

49.81 Procedure for voter to cast provisional ballot.

1. A prospective voter who is prohibited under [section 48A.8, subsection 4](#), [section 49.77, subsection 3](#), [section 49.80](#), or [section 53.19, subsection 3](#), from voting except under [this section](#) shall be notified by the appropriate precinct election official that the voter may cast a provisional ballot. The voter shall mark the ballot and immediately seal it in an envelope of the type prescribed by [subsection 5](#). The voter shall deliver the sealed envelope to a precinct election official who shall deposit it in an envelope marked “provisional ballots”. The ballot shall be considered as having been cast in the special precinct established by [section 53.20](#) for purposes of the postelection canvass.

2. A prospective voter who is unable to establish identity under [section 49.78, subsection 2](#), paragraph “a”, or [section 49.78, subsection 3 or 4](#), shall be notified by the appropriate precinct election official that the voter may cast a provisional ballot. The voter shall mark the ballot and immediately seal it in an envelope of the type prescribed by [subsection 5](#). The voter shall deliver the sealed envelope to a precinct election official who shall deposit it in an envelope marked “provisional ballots”. The ballot shall be considered as having been cast in the special precinct established by [section 53.20](#) for purposes of the postelection canvass.

3. Each person who casts a provisional ballot under [this section](#) shall receive a printed statement in a form prescribed by the state commissioner by rule adopted in accordance with [chapter 17A](#). The statement shall contain, at a minimum, the following information:

a. The reason the person is casting a provisional ballot.

b. If the person is casting a provisional ballot because the person failed to provide a required form of identification, a list of the types of acceptable identification and notification that the person must show identification before the ballot can be counted.

c. If the person is casting a provisional ballot because the person’s qualifications as a registered voter have been challenged, the allegations contained in the written challenge, a description of the challenge process, and the person’s right to address the challenge.

d. A statement that if the person’s ballot is not counted, the person will receive, by mail, notification of this fact and the reason the ballot was not counted.

e. Other information deemed necessary by the state commissioner.

4. Any eligible elector may present written statements or documents, supporting or opposing the counting of any provisional ballot, to the precinct election officials on election day, until the hour for closing the polls. Any statements or documents so presented shall be delivered to the commissioner when the election supplies are returned.

5. a. (1) The individual envelopes used for each provisional ballot cast pursuant to [subsection 1](#) shall have space for the voter’s name, date of birth, and address and shall have printed on them the following:

I am a United States citizen, at least eighteen years of age or, for purposes of voting in a primary election, I will be at least eighteen years of age on the date of the respective general election or city election. I believe I am a registered voter of this county and I am eligible to vote in this election.

.....
(signature of voter) (date)

(2) The following information is to be provided by the precinct election official:

Reason for casting provisional ballot:

.....
.....

.....
(signature of precinct election official)

b. The precinct election official shall attach a completed voter registration form from each provisional voter unless the person’s registration status is listed in the election register as active or pending. If a voter is casting a provisional ballot because the voter’s qualifications as

a registered voter have been challenged, the precinct election official shall attach the signed challenge to the provisional ballot envelope.

[C77, 79, 81, §49.81]

87 Acts, ch 221, §19, 20; 94 Acts, ch 1169, §51, 64; 2002 Acts, ch 1134, §40, 115; 2004 Acts, ch 1083, §20, 37; 2004 Acts, ch 1175, §358; 2008 Acts, ch 1115, §88; 2010 Acts, ch 1026, §10; 2017 Acts, ch 110, §28, 35, 36, 61, 64

Referred to in §48A.7A, 48A.8, 49.77, 49.78, 49.79, 49.80, 50.20, 50.21, 53.19

Subsection 2 takes effect July 1, 2017, and applies to elections held on or after that date; 2017 Acts, ch 110, §35, 36; 2017 Acts, ch 170, §26