

39A.3 Election misconduct in the second degree.

1. A person commits the crime of election misconduct in the second degree if the person willfully commits any of the following acts:

a. Interference with validity of election.

(1) Possesses an official ballot outside of the voting room unless the person is an election official or other person authorized by law to possess such a ballot.

(2) Makes or possesses a counterfeit of an official election ballot.

(3) Solicits or encourages a person to vote in an election knowing that person is not qualified to vote in the election.

(4) Files a challenge containing false information under [section 48A.14](#) or [49.79](#).

(5) Falsely or fraudulently signs nomination papers on behalf of another person.

b. Actions by election official. As an election official:

(1) Refuses to register a person who is entitled to register to vote under [chapter 48A](#).

(2) Accepts a fee from an applicant applying for registration.

(3) While the polls are open, opens a ballot received from a voter, except as permitted by law.

(4) Marks a ballot by folding or otherwise so as to be able to recognize it.

(5) Attempts to learn how a voter marked a ballot.

(6) Causes a voter to cast a vote contrary to the voter's intention.

(7) Changes a ballot, or in any way causes a vote to be recorded contrary to the intention of the person casting that vote.

(8) Allows a person to do any of the acts proscribed by subparagraphs (1) through (7).

(9) Fails to perform voter list maintenance in violation of [section 48A.41](#).

c. Miscellaneous offenses. Uses voter registration information, including resale or redistribution of the voter registration list without written permission of the state registrar, for purposes other than those permitted by [section 48A.39](#).

2. Election misconduct in the second degree is an aggravated misdemeanor.

[2002 Acts, ch 1071, §3](#); [2008 Acts, ch 1115, §83](#); [2019 Acts, ch 148, §6, 7, 33](#); [2021 Acts, ch 12, §4, 73](#)

Referred to in [§48A.41](#)