

**49.104 Persons permitted at polling places.**

1. The following persons shall be permitted to be present at and in the immediate vicinity of the polling places, provided they do not solicit votes:

a. Any person who is by law authorized to perform or is charged with the performance of official duties at the election.

b. Any number of persons, not exceeding three at a time from each political party having candidates to be voted for at such election, to act as challenging committees, who are appointed and accredited by the executive or central committee of such political party or organization.

c. Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as prescribed in paragraph “b” for challenging committees, and any number of persons not exceeding three at a time appointed as observers under paragraph “e”, to witness the counting of ballots.

d. Any peace officer assigned or called upon to keep order or maintain compliance with the provisions of [this chapter](#), upon request of the commissioner or of the chairperson of the precinct election board.

e. One observer at a time representing any nonparty political organization, any candidate nominated by petition pursuant to [chapter 45](#), or any other nonpartisan candidate in a city or school election, appearing on the ballot of the election in progress. Candidates who send observers to the polls shall provide each observer with a letter of appointment in the form prescribed by the state commissioner.

f. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner before election day. If more than three persons file a notice of intent to serve at the same time with respect to ballot issues at an election, the commissioner shall appoint from those submitting a notice of intent the three persons who may serve at that time as observers, and shall provide a schedule to all persons who filed notices of intent. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues.

g. Any person authorized by the commissioner, in consultation with the secretary of state, for the purposes of conducting and attending educational voting programs.

h. Reporters, photographers, and other staff representing the news media. However, representatives of the news media, while present at or in the immediate vicinity of the polling places, shall not interfere with the election process in any way.

2. A precinct election official or county commissioner shall not obstruct or interfere with a person fulfilling that person’s role or performing that person’s duty under [subsection 1](#). A person who violates [this subsection](#) is guilty of election misconduct in the third degree.

[C97, §1124; S13, §1087-a9; C24, 27, 31, 35, 39, §571, 821; C46, 50, 54, 58, 62, 66, 71, 73, §43.43, 49.104; C75, 77, 79, 81, S81, §49.104; [81 Acts, ch 34, §32](#)]

[90 Acts, ch 1238, §23](#); [94 Acts, ch 1180, §17](#); [97 Acts, ch 170, §55](#); [2008 Acts, ch 1115, §100](#); [2010 Acts, ch 1026, §11](#); [2010 Acts, ch 1060, §6](#); [2017 Acts, ch 120, §4](#); [2021 Acts, ch 12, §40, 73](#)

Referred to in [§39A.4, 49.77](#)