

9E.6 Voting by program participant — absentee ballot.

1. *a.* A program participant who is an eligible elector may register to vote with the state commissioner of elections, pursuant to [section 48A.8, subsection 1](#). The name, address, and telephone number of a program participant shall not be listed in the statewide voter registration system.

b. A program participant's voter registration shall not be open to challenge under [section 48A.14](#) based on participation in the program and use of a designated address.

2. *a.* A program participant who is otherwise eligible to vote may annually register with the state commissioner of elections as an absentee voter. As soon as practicable before each election, the state commissioner of elections shall determine the precinct in which the residential address of the program participant is located and shall request and receive from the county commissioner of elections the ballot for that precinct and shall forward the absentee ballot to the program participant with the other materials for absentee balloting as required of the county commissioner of elections by [section 53.8](#).

b. The program participant shall complete the ballot and return it to the state commissioner of elections, who shall review the ballot in the manner provided by [sections 53.18 and 53.19](#) if the return envelope is received in the state commissioner's office before the polls close on election day or is clearly postmarked by an officially authorized postal service or bears a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in [section 53.17A](#). If the materials comply with the requirements of [section 53.18](#), the materials shall be certified by the state commissioner of elections as the ballot of a program participant, and shall be forwarded to the appropriate county commissioner of elections for tabulation by the special voters precinct election board appointed pursuant to [section 53.23](#).

c. The state commissioner of elections, to the extent practicable, shall administer [this section](#) in accordance with the provisions of [chapters 48A and 53](#) applicable to county commissioners of elections.

3. *a.* An absentee ballot submitted by a program participant shall not be subject to a challenge under [section 49.79](#) or [53.31](#) if the challenge is based on the voter's participation in the program and use of a designated address.

b. In an election contested pursuant to [chapter 57](#):

(1) The state commissioner of elections shall, upon the written request of a party to the contest, certify the eligibility of a program participant to vote or the validity of a program participant's absentee ballot. A written request submitted under this paragraph "b" must contain the voter identification number affixed to the program participant's absentee ballot.

(2) A deposition shall serve as testimony for a program participant. A court or tribunal trying the contest shall coordinate with the secretary to obtain a deposition from a program participant.

[2015 Acts, ch 96, §7, 17; 2016 Acts, ch 1121, §1, 2; 2021 Acts, ch 12, §1, 73](#)

Referred to in [§9E.3, 48A.8, 53.2](#)