

53.17 Mailing or delivering ballot.

1. If the commissioner mailed the ballot pursuant to [section 53.8, subsection 1](#), paragraph “a”, subparagraph (1), the sealed envelope bearing the voter’s affidavit and containing the absentee ballot shall be enclosed in a return envelope which shall be securely sealed. If the commissioner mailed the ballot pursuant to [section 53.8, subsection 1](#), paragraph “a”, subparagraph (2), the absentee ballot shall be enclosed in the return envelope which shall be securely sealed. The sealed return envelope shall be returned to the commissioner by one of the following methods:

a. The sealed return envelope may be delivered by the registered voter, by the voter’s designee, or by the special precinct election officials designated pursuant to [section 53.22, subsection 2](#), to the commissioner’s office no later than the time the polls are closed on election day. However, if delivered by the voter’s designee, the envelope shall be delivered within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier.

b. The sealed return envelope may be mailed to the commissioner by the registered voter or by the voter’s designee. If mailed by the voter’s designee, the envelope must be mailed within seventy-two hours of retrieving it from the voter.

c. The sealed return envelope may be delivered by a person not prohibited to collect and deliver a completed ballot pursuant to [section 53.33](#) to a ballot drop box established by the commissioner no later than the time the polls are closed on election day. However, if delivered by the voter’s designee, the envelope shall be delivered within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier. A commissioner is not required to establish a ballot drop box. A ballot drop box must meet all of the following requirements:

(1) A commissioner shall not establish more than one ballot drop box, which shall be located at the office of the commissioner, or on property owned and maintained by the county that directly surrounds the building where the office is located. For the purposes of this subparagraph, “*office of the commissioner*” means a location where a voter may receive services pursuant to [section 48A.17](#), [50.20](#), [53.10](#), or [53.18](#).

(2) The ballot drop box shall not be used for any purpose other than the collection of absentee ballots.

(3) The commissioner shall implement all reasonable and necessary measures to ensure that the ballot drop box is accessible and secure. Security measures may include placing the ballot drop box in a place regularly viewed by the commissioner or the commissioner’s staff.

(4) A video surveillance system shall be used to monitor all activity at the ballot drop box at all times while the ballot drop box is in place. The system shall create a recording, which shall be reviewed by the state commissioner, county attorney, and law enforcement in the event that misconduct occurs.

(5) A ballot drop box shall be available no sooner than the time that absentee ballots are allowed to be mailed pursuant to [section 53.8](#). The ballot drop box shall be removed or restricted from accepting deliveries immediately upon the closure of polls on election day.

(6) While available, a ballot drop box shall be securely fastened to a stationary surface or an immovable object.

(7) The ballot drop box shall be secured by a lock and shall include a tamper-evident seal. Only the commissioner or an employee of the commissioner shall have access to the means to unfasten the lock.

(8) Materials delivered to the ballot drop box shall be retrieved in an expeditious manner, but no less often than four times per day.

(9) The commissioner shall maintain a log of each time materials are retrieved from the ballot drop box, including the date and time materials were retrieved, and the name of the person who retrieved the materials. The commissioner or the commissioner’s employee shall record on the ballot, near the portion of the envelope including the affidavit signed by the voter, that the materials were retrieved from a drop box, the date and time of the retrieval, and the initials of the person who retrieved the materials.

(10) A ballot retrieved from a ballot drop box shall be processed in the same manner as a ballot returned pursuant to paragraph “a”.

2. In order for the ballot to be counted, the return envelope must be received in the commissioner’s office before the polls close on election day.

3. If the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, absentee ballots returned through the mail must be received not later than the time established for the canvass by the board of supervisors for that election. The commissioner shall contact the post office serving the commissioner’s office at the latest practicable hour before the canvass by the board of supervisors for that election, and shall arrange for absentee ballots received in that post office but not yet delivered to the commissioner’s office to be brought to the commissioner’s office before the canvass for that election by the board of supervisors.

4. When a person designated by the voter retrieves a completed absentee ballot from the voter, the designee shall, upon request of the voter, fill out a receipt to be retained by the voter. The state commissioner shall prescribe a form for receipts required by [this subsection](#). The receipt shall include all of the following:

- a. The name of the voter’s designee.
- b. The date and time the completed absentee ballot was received from the voter.
- c. The name and date of the election for which the absentee ballot is being voted.
- d. The name of the political party, candidate, or committee for which the designee is acting as an actual or implied agent, if applicable.
- e. A telephone number at which the voter’s designee may be contacted.
- f. A statement that the completed absentee ballot will be delivered to the commissioner’s office within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier, or that the completed absentee ballot will be mailed to the commissioner within seventy-two hours of retrieving it from the voter.

5. For the purposes of [this section](#), “*voter’s designee*” means a person not prohibited to collect and deliver a completed ballot pursuant to [section 53.33](#).

[SS15, §1137-g; C24, 27, 31, 35, 39, §943; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.17; 81 Acts, ch 34, §36]

84 Acts, ch 1291, §17; 87 Acts, ch 221, §26; 90 Acts, ch 1238, §29; 94 Acts, ch 1169, §64; 94 Acts, ch 1180, §22; 2004 Acts, ch 1083, §33, 37; 2004 Acts, ch 1175, §361, 362; 2007 Acts, ch 59, §27, 38; 2007 Acts, ch 215, §225 – 228; 2009 Acts, ch 57, §64; 2014 Acts, ch 1101, §19, 32; 2016 Acts, ch 1121, §11 – 13, 17; 2019 Acts, ch 148, §64 – 66; 2021 Acts, ch 12, §52 – 56, 73

Referred to in §50.22, 50.24, 53.8, 53.9, 53.17A, 53.18, 53.33, 53.49