

### **49.73 Time of opening and closing polls.**

1. At all elections, except as otherwise permitted by this section, the polls shall be opened at seven o'clock a.m., or as soon thereafter as vacancies on the precinct election board have been filled. On the basis of voter turnout for recent similar elections and factors considered likely to so affect voter turnout for the forthcoming election as to justify shortened voting hours for that election, the commissioner may direct that the polls be opened at twelve o'clock noon for:

*a.* Any school district election.

*b.* Any election conducted for a city of three thousand five hundred or less population, including a local option sales and services tax election conducted pursuant to section 423B.1. At elections conducted pursuant to chapter 423B, all polling places shall have the same voting hours.

*c.* Any election conducted for a city of more than three thousand five hundred population if there is no contest for any office on the ballot and no public question is being submitted to the voters at that election.

*d.* Any election conducted for a benefited district.

*e.* The unincorporated area of any county voting on a local option sales and services tax pursuant to section 423B.1.

2. The commissioner shall not shorten voting hours for any election if there is filed in the commissioner's office, at least twenty-five days before the election, a petition signed by at least fifty eligible electors of the school district or city, as the case may be, requesting that the polls be opened not later than seven o'clock a.m. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour, except that this requirement shall not apply to merged areas established under chapter 260C. The hours at which the respective precinct polling places are to open shall not be changed after publication of the notice required by section 49.53. The polling places shall be closed at nine o'clock p.m. for state primary and general elections and other partisan elections, and for any other election held concurrently therewith, and at eight o'clock p.m. for all other elections.

[C51, § 251; R60, § 486; C73, § 611; C97, § 1096, 2751, 2754, 2756; S13, § 1087-a6, 1096, 2754, 2756; C24, 27, § 565, 791, 4202, 4211; C31, 35, § 565, 791, 4216-c9; C39, § **565, 791, 4216.09**; C46, 50, 54, 58, 62, 66, 71, 73, § 43.37, 49.73, 277.9; C75, 77, 79, 81, § 49.73]

94 Acts, ch 1180, §13; 2002 Acts, ch 1134, §37, 38, 115