

#### 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 3](#), paragraph "a", 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 3](#), paragraph "c", 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 or a 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. If a precinct election official serving on the board as a representative of a political party records a change of political party to vote absentee under [chapter 53](#) and after voting absentee records a change of political party back to the political party the official represents on the precinct election board, the official's name shall be removed from the list of precinct election officials for that election. The chairperson of the political party shall be notified of the vacancy and may designate a replacement for that election.

[C75, 77, 79, 81, §49.16]

[97 Acts, ch 170, §24; 2008 Acts, ch 1032, §195; 2010 Acts, ch 1026, §6, 17; 2017 Acts, ch 120, §3](#)

Referred to in [§49.14](#)