

# Election Statute Navigator: Iowa

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact [elect@wm.edu](mailto:elect@wm.edu) with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/iowa/covid/#tracker>.

## *Voter Registration*

- Voter permitted to register up to and including Election Day (aka Same Day Registration) **§ 48A.7a**
- Voters registration deadline
  - Primary:
    - Friday, May 22, 2020
  - General:
    - Saturday, October 24, 2020
  - [See official Iowa registration website](#)
- Online registration available
  - [See official Iowa registration website](#)
- Registration via mail available **§ 48A.12**
- In-Person registration available **§ 48A.17**
  - Local County Auditor
- Preregistration allowed **§ 48A.5(2)**
  - 17.5-year-olds may preregister
- Residency requirement **§ 48A.5**
  - Be an Iowa resident. A person's residence, for voting purposes only, is the place which the person declares is the person's home with the intent to remain there permanently or for a definite, or indefinite or indeterminable length of time. A person who is homeless or has no established residence may declare residence in a precinct by describing on the voter registration form a place to which the person often returns.
- Prior conviction eligibility **§ 48A.6(1)**
- Voters judged mentally incompetent or under guardianship for a mental disability cannot vote
  - **Iowa Constitution art. 2, § 5**
  - **Iowa Code Ann. § 48A.6(2), § 48A.2(3), § 633.556, § 633.679, § 468.513**
- Voter list maintenance guidelines **§ 48A.27, § 48A.30**



## *State Absentee, Early, and Mail Voting*

- Early voting allowed **§ 53.10**
- No-excuse absentee voting **§ 53.1**
- Absentee ballot application is verified **§ 53.2**
- Absentee ballot verification details
- **§ 53.2**
  - Information and eligibility checked against voter registration. An application can be rejected if it appears that the application has been signed by someone other than the registered voter. In this case, the voter must be notified and provided the opportunity to submit a new application.
- **§ 53.16**
  - Absentee voters sign an affidavit on the ballot envelope. Affidavits are reviewed for completeness and if incomplete, voters are notified and may complete the affidavit in person at an election official's office by 5 p.m. the day before the election, vote a replacement ballot or appear at the voter's precinct polling place on election day to cast a ballot. If the affidavit contains a defect that would cause the absentee ballot to be rejected, the voter is immediately notified that the ballot shall not be counted unless the voter requests and returns a replacement ballot. A return envelope is considered to contain a defect if it appears that the signature on the envelope has been signed by someone other than the registered voter, in comparing the signature on the envelope to the signature on record of the registered voter named on the envelope.
- State allows voters to correct signature discrepancies **§ 53.18(2)**
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter **§ 53.17**
- Deadline by which election official must receive absentee/mailed ballots **§ 53.17(2)**
  - Election Day (before polls close) or noon the Monday following the election if postmarked by the day before the election.
- State accepts postmarked ballots that arrive after election day **§ 53.17(2)**
  - Yes (must be postmarked the day before the election)
- State is required to provide secrecy sleeve for absentee/mail ballot
- Absentee/Mail ballot processing and counting procedures **§ 53.23**
  - Affidavits may be reviewed the day before Election Day.



- On Election Day, at a time set by the election commissioner to allow a reasonable amount of time to complete the count of absentee ballots by 10 p.m. on Election Day.
- Absentee ballots are reported separately from precinct totals **§ 53.23**
  - Each county establishes a special “absentee ballot and special voter’s precinct.” Results from the special precinct are reported separately. For general elections, results are also reported by the resident precinct of voters. For all other elections, absentee results may be reported as a single precinct.
- Spoiling/Replacement/Correction ballot restrictions **§ 53.21**

### *In-Person Voter ID*

- Photo ID requirements **§ 49.78**
- Photo ID not required **§ 48A.7A**
- Options for voters without ID **§ 49.78**
  - A person who is registered to vote but is unable to present a form of identification listed above, may establish identity and residency in the precinct by written oath of a person who is also registered to vote in the precinct. The attesting registered voter’s oath shall attest to the stated identity of the person wishing to vote and that the person is a current resident of the precinct. The oath must be signed by the attesting registered voter in the presence of the appropriate precinct election official. A registered voter who has signed two oaths on election day attesting to a person’s identity and residency as provided in this subsection is prohibited from signing any further oaths as provided in this subsection on that day.
  - If a voter cannot meet any of the above options, the voter may cast a provisional ballot.

### *Provisional Voting*

- Provisional ballot availability **§ 48A.7A, § 49.79, § 49.78**
  - Voter eligibility cannot be immediately established – i.e., name is not on registration list
  - The voter’s eligibility is challenged by a poll watcher
  - Voter did not present ID as required by the state
- Provisional ballot rejection reasons **§ 53.25**
  - A provisional ballot is *rejected* when:
    - Voter did not provide ID and was required to do so
    - Voter was not registered in the precinct on election day



- Voter already returned an absentee ballot that was counted
- Voter is not qualified to vote; or
- Voter is inactive/pending and has not provided ID as required by the time the board meets to consider provisional and challenged absentee ballots
- Method for informing voters whether provisional vote was counted **§ 49.81**

## *Polling Place*

- Polling Place availability and requirements **§ 49.10, § 49.25**
- Electioneering or campaigning must not be closer than 300 feet to the entrance of the polling place **§ 39A.4(1)(a)(1)**
- Rules governing poll observers **§49.104**
- Poll watcher qualifications **§49.104**
- Other:
  - **§49.104** - Persons permitted at polling places

## *State Emergency Rules and How Elections are Affected*

- The governor has authority to set rules and procedures (after declaring “election emergency”)
  - **§ 47.1** - The state commissioner of elections may exercise emergency powers over any election being held in a district in which either a natural, other disaster, extremely inclement weather, mobilization or the armed forces or an error in an election making it impossible to determine results. The state commissioner shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.
- Listed triggers for Emergency Rules
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- Other:
  - **§ 29C.6(6)** - Governor can suspend regulatory statutes prescribing the conduct of state business and issue orders.



## Counting Rules

- Voting system requirements § 52.7
- Counting procedures § 50.51
- Other:
  - § 50.51(2) - Audit Comprehensiveness, Contests and issues Audited

## Contest/Protest, Recount Rules

- Contest filing guidelines § 62.5
- Challenging a voter § 49.79, §48A.14
- Contest/Protest recount
  - § 57.1
    - Misconduct, fraud or corruption on the part of any election official or of any board of canvassers of sufficient magnitude to change the result of the election.
    - That the incumbent was not eligible to the office in question at the time of election.
    - That prior to the election the incumbent had been duly convicted of a felony, as defined in section 701.7, and that the judgment had not been reversed, annulled, or set aside, nor the incumbent pardoned or restored to the rights of citizenship by the governor under chapter 914, at the time of the election.
    - That the incumbent has given or offered to any elector, or any precinct election official or canvasser of the election, any bribe or reward in money, property, or thing of value, for the purpose of procuring the incumbent's election.
    - That illegal votes have been received or legal votes rejected at the polls, sufficient to change the result of the election.
    - Any error in any board of canvassers in counting the votes, or in declaring the result of the election, if the error would affect the result.
    - That the public measure or office was not authorized or required by state law to appear on the ballot at the election being contested.
    - Any other cause or allegation which, if sustained, would show that a person other than the incumbent was the person duly elected to the office in question, or would show the outcome of the election on the public measure in question was contrary to the result declared by the board of canvassers.
  - § 50.48
    - A candidate may request, no later than three days following the county canvass, that the county canvassing board order a recount. The



candidate must pay for the recount, unless: the difference (based on abstracts) between the candidate and the apparent winner is less than the greater of 50 votes, or 1 percent of the total votes cast for the office; or, the results of the recount change the outcome of the election.

- Other:
  - Recount for Public Measure **§ 50.49**
  - Administrative Recounts **§ 50.50**

