

47.2 County commissioner of elections.

1. The county auditor of each county is designated as the county commissioner of elections in each county. The county commissioner of elections shall conduct voter registration pursuant to [chapter 48A](#) and conduct all elections within the county. The county commissioner of elections does not possess home rule powers with respect to the exercise of powers or duties related to the conduct of elections prescribed by statute or rule, or guidance issued pursuant to [section 47.1](#).

2. *a.* When an election is to be held as required by law or is called by a political subdivision of the state and the political subdivision is located in more than one county, the county commissioner of elections of each of those counties shall conduct that election within the commissioner's county. However, the commissioner for the county having the greatest taxable base within the political subdivision shall serve as the controlling commissioner for the election. The controlling commissioner shall receive all nomination papers and public measures for the political subdivision. By the forty-first day prior to the election, the controlling commissioner shall certify the names of candidates and the text and summary of any public measure being submitted to the electorate to all county commissioners of elections required to conduct elections for the political subdivision. The county commissioners of elections of the other counties in which the political subdivision is located shall cooperate with the controlling commissioner.

b. Notwithstanding paragraph "a", for a city primary election, city runoff election, or a special election for a city, school district, or merged area, if a political subdivision is located in more than one county, the county commissioner of elections of a county not having the greatest taxable base within the political subdivision may designate that the controlling commissioner of the political subdivision shall conduct that election if fewer than one hundred twenty-five registered voters of the political subdivision are located within such county commissioner's county. If the controlling commissioner is so designated, [section 50.24, subsections 4 and 5](#), shall not apply. For the purposes of this paragraph, the number of registered voters shall be the number of registered voters in the political subdivision of a county not having the greatest taxable base on May 1 immediately preceding the first day of the filing period for candidates for the election. If May 1 falls on a day when the county commissioner's office is closed for business, the county commissioner shall use the number of registered voters on the next day that the county commissioner's office is open for business to determine the number of registered voters.

3. The commissioner may designate as a deputy county commissioner of elections any officer of a political subdivision who is required by law to accept nomination papers filed by candidates for office in that political subdivision, and when so designated that person shall assist the commissioner in administering elections conducted by the commissioner for that subdivision. The designation of a person as a deputy commissioner of elections pursuant to [this section](#), once made, shall continue in effect until the designation is withdrawn by the commissioner.

4. The commissioner shall assign each local public measure a letter for identification purposes. The public measure on the ballot shall be identified by the letter.

a. The county commissioner who is responsible under [subsection 2](#) for conducting the elections held for a political subdivision which lies in more than one county shall assign the letter to the public measure.

b. The county commissioners of elections of the other counties in which the political subdivision is located shall not assign the same letter to a local public measure on the ballot in their counties during the same election.

5. The office of county auditor or county commissioner of elections in each county shall be open for at least eight hours on the Saturday preceding a general election, primary election, or special election called by the governor for the purpose of receiving absentee ballots and conducting other official business relating to the election.

6. On the final date for filing nomination papers in the commissioner's office the office shall be open until the time for receiving nomination papers has passed.

7. The county commissioner of elections shall, to maintain election security, do all of the following:

a. When the county commissioner believes that a cybersecurity incident or data breach has occurred, the county commissioner shall immediately inform the state commissioner of elections.

b. If the county commissioner has no reason to believe that a cybersecurity incident or data breach has occurred, the county commissioner shall certify that fact to the state commissioner on an annual basis.

8. The county commissioner shall not participate in an absentee ballot drive or collection effort in cooperation with a candidate, candidate's committee, political party, or nonparty political organization. However, when a county commissioner is a candidate for election, such a county commissioner may participate in an absentee ballot drive or collection effort, but shall not aid any other candidate, candidate's committee, political party, or nonparty political organization.

[C73, 75, 77, 79, 81, §47.2; 81 Acts, ch 34, §9]

84 Acts, ch 1291, §3; 89 Acts, ch 136, §31; 94 Acts, ch 1169, §46; 2008 Acts, ch 1032, §201; 2017 Acts, ch 155, §15, 44; 2019 Acts, ch 148, §21, 33, 38, 39; 2021 Acts, ch 12, §19, 73

Referred to in §39.3, 44.4, 48A.2, 50.11, 50.24, 52.25, 68A.102, 260C.15, 260C.22, 260C.28, 277.20, 331.661, 331.753, 376.4, 376.6, 376.7, 376.9