

**49.77 Ballot furnished to voter.**

1. The board members of their respective precincts shall have charge of the ballots and shall furnish them to the voters after verifying each voter’s identity pursuant to [section 49.78](#).

a. 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 was born on the ..... day of  
..... (month) ..... (year). 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 (optional)

Approved:  
.....  
Board Member

b. At the discretion of the commissioner, this declaration may be printed on each page of the election register and the voter shall sign the election register next to the voter’s printed name. The voter’s signature in the election register shall be considered the voter’s signed declaration of eligibility affidavit. The state commissioner of elections shall prescribe by rule an alternate method for providing the information in [subsection 2](#) for those counties where the declaration of eligibility is printed in the election register. The state voter registration system shall be designed to allow for the affidavit to be printed on each page of the election register and to allow sufficient space for the voter’s signature.

c. At the discretion of the commissioner, an electronic election register may be used to produce the declaration required in [this subsection](#). The person desiring to vote shall sign the declaration produced by the electronic election register prior to receiving a ballot.

2. If the declaration of eligibility is not printed on each page of the election register, any of those persons present pursuant to [section 49.104, subsection 2, 3, 5, or 6](#), 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. If the declaration of eligibility is printed on the election register, voters shall also sign a voter roster which the precinct election official shall make available for viewing. Any of those persons present pursuant to [section 49.104, subsection 2, 3, 5, or 6](#), may upon request view the roster of those voters who have signed declarations of eligibility, so long as the person does not interfere with the functions of the precinct election officials.

3. a. 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 and residence as required pursuant to [section 48A.8](#), 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](#).

b. If the voter informs the precinct election official that the voter resides in the precinct and is not registered to vote, the voter may register to vote pursuant to [section 48A.7A](#) and cast a ballot. If such a voter is unable to establish identity and residency in the manner provided in

section 48A.7A, subsection 1, paragraph “b” or “c”, the voter shall be allowed to cast a ballot in the manner prescribed by section 49.81.

c. 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.

4. 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; 2006 Acts, ch 1002, §3, 4; 2007 Acts, ch 35, §6, 7; 2008 Acts, ch 1032, §152; 2008 Acts, ch 1115, §98; 2009 Acts, ch 57, §33; 2010 Acts, ch 1026, §9; 2010 Acts, ch 1033, §21, 22; 2013 Acts, ch 140, §14; 2017 Acts, ch 110, §23 – 26, 35, 36

Referred to in §48A.37, 49.78, 49.81, 50.6

2017 amendments to section take effect July 1, 2017, and apply to elections held on or after that date; 2017 Acts, ch 110, §35, 36; 2017 Acts, ch 170, §26