

49.31 Arrangement of names on ballot — restrictions.

1. *a.* 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 state commissioner may prescribe, and a county commissioner may use, uniform abbreviations for political parties and organizations.

b. (1) The commissioner shall determine the order of candidates on the ballot as provided in this paragraph. The order shall be the same for each office on the ballot and for each precinct in the county voting in the election.

(2) The state commissioner shall compile a list of each county in the state in alphabetical order and assign a number to each county such that the first county listed is number one, the second county listed is number two, and continuing in descending order in the same manner. The commissioner shall put in alphabetical order the top two political parties receiving the highest votes from the most recent election.

(3) The commissioner of each county assigned an even number pursuant to subparagraph (2) shall arrange the ballot as follows:

(a) The candidates of the first political party by alphabetical order pursuant to subparagraph (2) shall appear first on the ballot for the first general election at which the president of the United States is to be elected following July 1, 2019, and second on the ballot for the first general election at which the governor will be elected following July 1, 2019, and second on the ballot for the second general election at which the president of the United States is to be elected following July 1, 2019, and first on the ballot for the second general election at which the governor will be elected following July 1, 2019, and thereafter alternating with the candidates of the second political party by alphabetical order pursuant to subparagraph (2).

(b) The candidates of the second political party by alphabetical order pursuant to subparagraph (2) shall appear second on the ballot for the first general election at which the president of the United States is to be elected following July 1, 2019, and first on the ballot for the first general election at which the governor will be elected following July 1, 2019, and first on the ballot for the second general election at which the president of the United States is to be elected following July 1, 2019, and second on the ballot for the second general election at which the governor will be elected following July 1, 2019, and thereafter alternating with the candidates of the first political party by alphabetical order pursuant to subparagraph (2).

(4) The commissioner of each county assigned an odd number pursuant to subparagraph (2) shall arrange the ballot as follows:

(a) The candidates of the second political party by alphabetical order pursuant to subparagraph (2) shall appear first on the ballot for the first general election at which the president of the United States is to be elected following July 1, 2019, and second on the ballot for the first general election at which the governor will be elected following July 1, 2019, and second on the ballot for the second general election at which the president of the United States is to be elected following July 1, 2019, and first on the ballot for the second general election at which the governor will be elected following July 1, 2019, and thereafter alternating with the candidates of the first political party by alphabetical order pursuant to subparagraph (2).

(b) The candidates of the first political party by alphabetical order pursuant to subparagraph (2) shall appear second on the ballot for the first general election at which the president of the United States is to be elected following July 1, 2019, and first on the ballot for the first general election at which the governor will be elected following July 1, 2019, and first on the ballot for the second general election at which the president of the United States is to be elected following July 1, 2019, and second on the ballot for the second general election at which the governor will be elected following July 1, 2019, and thereafter alternating with the candidates of the second political party by alphabetical order pursuant to subparagraph (2).

(c) The commissioner shall determine the order of candidates of nonparty political

organizations on the ballot. The order shall be the same for each office on the ballot and for each precinct in the county voting in the election.

2. a. 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.

b. Notwithstanding any provision of [subsection 1](#), paragraph “b”, to the contrary, 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.

c. 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 commissioner shall hold the drawing on the first business day following the deadline for filing of nomination certificates or petitions with the commissioner for the general election pursuant to [section 44.4](#). If a candidate withdraws, dies, or is removed from the ballot after the ballot position of names has been determined, such candidate’s name shall be removed from the ballot, and the order of the remaining names shall not be changed.

d. On the regular and special city election and school election ballots the names of candidates for city, school district, and merged area offices shall be arranged by drawing lots for position. The commissioner shall hold the drawing on the second business day following the deadline for filing of nomination papers or petitions under [sections 260C.15](#), [277.4](#), and [376.4](#). If a candidate withdraws, dies, or is removed from the ballot after the ballot position of names has been determined, such candidate’s name shall be removed from the ballot, and the order of the remaining names shall not be changed.

3. Except as otherwise provided in [subsection 2](#), paragraph “d”, the ballots for any 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. Except as otherwise provided in [subsection 2](#), paragraph “d”, when a 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, §30 – 32; 2002 Acts, ch 1134, §32, 115; 2006 Acts,

ch 1002, §2, 4; 2008 Acts, ch 1032, §150; 2017 Acts, ch 155, §20 – 22, 44; 2019 Acts, ch 148, §27, 33, 48, 49

Referred to in §43.28, 43.31, 49.53, 49.57A

2017 amendments to subsections 2 and 3 effective July 1, 2019; 2017 Acts, ch 155, §44

See Code editor's note on simple harmonization at the end of Vol VI

Subsection 1 amended

Subsection 2, paragraph b amended

Subsection 2, NEW paragraph d

Subsection 3 amended