

**39A.5 Election misconduct in the fourth degree.**

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

*a. Election day acts.*

(1) As an employer, denying an employee the privilege conferred by [section 49.109](#), or subjecting an employee to a penalty or reduction of wages because of the exercise of that privilege.

(2) Failing or refusing to comply with an order or command of an election official made pursuant to [chapter 49](#) for which another penalty is not provided.

(3) Circulating, communicating, or attempting to circulate or communicate information with reference to the result of the counted ballots or making a compilation of vote subtotals before the polls are closed in violation of [section 53.23](#).

(4) Destroying, defacing, tearing down, or removing a list of candidates, card of instruction, or sample ballot posted as provided by law prior to the closing of the polls.

(5) Removing or destroying the supplies or articles furnished for the purpose of enabling voters to prepare their ballots.

(6) Violating or attempting to violate any of the provisions or requirements of [chapter 49](#) to which another penalty does not apply.

*b. Miscellaneous offenses.*

(1) As a public employee, acting in connection with an absentee ballot in violation of [section 53.7](#).

(2) Violating any provision of [chapter 53](#) for which another penalty is not provided.

(3) Violating any provision of [chapter 48A](#) for which another penalty is not provided.

2. Election misconduct in the fourth degree is a simple misdemeanor.

[2002 Acts, ch 1071, §5](#); [2007 Acts, ch 59, §21, 38](#); [2007 Acts, ch 190, §14](#); [2008 Acts, ch 1115, §84](#); [2010 Acts, ch 1060, §1](#); [2017 Acts, ch 110, §2](#)