the period from the 27th to the 38th days, both inclusive, prior to such subsequent election. In any election called for the submission of the revision or alteration of, or the amendments to the Constitution, submitted by a Constitutional Convention, the final day for registration at the office of the election authority charged with the printing of the ballot of this election shall be the 15th day prior to the date of election.

Any qualified person residing within the county or any portion thereof subject to this Article may register or re-register with the county clerk.

Each county clerk shall appoint one or more registration or re-registration teams for the purpose of accepting the registration or re-registration of any voter who files an affidavit that he is physically unable to appear at any appointed place of registration or re-registration. Each team shall consist of one member of each political party having the highest and second highest number of registered voters in the county. The county clerk shall designate a team to visit each disabled person and shall accept the registration or re-registration of each such person as if he had applied for registration or re-registration at the office of the county clerk.

As used in this Article, "deputy registrars" and "registration officers" mean any person authorized to accept registrations of electors under this Article.

CREDIT(S)

Laws 1943, vol. 2, p. 1, § 4-6, eff. July 1, 1943. Amended by Laws 1951, p. 1484, § 1, eff. July 12, 1951; Laws 1951, p. 2021, § 1, eff. Aug. 3, 1951; Laws 1953, p. 1185, § 1, eff. July 13, 1953; Laws 1957, p. 1137, § 1, eff. July 5, 1957; Laws 1961, p. 2512, § 1, eff. Aug. 1, 1961; Laws 1967, p. 2987, § 1, eff. Aug. 14, 1967; P.A.

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10 ILCS 5/4-6

76-2498, § 1, eff. July 2, 1970; P.A. 83- 1059, § 2, eff. July 1, 1984; P.A. 92-816, § 5, eff. Aug. 21, 2002.

FORMER REVISED STATUTES CITATION

Formerly Ill.Rev.Stat.1991, ch. 46, ¶ 4-6.

HISTORICAL AND STATUTORY NOTES

Source. Laws 1941, vol. 1, p. 609, § 6; Ill.Rev.Stat.1941, ch. 46, ¶ 153.6.

LIBRARY REFERENCES

Elections ↪105.

Westlaw Topic No. 144.

NOTES OF DECISIONS

Validity 1

I. Validity

Unconstitutionality of durational residence as a voting qualification does not affect validity of cessation of voting registration at a reasonable time prior to election as provided for in this paragraph. 1974 Op.Atty.Gen. No. S-822.

10 I.L.C.S. 5/4-6, IL ST CH 10 § 5/4-6

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10 ILCS 5/5-5



Formerly cited as IL ST CH 46 ¶ 5-5

West's Smith-Hurd Illinois Compiled Statutes Annotated Currentness

Chapter 10. Elections

Act 5. Election Code (Refs & Annos)

Article 5. Registration of Electors in Counties Having a Population of 500,000 or More (Refs & Annos)

→5/5-5. Time for registration; period during which registration shall not be had

§ 5-5. For the purpose of registering voters under this Article 5, in addition to the method provided for precinct registration under Sections 5-6 and 5-17 of this Article 5, the office of the county clerk shall be open between 9:00 a. m. and 5:00 p. m. on all days except Saturday, Sunday and holidays, but there shall be no registration at such office during the 35 days immediately preceding any election required to be held under the law but if no precinct registration is being conducted prior to any election then registration may be taken in the office of the county clerk up to and including the 28th day prior to an election. On Saturdays, the hours of registration shall be from 9:00 a. m. to 12:00 p. m. noon. During such 35 or 27 day period, registration of electors of political subdivisions wherein a regular, or special election is required to be held shall cease and shall not be resumed for the registration of electors of such political subdivisions until the second day following the day of such election. In any election called for the submission of the revision or alteration of, or the amendments to the Constitution, submitted by a Constitutional Convention, the final day for registration at the office of the election authority charged with the printing of the ballot of this election shall be the 15th day prior to the date of the election.

Each county clerk shall appoint one deputy for the purpose of accepting the registration of any voter who files an affidavit that he is physically unable to appear at any appointed place of registration. The county clerk shall designate a deputy to visit each disabled person and shall accept the registration of each such person as if he had applied for registration at the office of the county clerk.

The offices of city, village, incorporated town and town clerks shall also be open for the purpose of registering voters residing in the territory in which this Article is in effect, and also, in the case of city, village and incorporated town clerks, for the purpose of registering voters residing in a portion of the city, village or incorporated town not located within the county, on all days on which the office of the county clerk is open for the registration of voters of such cities, villages, incorporated towns and townships.

CREDIT(S)

Laws 1943, vol. 2, p. 1, § 5-5, eff. July 1, 1943. Amended by Laws 1943, vol. 2, p. 281, § 1, eff. July 23, 1943; Laws 1949, p. 864, § 1, eff. July 20, 1949; Laws 1959, p. 1919, § 1, eff. July 22, 1959; Laws 1961, p. 2513, § 1, eff. Aug. 1, 1961; Laws 1965, p. 1272, § 1, eff. July 7, 1965; Laws 1967, p. 1926, § 1, eff. July 24, 1967; P.A. 76-920, § 1, eff. Aug. 22, 1969; P.A. 76-1285, § 1, eff. Sept. 1, 1969; P.A. 76-2498, § 1, eff. July 2, 1970; P.A. 77-1404, § 1, eff. Aug. 31, 1971; P.A. 77-2784, § 1, eff. Oct. 1, 1972; P.A. 78-255, § 61, eff. Oct. 1, 1973; P.A. 80-944, § 1, eff. Oct. 1, 1977; P.A. 80-1469, § 2, eff. Dec. 1, 1980; P.A. 84-762, § 1, eff. Jan. 1, 1986; P.A. 92-816, § 5, eff. Aug. 21, 2002.

FORMER REVISED STATUTES CITATION

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10 ILCS 5/5-5

Formerly Ill.Rev.Stat.1991, ch. 46, ¶ 5-5.

HISTORICAL AND STATUTORY NOTES

P.A. 76-2498 consolidated the changes made by the multiple 1969 amendments.

The 1973 Revisory Act, P.A. 78-255, stated in section 61 that in each of the sections enumerated therein, amended by two or more Public Acts of the 77th General Assembly, the latest Public Act was based on and incorporated all prior amendments to that Section made by earlier Public Acts of the 77th General Assembly.

Source. Laws 1937, p. 521, § 5; Ill.Rev.Stat.1941, ch. 46, ¶ 286.5.

LIBRARY REFERENCES

Elections ↪105.
Westlaw Topic No. 144.

10 I.L.C.S. 5/5-5, IL ST CH 10 § 5/5-5

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West's Smith-Hurd Illinois Compiled Statutes Annotated Currentness

Chapter 10. Elections

▣ Act 5. Election Code (Refs & Annos)

▣ Article 4. Registration of Electors in Counties Having a Population of Less Than 500,000 (Refs & Annos)

→5/4-50. Grace period

§ 4-50. Grace period. Notwithstanding any other provision of this Code to the contrary, each election authority shall establish procedures for the registration of voters and for change of address during the period from the close of registration for a primary or election and until the 14th day before the primary or election. During this grace period, an unregistered qualified elector may register to vote, and a registered voter may submit a change of address form, in person in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. The election authority shall register that individual, or change a registered voter's address, in the same manner as otherwise provided by this Article for registration and change of address.

If a voter who registers or changes address during this grace period wishes to vote at the first election or primary occurring after the grace period, he or she must do so by grace period voting, either in person in the office of the election authority or at a location specifically designated for this purpose by the election authority, or by mail, at the discretion of the election authority. Grace period voting shall be in a manner substantially similar to voting under Article 19.

Within one day after a voter casts a grace period ballot, the election authority shall transmit the voter's name, street address, and precinct, ward, township, and district numbers, as the case may be, to the State Board of Elections, which shall maintain those names and that information in an electronic format on its website, arranged by county and accessible to State and local political committees. The name of each person issued a grace period ballot shall also be placed on the appropriate precinct list of persons to whom absentee and early ballots have been issued, for use as provided in Sections 17-9 and 18-5.

A person who casts a grace period ballot shall not be permitted to revoke that ballot and vote another ballot with respect to that primary or election. Ballots cast by persons who register or change address during the grace period must be transmitted to and counted at the election authority's central ballot counting location and shall not be transmitted to and counted at precinct polling places. The grace period ballots determined to be valid shall be added to the vote totals for the precincts for which they were cast in the order in which the ballots were opened.

CREDIT(S)

Laws 1943, vol. 2, p. 1, § 4-50, added by P.A. 93-1082, § 5, eff. July 1, 2005. Amended by P.A. 94-1000, § 5, eff. July 3, 2006.

10 I.L.C.S. 5/4-50, IL ST CH 10 § 5/4-50

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10 ILCS 5/4-50

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10 ILCS 5/6-29



Formerly cited as IL ST CH 46 ¶ 6-29

WEST'S SMITH-HURD ILLINOIS COMPILED STATUTES ANNOTATED
CHAPTER 10. ELECTIONS
ACT 5. ELECTION CODE
ARTICLE 6. REGISTRATION OF ELECTORS IN CERTAIN CITIES, VILLAGES AND INCORPORATED TOWNS

→ 5/6-29. Time for registration; control of officers and employees of board; registration teams; registration of absentees; affidavit of registration

§ 6-29. For the purpose of registering voters under this Article, the office of the Board of Election Commissioners shall be open during ordinary business hours of each week day, from 9 a.m. to 12 o'clock noon on the last four Saturdays immediately preceding the end of the period of registration preceding each election, and such other days and such other times as the board may direct. During the 27 days immediately preceding any election there shall be no registration of voters at the office of the Board of Election Commissioners in cities, villages and incorporated towns of fewer than 200,000 inhabitants. In cities, villages and incorporated towns of 200,000 or more inhabitants, there shall be no registration of voters at the office of the Board of Election Commissioners during the 35 days immediately preceding any election; provided, however, where no precinct registration is being conducted prior to any election then registration may be taken in the office of the Board up to and including the 28th day prior to such election. The Board of Election Commissioners may set up and establish as many branch offices for the purpose of taking registrations as it may deem necessary, and the branch offices may be open on any or all dates and hours during which registrations may be taken in the main office. All officers and employees of the Board of Election Commissioners who are authorized by such board to take registrations under this Article shall be considered officers of the circuit court, and shall be subject to the same control as is provided by Section 14-5 of this Act with respect to judges of election.

In any election called for the submission of the revision or alteration of, or the amendments to the Constitution, submitted by a Constitutional Convention, the final day for registration at the office of the election authority charged with the printing of the ballot of this election shall be the 15th day prior to the date of election.

The Board of Election Commissioners shall appoint one or more registration teams, consisting of 2 of its employees for each team, for the purpose of accepting the registration of any voter who files an affidavit, within the period for taking registrations provided for in this article, that he is physically unable to appear at the office of the Board or at any appointed place of registration. On the day or days when a precinct registration is being conducted such teams shall consist of one member from each of the 2 leading political parties who are serving on the Precinct Registration Board. Each team so designated shall visit each disabled person and shall accept the registration of such person the same as if he had applied for registration in person.

Any otherwise qualified person who is absent from his county of residence due to business of the United States, or who is temporarily residing outside the territorial limits of the United States, may make application to become registered by mail to the Board of Election Commissioners within the periods for registration provided for in this Article or by simultaneous application for absentee registration and absentee ballot as provided in Article 20 of this Code. [FN1]

Upon receipt of such application the Board of Election Commissioners shall immediately mail an affidavit of

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10 ILCS 5/6-29

registration in person.

[FN1] 10 ILCS 5/20-1 et seq.

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Title 3. Elections

Article 7. Voter Registration

Chapter 13. Registration and Voting Requirements; General Provisions

→3-7-13-10 Term of registration period; special election

Sec. 10. (a) The registration period begins December 1 of each year (or the first Monday in December if December 1 falls on a Saturday or Sunday).

(b) The registration period continues through the twenty-ninth day before the date a primary election is scheduled under this title.

(c) The registration period resumes fourteen (14) days after primary election day and continues through the twenty-ninth day before the date a general or municipal election is scheduled under this article.

(d) This subsection applies in each precinct in which a special election is to be conducted. The registration period ceases in that precinct on the twenty-ninth day before a special election is conducted and resumes fourteen (14) days after the special election occurs.

CREDIT(S)

As added by P.L.12-1995, SEC.22.

HISTORICAL AND STATUTORY NOTES

2006 Main Volume

Formerly:

IC 3-1-7-7.

IC 3-7-3-5.

Acts 1945, c. 208, s. 51.

Acts 1947, c. 120, s. 4.

Acts 1969, c. 222, s. 11.

Acts 1971, P.L.11, SEC.3.

P.L.5-1983, SEC.4.

P.L.5-1986, SEC.3.

P.L.11-1987, SEC.2.

P.L.5-1989, SEC.15.

P.L.7-1990, SEC.13.

P.L.14-1993, SEC.6.

CROSS REFERENCES

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IC 3-7-13-10

Forwarding forms to proper county, see IC 3-7-34-9.

School referendum tax levies, registration periods, see IC 20-46-1-14.

Voter registration services, notice regarding elections, see IC 9-24-2.5-10.

LIBRARY REFERENCES

2006 Main Volume

Elections ↪113.
Westlaw Topic No. 144.

RESEARCH REFERENCES

2007 Electronic Update

Encyclopedias

Ind. Law Encycl. Elections § 30, Registration Period; Time for Registration, Transfer, or Processing of Application.

I.C. 3-7-13-10, **IN ST 3-7-13-10**

Current through 2008 Public Laws approved and effective through 11-21-07.

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West's Annotated Indiana Code Currentness

Title 3. Elections

▣ Article 7. Voter Registration

▣ Chapter 29. County Voter Registration; Providing Records to Precinct Inspectors

→ 3-7-29-1 List of registered voters

Sec. 1. (a) Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

(b) The lists must contain the following information concerning each registered voter:

(1) The full name of the voter.

(2) The address of the voter.

(3) The assigned county identification number.

(4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.

(c) The names shall be arranged in the same order as they are in the registration record of the precinct.

CREDIT(S)

As added by P.L.12-1995, SEC.39. Amended by P.L.209-2003, SEC.43; P.L.81-2005, SEC.14, eff. April 25, 2005.

HISTORICAL AND STATUTORY NOTES

2006 Main Volume

P.L.12-1995, Sec.39, emerg. eff. retroactive to Jan. 1, 1995.

2005 Legislation

P.L.81-2005, Sec.14, emerg. eff. April 25, 2005.

Formerly:

IC 3-1-7-16.

IC 3-7-7-9.

Acts 1945, c. 208, s. 60.

Acts 1972, P.L.19, SEC.6.

P.L.5-1986, SEC.3.

P.L.5-1989, SEC.16.

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P.L.7-1990, SEC.19.

CROSS REFERENCES

Cancellation of voter registration form for military voters, see IC 3-7-36- 11.

Certification of incomplete forms to county election board, see IC 3-7-34-4.

Determining registration status on election day; certificate of error; issuance, execution, and numbering, see IC 3-7-48-2.

Notice of determination of eligibility, applicability of statutes, see IC 3- 7-33-5.

Processing of form after certified list prepared, see IC 3-7-34-13.

Processing of voter affidavit or form for military and overseas voters, see IC 3-7-36-10.

Processing of voter registration forms by counties; determination of eligibility and subsequent notice, see IC 3-7-33-5.

Voter registration lists, furnished to political party chairman, see IC 3-7- 28-4.

LIBRARY REFERENCES

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Records ↪ 3.
Westlaw Topic No. 326.
C.J.S. Records § 4.

RESEARCH REFERENCES

2007 Electronic Update

Encyclopedias

Ind. Law Encycl. Elections § 28, Particular Provisions Relating to Registration.

NOTES OF DECISIONS

Access to records 2

Time limitation 1

1. Time limitation

Limitations on county's obligation to provide computerized tape of voter registration records, found in public records law, were not rendered inapplicable by fact that tapes contained more information on voters than was required by statute. *Laudig v. Marion County Bd. of Voters Registration*, 1992, 585 N.E.2d 700, transfer denied. Elections ↪ 111

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2. Access to records

Public did not become entitled to copy of computer tape containing county voter registration records by virtue of fact that county voters registration board had provided list of voters to precinct inspectors in written form and to county chairpersons in computer form. *Laudig v. Marion County Bd. of Voters Registration*, 1992, 585 N.E.2d 700, transfer denied. Elections 111

I.C. 3-7-29-1, IN ST 3-7-29-1

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West's Annotated Indiana Code Currentness

Title 3. Elections

▣ Article 7. Voter Registration

▣ Chapter 33. Registration Forms; General Procedures for Processing by Counties

→ 3-7-33-3 Acceptance not later than 29 days before election; driver's license application, voter registration agency

Sec. 3. (a) This section applies to a voter registration application that is:

- (1) completed as part of a driver's license application under IC 3-7-14; or
- (2) submitted at a voter registration agency under this article.

(b) As provided in 42 U.S.C. 1973gg-6(a)(1), an eligible applicant whose application is accepted by the bureau of motor vehicles or a voter registration agency not later than twenty-nine (29) days before the election shall be registered to vote in the election.

CREDIT(S)

As added by P.L.12-1995, SEC.43.

LIBRARY REFERENCES

2006 Main Volume

Elections ↻106.

Westlaw Topic No. 144.

C.J.S. Elections § 46.

I.C. 3-7-33-3, **IN ST 3-7-33-3**

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West's Annotated Indiana Code Currentness

Title 3. Elections

Article 7. Voter Registration

Chapter 33. Registration Forms; General Procedures for Processing by Counties

→3-7-33-4 Acceptance not later than 29 days before election; mail form, postmark

Sec. 4. (a) This section applies to a voter registration application submitted on a registration by mail form under IC 3-7-22.

(b) Except as provided in subsection (c), and as provided in 42 U.S.C. 1973gg-6(a)(1), an eligible applicant whose application is postmarked not later than twenty-nine (29) days before the election shall be registered to vote in the election.

(c) If a postmark on a registration by mail form is missing or illegible, an eligible applicant shall be registered to vote in the election if the form is received by the county voter registration office not later than the Monday following the close of the registration period before the election.

CREDIT(S)

As added by P.L.12-1995, SEC.43. Amended by P.L.209-2003, SEC.50; P.L.14-2004, SEC.45, eff. Mar. 16, 2004.

HISTORICAL AND STATUTORY NOTES

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2004 Legislation

P.L.14-2004, Sec.45, emerg. eff. Mar. 16, 2004.

CROSS REFERENCES

Forwarding forms to proper county, see IC 3-7-34-9.

LIBRARY REFERENCES

2006 Main Volume

Elections ↪ 106.

Westlaw Topic No. 144.

C.J.S. Elections § 46.

I.C. 3-7-33-4, IN ST 3-7-33-4

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Title 3. Elections

▣ Article 7. Voter Registration

▣ Chapter 34. Registration Forms; Special Procedures for Processing Incomplete or Incorrectly Filed Applications

→ **3-7-34-2 Duties of county voter registration office where registration incomplete**

Sec. 2. (a) This section applies when a county voter registration office receives a registration form that is not fully and properly completed so that the county voter registration office can determine if the applicant is eligible to register under this article or fails to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4).

(b) As required by 42 U.S.C. 15483, the county voter registration office shall promptly make:

- (1) one (1) effort to contact the voter by mail if possible; and
- (2) one (1) effort to contact the voter by telephone if a telephone number is listed.

CREDIT(S)

As added by P.L.12-1995, SEC.44. Amended by P.L.209-2003, SEC.54; P.L.81-2005, SEC.21, eff. April 25, 2005.

HISTORICAL AND STATUTORY NOTES

2006 Main Volume

2005 Legislation

P.L.81-2005, Sec.21, emerg. eff. April 25, 2005.

Formerly:

IC 3-7-3-12.5.

P.L.10-1992, SEC.3.

P.L.14-1993, SEC.9.

LIBRARY REFERENCES

2006 Main Volume

Elections ☞ 103.

Westlaw Topic No. 144.

C.J.S. Elections § 41.

I.C. 3-7-34-2, **IN ST 3-7-34-2**

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Title 3. Elections

▣ Article 7. Voter Registration

▣ Chapter 34. Registration Forms; Special Procedures for Processing Incomplete or Incorrectly Filed Applications

→3-7-34-3 Incomplete forms

Sec. 3. (a) This subsection applies to a registration form that is incomplete as a result of the failure of the applicant to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If the county voter registration office obtains a written statement from the applicant:

- (1) answering either or both of the questions that were not answered on the original form; and
- (2) not later than the twenty-ninth day before the date of the next election following the date the form was filed;

the county voter registration office shall process the form under this article.

(b) This subsection applies to a registration application that is incomplete for a reason other than the failure of the applicant to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If the county voter registration office obtains information under section 2(b)(1) of this chapter that permits the county voter registration office to complete the registration form, the county voter registration office shall process the form under this article. If the county voter registration office obtains information under section 2(b)(2) of this chapter from the voter that permits the county voter registration office to complete the registration form, the county voter registration office shall document the information and process the form under this article.

CREDIT(S)

As added by P.L.12-1995, SEC.44. Amended by P.L.209-2003, SEC.55; P.L.81-2005, SEC.22, eff. April 25, 2005.

HISTORICAL AND STATUTORY NOTES

2006 Main Volume

2005 Legislation

P.L.81-2005, Sec.22, emerg. eff. April 25, 2005.

Formerly:

IC 3-7-3-12.5.

P.L.10-1992, SEC.3.

P.L.14-1993, SEC.9.

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Title 3. Elections

▣ Article 7. Voter Registration

▣ Chapter 34. Registration Forms; Special Procedures for Processing Incomplete or Incorrectly Filed Applications

→3-7-34-4 Certification of incomplete forms to board; rejection

Sec. 4. Not later than the date the county is required to prepare a certified list of voters under IC 3-7-29-1, the county voter registration office shall certify to the county election board a list of the registration forms that remain incomplete after the effort made under section 2 of this chapter and that do not permit the county voter registration office to determine if the applicant is eligible to register under this article. Upon certification, the county voter registration office shall reject the applications.

CREDIT(S)

As added by P.L.12-1995, SEC.44. Amended by P.L.81-2005, SEC.23, eff. April 25, 2005.

HISTORICAL AND STATUTORY NOTES

2006 Main Volume

2005 Legislation

P.L.81-2005, Sec.23, emerg. eff. April 25, 2005.

Formerly:

IC 3-7-3-12.5.

P.L.10-1992, SEC.3.

P.L.14-1993, SEC.9.

LIBRARY REFERENCES

2006 Main Volume

Elections ↻103.

Westlaw Topic No. 144.

C.J.S. Elections § 41.

I.C. 3-7-34-4, IN ST 3-7-34-4

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Iowa



I.C.A. § 48A.9



IOWA CODE ANNOTATED
TITLE II. ELECTIONS AND OFFICIAL DUTIES [CHS. 39-79]
SUBTITLE 1. ELECTIONS [CHS. 39-63A]
CHAPTER 48A. VOTER REGISTRATION
SUBCHAPTER II. QUALIFICATIONS TO REGISTER TO VOTE
→48A.9. Voter registration deadlines

<[Text subject to final changes by the Iowa Code Editor for Code Supp.
2007.]>

1. Registration closes at five p.m. eleven days before each election except primary and general elections. For primary and general elections, registration closes at five p.m. ten days before the election. An eligible elector may register during the time registration is closed in the elector's precinct but the registration shall not become effective until registration opens again in the elector's precinct, except as otherwise provided in section 48A.7A.
2. The commissioner's office shall be open from eight a.m. until at least five p.m. on the day registration closes before each regularly scheduled election. However, if the last day to register to vote for a regularly scheduled election falls on the day after Thanksgiving, the deadline shall be the following Monday.
3. A registration form submitted by mail shall be 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 five p.m. on the last day to register to vote for an election, even if it is postmarked after the fifteenth day before the election.
4. Registration forms submitted to voter registration agencies, to motor vehicle driver's license stations, and to county treasurer's offices participating in county issuance of driver's licenses under chapter 321M shall be considered on time if they are received no later than five p.m. on the day registration closes for that election. Offices or agencies other than the county commissioner's office are not required to be open for voter registration purposes at times other than their usual office hours.

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I.C.A. § 48A.26



Iowa Code Annotated Currentness

Title II. Elections and Official Duties [Chs. 39-79]

Subtitle 1. Elections [Chs. 39-63A]

Chapter 48A. Voter Registration (Refs & Annos)

Subchapter V. Processing Voter Registration Records

→ 48A.26. Acknowledgment of registration form

1. Within seven working days of receipt of a voter registration form or change of information in a voter registration record the commissioner shall send an acknowledgment to the registrant at the mailing address shown on the registration form. The acknowledgment shall be sent by nonforwardable mail.
2. If the registration form appears on its face to be complete and proper, the acknowledgment shall state that the registrant is now a registered voter of the county. The acknowledgment shall also specify the name of the precinct and the usual polling place for the precinct in which the person is now registered. The acknowledgment may include the political party affiliation most recently recorded by the registrant.
3. If the registration form is missing required information pursuant to section 48A.11, subsection 8, the acknowledgment shall advise the applicant what additional information is required. The commissioner shall enclose a new registration by mail 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 application is received during the twelve days before the close of registration for an election, the commissioner shall provide the registrant with an opportunity to complete the form before the close of registration.
4. If the registrant applied by mail to register to vote and did not answer either "yes" or "no" to the question in section 48A.11, subsection 3, paragraph "a", the application shall be processed, but the registration shall be designated as valid only for elections that do not include candidates for federal offices on the ballot. The acknowledgment shall advise the applicant that the status of the registration is local and the reason for the registration being assigned local status. The commissioner shall enclose a new registration by mail form for the applicant to use. If the original application is received during the twelve days before the close of registration for an election that includes candidates for federal offices on the ballot, the commissioner shall provide the registrant with an opportunity to complete the form before the close of registration.
5. If the registrant applied by mail to register to vote and answered "no" to the question in section 48A.11, subsection 3, paragraph "a", the application shall not be processed. The acknowledgment shall advise the applicant that the registration has been rejected because the applicant indicated on the registration form that the applicant is not a citizen of the United States.
6. If the acknowledgment is returned as undeliverable by the United States postal service, the commissioner shall follow the procedure described in section 48A.29, subsection 1.
7. 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 shall obtain the information as quickly as possible either from the registrant or other sources available to the commissioner.

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8. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official. The date of registration shall be the date the registration form was received by the first official. If the registration form was postmarked fifteen or more days before an election and the registration form was received by the first official after the close of registration, the registration form shall be considered on time for the election.

9. When a person who is at least seventeen and one-half years of age but less than eighteen years of age registers to vote, the commissioner shall maintain a record of the registration so as to clearly indicate that it will not take effect until the registrant's eighteenth birthday and that the person is registered and qualifies to vote at any election held on or after that date.

CREDIT(S)

Added by Acts 1994 (75 G.A.) ch. 1169, § 27, eff. Jan. 1, 1995. Amended by Acts 1997 (77 G.A.) ch. 170, § 15, eff. May 19, 1997; Acts 2004 (80 G.A.) ch. 1083, § 14, 15, eff. April 16, 2004.

HISTORICAL AND STATUTORY NOTES

2007 Electronic Update

2004 Legislation

Acts 2004 (80 G.A.) ch. 1083, § 14 and 15 respectively, in subsec. 3, in the first sentence, inserted "pursuant to section 48A.11, subsection 7", and added third sentence; and added subsecs. 3A, 3B.

Acts 2004 (80 G.A.) ch. 1083, § 37, provides:

"Sec. 37. Immediate effective date. This Act, being deemed of immediate importance, takes effect upon enactment and applies to elections held on or after September 15, 2004."

1999 Main Volume

The 1997 amendment, in subsec. 1, deleted "first class" preceding "nonforwardable" in the second sentence.

Derivation:

- Codes 1993, 1991, §§ 48.2, 48.3, 48.12.
- Acts 1990 (73 G.A.) ch. 1238, § 13.
- Codes 1989, 1987, §§ 48.2, 48.3, 48.12.
- Acts 1986 (71 G.A.) ch. 1224, § 8.
- Code 1985, §§ 48.2, 48.3, 48.12.
- Acts 1984 (70 G.A.) ch. 1291, § 4.
- Acts 1984 (70 G.A.) ch. 1067, § 11.
- Codes 1983, 1981, 1979, 1977, §§ 48.2, 48.3, 48.12.
- Acts 1976 (66 G.A.) ch. 1076, § 1.

- Acts 1975 (66 G.A.) ch. 81, §§ 46, 47, 53.
- Code 1975, § 48.2, 48.12.
- Acts 1973 (65 G.A.) ch. 136, § 98.
- Code 1973, §§ 48.2, 48.12.
- Acts 1971 (64 G.A.) ch. 98, § 9.
- Codes 1971, 1966, 1962, 1958, 1954, 1950, 1946, §§ 48.2, 48.12.

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- Code 1939, §§ 718.02, 718.12.
- Codes 1935, 1931, §§ 718-b2, 718-b12.
- Acts 1929 (43 G.A.) ch. 37, § 6.
- Code 1927, §§ 718-b2, 718-b12.
- Acts 1927 (42 G.A.) ch. 21, §§ 2, 12.

LIBRARY REFERENCES

1999 Main Volume

- Elections ↻ 106.
- Westlaw Topic No. 144.
- C.J.S. Elections §§ 39, 46.

I. C. A. § 48A.26, IA ST § 48A.26

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Iowa Admin. Code 821-2.8(48A)

**IOWA ADMINISTRATIVE CODE
AGENCY 821 VOTER REGISTRATION COMMISSION
CHAPTER 2 VOTER REGISTRATION FORMS, ACCEPTABILITY, REGISTRATION DATES, AND
EFFECTIVE DATES**

This database is current with amendments effective through January 15, 2008.

821-2.8(48A) Incomplete applications.

2.8(1) No commissioner shall refuse to register or accept an application from an applicant unable to specify the correct ward, precinct, or school district for the applicant's address. The commissioner shall make a determination of the correct political subdivisions from maps, legal descriptions, and other means at the commissioner's disposal.

2.8(2) The commissioner shall not add to the official voter registration file a voter whose registration application lacks any of the following information about the applicant:

a. The applicant's Iowa driver's license number, Iowa department of transportation-issued nonoperator's identification card number, or the last four digits of the applicant's social security number;

b. Name;

c. Sex;

d. Date of birth;

e. Residence address or description.

2.8(3) A person who submits an application by mail and does not mark either "yes" or "no" to the question "Are you a citizen of the United States of America?" shall not be registered to vote in federal elections until the application form is completed. The registration shall be coded to be valid only for elections for which no candidate for federal office appears on the ballot. Within seven days after receipt of the application, the commissioner shall contact the applicant by mail and request the missing required information. The applicant may provide the required information in writing until the date registration closes for the next federal election by appearing in person at the commissioner's office to complete a new application, by mailing a new and complete application, or by sending a letter to the commissioner confirming that the applicant is a U.S. citizen.

2.8(4) Within seven days after receipt of an incomplete application, the commissioner shall contact the applicant by mail, using the notice prescribed in subrule 2.8(5), and request the missing required information. If the applicant failed to provide an address, the commissioner shall make a reasonable effort to determine where the acknowledgement should be sent. However, if the incomplete application is received during the 12 days before the close of registration for an election, the commissioner shall provide the registrant with an opportunity to complete the form before the close of registration by sending written notice within one working day after receiving the incomplete application. If the applicant provided a telephone number, the commissioner shall also attempt to contact the applicant by telephone to convey the information contained in the notice required in subrule 2.8(5).

2.8(5) The notice shall instruct the applicant that the applicant may provide the required information in writing by

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appearing in person at the commissioner's office to complete a new application or by mailing a new and complete application. The notice shall include the date registration closes for the next election.

2.8(6) If the application does not include the applicant's Iowa driver's license number, Iowa department of transportation-issued nonoperator's identification card number, or the last four digits of the applicant's social security number, the notice described in subrule 2.8(5) shall also include the following statement:

"Your voter registration application cannot be accepted because it does not include an Iowa driver's license number, an Iowa non-driver ID number or the last four numbers of your social security number. You must submit a new voter registration form. If you submit the registration form by mail, your registration information will be checked against the records of the Iowa Department of Transportation driver's license files. This process may delay the effective date of your registration. If your registration information cannot be verified, your registration application will be rejected. Verification is not required if you submit your application in person.

"ID number required. If you have an Iowa driver's license, you must put that number on the voter registration form. If you do not have an Iowa driver's license, use the number from your Iowa non-driver ID card. If you do not have either of these, put the last four numbers of your social security number on the form. If you don't have any of these ID numbers, please write 'NONE' in the box on the form. Please note that it is a crime to lie on a voter registration application."

2.8(7) If the applicant reports that the applicant has not been issued an Iowa driver's license, an Iowa department of transportation-issued nonoperator's identification card number, or a social security number, the commissioner shall assign a unique identifying number that shall serve to identify the registrant for voter registration purposes and enter the registration as "pending identification."

2.8(8) The commissioner shall keep a rejected application for voter registration for 22 months after the date of the next general election after the application was received.

<General Materials (GM) - References, Annotations, or Tables>

These rules are intended to implement Iowa Code chapter 48A as amended by 2004 Iowa Acts, Senate File 2269.

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Iowa Admin. Code 821-2.8(48A), IA ADC 821-2.8(48A)

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