

**53.21 Replacement of lost or spoiled absentee ballots.**

1. A voter who has requested an absentee ballot may obtain a replacement ballot if the voter declares that the original ballot was lost or did not arrive. The commissioner upon receipt of a written or oral request for a replacement ballot shall provide a duplicate ballot. The same serial number that was assigned to the records of the original absentee ballot request shall be used on the envelopes and records of the replacement ballot.

2. a. The commissioner shall include with the replacement ballot two copies of a statement in substantially the following form:

The absentee ballot which I requested on .....  
(date) has been lost or was never received. If I find this absentee  
ballot I will return it, unvoted, to the commissioner.

.....  
(Signature of voter)

.....  
(Date)

b. The voter shall enclose one copy of the above statement in the return envelope along with the affidavit envelope, if the voter was mailed a separate affidavit envelope, and shall retain a copy for the voter’s records.

3. a. A voter who spoils an absentee ballot may return it to the commissioner. The outside of the return envelope shall be marked “SPOILED BALLOT”. The commissioner shall replace the ballot in the manner provided in [this section](#) for lost ballots.

b. An absentee ballot returned to the commissioner without a designation that the ballot was spoiled shall not be replaced.

[89 Acts, ch 136, §53; 93 Acts, ch 143, §33; 2007 Acts, ch 215, §231; 2009 Acts, ch 57, §67; 2014 Acts, ch 1101, §21, 32](#)

Referred to in [§53.49](#)