

53.8 Ballot mailed.

1. a. Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, but not more than twenty-nine days before the election, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in [subsection 3](#). When the United States post office is closed in observance of a federal holiday and is not delivering mail on the twenty-ninth day before the election, the first day to mail absentee ballots is the next business day on which mail delivery is available. The absentee ballot shall be sent to the registered voter by one of the following methods:

(1) The absentee ballot shall be enclosed in an unsealed envelope marked with a serial number and affidavit. The absentee ballot and affidavit envelope shall be enclosed in or with an unsealed return envelope marked postage paid which bears the same serial number as the affidavit envelope. The absentee ballot, affidavit envelope, and return envelope shall be enclosed in a third envelope to be sent to the registered voter. If the ballot cannot be folded so that all of the votes cast on the ballot will be hidden, the commissioner shall also enclose a secrecy envelope with the absentee ballot.

(2) The absentee ballot shall be enclosed in an unsealed return envelope marked with a serial number and affidavit and marked postage paid. The absentee ballot and return envelope shall be enclosed in a second envelope to be sent to the registered voter. If the ballot cannot be folded so that all of the votes cast on the ballot will be hidden, the commissioner shall also enclose a secrecy envelope with the absentee ballot.

b. The affidavit shall be marked on the appropriate envelope in a form prescribed by the state commissioner of elections.

c. For envelopes mailed at any election other than the primary election, the commissioner shall not mark any envelope with any information related to the party affiliation of the applicant.

2. a. The commissioner shall enclose with the absentee ballot a statement informing the applicant that the sealed return envelope may be mailed to the commissioner by the registered voter or the voter’s designee or may be personally delivered to the commissioner’s office by the registered voter or the voter’s designee. The statement shall also inform the voter that the voter may request that the voter’s designee complete a receipt when retrieving the ballot from the voter. A blank receipt shall be enclosed with the absentee ballot.

b. If an application is received so late that it is unlikely that the absentee ballot can be returned in time to be counted on election day, the commissioner shall enclose with the absentee ballot a statement to that effect.

3. a. When an application for an absentee ballot is received by the commissioner of any county from a registered voter who is a patient in a hospital in that county, a tenant of an assisted living program in that county as shown by the list of certifications provided the commissioner under [section 231C.21](#), or a resident of any facility in that county shown to be a health care facility by the list of licenses provided the commissioner under [section 135C.29](#), the absentee ballot shall be delivered to the voter and returned to the commissioner in the manner prescribed by [section 53.22](#). For purposes of this paragraph, “*assisted living program*” means a program certified pursuant to [section 231C.3](#) that meets the standards for a dementia-specific assisted living program, as established by rule by the department of inspections and appeals.

b. (1) If the application is received more than five days before the ballots are printed and the commissioner has elected to have the ballots personally delivered during the ten-day period after the ballots are printed, the commissioner shall mail to the applicant within twenty-four hours a letter in substantially the following form:

Your application for an absentee ballot for the election to be held on has been received. This ballot will be personally delivered to you by a bipartisan team sometime during the ten days after the ballots are printed. If you will not be at the address from which your application was sent during any or all of the ten-day

period immediately following the printing of the ballots, the ballot will be personally delivered to you sometime during the fourteen days preceding the election. If you will not be at the address from which your application was sent during either of these time periods, contact this office and arrangements will be made to have your absentee ballot delivered at a time when you will be present at that address.

(2) If the application is received more than fourteen calendar days before the election and the commissioner has not elected to mail absentee ballots to applicants as provided under [section 53.22, subsection 4](#), and has not elected to have the absentee ballots personally delivered during the ten-day period after the ballots are printed, the commissioner shall mail to the applicant within twenty-four hours a letter in substantially the following form:

Your application for an absentee ballot for the election to be held on has been received. This ballot will be personally delivered to you by a bipartisan team sometime during the fourteen days preceding the election. If you will not be at the address from which your application was sent during any or all of the fourteen-day period immediately preceding the election, contact this office and arrangements will be made to have your absentee ballot delivered at a time when you will be present at that address.

c. Nothing in [this subsection](#) nor in [section 53.22](#) shall be construed to prohibit a registered voter who is a hospital patient or resident of a health care facility, or who anticipates entering a hospital or health care facility before the date of a forthcoming election, from casting an absentee ballot in the manner prescribed by [section 53.10](#) or [53.11](#).

[SS15, §1137-c, -d; C24, 27, 31, 35, 39, §928, 930; C46, 50, 54, 58, 62, 66, 71, §53.2, 53.4; C73, §53.2; C75, 77, 79, 81, §53.8]

83 Acts, ch 176, §7; 84 Acts, ch 1291, §12; 86 Acts, ch 1224, §30; 94 Acts, ch 1169, §64; 2002 Acts, ch 1134, §62, 115; 2004 Acts, ch 1083, §31, 32, 37; 2007 Acts, ch 59, §25, 26, 38; 2007 Acts, ch 215, §223; 2009 Acts, ch 57, §62, 63; 2009 Acts, ch 143, §1; 2014 Acts, ch 1101, §16, 32; 2017 Acts, ch 110, §7, 51, 54; 2017 Acts, ch 120, §5; 2019 Acts, ch 148, §31, 33

Referred to in §9E.6, 49.63, 53.17, 53.17A, 53.22, 53.49, 135C.29, 231C.21

2017 amendment to subsection 1, paragraph a, unnumbered paragraph 1, by 2017 Acts, ch 110, §51 applies to elections held on or after January 1, 2018; 2017 Acts, ch 110, §54

Subsection 1, paragraph a, unnumbered paragraph 1 amended