

**721—21.2(47) Electronic submission of absentee ballot applications and affidavits of candidacy.** Absentee ballot applications and affidavits of candidacy may be submitted electronically using either fax or email.

**21.2(1) *Electronic copies of absentee ballot applications and affidavits of candidacy accepted for filing.*** Assuming that all other legal requirements are met, absentee ballot applications and affidavits of candidacy required by Iowa Code chapters 43, 44, 45, 161A, 260C, 277, 376 and 420 may be submitted electronically by either fax or email if presented to the appropriate filing officer as an exact copy of the original and if the submission is in compliance with subrule 21.2(2).

**21.2(2) *Original absentee ballot applications.*** The original absentee ballot application submitted electronically shall also be mailed or delivered to the commissioner. If mailed, the envelope bearing the original absentee ballot application shall be postmarked not later than the voter registration deadline provided in Iowa Code section 48A.9 for the election for which the ballot is requested. This subrule shall not apply to documents submitted electronically by UOCAVA voters pursuant to rule 721—21.320(53).

*a.* The voter's absentee ballot shall be rejected by the absentee and special voters precinct board if the original absentee ballot application which was filed electronically is not received by the time the polls close on election day.

*b.* The voter's absentee ballot shall be rejected by the absentee and special voters precinct board if the postmark or Intelligent Mail barcode (IMb) on the envelope containing the original absentee ballot application is either illegible or later than the voter registration deadline provided in Iowa Code section 48A.9 for the election for which the ballot is requested.

**21.2(3) *Original affidavits of candidacy.*** The original copy of an affidavit of candidacy submitted electronically shall also be filed with the appropriate commissioner. The envelope bearing the original affidavit (if any) shall be postmarked not later than the last day to file the document.

*a.* The filing shall be void if the original affidavit of candidacy filed electronically is not received within seven days after the filing deadline for the original affidavit of candidacy.

*b.* The filing shall be void if the postmark on the envelope containing the original affidavit of candidacy is later than the filing deadline.

*c.* If an affidavit of candidacy filing is voided because the original affidavit of candidacy submitted by facsimile machine was postmarked too late or arrives too late, the person who filed the document shall be notified immediately in writing.

This rule is intended to implement Iowa Code sections 43.11, 43.19, 43.54, 43.67, 43.78, 44.3, 45.3, 45.4, 46.20, 47.1, 47.2, 53.2, 53.8, 53.17, 53.22, 53.25, 53.40, 53.45, 61.3, 161A.5, 260C.15, 277.4, 376.4, 376.11 and 420.130.

[**ARC 8045B**, IAB 8/26/09, effective 7/27/09; **ARC 9879B**, IAB 11/30/11, effective 1/4/12; **ARC 1831C**, IAB 1/21/15, effective 2/25/15; **ARC 2663C**, IAB 8/3/16, effective 8/1/16; **ARC 3447C**, IAB 11/8/17, effective 12/31/17]