

METHOD OF CONDUCTING ELECTIONS

Footnotes

See also definitions in § 39.3

Chapter applicable to primary elections, § 43.5

Criminal offenses, § 39A.239A.5

49.1 Elections included.

The provisions of this chapter shall apply to all elections except those special elections which by the terms of the statutes authorizing them are exempt from the provisions of this chapter.

[C97, § 1088; C24, 27, 31, 35, 39, § 719; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.1]

49.2 Repealed by 73 Acts, ch 136, § 401.

49.3 Election precincts.

Election precincts shall be drawn by the county board of supervisors or the temporary county redistricting commission in all unincorporated portions of each county, and by the city council of each city in which it is necessary or deemed advisable to establish more than one precinct. Precincts established as provided by this chapter shall be used for all elections, except where temporary merger of established precincts is specifically permitted by law for certain elections, and no political subdivision shall concurrently maintain different sets of precincts for use in different types of elections. Election precincts shall be drawn so that:

1. No precinct shall have a total population in excess of three thousand five hundred, as shown by the most recent federal decennial census.
2. Each precinct is contained wholly within an existing legislative district, except:
 - a.* When adherence to this requirement would force creation of a precinct which includes the places of residence of fewer than fifty registered voters.
 - b.* When the general assembly by resolution designates a period after the federal decennial census is taken and before the next succeeding reapportionment of legislative districts required by Article III, section 35, Constitution of the state of Iowa as amended in 1968, during which precincts may be drawn without regard to the boundaries of existing legislative districts.
3. Except as provided in section 49.4, subsection 3, precincts established after July 1, 1994, shall be composed of contiguous territory within a single county. The boundaries of all precincts shall follow the boundaries of areas for which official population figures are available from the most recent federal decennial census.
4. All election districts, including city wards and county supervisor districts, shall be drawn according to the following standards:
 - a.* All boundaries, except for supervisor districts for counties using supervisor representation plan "two" pursuant to section 331.209, shall follow precinct boundaries.
 - b.* All districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of districts to be established into the population of the city or county.

c. All districts shall be composed of contiguous territory as compact as practicable.

d. Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information other than population head counts, except as required by the Constitution and the laws of the United States.

e. Cities shall not be divided into two or more county supervisor districts unless the population of the city is greater than the ideal size of a district. Cities shall be divided into the smallest number of county supervisor districts possible.

[C51, § 245; R60, § 480; C73, § 501, 605; C97, § 1090; S13, § 1090; C24, 27, 31, 35, 39, § 721, 722, 723; C46, 50, 54, 58, 62, 66, 71, 73, § 49.3, 49.4, 49.5; C75, 77, 79, 81, § 49.3]

94 Acts, ch 1179, §4, 5; 95 Acts, ch 67, §53; 99 Acts, ch 17, §1

49.4 Precincts drawn by county board.

Where action by the board of supervisors is necessary or deemed advisable by the board of supervisors or the temporary county redistricting commission, the boundaries of precincts shall be definitely fixed by ordinance. A public hearing shall be held before final action is taken to adopt changes in the precinct boundaries. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21. In the absence of contrary action by the board of supervisors or the temporary county redistricting commission, each civil township which does not include any part of a city of over two thousand population, and the portion of each civil township containing any such city which lies outside the corporate limits of that city or those cities, shall constitute an election precinct. If no action is necessary to change the county election precincts, the board of supervisors shall certify the retained boundaries to the state commissioner, as required by section 49.7.

1. Where a civil township, or the portion of a civil township outside the corporate limits of any city of over two thousand population contained therein, is divided into two or more election precincts, the precincts shall be so drawn that their total populations shall be reasonably equal on the basis of data available from the most recent federal decennial census.

2. Counties using alternative supervisor representation plans "two" or "three", as described in section 331.206, shall be apportioned into single-member supervisor districts on the basis of population. In counties using representation plan "three", the boundaries of supervisor districts shall follow the boundaries of election precincts.

3. Notwithstanding any other provision of this chapter, Indian settlement land held in trust by the secretary of the interior of the United States for the Sac and Fox tribe of the Mississippi in Iowa and its trust land contiguous to the Indian settlement lying in Tama, Toledo and Indian Village townships of Tama county shall be an election precinct. The polling place of that precinct shall be located on the Indian settlement in a structure designated by the election commissioner of Tama county.

The Indian settlement precinct shall be redrawn to include land contiguous to the Indian settlement when such land is purchased by the settlement and added to the Indian settlement land held in trust by the secretary of the interior of the United States. Upon recording of the deed transferring the land to the United States in trust, the county recorder shall notify the county commissioner of that fact. If the commissioner is notified more than seventy days before the next scheduled election, the commissioner shall redraw the precinct for that election. The commissioner shall notify the board of supervisors of the redrawn precinct boundaries and shall certify the redrawn boundaries to the state commissioner. Land completely surrounded by the boundaries of the Indian settlement precinct, but not included in the settlement precinct, shall be included in

the precinct in which such land was located prior to redrawing of the Indian settlement precinct. The commissioner shall notify registered voters in each of the redrawn precincts of the change in the precincts and the proper polling place for those affected voters.

[C73, § 603; C97, § 1090; S13, § 1090; C24, 27, 31, 35, 39, § **722, 725**; C46, 50, 54, 58, 62, 66, 71, 73, § 49.4, 49.7; C75, 77, 79, 81, S81, § 49.4; 81 Acts, ch 117, § 1203]

94 Acts, ch 1179, §6; 99 Acts, ch 17, §2

49.5 City precincts.

The council of a city where establishment of more than one precinct is necessary or deemed advisable shall, at the time required by law, divide the city into the number of election precincts as will best serve the convenience of the voters while promoting electoral efficiency. As used in this section, the term "*the convenience of the voters*" refers to, but is not necessarily limited to, the use of precinct boundaries which can be readily described to and identified by voters and for which there is ease of access by voters to their respective precinct polling places by reasonably direct routes of travel. As used in this section, the term "*promoting electoral efficiency*" means reducing the cost of staffing election precincts by requiring cities to avoid creating more precincts than is reasonably necessary to provide voters access to voting.

The precinct boundaries shall conform to section 49.3 and shall be described in an ordinance adopted by the council within the time required by section 49.7. Before final adoption of any change in election precinct boundaries pursuant to this section or section 49.6, the council shall permit the commissioner not less than seven and not more than ten days' time to offer written comments to the council on the proposed reprecincting. If the commissioner recommends changes in the proposed reprecincting which the commissioner concludes could better serve the convenience of the voters or could promote electoral efficiency, including lowering election costs, the council shall, if no changes to the reprecincting are made, include reasons in the ordinance for not adopting the proposed changes of the commissioner. A public hearing shall be held before final adoption of the ordinance. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21.

[C97, § 1090; S13, § 1090; C24, 27, 31, 35, 39, § **723**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.5]

93 Acts, ch 143, § 14; 94 Acts, ch 1179, §7, 8; 2001 Acts, ch 50, §1, 2

49.6 Power to combine township and city precincts.

Election precincts composed partially of unincorporated territory and partially of all or any part of a city may be established within a single county in any manner which is not contrary to section 49.3. An agreement mutually satisfactory to the board of supervisors or the temporary county redistricting commission and the city council of the city involved shall be adopted and a copy of the agreement shall be submitted to the state commissioner as part of the certification of precinct boundaries required by section 49.7.

[C97, § 1090; S13, § 1090; C24, 27, 31, 35, 39, § **724**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.6]

94 Acts, ch 1179, §9

49.7 Reprecincting schedule and filing requirements.

Where reprecincting is necessary, city councils and county boards of supervisors or the temporary county redistricting commission shall make any necessary changes in precincts as soon as possible after the redistricting of congressional and legislative districts becomes law.

City councils shall complete any changes in precinct and ward boundaries necessary to comply with sections 49.3 and 49.5 not later than sixty days after the redistricting of congressional and legislative districts becomes law, or September 1 of the year immediately following each year in which the federal decennial census is taken, whichever is later. Different compliance dates may be set by the general assembly by joint resolution.

County boards of supervisors or the temporary county redistricting commission shall complete any changes in precinct and supervisor district boundaries necessary to comply with sections 49.3, 49.4, and 331.209 not later than ninety days after the redistricting of congressional and legislative districts becomes law, or October 15 of the year immediately following each year in which the federal decennial census is taken, whichever is later. Different compliance dates may be set by the general assembly by joint resolution.

Each county board of supervisors or the temporary county redistricting commission and city council shall immediately notify the state commissioner and the commissioner when the boundaries of election precincts are changed, and shall provide a map showing the new boundary lines. Each county board or the temporary county redistricting commission and city council shall certify to the state commissioner the populations of the new election precincts or retained election precincts as determined by the latest federal decennial census. Materials filed with the state commissioner shall be postmarked no later than the deadline specified in this section.

If the state commissioner determines that a county board or the temporary county redistricting commission or city council has failed to make the required changes by the dates specified by this section, the state commissioner shall make or cause to be made the necessary changes as soon as possible. The state commissioner shall assess to the county or city, as the case may be, the expenses incurred in making the necessary changes. The state commissioner may request the services of personnel and materials available to the legislative services agency to assist the state commissioner in making required changes in election precincts which become the state commissioner's responsibility.

Precinct boundaries shall become effective on January 15 of the second year following the year in which the census was taken and shall be used for all subsequent elections. Precinct boundaries drawn by the state commissioner shall be incorporated into the ordinances of the city or county.

Changes made to precincts in years other than the year following the year in which the federal decennial census is taken shall be filed with the state commissioner as soon as possible.

[C73, § 603; C97, § 1090; S13, § 1090; C24, 27, 31, 35, 39, § 722, 723; C46, 50, 54, 58, 62, 66, 71, 73, § 49.4, 49.5; C75, 77, 79, 81, § 49.7; 82 Acts, ch 1091, § 1]

89 Acts, ch 296, §11; 90 Acts, ch 1233, § 1; 94 Acts, ch 1179, §10; 2003 Acts, ch 35, §44, 49

49.8 Changes in precincts.

After any required changes in precinct boundaries have been made following each federal decennial census, at the time established by or pursuant to section 49.7, the county board or city council shall make no further changes in precinct boundaries until after the next federal decennial census, except in the following circumstances:

1. When deemed necessary by the board of supervisors of any county because of a change in the location of the boundaries, dissolution or establishment of any civil township, the boundaries of precincts actually affected may be changed as necessary to conform to the new township boundaries.
2. When territory is annexed to a city the city council may attach all or any part of the annexed territory to any established precinct or precincts which are contiguous to the annexed territory, however this subsection shall not prohibit establishment of one or more new precincts in the annexed territory.

3. A city may have one special federal census taken each decade and the population figures obtained may be used to revise precinct boundaries in accordance with the requirements of sections 49.3 and 49.5.

4. When the boundaries of a county supervisor, city council, or school director district, or any other district from which one or more members of any public representative body other than the general assembly are elected by the voters thereof, are changed by annexation or other means other than reprecincting, the change shall not result in the term of any officer elected from the former district being terminated before or extended beyond the expiration of the term to which the officer was last elected, except as provided under section 275.23A and section 331.209, subsection 1. If more than one incumbent officeholder resides in a district redrawn during reprecincting, their terms of office shall expire after the next election in the political subdivision.

When a vacancy occurs in the office of county supervisor, city council, or school director following the effective date of new district boundaries, the vacancy shall be filled using the new boundaries.

5. When a city is changing its form of government from one which has council members elected at large to one which has council members elected from wards, or is changing its number of council members elected from wards, the city council may redraw the precinct boundaries in accordance with sections 49.3 and 49.5 to coincide with the new ward boundaries.

6. Precinct boundaries established by or pursuant to section 49.4, and not changed under subsection 1 since the most recent federal decennial census, may be changed once during the period beginning January 1 of the second year following a year in which a federal decennial census is taken and ending June 30 of the year immediately following the year in which the next succeeding federal decennial census is taken, if the commissioner recommends and the board of supervisors finds that the change will effect a substantial savings in election costs. Changes made under this subsection shall be made not later than ninety-nine days before a primary election, unless the changes will not take effect until January 1 of the next even-numbered year.

7. When territory contiguous to the Indian settlement is added to the Indian settlement land held in trust by the secretary of the interior of the United States.

[C73, § 603; C97, § 1090; S13, § 1090; C24, 27, 31, 35, 39, § **722, 723**; C46, 50, 54, 58, 62, 66, 71, 73, § 49.4, 49.5; C75, 77, 79, 81, § 49.8]

83 Acts, ch 77, § 2; 84 Acts, ch 1052, § 1; 89 Acts, ch 136, §34; 94 Acts, ch 1179, §11, 12; 99 Acts, ch 17, §3

49.9 Proper place of voting.

No person shall vote in any precinct but that of the person's residence.

[C73, § 605; C97, § 1090; S13, § 1090; C24, 27, 31, 35, 39, § **727**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.9]

49.10 Polling places for certain precincts.

1. Polling places for precincts outside the limits of a city, but within the township, or originally within and set off as a separate township from the township in which the city is in whole or in part situated, and a polling place for a township which entirely surrounds another township containing a city, may be fixed at some room or rooms in the courthouse or in some other building within the limits of the city as the commissioner may provide.

2. If the commissioner determines, or if a petition be filed with the commissioner ninety days before any

primary, general or special election stating that there is no suitable or adequate polling place within a township constituting a voting precinct and that it is desirable and to the interest of the voters of that township voting precinct that a voting place be designated for it outside its territorial limits, the commissioner shall fix a polling place for that precinct, outside its territorial limits, which the commissioner deems convenient to the electors of the township precinct. A petition submitted under this subsection must be signed by eligible electors of the precinct exceeding in number one-half the total number of votes cast in the township precinct for the office of president of the United States or governor, as the case may be, at the last preceding general election. When the commissioner has fixed such a polling place it shall remain the polling place at all subsequent primary, general and special elections, until such time as the commissioner shall fix a different polling place for the precinct.

3. In any city in which precinct lines have been changed to comply with section 49.5, the commissioner may fix the polling place for any precinct outside the boundaries of the precinct if there is no building or facility within the precinct suitable and available for use as a polling place. In so doing, the commissioner shall fix the polling place at the point nearest the precinct which is suitable and available for use as a polling place and is reasonably accessible to voters of the precinct.

4. No single room or area of any building or facility shall be fixed as the polling place for more than one precinct unless there are separate entrances each clearly marked on the days on which elections are held as the entrance to the polling place of a particular precinct, and suitable arrangements are made within the room or area to prevent direct access from the polling place of any precinct to the polling place of any other precinct. When the commissioner has fixed such a polling place for any precinct it shall remain the polling place at all subsequent elections, except elections for which the precinct is merged with another precinct as permitted by section 49.11, until the boundaries of the precinct are changed or the commissioner fixes a new polling place, except that the polling place shall be changed to a point within the boundaries of the precinct at any time not less than sixty days before the next succeeding election that a building or facility suitable for such use becomes available within the precinct.

5. If two or more contiguous townships have been combined into one election precinct by the board of supervisors, the commissioner shall provide a polling place which is convenient to all of the electors in the precinct.

[C97, § 1091; S13, § 1091; C24, 27, 31, 35, 39, § 728; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.10]

93 Acts, ch 143, § 15

49.11 Notice of boundaries of precincts merger or division.

The board of supervisors or the temporary county redistricting commission or city council shall number or name the precincts established by the supervisors or council pursuant to sections 49.3, 49.4, and 49.5. The boundaries of the precincts shall be recorded in the records of the board of supervisors, temporary county redistricting commission, or city council, as the case may be.

The board of supervisors or city council shall publish notice of changes in the county or city precinct boundaries in a newspaper of general circulation published in the county or city once each week for three consecutive weeks. The series of publications shall be made after the changes in the precincts have been approved by the state commissioner of elections. The last of the three publications shall be made no later than thirty days before the next general election. A map showing the new boundaries may be used. No publication is necessary if no changes were made.

The precincts established pursuant to section 49.7 shall not be changed except in the manner provided by law. However, for any election other than the primary or general election or any special election held under

section 69.14, the county commissioner of elections may:

1. Consolidate two or more precincts into one. However, the commissioner shall not do so if there is filed with the commissioner at least twenty days before the election a petition signed by twenty-five or more eligible electors of any precinct requesting that it not be merged with any other precinct. There shall be attached to the petition the affidavit of an eligible elector of the precinct that the signatures on the petition are genuine and that all of the signers are to the best of the affiant's knowledge and belief eligible electors of the precinct.

If a special election is to be held in which only those registered voters residing in a specified portion of any established precinct are entitled to vote, that portion of the precinct may be merged by the commissioner with one or more other established precincts or portions of established precincts for the special election, and the right to petition against merger of a precinct shall not apply.

2. Divide any precinct permanently established under this section which contains all or any parts of two or more mutually exclusive political subdivisions, either or both of which is independently electing one or more officers or voting on one or more questions on the same date, into two or more temporary precincts and designate a polling place for each.

3. Notwithstanding the provisions of the first unnumbered paragraph of this section the commissioner may consolidate precincts for any election including a primary and general election under any of the following circumstances:

a. One of the precincts involved consists entirely of dormitories that are closed at the time the election is held.

b. The consolidated precincts, if established as a permanent precinct, would meet all requirements of section 49.3, and a combined total of no more than three hundred fifty voters voted in the consolidated precincts at the last preceding similar election.

c. The city council of a special charter city with a population of three thousand five hundred or less which is divided into council wards requests the commissioner to consolidate two or more precincts for any election.

[C73, § 604; C97, § 1092, 2755; S13, § 2755; C24, § 729, 4205; C27, § 729, 4205, 4216-b2; C31, 35, § 729, 4216-c5; C39, § 729, 4216.05; C46, 50, 54, 58, 62, 66, 71, 73, § 49.11, 277.5; C75, 77, 79, 81, § 49.11; 81 Acts, ch 34, § 24]

93 Acts, ch 143, § 16; 94 Acts, ch 1169, §64; 94 Acts, ch 1179, §13; 94 Acts, ch 1180, §12

49.12 Election boards.

There shall be appointed in each election precinct an election board which shall ordinarily consist of three or five precinct election officials. At the commissioner's discretion, additional precinct election officials may be appointed to work at any election. Double election boards may be appointed for any precinct as provided by chapter 51. Not more than a simple majority of the members of the election board in any precinct, or of the two combined boards in any precinct for which a double election board is appointed, shall be members of the same political party or organization if one or more registered voters of another party or organization are qualified and willing to serve on the board.

[C51, § 246, 248, 1111; R60, § 481, 483, 2027, 2030, 2031; C73, § 606, 1717, 1719; C97, § 1093, 2746, 2751, 2756; S13, § 2756; SS15, § 1087-a5, 1093; C24, § 559, 730, 731, 735, 4165, 4195, 4209, 4211; C27, §

559, 730, 731, 735, 4165, 4195, 4209, 4211-b2; C31, 35, § 559, 730, 731, 735, 4165, 4216-c10; C39, § **559, 730, 731, 735, 4165, 4216.10**; C46, 50, § 43.31, 49.12, 49.13, 49.17, 49.19, 276.12, 277.10; C54, 58, 62, 66, 71, 73, § 43.31, 49.12, 49.13, 49.17, 275.19, 277.10; C75, 77, 79, 81, § 49.12]

87 Acts, ch 221, § 12; 88 Acts, ch 1119, § 15; 95 Acts, ch 67, §53; 98 Acts, ch 1123, § 4

49.13 Commissioner to appoint members, chairperson.

1. The membership of each precinct election board shall be appointed by the commissioner, not less than fifteen days before each election held in the precinct, from the election board panel drawn up as provided in section 49.15. Precinct election officials shall be registered voters of the county, or other political subdivision within which precincts have been merged across county lines pursuant to section 49.11, subsection 1, in which they are appointed. Preference shall be given to appointment of residents of a precinct to serve as precinct election officials for that precinct, but the commissioner may appoint other residents of the county where necessary.
2. Each election board member shall be a member of one of the two political parties whose candidates for president of the United States or for governor, as the case may be, received the largest and next largest number of votes in the precinct at the last general election, except that persons not members of either of these parties may be appointed to serve for any election in which no candidates appear on the ballot under the heading of either of these political parties.
3. In appointing the election board to serve for any election in which candidates' names do appear under the heading of these political parties, the commissioner shall give preference to the persons designated by the respective county chairpersons of these political parties for placement on the election board panel, as provided by section 49.15, in the order that they were so designated. However, the commissioner may for good cause decline to appoint a designee of a county chairperson if that chairperson is notified and allowed two working days to designate a replacement.
4. The commissioner shall designate one member of each precinct election board as chairperson of that board. If a counting board authorized by chapter 51 is appointed, the chairperson shall have authority over the mechanics of the work of both boards. At the discretion of the commissioner, two people who are members of different political parties may be appointed as cochairpersons. The cochairpersons shall have joint authority over the work of the precinct election board.

[C97, § 1093; SS15, § 1093; C24, 27, 31, 35, 39, § **733**; C46, 50, 54, 58, 62, 66, 71, 73, § 49.15; C75, 77, 79, 81, § 49.13]

95 Acts, ch 67, §53; 97 Acts, ch 170, § 23

49.14 Substitute precinct election officials.

1. The commissioner may appoint substitute precinct election officials as alternates for election board members. A majority of the original election board members shall be present at the precinct polling place at all times; at partisan elections such majority shall include at least one precinct election official from each political party. If the chairperson leaves the polling place, the chairperson shall designate another member of the board to serve as chairperson until the chairperson returns. The responsibilities and duties of a precinct election official present at the time the polling place was opened on the day of an election may be assumed at any later time that day by a substitute appointed as an alternate. The substitute shall serve either for the balance of that election day or for any shorter period of time the commissioner may designate.
2. Substitute precinct election officials shall be appointed and shall serve in accordance with sections 49.12, 49.13, 49.15, and 49.16, and shall receive compensation as provided by sections 49.19, 49.20, and 49.125.

Upon arriving at the polling place and prior to performing any official duty, a substitute precinct election official shall take the oath required by section 49.75.

3. The commissioner shall not employ substitute precinct election officials in a partisan election unless:

a. The election board panel drawn up pursuant to section 49.15 contains the names of a sufficient number of political party designees to permit appointment of both the regular precinct election officials and any substitute precinct election officials from that panel; or

b. The commissioner has informed the county chairpersons of the political parties referred to in section 49.13, subsection 2, thirty days prior to the date of the election, of intent to appoint substitute precinct election officials and has allowed ten days thereafter for the respective county chairpersons to provide additional names of persons from whom the substitute precinct election officials shall be appointed. If a county chairperson fails to provide additional names after being so notified, the commissioner may appoint persons known to be members of the appropriate political party or parties.

[S81, § 49.14; 81 Acts, ch 34, § 25]

49.15 Commissioner to draw up election board panel.

Not less than twenty days before each primary election, the commissioner shall draw up for each precinct an election board panel from which members of the precinct election board shall be appointed for each election held in the precinct during the ensuing two years. Each panel shall include members of each of the political parties referred to in section 49.13, whose names may be designated by the county chairpersons of each of these political parties not less than thirty days prior to each primary election. The commissioner may place on the election board panel names of persons known by the commissioner to be members of these political parties, if the respective county chairpersons fail to designate a sufficient number of names, and may also add names of persons, whether or not they are members of either of these political parties, who have advised the commissioner they are willing to serve on the election board for elections in which no candidates appear on the ballot under the heading of either of these political parties, or whom either the city council of a city of three thousand five hundred or less population or a school board has advised the commissioner at least thirty days before each primary election are willing to serve without pay at elections conducted for that school district or city, as the case may be, during the tenure of the election board panel on which these names are included.

[C97, § 1093; SS15, § 1093; C24, 27, 31, 35, 39, § 733; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.15]

49.16 Tenure of election board panel.

Each person whose name is placed on the election board panel as provided in section 49.15, shall remain available for appointment to the election board of the precinct, subject to the provisions of section 49.12, until a new panel is drawn up unless the person's name is sooner deleted from the panel by the commissioner. The election board for each election held in the precinct shall be drawn from the panel, however:

1. No person shall serve on the election board at any election in which the person or any person related to the person within the third degree of consanguinity or affinity is a candidate to be voted upon in that precinct, and it shall be the responsibility of each person whose name is listed on the election board panel to notify the commissioner not less than fifteen days before any election at which the person is ineligible to serve by reason of this subsection. However, this subsection shall not apply in the case of any candidate or relative of a candidate seeking an office or nomination which no opposing candidate is seeking. Any candidate for an

office or for nomination to an office to which two or more persons are to be elected at large is unopposed, for the purpose of this subsection, if the number of candidates for the office or nomination does not exceed the number of persons to be elected or nominated.

2. When all or portions of two or more precincts are merged for any election as permitted by section 49.11, subsection 1, the commissioner may appoint the election board for the merged precinct from the election board panels of any of the precincts so merged. When any permanent precinct is divided as permitted by section 49.11, subsection 2, the commissioner shall so far as possible appoint the election board for each of the temporary precincts so created from the election board panel of the permanent precinct.

3. Persons whose names are listed on the election board panel shall not be required to serve on the election board for any election which by the terms of the statute authorizing it is exempt from the provisions of this chapter. The necessary officers for such elections shall be designated as provided by law or, if there is no applicable statute, by the commissioner.

4. In appointing the election board for any election conducted for a city of three thousand five hundred or less population, or any school district, the commissioner may give preference to any persons who are willing to serve without pay at those elections.

5. A person shall not serve on the precinct election board as a representative of a political party if the person has changed political party affiliation from that of the political party which selected the person to serve as a precinct election official. If a precinct election official records a change of political party, the official's name shall be removed from the list of precinct election officials for that political party. The chairperson of the political party shall be notified of the vacancy and may designate a replacement. If the chairperson of another political party later designates the person as a precinct election official, the person may serve, if qualified.

[C75, 77, 79, 81, § 49.16]

97 Acts, ch 170, § 24

49.17 Repealed by 73 Acts, ch 136, § 401.

49.18 Vacancies occurring on election day.

If, at the opening of the polls in any precinct, there shall be a vacancy in the office of the precinct election official, the vacancy shall be filled by the commissioner or, with the commissioner's approval and for that election only by the members of the board present, consideration being given to the political party affiliation of the person appointed if necessary in order to comply with the requirements of sections 49.12 and 49.13.

[C51, § 247, 1111; R60, § 482, 2027, 2030, 2031; C73, § 607, 1717, 1719; C97, § 1093, 2746, 2751, 2756; S13, § 2756; SS15, § 1087-a5, 1093; C24, § 559, 736, 737, 4195, 4209, 4211; C27, § 559, 736, 737, 4195, 4209, 4211-b2; C31, 35, § 559, 736, 737, 4216-c10; C39, § **559, 736, 737, 4216.10**; C46, 50, 54, 58, 62, 66, 71, 73, § 43.31, 49.18, 49.19, 277.10; C75, 77, 79, 81, § 49.18]

49.19 Unpaid officials, paper ballots optional for certain city elections.

The commissioner may appoint unpaid election precinct officials to election boards, as provided by sections 49.15, 49.16 and 49.20, or elect not to use voting machines even though they are available, as permitted by section 49.26, or both, for any election held for a city, even if the city has a population of more than three thousand five hundred, if there is no contest for any office on the ballot and no public question is being submitted to the voters at that election.

[C75, 77, 79, 81, § 49.19]

49.20 Compensation of members.

The members of election boards shall be deemed temporary state employees who are compensated by the county in which they serve, and shall receive compensation at a rate established by the board of supervisors, which shall be not less than three dollars and fifty cents per hour, while engaged in the discharge of their duties and shall be reimbursed for actual and necessary travel expense at a rate determined by the board of supervisors, except that persons who have advised the commissioner prior to their appointment to the election board that they are willing to serve without pay at elections conducted for any school district or a city of three thousand five hundred or less population, shall receive no compensation for service at those elections. Compensation shall be paid to members of election boards only after the vote has been canvassed and it has been determined in the course of the canvass that the election record certificate has been properly executed by the election board.

[SS15, § 1087-a5, 1093; C24, 27, 31, 35, 39, § **560, 738**; C46, 50, 54, 58, 62, 66, 71, 73, § 43.32, 49.20; C75, 77, 79, 81, § 49.20]

89 Acts, ch 121, §1; 97 Acts, ch 170, § 25

Footnotes

Use of automobile, see § 70A.9

49.21 Polling places accessibility signs.

It is the responsibility of the commissioner to designate a polling place for each precinct in the county.

Upon the application of the commissioner, the authority which has control of any buildings or grounds supported by taxation under the laws of this state shall make available the necessary space therein for the purpose of holding elections, without charge for the use thereof.

Except as otherwise provided by law, the polling place in each precinct in the state shall be located in a central location if a building is available. However, first consideration shall be given to the use of public buildings supported by taxation.

In the selection of polling places, preference shall also be given to the use of buildings accessible to persons who are elderly and persons with disabilities.

On the day of an election, the commissioner shall post a sign stating "vote here" at the entrance to each driveway leading to the building where a polling place is located. The sign must be visible from the street or highway fronting the driveway, but shall not encroach upon the right-of-way of such street or highway.

The commissioner shall post a sign at the entrance to the polling place indicating the election precinct number or name, and displaying a street map showing the boundaries of the precinct.

[C51, § 222, 245; R60, § 444, 480; C73, § 391, 603; C97, § 566, 1113, 2755; S13, § 2755; C24, 27, § 739, 4205; C31, 35, § 739, 4216-c7; C39, § **739, 4216.07**; C46, 50, 54, 58, 62, 66, 71, 73, § 49.21, 277.7; C75, 77, 79, 81, S81, § 49.21; 81 Acts, ch 34, § 26]

96 Acts, ch 1129, §15; 2000 Acts, ch 1039, §1; 2002 Acts, ch 1134, §30, 115

49.22 Repealed by 73 Acts, ch 136, § 401.

49.23 Notice of change.

When a change is made from the usual polling place for the precinct or when the precinct polling place for any primary or general election is different from that used for the precinct at the last preceding primary or general election, notice of such change shall be given by publication in a newspaper of general circulation in the precinct not more than twenty nor less than four days before the day on which the election is to be held. In addition a notice of the present polling place for the precinct shall be posted, not later than the hour at which the polls open on the day of the election, on each door to the usual or former polling place in the precinct and shall remain there until the polls have closed.

[C51, § 222; R60, § 444; C73, § 391; C97, § 566; C24, 27, 31, 35, 39, § 741; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.23]

89 Acts, ch 136, §35

49.24 Schoolhouses as polling places.

In precincts outside of cities the election shall, if practicable, be held in a public school building. Any damage to the building or furniture resulting from the election shall be paid by the county.

[C97, § 1113; C24, 27, 31, 35, 39, § 742; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.24]

Footnotes

Schoolhouses as polling places, § 297.9

49.25 Equipment required at polling places.

1. In any county or portion of a county for which voting machines have been acquired under section 52.2 the commissioner shall determine pursuant to section 49.26, in advance of each election conducted for a city of three thousand five hundred or less population, or any school district, and individually for each precinct, whether voting in that election shall be by machine or by paper ballot.

2. The commissioner shall furnish to each precinct, in advance of each election, voting machines meeting the requirements of chapter 52 or voting booths, as the case may be, in the following number:

a. At each regularly scheduled election, at least one for every three hundred fifty voters who voted in the last preceding similar election held in the precinct.

b. At any special election at which the ballot contains only a single public measure or only candidates for a single office or position, the number determined by the commissioner.

3. The commissioner shall furnish to each precinct where voting is to be by paper ballot, special paper ballot, or ballot card, rather than by voting machine, the necessary ballot boxes, suitably equipped with seals or locks and keys, and voting booths. The voting booths shall be approved by the board of examiners for voting machines and electronic voting systems and shall provide for voting in secrecy. At least one voting booth in each precinct shall be accessible to persons with disabilities. If the lighting in the polling place is inadequate, the voting booths used in that precinct shall include lights. Ballot boxes shall be locked or sealed before the polls open and shall remain locked or sealed until the polls are closed, except as provided in sections 51.7 and 52.40, or to provide necessary service to a malfunctioning portable vote tallying device. If a ballot box is opened prior to the closing of the polls, two precinct election officials not of the same party shall be present and observe the ballot box being opened.

4. Secrecy folders or sleeves shall be provided for use at any precinct where ballots are used which cannot be

folded to obscure the marks made by the voters.

[C51, § 254; R60, § 489; C73, § 614; C97, § 1113, 1130, 2756; S13, § 1130, 2756; C24, 27, § 743, 744, 4209; C31, 35, § 743, 744, 4216-c14; C39, § **743, 744, 4216.14**; C46, 50, 54, 58, 62, 66, 71, 73, § 49.25, 49.26, 277.14; C75, 77, 79, 81, § 49.25]

90 Acts, ch 1007, §1; 96 Acts, ch 1129, § 113; 97 Acts, ch 170, § 26, 27

49.26 Commissioner to decide method of voting counting of ballots.

1. In all elections regulated by this chapter, the voting shall be by ballots printed and distributed as provided by law, or by voting machines meeting the requirements of chapter 52.

2. When voting machines are available for an election precinct, the commissioner shall determine in advance of each election conducted for a city of three thousand five hundred or less population or any school district in which voting occurs in that precinct whether voting there shall be by machine or paper ballot. If the commissioner concludes, on the basis of voter turnout for recent similar elections and factors considered likely to affect voter turnout for the forthcoming election, that voting will probably be so light as to make preparation and use of paper ballots less expensive than preparation and use of a voting machine, paper ballots shall be used.

3. In counties in which automatic tabulating equipment is available, the commissioner shall determine in advance of each election whether the ballots will be counted by the automatic tabulating equipment or by the precinct election officials. The commissioner may use ballots and instructions similar to those used when the ballots are counted by automatic tabulating equipment.

[S13, § 2754; C24, 27, § 4203; C31, 35, § 4216-c15; C39, § **4216.15**; C46, 50, 54, 58, 62, 66, 71, 73, § 277.15; C75, 77, 79, 81, § 49.26]

97 Acts, ch 170, § 28

49.27 Precincts where some voters may not vote for all candidates or questions. Repealed by 97 Acts, ch 170, § 93. See § 49.30.

49.28 Commissioner to furnish registers and supplies.

The commissioner shall prepare and furnish to each precinct an election register and all other books, forms, materials, equipment, and supplies necessary to conduct the election.

After the registration deadline and before election day the commissioner shall prepare an election register for each precinct in which voting will occur on the day of the election. The precinct election register shall be a list of the names and addresses of all registered voters of the precinct. Inactive records listed in the election register shall be clearly identified with a special mark or symbol.

When a precinct is divided by a district boundary, and some, but not all, registered voters of the precinct may vote on an issue or office from that district, the election register shall clearly indicate which of the registered voters are entitled to vote in the district.

[C51, § 255; R60, § 490; C73, § 615; C97, § 1113, 1132, 2756; S13, § 1087-a16, 2756; C24, 27, § 561, 746, 4209; C31, 35, § 561, 746, 4216-c14; C39, § **561, 746, 4216.14**; C46, 50, 54, 58, 62, 66, 71, 73, § 43.33, 49.28, 277.14; C75, 77, 79, 81, § 49.28]

94 Acts, ch 1169, §49

49.29 Voting by ballot or machine. Repealed by 97 Acts, ch 170, § 93. See § 49.26.

49.30 All candidates and issues on one ballot exceptions.

All constitutional amendments, all public measures, and the names of all candidates, other than presidential electors, to be voted for in each election precinct, shall be printed on one ballot, except that separate ballots are authorized under the following circumstances:

1. Where special paper ballots are used, if it is not possible to include all offices and public measures on a single ballot, separate ballots may be provided for nonpartisan offices, judges, or public measures.
2. At an election where voting machines are used, the following exceptions apply:
 - a. If it is impossible to place the names of all candidates on the machine ballot, the commissioner may provide a separate paper ballot for the candidates for judge of the district court and the nonpartisan offices listed in section 39.21. One of the paper ballots shall be furnished to each registered voter.
 - b. When a precinct has one or more offices or questions on the ballot in any election that may not be legally voted upon by all registered voters of the precinct, the commissioner shall use lockout devices operated by the precinct election officials to restrict each voter to the appropriate parts of the ballot. However, if the voting machine does not have a lockout device, the commissioner may use one or more separate voting machines for each group of voters in the precinct. If neither of the foregoing procedures is feasible, the commissioner shall prepare separate ballots for the candidates or questions which may not be legally voted upon by all registered voters of the precinct, and shall furnish a separate ballot box into which only those ballots shall be deposited.
3. Where paper ballots are used, separate paper ballots shall be used:
 - a. For the election of township officers in precincts including both incorporated and unincorporated areas or more than one township.
 - b. For public measures.
 - c. For judges.

[C51, § 256; R60, § 491; C73, § 616; C97, § 1106; S13, § 1106; C24, 27, 31, 35, 39, § 748; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.30]

90 Acts, ch 1238, §17; 94 Acts, ch 1169, §64; 97 Acts, ch 170, § 29; 98 Acts, ch 1100, § 6; 2002 Acts, ch 1134, §31, 115; 2005 Acts, ch 152, §7, 8

49.31 Arrangement of names on ballot restrictions.

1. All ballots shall be arranged with the names of candidates for each office listed below the office title. For partisan elections the name of the political party or organization which nominated each candidate shall be listed after or below each candidate's name.

The commissioner shall determine the order of political parties and nonparty political organizations on the ballot. The sequence shall be the same for each office on the ballot and for each precinct in the county voting in the election.

2. The commissioner shall prepare a list of the election precincts of the county, by arranging the various townships and cities in the county in alphabetical order, and the wards or precincts in each city or township in

numerical order under the name of such city or township. The commissioner shall then arrange the surnames of each political party's candidates for each office to which two or more persons are to be elected at large alphabetically for the respective offices for the first precinct on the list; thereafter, for each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The commissioner may also rotate the names of candidates of a political party in the reverse order of that provided in this subsection or alternate the rotation so that the candidates of different parties shall not be paired as they proceed through the rotation. The procedure for arrangement of names on ballots provided in this section shall likewise be substantially followed in elections in political subdivisions of less than a county.

On the general election ballot the names of candidates for the nonpartisan offices listed in section 39.21 shall be arranged by drawing lots for position. The board of supervisors shall hold the drawing at its first meeting following the deadline for receipt of objections and withdrawals by candidates for the general election.

3. The ballots for any city elections, school elections, special election, or any other election at which any office is to be filled on a nonpartisan basis and the statutes governing the office to be filled are silent as to the arrangement of names on the ballot, shall contain the names of all nominees or candidates arranged in alphabetical order by surname under the heading of the office to be filled. When a city election, school election, special election, or any other election at which an office is to be filled on a nonpartisan basis, is held in more than one precinct, the candidates' names shall be rotated on the ballot from precinct to precinct in the manner prescribed by subsection 2 unless there are no more candidates for an office than the number of persons to be elected to that office.

4. The heading for each office on the ballot shall be immediately followed by a notation stating, "Vote for no more than, and indicating the maximum number of nominees or candidates for that office for whom each elector may vote.

5. At the end of the list of candidates for each office listed on the ballot one or more blank lines and voting positions shall be printed to allow the elector to write in the name of any person for whom the elector desires to vote for any office or nomination on the ballot. The number of write-in lines shall equal the number of votes that can be cast for that office.

6. The name of a candidate printed on the ballot shall not include parentheses, quotation marks, or any personal or professional title.

7. For the purpose of ballot rotation the absentee ballot and special voters precinct may be considered a separate precinct.

[C97, § 1106; S13, § 1106, 2754; C24, 27, § 749, 4203; C31, 35, § 749, 4216-c8; C39, § 749, 4216.08; C46, 50, 54, 58, 62, 66, 71, 73, § 49.31, 277.8; C75, 77, 79, 81, § 49.31]

86 Acts, ch 1224, § 11, 12; 87 Acts, ch 221, § 13, 14; 89 Acts, ch 136, §36; 90 Acts, ch 1238, § 18; 91 Acts, ch 129, §12; 97 Acts, ch 170, § 3032; 2002 Acts, ch 1134, §32, 115

49.32 Candidates for president in place of electors.

The candidates for electors of president and vice president of any political party or group of petitioners shall not be placed on the ballot, but in the years in which they are to be elected the names of candidates for president and vice president, respectively, of such parties or group of petitioners shall be placed on the ballot, as the names of candidates for United States senators are placed thereon, under their respective party, petition, or adopted titles for each political party, or group of petitioners, nominating a set of candidates for electors.

[C97, § 1106; S13, § 1106; C24, 27, 31, 35, 39, § **750**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.32]

49.33 Single voting target for certain paired offices.

Immediately opposite the names of each pair of candidates for president and vice president, a single voting target shall be printed next to the bracket enclosing the names of the candidates for president and vice president. A single voting target shall be printed next to the bracket enclosing the names of the candidates for governor and lieutenant governor. The votes for a team of candidates shall be counted and certified by the election board as a team. Write-in votes shall also be tabulated as a single vote for a pair of candidates.

[C24, 27, 31, 35, 39, § **751**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.33]

90 Acts, ch 1238, §19; 97 Acts, ch 170, § 33

Footnotes

Canvass of votes, chapter 50

49.34 Repealed by 75 Acts, ch 81, § 154.

49.35 Order of arranging tickets on lever voting machine ballot.

Each list of candidates nominated by a political party or a group of petitioners shall be termed a ticket. Where lever voting machines are used, each ticket shall be placed in a separate vertical column or horizontal row on the ballot, in the order determined pursuant to section 49.37 by the authorities charged with the printing of the ballots. However, if a total of more than seven tickets are to be placed on the ballot the state commissioner may authorize a method of placement in which the groups of petitioners are not all placed in separate individual columns or rows.

[C97, § 1106; S13, § 1106; C24, 27, 31, 35, 39, § **753**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.35]

97 Acts, ch 170, § 34

Footnotes

Order of names in primaries, § 43.28

49.36 Candidates of nonparty organization.

The term "*group of petitioners*" as used in the foregoing sections shall embrace an organization which is not a political party as defined by law.

[C24, 27, 31, 35, 39, § **754**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.36]

Footnotes

Nonparty organizations, see chapter 44

Political party defined, § 43.2

See also chapter 45

49.37 Arrangement of ballot.

1. For general elections, and for other elections in which more than one partisan office will be filled, the first section of the ballot shall be for straight party voting. Each political party or organization which has nominated candidates for more than one office shall be listed. Instructions to the voter for straight party or organization voting shall be in substantially the following form: "To vote for all candidates from a single party or organization, mark the voting target next to the party or organization name. Not all parties or organizations have nominated candidates for all offices. Marking a straight party or organization vote does not include votes for nonpartisan offices, judges, or questions." Political parties and nonparty political organizations which have nominated candidates for only one office shall be listed below the other political organizations under the heading "Other Political Organizations. The following organizations have nominated candidates for only one office:".

Offices shall be arranged in groups. Partisan offices, nonpartisan offices, judges, and public measures shall be separated by a distinct line appearing on the ballot.

2. The commissioner shall arrange the ballot in conformity with the certificate issued by the state commissioner under section 43.73, in that the names of the respective candidates for each political party shall appear in the order they appeared on the certificate, above or to the left of the nonparty political organization candidates.

3. The commissioner shall arrange the partisan county offices on the ballot with the board of supervisors first, followed by the other county offices in the same sequence in which they appear in section 39.17. Nonpartisan offices shall be listed after partisan offices.

[C97, § 1106; S13, § 1106; C24, 27, 31, 35, 39, § 755; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.37]

89 Acts, ch 136, §37; 97 Acts, ch 170, § 35, 36; 2005 Acts, ch 152, §9

49.38 Candidate's name to appear but once.

The name of a candidate shall not appear upon the ballot in more than one place for the same office, whether nominated by convention, primary, caucus, or petition, except as hereinafter provided.

[C97, § 1106; S13, § 1106; C24, 27, 31, 35, 39, § 756; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.38]

49.39 Dual nomination.

When two or more political parties, or when two or more political organizations which are not political parties, or when a political party and a political organization which is not a political party, nominate the same candidate for the same office, such nominee shall forthwith designate, in writing, the political party name, or the political organization name, under which the nominee desires to have the nominee's name printed on the official ballot for the ensuing general election; such written designation shall be filed with the officer with whom the nomination paper, or certificate of nomination by a convention or caucus, is filed and the name of such nominee shall appear on the ballot in accordance therewith.

[C97, § 1106; S13, § 1087-a6, 1106; C24, 27, 31, 35, 39, § 757; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.39]

49.40 Failure to designate.

If the designation referred to in section 49.39 be not filed, the following rules shall govern:

1. If the nomination be by two or more political parties, the name of such nominee shall be printed under the party designation under which nomination papers were first filed in the nominee's behalf.
2. If the nomination be by a political party and also by a political organization which is not a political party, the name of such nominee shall be printed under the name of the political party or political organization first filing nomination papers, or certificate of nomination, as the case may be.
3. If the nomination be by two or more political organizations which are not political parties, the name of such nominee shall be printed under the name of the political organization first filing a certificate of nomination of such candidate.

[C97, § 1106; S13, § 1087-a6, 1106; C24, 27, 31, 35, 39, § 758; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.40]

49.41 More than one office prohibited.

A person shall not be a candidate for more than one office to be filled at the same election. A person who has been nominated for more than one office shall file a written notice declaring the office for which the person wishes to appear on the ballot.

If the nomination papers for all offices for which the candidate has been nominated are required to be filed with the same commissioner of elections, the candidate shall file a written notice with that commissioner no later than five p.m. on the final date upon which nomination papers may be filed for the election. The notice shall state the office for which the person wishes to appear on the ballot. If the required notice is not filed, the candidate's name shall not be certified by the state commissioner for any office for which nomination papers are filed with the state commissioner and the county commissioner of elections shall not include the candidate's name on the ballot for any office in any county.

If a person is a candidate for one or more offices for which nomination papers are required to be filed with the state commissioner and one or more offices for which nomination papers are required to be filed with the county commissioner, the candidate shall notify the state commissioner and the county commissioner in writing. The notice shall state the office for which the person chooses to remain a candidate. The notice shall be filed no later than the last day to file nomination papers with the commissioner. If the required notice is not filed, the candidate's name shall not appear on the ballot for any office in any county.

If necessary, the county commissioner shall certify to the state commissioner the name of any person who is a candidate for more than one office which will appear on the ballot for the election. The certification of dual candidacy shall be made no later than five p.m. on the day following the final day to file nomination papers in the office of the commissioner.

When the state commissioner receives notice from the county commissioner that a candidate for a state or federal office has also been nominated for a county or township office, the state commissioner shall amend the certificate issued pursuant to section 43.73 and notify the commissioners of any other counties to whom the candidate's name was originally certified and instruct them to remove the candidate's name from the ballot in those counties.

This section does not apply to the county agricultural extension council or the soil and water conservation district commission.

49.42 Form of official ballot. Repealed by 97 Acts, ch 170, § 93. See § 49.42A.

49.42A Form of official ballot.

The ballot for the general election shall be arranged in substantially the following form: PARTISAN OFFICES STRAIGHT PARTY VOTING

To vote for all candidates from a single party mark the voting target next to the party name. Not all parties have nominated candidates for all offices. Marking a straight party vote does not include votes for nonpartisan offices, judges, or questions.

\$YVC POLITICAL PARTY NAME

\$YVC POLITICAL PARTY NAME

\$YVC POLITICAL ORGANIZATION NAME

\$YVC POLITICAL ORGANIZATION NAME OTHER POLITICAL ORGANIZATIONS

The following political organizations have nominated candidates for only one office:

POLITICAL ORGANIZATION NAME

POLITICAL ORGANIZATION NAME FEDERAL OFFICES For President and Vice President Vote for no more than one team.

\$YVC CANDIDATE NAME, of State

CANDIDATE NAME, of State Political Party

\$YVC CANDIDATE NAME, of State

CANDIDATE NAME, of State Political Party

\$YVC CANDIDATE NAME, of State

CANDIDATE NAME, of State Political Organization Name

\$YVC CANDIDATE NAME, of State

CANDIDATE NAME, of State Political Organization Name

\$YVC CANDIDATE NAME, of State

CANDIDATE NAME, of State Nominated by Petition

\$YVC Write-in for President, if any. Write-in for Vice President, if any. For U.\$THS. Senator Vote for no more than one.

\$YVC CANDIDATE NAME Political Party

\$YVC CANDIDATE NAME Political Party

\$YVC CANDIDATE NAME Political Organization

\$YVC CANDIDATE NAME Political Organization

\$YVC CANDIDATE NAME Nominated by Petition

\$YVC Write-in vote, if any. For U.\$THS. Representative First District Vote for no more than one.

\$YVC CANDIDATE NAME Political Party

\$YVC CANDIDATE NAME Political Party

\$YVC CANDIDATE NAME Political Organization

\$YVC CANDIDATE NAME Political Organization

\$YVC CANDIDATE NAME Nominated by Petition

\$YVC Write-in vote, if any. STATE OFFICES For State Senator, District 2 Vote for no more than one.

\$YVC CANDIDATE NAME Political Party

\$YVC CANDIDATE NAME Political Party

\$YVC CANDIDATE NAME Political Organization

\$YVC CANDIDATE NAME Political Organization

\$YVC CANDIDATE NAME Nominated by Petition

\$YVC Write-in vote, if any.

97 Acts, ch 170, §37

49.43 Constitutional amendment or other public measure.

If possible, all public measures and constitutional amendments to be voted upon by an elector shall be included on a single special paper ballot which shall also include all offices to be voted upon. However, if it is necessary, a separate ballot may be used as provided in section 49.30, subsection 1.

In precincts using paper ballots all public measures to be voted upon by a voter at a given election shall be printed upon one ballot of some color other than white. In precincts using voting machines all public measures shall be placed in the question row on the machine; however, if it is impossible to place all the public measures on the machine ballot, or if only a portion of the registered voters of the precinct are entitled to vote upon any measure presented, the commissioner may provide a separate paper ballot for the public measure or measures.

Constitutional amendments and other public measures may be summarized by the commissioner as provided in sections 49.44 and 52.25.

[C97, § 1106; S13, § 1106; C24, 27, 31, 35, 39, § 761, 762, 767; C46, 50, 54, 58, 62, 66, 71, 73, § 49.43,

49.44; C75, § 49.43, 49.49; C77, 79, 81, § 49.43]

88 Acts, ch 1119, § 17; 94 Acts, ch 1169, §64; 97 Acts, ch 170, § 38, 39

Footnotes

Constitution, Art. X, § 1

See also § 52.24

49.44 Summary.

When a proposed constitutional amendment or other public measure to be decided by the voters of the entire state is to be voted upon, the state commissioner shall prepare a written summary of the amendment or measure including the number of the amendment or statewide public measure assigned by the state commissioner. The summary shall be printed immediately preceding the text of the proposed amendment or measure on the paper ballot or special paper ballot referred to in section 49.43. If the complete text of the public measure will not fit on the special paper ballot it shall be posted inside the voting booth. A copy of the full text shall be included with any absentee ballots.

In precincts where the amendment or measure will be voted on by machine, the summary shall be placed in the voting machine inserts as required by section 52.25.

The commissioner may prepare a summary for public measures if the commissioner finds that a summary is needed to clarify the question to the voters.

[C73, § 49.43; C75, 77, 79, 81, § 49.44; 81 Acts, ch 34, § 27]

89 Acts, ch 136, §38; 97 Acts, ch 170, § 40

Footnotes

Constitution, Art. X, § 1

49.45 General form of ballot.

Ballots referred to in section 49.43 shall be substantially in the following form:

Shall the following amendment to the Constitution (or public measure) be adopted?

\$YVB Yes

\$YVB No

(Here insert the summary, if it is for a constitutional amendment or statewide public measure, and in full the proposed constitutional amendment or public measure. The number assigned by the state commissioner or the letter assigned by the county commissioner shall be included on the ballot centered above the question, "Shall the following amendment to the Constitution [or public measure] be adopted?".)

[C97, § 1106; S13, § 1106; C24, 27, 31, 35, 39, § **763**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, § 49.45; 81 Acts, ch 34, § 28]

97 Acts, ch 170, § 41

Footnotes

Constitution, Art. X, § 1

49.46 Marking ballots on public measures.

The elector shall designate a vote by making the appropriate mark in the voting target. On paper ballots an "X", or a check mark, thus, "\$YCK", may be placed in the proper target.

[C97, § 1106; S13, § 1106; C24, 27, 31, 35, 39, § 764; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.46]

97 Acts, ch 170, §42

Footnotes

Constitution, Art. X, § 1

49.47 Notice on ballots.

At the top of paper ballots for public measures shall be printed the following:

[Notice to voters. To vote to approve any question on this ballot, make a cross mark or check in the target before the word "Yes". To vote against a question make a similar mark in the target preceding the word "No".]

This notice shall be adapted to describe the proper mark where it is appropriate.

[S13, § 1106; C24, 27, 31, 35, 39, § 765; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.47]

97 Acts, ch 170, § 43; 98 Acts, ch 1100, § 7

Footnotes

Constitution, Art. X, § 1

49.48 Notice for judicial officers and constitutional amendments.

The state commissioner of elections shall prescribe a notice to inform voters of the location on the ballot of the form for retaining or removing judicial officers and for ratifying or defeating proposed constitutional amendments. The notice shall be conspicuously attached to the voting machine or to the ballot.

83 Acts, ch 186, § 10026, 10201; 89 Acts, ch 136, §39

Footnotes

Constitution, Art. X, § 1

49.49 Repealed by 75 Acts, ch 81, § 154.

49.50 Endorsement and delivery of ballots.

Ballots on such public measures shall be endorsed and given to each voter by the precinct election officials, as in case of ballots generally, and shall be subject to all other laws governing ballots for candidates, so far as the same shall be applicable.

[S13, § 1106; C24, 27, 31, 35, 39, § **768**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.50]

Footnotes

Constitution, Art. X, § 1

49.51 Commissioner to control printing.

The commissioner shall have charge of the printing of the ballots to be used for any election held in the county, unless the commissioner delegates that authority as permitted by this section. The commissioner may delegate this authority only to another commissioner who is responsible under section 47.2 for conducting the elections held for a political subdivision which lies in more than one county, and only with respect to printing of ballots containing only public questions or the names of candidates to be voted upon by the registered voters of that political subdivision. Only one facsimile signature, that of the commissioner under whose direction the ballot is printed, shall appear on the ballot. It is the duty of the commissioner to insure that the arrangement of any ballots printed under the commissioner's direction conforms to all applicable requirements of this chapter.

[C97, § 1107; S13, § 1106, 2754; SS15, § 1107; C24, 27, § 767, 769, 771, 4203; C31, 35, § 767, 769, 771, 4216-c8; C39, § **767, 769, 771, 4216.08**; C46, 50, 54, 58, 62, 66, 71, 73, § 49.51, 49.53, 277.8; C75, § 49.49, 49.51; C77, 79, 81, § 49.51]

83 Acts, ch 139, § 1, 14; 93 Acts, ch 163, § 38; 95 Acts, ch 67, §53; 98 Acts, ch 1119, § 1

49.52 Repealed by 73 Acts, ch 136, § 401.

49.53 Publication of ballot and notice.

The commissioner shall not less than four nor more than twenty days before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a facsimile of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2, and shall show the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. The sample ballot published as a part of the notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not cause upper case letters appearing in candidates' names or in summaries of public measures on the published sample ballot to be less than ninety percent of the size of such upper case letters appearing on the actual ballot. The notice shall also state the date of the election, the hours the polls will be open, the location of each polling place at which voting is to occur in the election, the location of the polling places designated as early ballot pick-up sites, and the names of the precincts voting at each polling place, but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice. The notice shall include the full text of all public measures to be voted upon at the election. The notice shall also include notice of testing required pursuant to sections 52.9, 52.35, and 52.38.

The notice shall be published in at least one newspaper, as defined in section 618.3, which is published in the county or other political subdivision in which the election is to occur or, if no newspaper is published there, in at least one newspaper of substantial circulation in the county or political subdivision. For the general election or the primary election the foregoing notice shall be published in at least two newspapers published in the county. However, if there is only one newspaper published in the county, publication in one newspaper shall be sufficient.

[C51, § 1110; R60, § 463, 2027, 2030; C73, § 578, 1718, 1719; C97, § 1062, 1112, 2746, 2750, 2751, 2755; S13, § 1087-a12, 2750, 2755; C24, § 508, 550, 551, 790, 4195, 4197, 4208; C27, § 508, 550, 551, 790, 4195, 4197, 4208, 4211-b1, 4216-b3; C31, 35, § 508, 550, 551, 590, 4216-c3; C39, § **508, 550, 551, 790, 4216.03**; C46, 50, 54, § 39.5, 43.23, 43.24, 49.72, 277.3; C58, 62, 66, 71, 73, § 39.5, 43.23, 43.24, 43.29, 49.72, 277.3; C75, 77, 79, 81, § 49.53]

87 Acts, ch 221, § 15; 89 Acts, ch 136, §40; 93 Acts, ch 143, § 17; 98 Acts, ch 1123, § 5; 2002 Acts, ch 1134, §33, 115

Footnotes

Publication of ballot, city elections, § 376.5

49.54 Cost of publication.

The cost of the publication required by section 49.53, shall not exceed an amount determined by the director of the department of administrative services or the director's designee.

[C73, § 3832; C97, § 1112, 1293; S13, § 1293; C24, 27, 31, 35, 39, § **772, 796**; C46, 50, 54, 58, 62, 66, 71, 73, § 49.54, 49.72; C75, 77, 79, 81, § 49.54]

2003 Acts, ch 145, §286

49.55 Delivery of supplies to officials.

In all cases the necessary election supplies, including paper ballots for precincts where they are to be used, shall be furnished the precinct election officials not less than one hour before the opening of the polls on the morning of the election.

[C97, § 1107; SS15, § 1107; C24, 27, 31, 35, 39, § **773**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.55]

49.56 Maximum cost of printing.

The cost of printing the official election ballots and printed supplies for voting machines shall not exceed the usual and customary rates that the printer charges its regular customers.

[SS15, § 1107; C24, 27, 31, 35, 39, § **774**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.56]

88 Acts, ch 1119, § 18

49.57 Method and style of printing ballots.

Ballots shall be prepared as follows:

1. They shall be on paper uniform in color, through which the printing or writing cannot be read.
2. In the area of the general election ballot for straight party voting, the party names shall be printed in capital letters of uniform size, in not less than twelve point type. After the name of each candidate for a partisan office the name of the candidate's political party shall be printed in at least six point type.
3. The names of candidates shall be printed in capital letters, of uniform size throughout the ballot, in not less

than ten point type.

4. On ballots that will be counted by electronic tabulating equipment, ballots shall include a voting target next to the name of each candidate. The position, shape, and size of the targets shall be appropriate for the equipment to be used in counting the votes. Where paper ballots are used, a square may be printed at the beginning of each line in which the name of a candidate is printed, except as otherwise provided.

5. A portion of the ballot, which can be shown to the precinct officials without revealing any of the marks made by the voter, shall include the words "Official ballot", a designation of the ballot rotation, if any, the date of the election, and a facsimile of the signature of the commissioner who has caused the ballot to be printed pursuant to section 49.51.

6. The office title of any office which appears on the ballot to fill a vacancy before the end of the usual term of the office shall include the words "To Fill Vacancy".

[C97, § 1109; S13, § 1109; C24, 27, 31, 35, 39, § **775**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.57]

97 Acts, ch 170, § 44; 2002 Acts, ch 1134, §34, 115

Footnotes

Single voting target for certain paired offices, § 49.33

Signature in primary elections, § 43.36

49.58 Effect of death of certain candidates.

If any candidate nominated by a political party, as defined in section 43.2, for the office of senator or representative in the Congress of the United States, governor, attorney general, or senator or representative in the general assembly dies during the period beginning on the eighty-eighth day and ending on the last day before the general election, or if any candidate so nominated for the office of county supervisor dies during the period beginning on the seventy-third day and ending on the last day before the general election, the vote cast at the general election for that office shall not be canvassed as would otherwise be required by chapter 50. Instead, a special election shall be held on the first Tuesday after the second Monday in December, for the purpose of electing a person to fill that office.

Each candidate for that office whose name appeared on the general election ballot shall also be a candidate for the office in the special election, except that the deceased candidate's political party may designate another candidate in substantially the manner provided by section 43.78 for filling vacancies on the general election ballot. However, a political party which did not have a candidate on the general election ballot for the office in question may similarly designate a candidate for that office in the special election. The name of any replacement or additional candidate so designated shall be submitted in writing to the state commissioner, or the commissioner in the case of a candidate for county supervisor, not later than five o'clock p.m. on the first Tuesday after the date of the general election. No other candidate whose name did not appear on the general election ballot as a candidate for the office in question shall be placed on the ballot for the special election, in any manner. The special election shall be held and canvassed in the manner prescribed by law for the general election.

[C97, § 1108; C24, 27, 31, 35, 39, § **776**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.58]

89 Acts, ch 136, §41; 97 Acts, ch 170, § 45

49.59 to 49.62 Repealed by 75 Acts, ch 81, § 154.

49.63 Time of printing inspection and correction.

Ballots shall be printed and in the possession of the commissioner in time to enable the commissioner to furnish ballots to absent voters as provided by sections 53.8 and 53.11. The printed ballots shall be subject to the inspection of candidates and their agents. If mistakes are discovered, they shall be corrected without delay, in the manner provided in this chapter.

[C97, § 1110; C24, 27, 31, 35, 39, § **781**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.63]

Footnotes

Ballot to absent voter, § 53.2

Correction of primary ballots, § 43.25

49.64 Number of ballots delivered.

The commissioner shall cause ballots of the kind to be voted in each precinct to be delivered to the precinct election officials as follows: in general elections which are presidential elections at least fifty-five ballots for every fifty votes, or fraction of fifty votes, cast in the precinct at the last preceding general election which was also a presidential election; and in general elections which are not presidential elections, at least fifty-five ballots for every fifty votes, or fraction of fifty votes, cast at the last preceding general election which was not a presidential election.

[C97, § 1110; C24, 27, 31, 35, 39, § **782**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.64]

2002 Acts, ch 1134, §35, 115

49.65 Packing ballots delivery receipts records.

The required number of ballots for each precinct shall be wrapped and sealed, and each package shall be clearly marked on the outside to indicate the number of ballots contained in the package and the name or number of the precinct and the location of the polling place for which they are intended. The ballots shall be delivered to the precinct election officials together with other necessary election supplies, as provided by section 49.55, and one of the officials shall sign a receipt for the ballots which receipt shall be preserved by the commissioner. The commissioner shall keep a record of the number of ballots delivered for each polling place, the person who signed the receipt for them, and the time they were delivered, on a form which also provides space for the entries required by section 50.10.

[C97, § 1110; C24, 27, 31, 35, 39, § **783**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.65]

49.66 Reserve supply of ballots.

The commissioner shall provide and retain at the commissioner's office an ample supply of ballots, in addition to those distributed to the several voting precincts. If at any time the ballots furnished to any precinct shall be lost, destroyed, or if the chairperson of the precinct election officials determines that the supply of ballots will be exhausted before the polls are closed, the chairperson of the precinct election officials of the precinct shall immediately contact the commissioner by telephone. If no telephone is available, a messenger shall be sent to the commissioner with a written application for additional ballots. The application shall be signed by a majority of the precinct election officials. The commissioner shall keep written records of all requests for additional ballots and shall immediately cause to be delivered to the officials, at the polling

place, such additional supply of ballots as may be required, and sufficient to comply with the provisions of this chapter.

[C97, § 1110; C24, 27, 31, 35, 39, § **784**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.66]

95 Acts, ch 189, §8

49.67 Form of reserve supply.

The number of reserve ballots for each precinct shall be determined by the commissioner.

If necessary, the commissioner or the commissioner's designee may make photocopies of official ballots to replace or replenish ballot supplies. The commissioner shall keep a record of the number of photocopied ballots made for each precinct, the name of the person who made the photocopies, and the date, time, and location at which the photocopies were made. These records shall be made on forms and following procedures prescribed by the secretary of state by administrative rule.

In any precinct where photocopied ballots are used, each photocopied ballot shall be initialed as required by section 49.82 by two precinct officials immediately before being issued to the voter. In partisan elections the two precinct officials shall be of different political parties.

[C97, § 1110; C24, 27, 31, 35, 39, § **785**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.67]

95 Acts, ch 189, §9

49.68 State commissioner to furnish instructions.

The state commissioner with the approval of the attorney general shall prepare, and from time to time revise, written instructions to the voters relative to voting, and shall furnish each commissioner with copies of the instructions. Such instructions shall cover the following matters:

1. The manner of obtaining ballots.
2. The manner of marking ballots.
3. That unmarked or improperly marked ballots will not be counted.
4. The method of gaining assistance in marking ballots.
5. That any erasures or identification marks, or otherwise spoiling or defacing a ballot, will render it invalid.
6. Not to vote a spoiled or defaced ballot.
7. How to obtain a new ballot in place of a spoiled or defaced one.
8. Any other matters thought necessary.

[C97, § 1111; C24, 27, 31, 35, 39, § **786, 787**; C46, 50, 54, 58, 62, 66, 71, 73, § 49.68, 49.69; C75, 77, 79, 81, § 49.68; 81 Acts, ch 34, § 29]

49.69 Repealed by 73 Acts, ch 136, § 401.

49.70 Precinct election officials furnished instructions.

The commissioner shall cause copies of the foregoing instructions to be printed in large, clear type, under the heading of "Instructions for Voters", and shall furnish the precinct election officials with a sufficient number of such instructions as will enable them to comply with section 49.71.

[C97, § 1111; C24, 27, 31, 35, 39, § 788; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.70]

2002 Acts, ch 1134, §36, 115

49.71 Posting instruction cards and sample ballots.

The precinct election officials, before the opening of the polls, shall cause the instructions for voters required pursuant to section 49.70 to be securely posted as follows:

1. One copy in each voting booth.
2. Not less than four copies, with an equal number of sample ballots, in and about the polling place.

[C97, § 1112; C24, 27, 31, 35, 39, § 789; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.71]

2003 Acts, ch 44, §26

Footnotes

Sample primary
ballots, § 43.30

Sample voting machine ballots, § 52.13

49.72 Absentee voters designated before polling place opened.

The commissioner shall deliver to each precinct election board not less than one hour before the time at which the polls are to open for any election the list of all registered voters of that precinct who have been given or sent an absentee ballot for that election, and the election board shall immediately designate those registered voters who are so listed and therefore not entitled to vote in person at the polls, as required by section 53.19.

[C75, 77, 79, 81, § 49.72]

95 Acts, ch 67, §53

49.73 Time of opening and closing polls.

1. At all elections, except as otherwise permitted by this section, the polls shall be opened at seven o'clock a.m., or as soon thereafter as vacancies on the precinct election board have been filled. On the basis of voter turnout for recent similar elections and factors considered likely to so affect voter turnout for the forthcoming election as to justify shortened voting hours for that election, the commissioner may direct that the polls be opened at twelve o'clock noon for:

a. Any school district election.

b. Any election conducted for a city of three thousand five hundred or less population, including a local option sales and services tax election conducted pursuant to section 423B.1. At elections conducted pursuant to chapter 423B, all polling places shall have the same voting hours.

c. Any election conducted for a city of more than three thousand five hundred population if there is no contest for any office on the ballot and no public question is being submitted to the voters at that election.

d. Any election conducted for a benefited district.

e. The unincorporated area of any county voting on a local option sales and services tax pursuant to section 423B.1.

2. The commissioner shall not shorten voting hours for any election if there is filed in the commissioner's office, at least twenty-five days before the election, a petition signed by at least fifty eligible electors of the school district or city, as the case may be, requesting that the polls be opened not later than seven o'clock a.m. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour, except that this requirement shall not apply to merged areas established under chapter 260C. The hours at which the respective precinct polling places are to open shall not be changed after publication of the notice required by section 49.53. The polling places shall be closed at nine o'clock p.m. for state primary and general elections and other partisan elections, and for any other election held concurrently therewith, and at eight o'clock p.m. for all other elections.

[C51, § 251; R60, § 486; C73, § 611; C97, § 1096, 2751, 2754, 2756; S13, § 1087-a6, 1096, 2754, 2756; C24, 27, § 565, 791, 4202, 4211; C31, 35, § 565, 791, 4216-c9; C39, § 565, 791, 4216.09; C46, 50, 54, 58, 62, 66, 71, 73, § 43.37, 49.73, 277.9; C75, 77, 79, 81, § 49.73]

94 Acts, ch 1180, §13; 2002 Acts, ch 1134, §37, 38, 115

49.74 Registered voters entitled to vote after closing time.

Every registered voter who is on the premises of the voter's precinct polling place at the time the polling place is to be closed for any election shall be permitted to vote in that election. Wherever possible, when there are persons on the premises of a polling place awaiting an opportunity to claim their vote at the time the polling place is to be closed, the election board shall cause those persons to move inside the structure in which the polling place is located and shall then shut the doors of the structure and shall not admit any additional persons to the polling place for the purpose of voting. If it is not feasible to cause persons on the premises of a polling place awaiting an opportunity to claim their vote at the time the polling place is to be closed to move inside the structure in which the polling place is located, the election board shall cause those persons to be designated in some reasonable manner and shall not receive votes after that time from any persons except those registered voters so designated.

[C27, 31, 35, § 791-a1; C39, § 791.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.74]

94 Acts, ch 1169, §64

49.75 Oath.

Before opening the polls, each of the board members shall take the following oath: "I, A. B., do solemnly swear or affirm that I will impartially, and to the best of my knowledge and ability, perform the duties of precinct election official of this election, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting the election."

[C51, § 249; R60, § 484; C73, § 609; C97, § 1094, 2756; S13, § 2756; C24, 27, § 792, 4209; C31, 35, § 792, 4216-c11; C39, § 792, 4216.11; C46, 50, 54, 58, 62, 66, 71, 73, § 49.75, 277.11; C75, 77, 79, 81, § 49.75]

89 Acts, ch 136, §42

Footnotes

Counting board oath, § 51.5

49.76 How administered.

Any one of the precinct election officials present may administer the oath to the others, and it shall be entered in the election records, subscribed by the person taking it, and certified by the officer administering it.

[C51, § 250; R60, § 485; C73, § 610; C97, § 1095; SS15, § 1087-a5; C24, 27, 31, 35, 39, § **559, 793**; C46, 50, 54, 58, 62, 66, 71, 73, § 43.31, 49.76; C75, 77, 79, 81, § 49.76]

49.77 Ballot furnished to voter.

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form: VOTER'S DECLARATION OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the precinct, ward or township, city of county of Iowa.

I am a registered voter. I have not voted and will not vote in any other precinct in said election.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.
..... Signature of Voter Address Telephone Approved:
Board Member

2. One of the precinct election officials shall announce the voter's name aloud for the benefit of any persons present pursuant to section 49.104, subsection 2, 3, or 5. Any of those persons may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person does not interfere with the functions of the precinct election officials.

3. A precinct election official shall require any person whose name does not appear on the election register as an active voter to show identification. Specific documents which are acceptable forms of identification shall be prescribed by the state commissioner.

A precinct election official may require of the voter unknown to the official, identification upon which the voter's signature or mark appears. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote.

4. A person whose name does not appear on the election register of the precinct in which that person claims the right to vote shall not be permitted to vote, unless the person affirms that the person is currently registered in the county and presents proof of identity, or the commissioner informs the precinct election officials that an error has occurred and that the person is a registered voter of that precinct. If the commissioner finds no record of the person's registration but the person insists that the person is a registered voter of that precinct, the precinct election officials shall allow the person to cast a ballot in the manner prescribed by section 49.81.

A person who has been sent an absentee ballot by mail but for any reason has not received it shall be permitted to cast a ballot in person pursuant to section 53.19 and in the manner prescribed by section 49.81.

5. The request for the telephone number in the declaration of eligibility in subsection 1 is not mandatory and the failure by the voter to provide the telephone number does not affect the declaration's validity.

[C97, § 1114; C24, § 794, 795; C27, 31, 35, § 718-b20, 794, 795; C39, § **718.21, 794, 795**; C46, 50, 54, 58, 62, 66, 71, § 48.21, 49.77, 49.78; C73, 75, 77, 79, 81, § 49.77]

83 Acts, ch 176, § 5; 87 Acts, ch 221, § 16, 17; 88 Acts, ch 1119, § 19; 94 Acts, ch 1169, §50; 94 Acts, ch 1180, §14; 98 Acts, ch 1123, § 6

49.78 Repealed by 72 Acts, ch 1025, § 35.

49.79 Challenges.

Any person offering to vote may be challenged as unqualified by any precinct election official or registered voter. It is the duty of each official to challenge any person offering to vote whom the official knows or suspects is not duly qualified. A ballot shall be received from a voter who is challenged, but only in accordance with section 49.81.

[C51, § 258; R60, § 493; C73, § 619; C97, § 1115; S13, § 1087-a9; C24, 27, 31, 35, 39, § **571, 796**; C46, 50, 54, 58, 62, 66, 71, 73, § 43.43, 49.79; C75, 77, 79, 81, § 49.79]

2002 Acts, ch 1134, §39, 115

49.80 Examination on challenge.

1. When the status of any person as a registered voter is so challenged, the precinct election officials shall explain to the person the qualifications of an elector, and may examine the person under oath touching the person's qualifications as a voter.
2. In case of any challenges of an elector at the time the person is offering to vote in a precinct, a precinct election official may place such person under oath and question the person as, (a) where the person maintains the person's home; (b) how long the person has maintained the person's home at such place; (c) if the person maintains a home at any other location; (d) the person's age. The precinct election official may permit the challenger to participate in such questions. The challenged elector shall be allowed to present to the official such evidence and facts as the elector feels sustains the fact that the person is qualified to vote. Upon completion thereof, if the challenge is withdrawn, the elector may cast the vote in the usual manner. If the challenge is not withdrawn, section 49.81 shall apply.

[C51, § 259; R60, § 494; C73, § 620; C97, § 1115; C24, 27, 31, 35, 39, § **797**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.80]

90 Acts, ch 1238, §21; 94 Acts, ch 1169, §64

49.81 Procedure for challenged voter to cast provisional ballot.

1. A prospective voter who is prohibited under section 48A.8, subsection 4, section 49.77, subsection 4, or section 49.80 from voting except under this section shall be notified by the appropriate precinct election official that the voter may cast a provisional ballot. If a booth meeting the requirement of section 49.25 is not available at that polling place, the precinct election officials shall make alternative arrangements to insure the challenged voter the opportunity to vote in secret. The marked ballot, folded as required by section 49.84, shall be delivered to a precinct election official who shall immediately seal it in an envelope of the type prescribed by subsection 4. The sealed envelope shall be deposited in an envelope marked "provisional ballots" and shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.
2. Each person who casts a provisional ballot under this section shall receive a printed statement in

substantially the following form:

Your qualifications as a registered voter have been challenged for the following reasons:

I.

II.

III.

You must show identification before your ballot can be counted. Please bring or mail a copy of a current and valid photo identification card to the county commissioner's office or bring or mail a copy of one of the following current documents that show your name and address:

a. Utility bill.

b. Bank statement.

c. Paycheck.

d. Government check.

e. Other government document.

Your right to vote will be reviewed by the special precinct counting board on You have the right and are encouraged to make a written statement and submit additional written evidence to this board supporting your qualifications as a registered voter. This written statement and evidence may be given to an election official of this precinct on election day or mailed or delivered to the county commissioner of elections, but must be received before a.m./p.m. on at If your ballot is not counted you will receive, by mail, notification of this fact and the reason that the ballot was not counted.

3. Any elector may present written statements or documents, supporting or opposing the counting of any provisional ballot, to the precinct election officials on election day, until the hour for closing the polls. Any statements or documents so presented shall be delivered to the commissioner when the election supplies are returned.

4. The individual envelopes used for each provisional ballot cast pursuant to subsection 1 shall have printed on them the following:

I believe I am a registered voter of this county and I am eligible to vote in this election. I registered to vote in county on or about at My name at that time was I have not moved to a different county since that time. I am a United States citizen, at least eighteen years of age.
signature of voter) (date) The following information is to be provided by the precinct election official:
Reason for challenge:

Did not present required identification form. signature of precinct lection official)

The precinct election official shall attach a completed voter registration form from each provisional voter unless the person's registration status is listed in the election register as pending.

[C77, 79, 81, § 49.81]

87 Acts, ch 221, § 19, 20; 94 Acts, ch 1169, §51, 64; 2002 Acts, ch 1134, §40, 115; 2004 Acts, ch 1083, §20,

37; 2004 Acts, ch 1175, §358

49.82 Voter to receive one ballot endorsement.

When an empty voting booth is available, one of the precinct election officials shall endorse the official's initials on each ballot the voter will receive. The initials shall be placed so that they may be seen when the ballot is properly folded or enclosed in a secrecy folder. The official shall give the voter one and only one of each of the ballots to be voted at that election in that precinct, except as provided by section 49.100. No ballot without the required official endorsement shall be placed in the ballot box.

[C97, § 1116, 1117; C24, 27, 31, 35, 39, § **799**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.82]

94 Acts, ch 1180, §15

Footnotes

Endorsement in primary elections, § 43.36

49.83 Names to be marked on election register.

The name of each voter shall be marked on the election register by a precinct election official when the voter's declaration of eligibility has been approved by the officials.

[C51, § 260; R60, § 495; C73, § 621; C97, § 1116; C24, 27, 31, 35, 39, § **800**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.83]

49.84 Marking and return of ballot.

After receiving the ballot, the voter shall immediately go alone to one of the voting booths, and without delay mark the ballot. All voters shall vote in booths. No special lines shall be used to separate voters who state that they wish to vote only a portion of the ballot.

Before leaving the voting booth, the voter shall fold the ballot or enclose it in a secrecy folder to conceal the marks on the ballot. The voter shall deliver the ballot to one of the precinct election officials. No identifying mark or symbol shall be endorsed on the back of the voter's ballot. If the precinct has a portable vote tallying system which will not permit more than one ballot to be inserted at a time, the voter may insert the ballot into the tabulating device; otherwise, the election official shall place the ballot in the ballot box.

This section does not prohibit a voter from taking minor children into the voting booth with the voter.

[C51, § 257; R60, § 492; C73, § 617; C97, § 1117, 1119; S13, § 1119; C24, 27, 31, 35, 39, § **801**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.84]

94 Acts, ch 1180, §16; 2002 Acts, ch 1134, §41, 115

49.85 Depositing ballots.

One of the precinct election officials shall at once, after receiving the ballot, in the presence of the voter, deposit it in the ballot box.

[C51, § 257; R60, § 492; C73, § 617; C97, § 1117; C24, 27, 31, 35, 39, § **802**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.85]

49.86 Failure to vote surrender of ballot.

Any voter who, after receiving an official ballot, decides not to vote, shall, before entering the voting booth, surrender to the election officers the official ballot which has been given to the voter, and such fact shall be noted on the election records. A refusal to surrender such ballot shall subject the person so offending to immediate arrest and the penalties provided for violation of this chapter.

[C97, § 1117; C24, 27, 31, 35, 39, § 803; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.86]

Footnotes

Penalty, § 39A.3

49.87 Prohibited ballot taking ballot from polling place.

No voter shall vote or offer to vote any ballot except such as the voter has received from the precinct election officials, nor take or remove any ballot from the polling place before the close of the poll.

[C97, § 1117; C24, 27, 31, 35, 39, § 804; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.87]

49.88 Limitation on persons in booth and time for voting.

No more than one person shall be allowed to occupy any voting booth at any time. No person shall occupy such booth for more than three minutes to cast a vote. Nothing in this section shall prohibit assistance to voters under section 49.90.

This section does not prohibit a voter from taking minor children into the voting booth with the voter.

[C97, § 1117; C24, 27, 31, 35, 39, § 805; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.88]

2002 Acts, ch 1134, §42, 115

49.89 Selection of officials to assist voters.

At, or before, the opening of the polls, the election board of each precinct shall select two members of the board, of different political parties in the case of any election in which candidates appear on the ballot under the heading of either of the political parties referred to in section 49.13, to assist voters who may be unable to cast their votes without assistance as described in section 49.90.

[C97, § 1118; C24, 27, 31, 35, 39, § 806; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, § 49.89; 81 Acts, ch 34, § 30]

84 Acts, ch 1291, § 8

49.90 Assisting voter.

Any voter who may declare upon oath that the voter is blind, cannot read the English language, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance, shall, upon request, be assisted by the two officers as provided in section 49.89, or alternatively by any other person the voter may select in casting the vote. The officers, or the person selected by the voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the vote cast. If any elector because of a disability cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the elector with a disability and

allow the elector to cast the ballot in the vehicle. If an elector with a disability cannot cast a ballot on a voting machine the elector shall be allowed to cast a paper ballot, which shall be opened immediately after the closing of the polling place by the two precinct election officials designated under section 49.89, who shall register the votes cast thereon on a voting machine in the polling place before the votes cast there are tallied pursuant to section 52.21. To preserve so far as possible the confidentiality of each ballot of an elector with a disability, the two officers shall proceed substantially in the same manner as provided in section 53.24. In precincts where all voters use paper ballots, those cast by voters with disabilities shall be deposited in the regular ballot box and counted in the usual manner.

[C97, § 1118; C24, 27, 31, 35, 39, § **807**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, § 49.90; 81 Acts, ch 34, § 31]

84 Acts, ch 1291, § 9; 96 Acts, ch 1129, §16

49.91 Assistance indicated on register.

The precinct election officials shall mark upon the election register the name of any elector who received such assistance in casting the elector's vote.

[C97, § 1118; C24, 27, 31, 35, 39, § **808**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.91]

49.92 Voting mark.

The instructions appearing on the ballot shall describe the appropriate mark to be used by the voter. The mark shall be consistent with the requirements of the voting system in use in the precinct. The voting mark used on paper ballots may be a cross or check which shall be placed in the voting targets opposite the names of candidates. The fact that the voting mark is made by an instrument other than a black lead pencil shall not affect the validity of the ballot unless it appears that the color or nature of the mark is intended to identify the ballot contrary to the intent of section 39A.4, subsection 1.

[C97, § 1119, 1121; S13, § 1119, 1121; C24, 27, 31, 35, 39, § **809**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.92]

97 Acts, ch 170, § 46

49.93 Number of votes for each office.

For an office to which one person is to be elected, a voter shall not vote for more than one candidate. If two or more persons are to be elected to an office, the voter shall vote for no more than the number of persons to be elected. If a person votes for more than the permitted number of candidates, the vote for that office shall not count. Valid votes cast on the rest of the ballot shall be counted.

[C97, § 1120; S13, § 1120; C24, 27, 31, 35, 39, § **810**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.93]

97 Acts, ch 170, § 47

49.94 How to mark a straight ticket.

If all the candidates for whom a voter desires to vote in any election other than the primary election were nominated by the same political party or nonparty political organization, and the voter desires to vote for all candidates nominated by that political party or organization, the voter may do so in any one of the following ways:

1. The voter may mark the voting target next to the name of the political party or nonparty political organization in the straight party or organization section of the ballot without marking any voting target next to the name of a candidate nominated by the party or organization.

2. The voter may mark the voting target next to the name of the political party or nonparty political organization in the straight party or organization section of the ballot and also mark any or all of the voting targets next to the names of candidates nominated by that party or organization.

[C97, § 1119, 1120; S13, § 1119, 1120; C24, 27, 31, 35, 39, § 811; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.94]

97 Acts, ch 170, § 48; 98 Acts, ch 1100, § 8

49.95 Voting part of ticket only.

If all the candidates for whom the voter desires to vote were nominated by the same political party or nonparty political organization but the voter does not desire to vote for all of the candidates nominated by the party or organization, the voter shall mark the voting target next to the name of each candidate for whom the voter desires to vote without marking the target next to the name of the party or organization in the straight party or organization section of the ballot.

[C97, § 1119, 1120; S13, § 1119, 1120; C24, 27, 31, 35, 39, § 812; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.95]

97 Acts, ch 170, § 49; 98 Acts, ch 1100, § 9

49.96 Offices with more than one person to be elected.

Where more than one person is to be elected to the same office at the same election, and all of the candidates for that office for whom the voter desires to vote were nominated by the political party or nonparty political organization for which the voter has marked a straight party or organization vote, the voter need not otherwise indicate the vote for that office. However, if a voter who has marked a straight party or organization ticket also marks the voting targets next to the names of one or more candidates for any office, only the votes cast separately for individual candidates for that office shall be counted. If the voter wishes to vote for candidates who were nominated by different political parties or nonparty political organizations, the voter must mark the voting target for each candidate the voter has chosen, whether or not the voter has also marked a straight party or organization vote.

[C97, § 1119, 1120; S13, § 1119, 1120; C24, 27, 31, 35, 39, § 813; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.96]

97 Acts, ch 170, § 50; 2002 Acts, ch 1134, §43, 115

49.97 How to mark a mixed ticket.

If all candidates for whom a voter desires to vote were not nominated by the same political party or nonparty political organization, the voter may indicate the candidates of the voter's choice by marking the ballot in any one of the following ways:

1. The voter may mark a straight party or organization vote for the party or nonparty political organization which nominated some of the candidates for whom the voter desires to vote and vote for candidates of other parties or nonparty political organizations by marking the voting targets next to their names.

2. The voter may vote for each candidate separately without marking any straight party or organization vote.

[C97, § 1119, 1120; S13, § 1119, 1120; C24, 27, 31, 35, 39, § **814**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.97]

97 Acts, ch 170, § 51; 98 Acts, ch 1100, § 10

49.98 Counting ballots.

The ballots shall be counted according to the voters' marks on them as provided in sections 49.92 to 49.97, and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, the vote for that office shall not be counted. When there is a conflict between a straight party or organization vote for one political party or nonparty political organization and the vote cast by marking the voting target next to the name of a candidate for another political party or nonparty political organization on the ballot, the mark next to the name of the candidate shall be held to control, and the straight party or organization vote in that case shall not apply as to that office. A ballot shall be rejected if the voter used a mark to identify the voter's ballot. For each voting system, the state commissioner shall, by rule adopted pursuant to chapter 17A, develop uniform definitions of what constitutes a vote.

[C97, § 1120; S13, § 1120; C24, 27, 31, 35, 39, § **815**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.98]

97 Acts, ch 170, § 52; 2004 Acts, ch 1083, §21, 37

49.99 Writing name on ballot.

The voter may also write on the line provided for write-in votes the name of any person for whom the voter desires to vote and mark the voting target opposite the name. If the voter is using a voting system other than an electronic voting system, as defined in section 52.1, the writing of the name shall constitute a valid vote for the person whose name has been written on the ballot without regard to whether the voter has made a mark opposite the name. However, when a write-in vote is cast using an electronic voting system, the ballot must also be marked in the corresponding space in order to be counted. Marking the voting target opposite a write-in line without writing a name on the line shall not affect the validity of the remainder of the ballot.

If a voter writes the name of a person more than once in the proper places on a ballot or on a voting machine for an office to which more than one person is to be elected, all but one of those votes for that person for that office are void and shall not be counted.

[C97, § 1119; S13, § 1119; C24, 27, 31, 35, 39, § **816**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.99]

86 Acts, ch 1224, § 13; 90 Acts, ch 1238, § 22; 97 Acts, ch 170, § 53

49.100 Spoiled ballots.

A voter who spoils a ballot may return the spoiled ballot to the precinct election officials and receive another ballot. However, a voter shall not receive more than three ballots, including the one first delivered. Only ballots provided in accordance with the provisions of this chapter shall be counted.

[C97, § 1121; S13, § 1121; C24, 27, 31, 35, 39, § **817**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.100]

97 Acts, ch 170, §54

49.101 Defective ballot does not nullify vote.

No ballot properly marked by the voter shall be rejected:

1. Because of any discrepancy between the printed ballot and the nomination paper, or certificate of nomination, or certified abstract of the canvassing board.
2. Because of any error in stamping or writing the endorsement thereon by the officials charged with such duties.
3. Because of any error on the part of the officer charged with such duty in delivering the wrong ballots at any polling place.

[C97, § 1122; C24, 27, 31, 35, 39, § **818**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.101]

49.102 Defective ballots.

Said defective ballots shall be counted for the candidate or candidates for such offices named in the nomination papers, certificate of nomination, or certified abstract.

[C97, § 1122; C24, 27, 31, 35, 39, § **819**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.102]

49.103 Wrong ballots.

Said wrong ballots shall be counted as cast for all candidates for whom the voter had the right to vote, and for whom the voter did vote.

[C97, § 1122; C24, 27, 31, 35, 39, § **820**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.103]

49.104 Persons permitted at polling places.

The following persons shall be permitted to be present at and in the immediate vicinity of the polling places, provided they do not solicit votes:

1. Any person who is by law authorized to perform or is charged with the performance of official duties at the election.
2. Any number of persons, not exceeding three at a time from each political party having candidates to be voted for at such election, to act as challenging committees, who are appointed and accredited by the executive or central committee of such political party or organization.
3. Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots. Subject to the restrictions of section 51.11, the witnesses may observe the counting of ballots by a counting board during the hours the polls are open in any precinct for which double election boards have been appointed.
4. Any peace officer assigned or called upon to keep order or maintain compliance with the provisions of this chapter, upon request of the commissioner or of the chairperson of the precinct election board.
5. One observer at a time representing any nonparty political organization, any candidate nominated by petition pursuant to chapter 45, or any other nonpartisan candidate in a city or school election, appearing on

the ballot of the election in progress. Candidates who send observers to the polls shall provide each observer with a letter of appointment in the form prescribed by the state commissioner.

6. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner before election day. If more than three persons file a notice of intent to serve at the same time with respect to ballot issues at an election, the commissioner shall appoint from those submitting a notice of intent the three persons who may serve at that time as observers, and shall provide a schedule to all persons who filed notices of intent. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues.

7. Any person authorized by the commissioner, in consultation with the secretary of state, for the purposes of conducting and attending educational voting programs for youth.

[C97, § 1124; S13, § 1087-a9; C24, 27, 31, 35, 39, § 571, 821; C46, 50, 54, 58, 62, 66, 71, 73, § 43.43, 49.104; C75, 77, 79, 81, S81, § 49.104; 81 Acts, ch 34, § 32]

90 Acts, ch 1238, §23; 94 Acts, ch 1180, §17; 97 Acts, ch 170, § 55

49.105 Ordering arrest.

Any precinct election official shall order the arrest of any person who behaves in a noisy, riotous, tumultuous or disorderly manner at or about the polls, so as to disturb the election, or insults or abuses the officials, or commits a breach of the peace, or violates any of the provisions of this chapter. If the person so arrested is a registered voter of the precinct which that polling place serves, and has not yet voted, the person shall be permitted to do so before being removed from the polling place.

[C51, § 253; R60, § 488; C73, § 613; C97, § 1128; C24, 27, 31, 35, 39, § 822, 823; C46, 50, 54, 58, 62, 66, 71, 73, § 49.105, 49.106; C75, 77, 79, 81, § 49.105]

94 Acts, ch 1169, §64

49.106 Repealed by 73 Acts, ch 136, § 401.

49.107 Prohibited acts on election day. Repealed by 2002 Acts, ch 1071, § 15. See § 39A.4.

49.108 Penalty. Repealed by 84 Acts, ch 1067, § 51.

49.109 Employees entitled to time to vote.

Any person entitled to vote at an election in this state who does not have three consecutive hours in the period between the time of the opening and the time of the closing of the polls during which the person is not required to be present at work for an employer, is entitled to such time off from work time to vote as will in addition to the person's nonworking time total three consecutive hours during the time the polls are open. Application by any employee for such absence shall be made individually and in writing prior to the date of the election, and the employer shall designate the period of time to be taken. The employee is not liable to any penalty nor shall any deduction be made from the person's regular salary or wages on account of such absence.

[C97, § 1123; C24, 27, 31, 35, 39, § 826; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, § 49.109; 81 Acts, ch 34, § 33]

49.110 Intimidation of employees by employer. Repealed by 2002 Acts, ch 1071, § 15. See § 39A.2 and

39A.5.

49.111 Unlawful acts. Repealed by 2002 Acts, ch 1071, § 15. See § 39A.5.

49.112 Penalty. Repealed by 84 Acts, ch 1067, § 51.

49.113 Official neglect or misconduct. Repealed by 2002 Acts, ch 1071, § 15. See § 39A.4.

49.114 Repealed by 73 Acts, ch 136, § 401.

49.115 Repealed by 72 Acts, ch 1124, § 282.

49.116 and 49.117 Repealed by 73 Acts, ch 136, § 401.

49.118 Repealed by 72 Acts, ch 1025, § 35.

49.119 Penalty. Repealed by 2002 Acts, ch 1071, § 15. See § 39A.2 through 39A.5.

49.120 Promise of position.

It shall be unlawful for any candidate for any office to be voted for at any election, prior to nomination or election, to promise, either directly or indirectly, to support or use the candidate's influence in behalf of any person or persons for any position, place, or office, or to promise directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting the candidate or using the person's influence in securing the candidate's nomination, election, or appointment.

[S13, § 1134-a; C24, 27, 31, 35, 39, § **837**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.120]

49.121 Promise of influence.

It shall be unlawful for any person to solicit from any candidate for any office to be voted for at any election, or any candidate for appointment to any public office, prior to nomination, election, or appointment, a promise, directly or indirectly, to support or use the candidate's influence in behalf of any person or persons for any position, place, or office, or a promise either directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting the candidate, or using the person's influence in securing the candidate's nomination, election or appointment.

[S13, § 1134-b; C24, 27, 31, 35, 39, § **838**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 49.121]

49.122 Penalty. Repealed by 84 Acts, ch 1067, § 51.

49.123 Courthouse open on election day.

The courthouse of each county shall remain open on election day.

[C71, 73, 75, 77, 79, 81, § 49.123]

49.124 Training course by commissioner.

The commissioner shall conduct, not later than the day before each primary and general election, a training course for all election personnel, and the commissioner may do so before any other election the commissioner administers. The personnel shall include all precinct election officials and any other persons who will be employed in or around the polling places on election day. At least two precinct election officials

who will serve on each precinct election board at the forthcoming election shall attend the training course. If the entire board does not attend, those members who do attend shall so far as possible be persons who have not previously attended a similar training course.

[C71, 73, 75, 77, 79, 81, § 49.124]

94 Acts, ch 1180, §18; 2002 Acts, ch 1134, §44, 115

49.125 Compensation of trainees.

All election personnel attending such training course shall be paid for attending such course, and shall be reimbursed for travel to and from the place where the training is given at the rate determined by the board of supervisors if the distance involved is more than five miles. The wages shall be computed at the hourly rate established pursuant to section 49.20 and payment of wages and mileage for attendance shall be made at the time that payment is made for duties performed on election day.

[C71, 73, 75, 77, 79, 81, § 49.125]

97 Acts, ch 170, §56; 2003 Acts, ch 44, §27

49.126 Manual by state commissioner.

It shall be the duty of the state commissioner to provide a training manual and such additional materials as may be necessary to all commissioners for conducting the required training course and to revise the manual from time to time as may be necessary.

[C71, 73, 75, 77, 79, 81, § 49.126]

49.127 Commissioner to examine machines.

It shall be the duty of each commissioner to determine that all voting machines are operational and functioning properly and that all materials necessary for the conduct of the election are in the commissioner's possession and are correct.

[C71, 73, 75, 77, 79, 81, § 49.127]

49.128 to 49.130 Reserved.

49.131 Political advertisements. Repealed by 86 Acts, ch 1023, § 12. See § 68A.405.