



Iowa Secretary of State 2008 Report



Secretary of State Michael A. Mauro



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Introduction



As 2009 begins, I would like to take this opportunity to report to the Legislature and the people of Iowa on the activities and accomplishments of the Secretary of State's Office since I took office in January, 2007.

This report highlights the landmark election legislation adopted in the past two years and statistical information on absentee ballots, provisional ballots, and Election Day Registration. In addition, the report outlines the responsibilities of our Business Services Division which handles hundreds of thousands of corporate filings annually. The Secretary of State's proposals to the 83rd General Assembly for 2009 legislation are mostly technical in nature and are also set forth in this report.

The presidential election on November 4, 2008, brought more voters to the polls in Iowa than ever before. Despite fears of election day problems due to new voting equipment, Election Day Registration, and challenged voter procedures, the election went very smoothly in Iowa. The Elections and Voter Registration Division of my office worked diligently to provide training materials for election administrators and fielded thousands of calls and emails from voters. The result was an efficiently-run election statewide.

Though the Secretary of State's Office, like all other state agencies, is operating under strict budgetary constraints, I assure you that my staff and I will continue to provide excellent service and develop innovative solutions to get through these rough economic times.

As Secretary of State and State Commissioner of Elections, I welcome feedback about the services my office provides to the public, to voters, to business owners, to county auditors and to candidates seeking political office. Questions or comments can be emailed to us at SOS@sos.state.ia.us, or you may call one of the following phone numbers: 1-888-SOS-VOTE [1-888-767-8683] or 515-281-8993.

The first two years of my tenure have been rewarding and productive, thanks to help from the public, county and state officials, the legislature, and my staff, and I am deeply grateful to all. I look forward to the future and will continue to do my best with the trust that has been bestowed upon me by the citizens of this great state.

Michael A. Mauro

Michael A. Mauro
Iowa Secretary of State

About the Office

Over the past 170 years, the Office of the Iowa Secretary of State has evolved to meet the challenges of a developing elections and business landscape. Due to this continual evolution, the duties and responsibilities of the Office have in turn developed dramatically since the first secretary of state took office in 1846. Perhaps one of most recognized duties of the Office is to oversee elections and supervise Iowa's 99 county auditors and their offices in the administration of our election laws and administrative rules.

The Office is also a service center and major resource for businesses throughout Iowa, the nation, and the world. The Office continues to be an advocate for Iowa businesses, large and small.

Responsibilities and Duties

- Supervises the administration of all elections; provides guidance to county auditors
- Maintains the statewide voter registration system as required by federal law
- Monitors compliance with state and federal election laws
- Receives and processes all nomination papers and affidavits for federal, state, legislative, and judicial offices
- Handles matters involving profit and nonprofit corporations organized in Iowa or authorized to do business in Iowa
- Processes Uniform Commercial Code filings
- Serves as depository for legislative bills introduced and enacted, oaths of office, bonds, the original Constitution of Iowa and all its amendments
- Grants commissions and renewals for Iowa Notary Publics
- Registers trademarks and trade names
- Maintains state owned land records, original land surveys, and plats

Elections & Voter Registration

The Elections Division serves as an informational resource to Iowa’s 99 county auditors and insures the state complies with election legislation such as the National Voter Registration Act (NVRA) of 1993 and the Help America Vote Act (HAVA) of 2002.

In October 2008, the Office’s website was recognized as the top state elections website in the nation by the Pew Center on the States.

The Elections Division is also in charge of maintaining the statewide voter registration database and election management system (I-VOTERS) required by HAVA. In addition, the Elections Division assists the public in answering

voter registration and election questions through its toll free hotline (1-888-SOS-VOTE) and its website (www.sos.state.ia.us/elections).

Voter-Verified Paper Trail

The 82nd General Assembly passed legislation that required all counties to have a paper ballot system to ensure Iowa has a true voter-verified paper trail that meets the requirements of Iowa law and the Help America Vote Act (HAVA). Direct recording electronic voting machines, also known as “touchscreens,” are no longer allowed in Iowa. Knowing that each voter’s paper ballot can be recounted in the case of a very close election increases voter confidence in Iowa’s voting systems.

All counties in Iowa now have precinct count optical scan machines and ballot-marking devices. While the state picked up the bulk of the cost, each county was responsible for purchasing backup equipment, maintenance agreements, software licensing, and peripheral equipment.

“Even though I still lost, I’m comfortable that the election was fair and square, since every voter had a paper ballot and every ballot was examined at the recount.”

– November candidate

Voting Equipment Purchase Program	
\$2 million	2007 legislative appropriations
\$4.885 million	2008 legislative appropriations
\$487,300	Trade-in value from vendor for old voting equipment
\$428,000	County leasing agreement credit
\$250,000	Quantity purchase discount from vendors
\$1.753 million	Existing HAVA funding
Total = \$9.8 million	Number of machines purchased = 1,755

Election Day Registration

In 2007, Iowa became the eighth state to adopt Election Day Registration (EDR). The law, which became effective on January 1, 2008, allows Iowans to register and vote at their precinct on election day by providing proof of their identity and their residency in that precinct.

EDR promotes voter turnout, allows voters to update their voter registration records after the voter registration deadline, and reduces the number of provisional ballots cast at the polling place.

Prior to the enactment of EDR, voters who had missed the deadline to register to vote (10 days prior to primary and general elections; 11 days prior to all other elections) could not vote at their polling places in the regular manner and instead were required to vote a provisional ballot.

Iowa had the 5th highest voter turnout in the nation at the 2008 General Election. The states with higher turnouts than Iowa are all EDR states.

Voters using the EDR process must show photo identification and documentation of their address in the precinct. A voter who does not have the proper documentation may be attested for by another registered voter in the same precinct. Counties reported that most EDR voters showed the proper identification rather than having another registered voter attest for them.

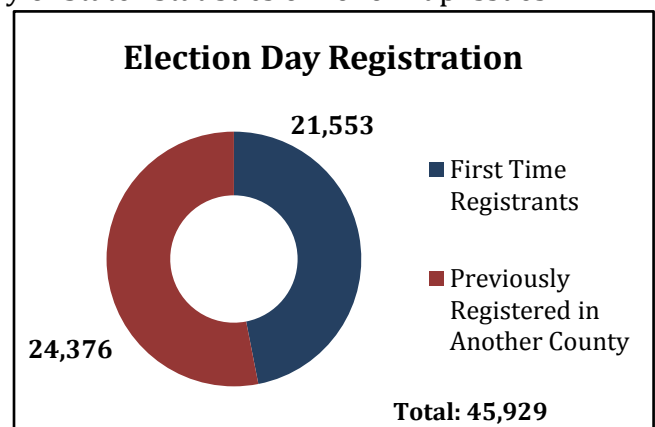
Nearly 46,000 Iowans used Election Day Registration at the November General Election, or about three percent of the 1.54 million voters who cast ballots in the election.

After the election, the county auditor follows up on each voter who used the EDR process. If the county auditor is unable to locate a voter after sending two notices, the matter is reported to the county attorney and the Secretary of State. Statistics on follow-up issues are not available as of this writing, but will be reported as soon they are known.

Overall, the process went very smoothly and EDR was handled efficiently and expeditiously. Training of county auditors and precinct election officials was a crucial factor in making this process work, and the Secretary of State's Office will continue to provide guidance and training opportunities for county auditors and their election officials.

"I forgot to change my address when I moved from Jones County to Johnson County - what a relief when I found I could still vote on Election Day by showing my identification as proof!"

- EDR voter



Election Day Registration Totals By County

Adair	85	Floyd	215	Monona	96
Adams	56	Franklin	92	Monroe	159
Allamakee	152	Fremont	98	Montgomery	123
Appanoose	117	Greene	119	Muscatine	647
Audubon	54	Grundy	243	O'Brien	121
Benton	502	Guthrie	131	Osceola	52
Black Hawk	2394	Hamilton	158	Page	176
Boone	421	Hancock	155	Palo Alto	132
Bremer	522	Hardin	269	Plymouth	391
Buchanan	270	Harrison	271	Pocahontas	87
Buena Vista	341	Henry	201	Polk	6255
Butler	204	Howard	167	Pottawattamie	967
Calhoun	128	Humboldt	130	Poweshiek	248
Carroll	147	Ida	60	Ringgold	39
Cass	110	Iowa	164	Sac	65
Cedar	351	Jackson	189	Scott	2728
Cerro Gordo	666	Jasper	488	Shelby	95
Cherokee	154	Jefferson	200	Sioux	330
Chickasaw	136	Johnson	2915	Story	2604
Clarke	87	Jones	223	Tama	292
Clay	244	Keokuk	121	Taylor	102
Clayton	218	Kossuth	219	Union	201
Clinton	674	Lee	383	Van Buren	80
Crawford	181	Linn	3212	Wapello	467
Dallas	1452	Louisa	167	Warren	872
Davis	87	Lucas	55	Washington	250
Decatur	116	Lyon	74	Wayne	82
Delaware	211	Madison	234	Webster	534
Des Moines	458	Mahaska	268	Winnebago	285
Dickinson	180	Marion	522	Winneshiek	385
Dubuque	1218	Marshall	424	Woodbury	1725
Emmet	158	Mills	230	Worth	185
Fayette	381	Mitchell	144	Wright	138

Total: 45,929

Challenging a Voter's Qualifications

In 2008, stricter guidelines were adopted through legislation for the process of challenging a voter's qualifications at the polls.

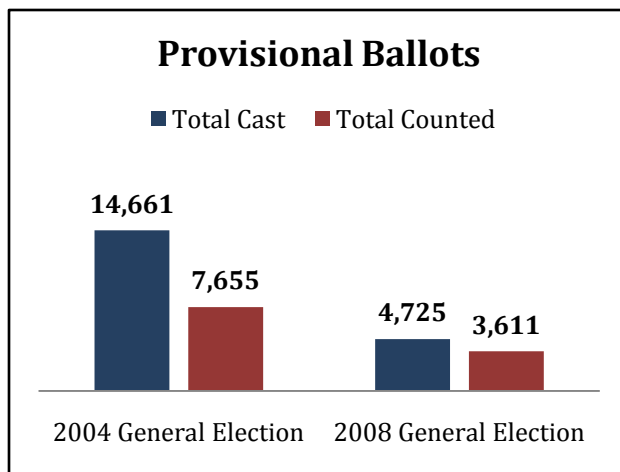
Challenges have always had to meet specific criteria to be valid. However, prior to 2008, a voter's qualifications could be challenged verbally and anonymously by a poll watcher or any other voter at the polling place.

Now, in addition to providing their contact information, challengers must specify the reason for the challenge and swear, in writing, that to their knowledge the challenge is valid. Intentionally filing a false challenge is an aggravated misdemeanor. Also, voters registering to vote on Election Day or voters reporting a change of address at the polls cannot be challenged for those specific reasons.

Reduced Provisional Voting

Provisional ballots are a necessary and vital part of every election. However, provisional ballots do take time and require additional paperwork while having the potential to frustrate voters. For those reasons, reducing the number of provisional ballots cast through procedural and legislative changes has been a priority.

The purpose of a provisional ballot is to provide every voter the chance to vote on occasions when that voter would not otherwise be allowed to vote a regular ballot. The



reasons a voter would be offered a provisional ballot can vary but generally fall into one of the following categories: the voter is not registered or cannot provide required identification, the voter cannot surrender an absentee ballot issued to the voter, or the voter's qualifications as a voter have been challenged.

Instead of turning a voter away, a voter unable to vote a regular ballot is offered a provisional ballot. Voters who have been issued a provisional ballot have the right and are encouraged to provide any

additional information they can to the Special Precinct Board for its consideration.

As a result of Election Day Registration and changes to the challenge process, the number of provisional ballots being cast has dropped dramatically. In 2004, 14,661 provisional ballots were cast at the presidential election. In 2008, only 4,725 provisional ballots were cast.

Statewide Voter Registration System (I-VOTERS)

I-VOTERS is the statewide voter registration and election management system required by HAVA. The Elections Division is responsible for the system's maintenance which includes:

- Providing a county "help desk" through a toll-free hotline and email
- Writing functional specifications and approving changes to the system
- Updating registration records for deceased voters and voters convicted of felonies
- Monitoring security and access to the system
- Generating voter registration and voter participation lists for parties and campaigns

When first created, I-VOTERS was fully funded by federal money provided by HAVA. These funds are rapidly running out, and the state will be required to support the system in the future. The new responsibility of financing the system at the state level is justified because of its substantial benefit to Iowa's voters. The system enhances the security and integrity of Iowa's elections in many ways.

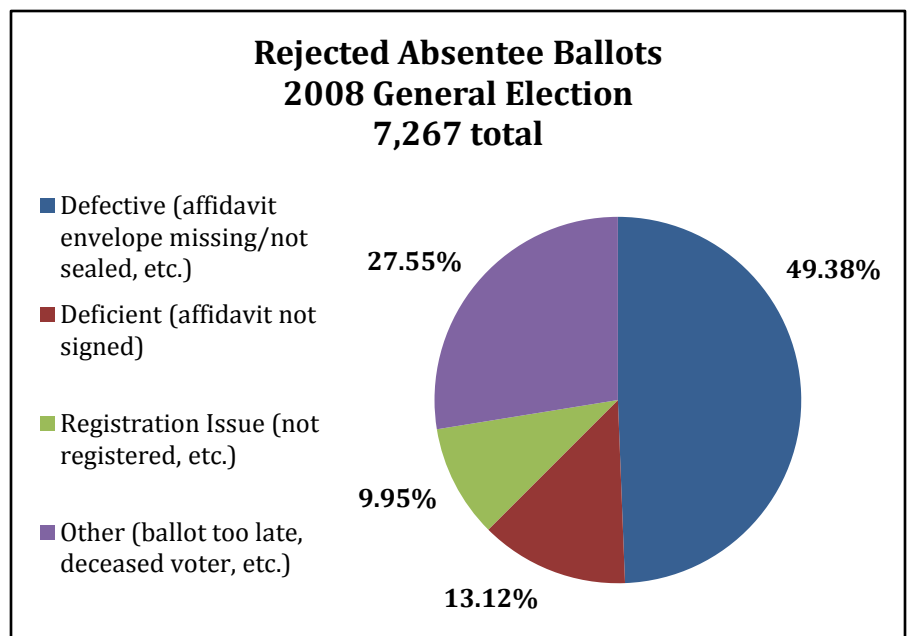
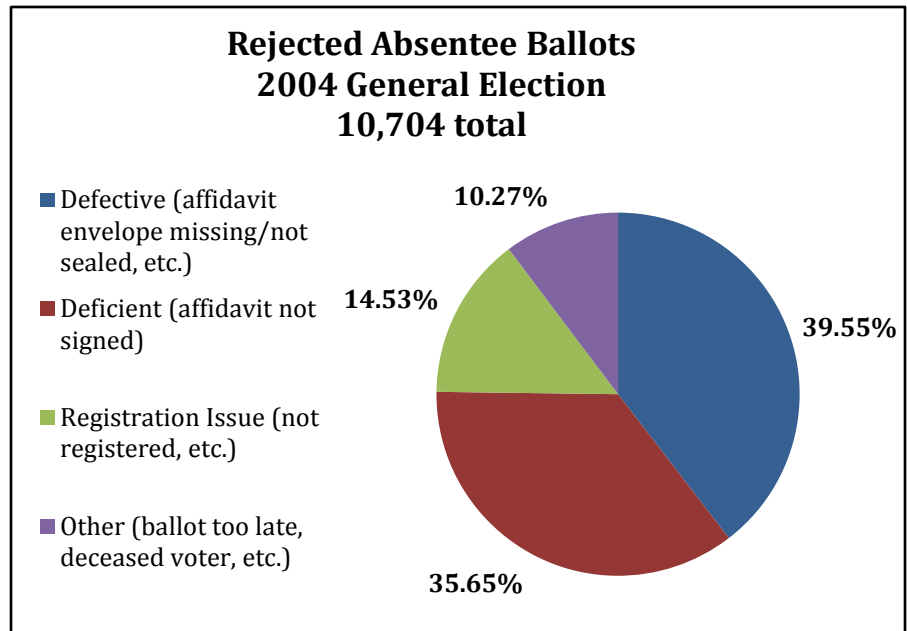
One of the key advantages of I-VOTERS is that the Office and the county auditors have access to the most current voter information. All records input at the county level are immediately available to all users in the state. This has significantly reduced the number of duplicate registration records in Iowa. Also, the Office has the ability through the system to produce current statistics on a daily basis. Finally, the ability to manage elections through the system increased uniformity in election administration statewide.

Ballot Couriers/Absentee Ballot Affidavit Review

As of 2007, absentee ballot couriers are no longer used in Iowa. Before this legislative action was taken, ballots not returned via U.S. Mail or by the voter could only be returned by trained absentee ballot couriers. Voters may now choose anyone with whom they feel comfortable to return their absentee ballot to the auditor.

The same legislation that provided changes to absentee couriers also set up changes to the absentee ballot review process. Auditor's offices are now required, within a specified time period, to open absentee return envelopes so the voter's affidavit can be viewed. After doing so, the office is required to inspect the affidavit and notify voters of any deficiencies. This allows voters the chance to fix their mistake or make other plans to vote in that election.

Although all absentee ballots are considered for counting, ballots with deficiencies or defects cannot be counted. The recent change to the pre-election affidavit review process has reduced the number of absentee ballots that had to be rejected.



School Board Elections

Significant changes to the way Iowa school board elections are administered were made in the 2008 legislative session.

Starting in 2009, regular school board elections will be held only in September of odd numbered years. Additionally, the terms of school board members were changed from three to four years.

By holding school elections every other year instead of every year, school districts can expect to save \$1 million every other year in election costs based on estimates provided by county auditors.

Special Election Dates

The dates on which special elections can be held are now limited. Starting in January 2009, each county, city, and school district will be limited to four specific special election dates per year. Special elections to fill vacancies in office may still be called as needed.

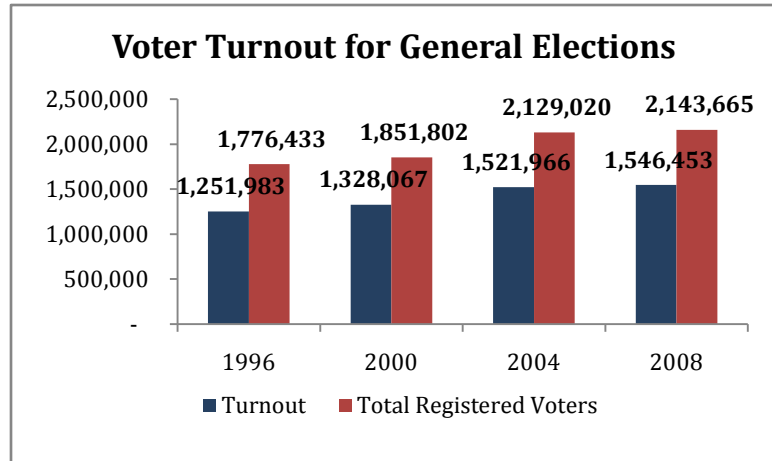
By reducing the number of dates on which these elections can occur, voter participation is expected to increase in these historically low turnout elections. Local governments should also see significant savings in elections costs.

SPECIAL ELECTION DATES odd-numbered years	
Date	Type of Election Allowed
February - 1 st Tuesday	School or Merged Area
March - 1 st Tuesday	County or City
April - 1 st Tuesday	School or Merged Area
May - 1 st Tuesday	County or City
June - last Tuesday	School or Merged Area
August - 1 st Tuesday	County or City
September - date of regular School Election	School or Merged Area
November - date of regular City Election	County or City

SPECIAL ELECTION DATES even-numbered years	
Date	Type of Election Allowed
February - 1 st Tuesday	School or Merged Area
March - 1 st Tuesday	County or City
April - 1 st Tuesday	School or Merged Area
May - 1 st Tuesday	County or City
August - 1 st Tuesday	County or City
September - 2 nd Tuesday	School or Merged Area
November - date of General Election	County or City
December - 1 st Tuesday	School or Merged Area

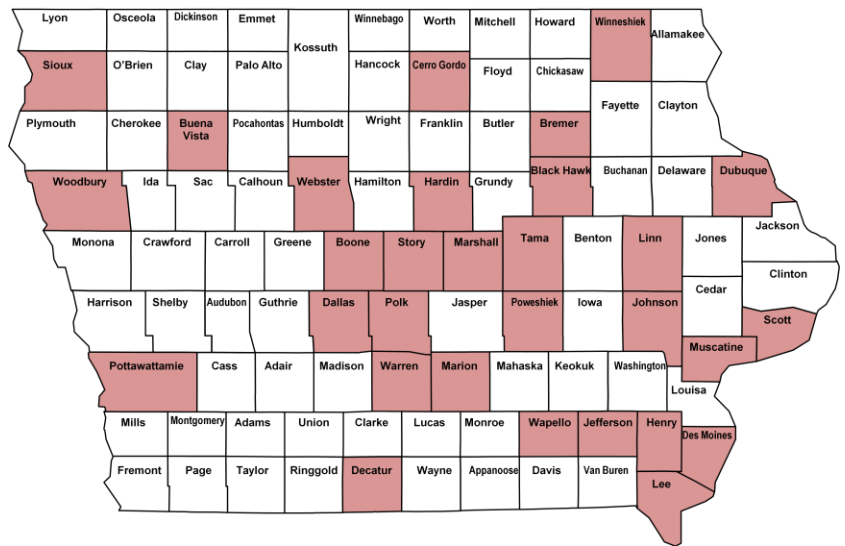
Turnout and Satellite Voting Stations

The turnout for the 2008 General Election was the highest in Iowa's history with 1,546,453 voters casting ballots, or 72.1 percent of the total 2,143,665 registered. Iowans who voted absentee ballots at county auditors' offices, through the mail, and at satellite voting stations accounted for 36 percent of the total voter turnout.



Satellite voting stations are designated by the county auditor, or petitioned for by at least 100 eligible electors. In November, 30 counties opened satellite stations in a total of 124 different locations on 33 different days. The satellite stations are required to be open for a minimum of six hours, but many of the locations were open for a longer period and over several days and weeks.

Counties with Satellite Locations November 4, 2008 General Election



Vote Centers

Legislation passed in 2008 allows county auditors to use vote centers for certain elections (city, regular school, and special elections).

The premise of a "vote center" is that voters may go to any of the designated locations in their jurisdiction and vote. Voters are not required to appear in their own precinct.

Vote centers provide an added convenience for voters and also have the potential to increase turnout in historically low turnout elections.

Electronic Transmission of Absentee Ballots

The Office makes a considerable effort to help ensure that members of the U. S. military and overseas citizens receive absentee ballots in an efficient and timely manner for every election in which they wish to participate.

In addition to the option to request an absentee ballot by mail, beginning in September 2008, Iowans covered by the Uniformed and Overseas Citizens Voting Act (UOCAVA) are allowed to request and receive absentee ballots electronically via email or fax. Voters who are in “imminent danger pay zones,” as designated by the U.S. Department of Defense, are also allowed to return voted ballots electronically.

The Office worked closely with the Federal Voting Assistance Program (FVAP) and as a result, county auditors issued 1,095 ballots electronically for the 2008 General Election to UOCAVA voters, which include service men and women overseas.

Polling Place Accessibility

In 2006, the Office received \$422,161 in grant money from the U.S. Department of Health and Human services to make polling places accessible to persons with disabilities in accordance with the HAVA. In 2007 and 2008, the Office applied for, and was awarded, a total of \$207,992 to continue enhancing voting accessibility in Iowa.

The Office worked in collaboration with the Governor’s Developmental Disability Council (GDDC), Iowa Protection and Advocacy Services, Inc., and Iowans with Disabilities in Action (ID Action) on these efforts.

A portion of the grant money funded accessibility construction projects to polling places. The most common projects included improving the accessibility of entryways, walkways, and parking lots. Grant money was also used to create training materials for precinct election officials about polling place accessibility.

In addition, the grant money went to support voter outreach efforts. Voting equipment was purchased for the GDDC to help demonstrate to voters how the new accessible voting equipment operates. Voter informational materials and resources were also created and distributed.

Civic Events

In January 2008, the Office partnered with the GDDC and “Rock the Vote,” a nonpartisan voter outreach organization, in “Rock the Caucus.” “Rock the Caucus” was an initiative aimed at promoting the involvement of voting-age youth in the Iowa caucuses. A mock caucus component was also organized by the Office to coincide with the Iowa caucuses. Nearly 4,000 students from 31 schools participated in the mock caucus.

On two separate days in February and March in 2008, the Office and the GDDC hosted over one thousand middle and high school students from 31 schools for Capitol Youth Day. Students familiarized themselves with voting equipment by participating in a mock election. Secretary of State Mauro and other elected officials also spoke to the students about the importance of civic engagement.

In April, the Office along with the Governor’s Office and the GDDC hosted Capitol Project

“I loved the mock legislative floor debates – it was a learning experience I’ll never forget.”

- Capitol Project student

’08. During the four-day session, 21 high school students learned first-hand about state government through activities like drafting a mock bill and participating in a mock floor debate.

Also in April, the Office partnered with ID Action, Polk County Health Services and the GDDC for Advocating Change Day. More than 700 persons with disabilities, health providers and family members attended. Participants toured the capitol and learned about the legislative process and how to lobby their legislators.

Following a tradition started in 2000, a mock election was again held for students in 2008. Over 56,000 middle and high school students from 445 classrooms across the state participated in the 2008 Iowa Student Mock Election – five thousand more than in 2004. The Office partnered with the GDDC, Google and the National Student/Parent Mock Election.

2009 Legislative Proposals

The past two years were extremely busy for the Office in implementing newly-adopted legislation which brought about many changes in election law. This year the Secretary of State will submit two elections bills, one with non-controversial technical changes and another with a few minor policy changes.

In the policy bill, the Office is proposing a change to the forms of photo identification used for Election Day Registration by adding a federal tribal identification card. We are also proposing to expand the realm of questions a precinct election official may ask a challenged voter, giving the official the authority to withdraw the challenge if the questions are answered satisfactorily. In addition, the proposed bill would clarify matters concerning the acceptance or rejection of provisional ballots and prohibit observers in nursing homes and hospitals when members of the bi-partisan special precinct board are delivering absentee ballots to patients.

The technical bill strikes several code sections that still refer to lever voting equipment or direct recording electronic voting equipment; makes various technical changes to the voter registration section regarding the status of certain registrants; changes the term “voting machine” to “automatic tabulating equipment;” and makes other technical and language changes.

In the fall of 2008, the Secretary of State appointed a task force comprised of legislators, county auditors, Secretary of State staff, the League of Women Voters, and Iowans for Voting Integrity to study post-election audits. The task force is still meeting and the Secretary of State will support legislation proposed by this group.

Business Services

The Business Services Division is a service and records center for businesses in Iowa, the nation, and the world. Among its key responsibilities are the registration and authorization of domestic and foreign entities to transact business in Iowa, filing secured transaction liens under the Uniform Commercial Code, and commissioning Iowa Notaries Public.

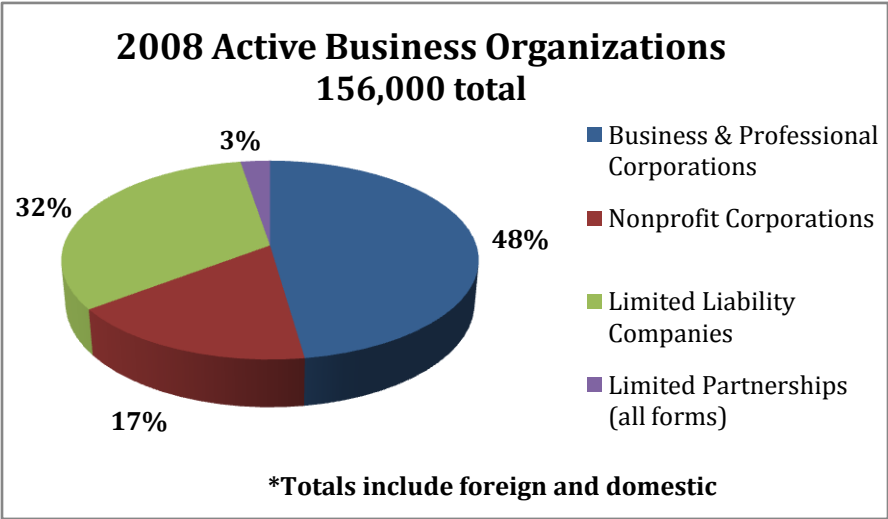
Our Online Business Center allows business to be conducted 24-hours a day, seven days a week. It provides access to over three million filed documents and a complete array of forms, applications and searchable databases for businesses, lending institutions and interested citizens.

Each business day the customer service phone line receives over 200 telephone calls and emails with business services-related questions. The Office is continually seeking to improve its service delivery to citizens and the business community.

*"I verify corporations all over the U.S., and by far, your website has been the most user-friendly. Thank you for doing such a great job."
- Business Services customer*

Corporations

The Business Services Division is responsible for filing and maintaining records for profit and nonprofit business entities. Both domestic (entities formed under Iowa law) and foreign entities (formed under the laws of another state) must file with the Secretary of State in order to conduct business in Iowa. There are over 156,000 active business entities registered in the corporation database.



Corporation filings include: articles of incorporation, articles of organization and amendments, miscellaneous filings, and statements of changes of registered agents.

Most entities are also required to file a biennial report with the Office. In 2008, the Office processed over 175,000 transactions against the corporation database. Of those, 112,000 were biennial reports, and 95 percent of the biennial reports were filed online.

Annually, the Business Services Division issues over 10,000 certificates of good standing on Iowa registered entities and accepts 10,000 original notices for service or process on Iowa registered entities.

UCCs

The Business Services Division is responsible for filing and maintaining lien records under the Uniform Commercial Code. The Office currently maintains over one million lien records in our UCC database. The UCC filing system supports commerce by giving

lenders a central place to file notices regarding personal property pledged as collateral for loans.

Examples include liens on: farm equipment and machinery, personal property, manufacturing equipment, inventory, crops and livestock.

The Office also files a number of miscellaneous liens such as:

- agricultural supply dealer's liens (570A)
- commodity production contract liens (579B)
- custom cattle feedlot liens (579A)
- veterinarian's liens (581)
- landlord liens (570)

Additionally, the Office files federal tax liens on corporations.

In 2008, the Office filed 127,000 documents, provided 167,000 certified lien search reports, and supplied thousands of copies of filed documents to customers.

Virtually all certified searches and 90 percent of UCC filings are done online by customers.

2008 Filing Transactions	
UCC Filings	127,000
UCC Certified Lien Reports	167,000
Corp. Transactions	175,000
Original Notices	10,000
Certificates of Good Standing	10,000
Notary Renewals	14,000
New Notaries	5,000
Apostilles & Notary Certifications	4,700
TOTAL	512,700

Notaries

The Business Services Division is responsible for commissioning Iowa notaries. A notary is a person who serves the public as an impartial and unbiased witness by identifying persons who come before the notary. They are especially critical to the legal, business, financial and real estate communities of this state. The most common function of a notary is to witness and attest that a person signing a document is who they claim to be.

"The notary renewal site is fabulous - very easy to use!"
- Iowa Notary Public

The Office maintains a database of approximately 55,000 active notaries which, in most cases, require renewal at three-year intervals. In 2008, the Office renewed 14,000 notaries (4,300 renewed online) and commissioned 5,200 new notaries.

The division is responsible for issuing apostilles and notary certifications on documents destined for foreign countries that have been notarized by an Iowa notary. These certifications from the Secretary of State confirm that the notary is an Iowa Notary Public.

Miscellaneous Filings

In addition to corporations, UCCs and notaries, the Office also maintains the following:

- Agricultural Reports (9H & 10B)
- Instructional Schools (714)
- Postsecondary Registrations (261B)
- Athlete Agents (9A)
- Travel Agent & Agency Registrations (9D)
- Voluntary Annexations (368)
- Transient Merchants Registrations (9C)
- Credit Service Organizations (538A)
- 28E Agreements (28E)
- List of Cities Incorporated in Iowa (9.2)

2009 Business Services Advancements

A new corporation database was placed into production on January 1, 2009, and paves the way for online corporate filings beyond the biennial report. The first phase of the new online corporate filing system is expected to be in place by the end of third calendar quarter of 2009 with several document types that will allow for electronic presentation and processing. Additional document types will be added as time, staffing, and budget allow. Upon completion, the Division's goal is to allow for all business entity documents to be filed online without requiring a hard copy.

A new UCC database is planned for late 2009 – early 2010. The Office anticipates a new online service to allow filers to download a data extract of their online filings.