

39A.3 Election misconduct in the second degree.

1. A person commits the crime of election misconduct in the second degree if the person willfully commits any of the following acts:

a. Interference with validity of election.

- (1) Possesses an official ballot outside of the voting room unless the person is an election official or other person authorized by law to possess such a ballot.
- (2) Makes or possesses a counterfeit of an official election ballot.
- (3) Solicits or encourages a person to vote in an election knowing that person is not qualified to vote in the election.

b. Actions by election official. As an election official:

- (1) Refuses to register a person who is entitled to register to vote under chapter 48A.
- (2) Accepts a fee from an applicant applying for registration.
- (3) While the polls are open, opens a ballot received from a voter, except as permitted by law.
- (4) Marks a ballot by folding or otherwise so as to be able to recognize it.
- (5) Attempts to learn how a voter marked a ballot.
- (6) Causes a voter to cast a vote contrary to the voter's intention.
- (7) Changes a ballot, or in any way causes a vote to be recorded contrary to the intention of the person casting that vote.
- (8) Allows a person to do any of the acts proscribed by subparagraphs (1) through (7).

2. Election misconduct in the second degree is an aggravated misdemeanor.

2002 Acts, ch 1071, §3