

Chapter 4

Election Day



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Election Day at the Polls

Polling Place Hours

See the Pre-Election Day chapter for information about polling place hours.

Delivering Supplies

Election supplies and ballots must be furnished to the PEOs no later than one hour before the opening of the polls on Election Day.

[§49.55]

Upon receipt of the ballots, the PEOs must verify the quantity of ballots received against the number listed on the ballot record and receipt. A PEO must sign the ballot record and receipt after verification. The ballot record and receipt is available in the Election Forms Library.

[§49.65]

Supplemental registers showing which voters were sent absentee ballots and which voters have moved must also be furnished to PEOs at the polls no later than one hour before the polls open.

See the Pre-Election Day chapter for more information.

[§49.72]

Opening the Polls

PEOs must arrive at the polling place at least one hour before the polls open. If an official fails to arrive at the polling place on time, the PEOs should report it immediately to the auditor. Iowa law requires at least one PEO from each political party to be present before a polling place may open.

[§49.73(1)]

The process of opening the polls is public. The public cannot vote before the polls are “open” but may be present during the opening process.

Before opening the polls, the PEOs must take the election official/clerk oath. Any of the PEOs may administer the oath to the others. The election official/clerk oath is available in the Election Forms Library.

[§49.75, 49.76]

Substitute PEOs

If a vacancy occurs on Election Day, the auditor must fill the vacancy with a substitute PEO with the same political party affiliation as the PEO whose duties are being assumed unless the substitution of a PEO with a different political affiliation will not cause the precinct to lose party balance. The party balance requirement only applies in partisan elections.

The substitute PEO must take the election official/clerk oath upon arriving at the polling place and before performing any official duties.

[§49.14, 49.18]

See the Pre-Election Day chapter for more information on substitute PEOs.

Required Postings at the Polling Place

1. “Vote Here” signs

On Election Day, “Vote Here” signs must be placed at the entrance of each driveway leading to the building where the polling place is located. The sign must be visible from the street. The signs cannot be smaller than 16 inches by 24 inches.

[§49.21(3)(a), IAC 721—21.9(49)]

2. Polling place signs

A sign must be posted at the polling place entrance that indicates the precinct name/number, the election name and date, and the polling place hours. Sample signs are available in the Election Forms Library.

[§49.21(3)(b)]

3. Precinct map

A street map showing the boundaries of the precinct must be posted at the entrance of the polling place.

[§49.21(3)(b)]

4. Sample ballots of each ballot style

At least one copy of a sample ballot, both the front and back if it is two-sided, must be posted in the polling place. Sample ballots cannot be placed in the voting booths.

[§49.71]

5. Voting instructions

At least one copy must be posted in the polling place and one copy posted in each voting booth. Voting instructions are available in the Election Forms Library.

[§49.68, 49.70, 49.71]

6. “Voting is Your Right” poster

This poster must be posted in the polling place. The poster is available in the Election Forms Library.

[§49.68(1), 49.71]

7. EDR Instructions and Iowa Voter Identification Requirements Poster

These should be posted in the polling place. The Iowa voter identification requirements poster and the EDR tabletop flyer can be used for this purpose. Copies of both are available in the Election Forms Library.

[§49.68]

Best Practice: The auditor may also choose to have the poll watcher poster posted in each polling place so voters, poll watchers, and PEOs can easily find information about what poll watchers may or may not do in the polling place. The poll watcher poster is available in the Election Forms Library.

When Voters Must Show ID

Non-EDR voters are required to show ID before they are allowed to vote if:

- Their voter registration status is “Pending”
- Their voter registration status is “Inactive”
- Their names do not appear in the election register because they moved from a different precinct within the county
- The PEOs do not know them and ask to see ID

In these cases, voters may use any of the following forms of ID if it has their name and current address:

- Current and valid photo ID
- Current utility bill (includes cell phone bill)
- Current bank statement
- Current paycheck or government check
- Other current government document

[§48A.8, 49.77, IAC 721—21.3]

If a voter is asked to show ID for one of the reasons listed above and cannot provide it, the voter must use EDR attestation procedures or cast a provisional ballot.

Temporary licenses or IDs issued by the Iowa Department of Transportation must be accepted as proof of identity and/or residency while the temporary ID is valid. The temporary ID is valid for 30 days, and each one will have an expiration date printed on it.

EDR voters are required to prove both who they are and where they live. See the Voter Registration chapter for a list of acceptable EDR identification documents and the attestation procedure.

When Voters Must Cast Provisional Ballots

Voters must cast a provisional ballot for the following reasons:

- When they cannot prove they are qualified to vote by showing ID when required to do so.
- When they requested an absentee ballot but cannot surrender it at the polls and PEOs cannot confirm whether the auditor has received the voter’s absentee ballot. See the next page for more information.
- When their qualifications to vote were challenged at the polls and the challenge was not withdrawn. [§49.81, 53.19]

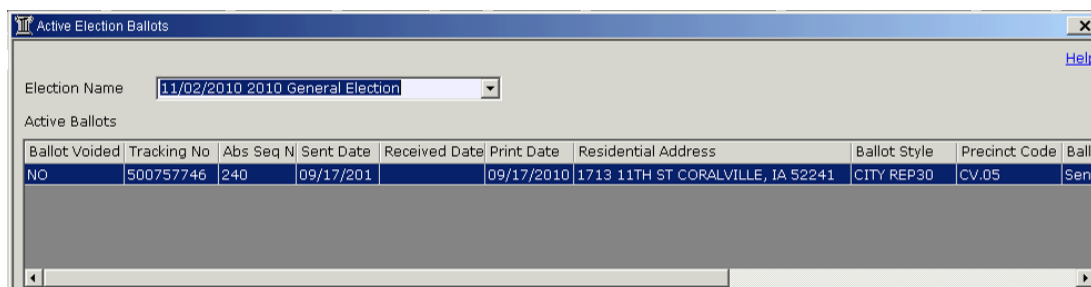
Confirming a Voter's Absentee Ballot has not been Received/Voter has not Corrected a Defective or Incomplete Affidavit

The auditor may choose to instruct PEOs to call the auditor's office when a voter who has requested an absentee ballot appears at the polling place but does not have an absentee ballot to surrender. Once the auditor has confirmed that the person's absentee ballot has not been returned to the auditor, the auditor can instruct the PEOs to allow the voter to cast a regular ballot.

The same is true for voters with defective or incomplete affidavits who have not completed the affidavit or voted a replacement ballot. Once the auditor makes that confirmation, the PEOs should allow the voter to cast a regular ballot at the polls.

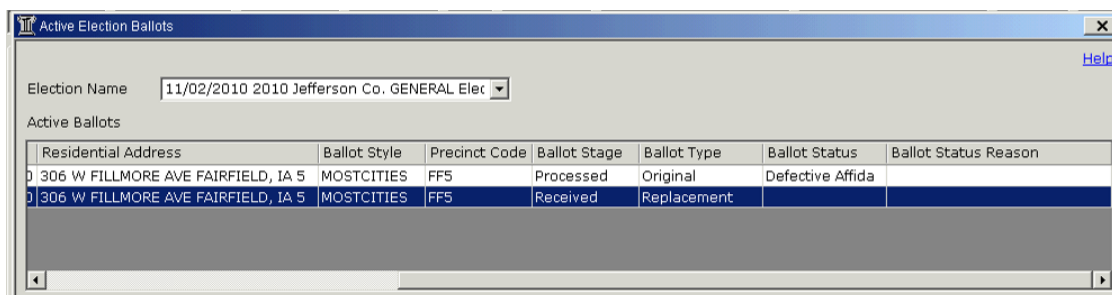
To confirm the status of an absentee ballot in I-VOTERS:

1. Open the voter's record.
2. Go to the **"Elections"** menu at the top of the voter's record and select **"Active Ballot."**
3. Find the non-voided ballot by looking for a **"no"** in the **"Ballot Voided"** field.



Ballot Voided	Tracking No	Abs Seq N	Sent Date	Received Date	Print Date	Residential Address	Ballot Style	Precinct Code	Ballot Status
NO	500757746	240	09/17/2011		09/17/2010	1713 11TH ST CORALVILLE, IA 52241	CITY REP30	CV.05	Sent

4. If the non-voided ballot has no **"Received Date,"**
 - a. Instruct the PEOs to allow the person to vote a regular ballot because you have not received the voter's absentee ballot.
 - b. Close the **"Active Ballots"** menu.
 - c. Open the **"Absentee"** tab on the voter's record. Highlight the non-voided request and select **"Void."** In the void comment box, enter **"Voted at polls."**
5. If the non-voided ballot has a **"Received Date,"**
 - a. Scroll to the right using the scroll bar to see the **"Ballot Status."**



Residential Address	Ballot Style	Precinct Code	Ballot Stage	Ballot Type	Ballot Status	Ballot Status Reason
306 W FILLMORE AVE FAIRFIELD, IA 5	MOSTCITIES	FF5	Processed	Original	Defective Affida	
306 W FILLMORE AVE FAIRFIELD, IA 5	MOSTCITIES	FF5	Received	Replacement		

- b. If the “**Ballot Status**” for the non-voided ballot is blank, instruct the PEOs the person must vote a provisional ballot because you have already received a voted absentee ballot from this person.
- c. If the “**Ballot Status**” says “**Defective Affidavit**” or “**Deficient Affidavit/Incomplete**,” instruct the PEOs to allow the person to vote a regular ballot because the voter never corrected the defective or incomplete ballot.

Important Note: These instructions assume you are using I-VOTERS to track defective or incomplete ballots. If that is not the case, you will need to check your list of defective/incomplete ballots in order to confirm whether the person has corrected the defective or incomplete ballot already.

Every time the auditor’s office confirms a voter’s ballot has not been received or corrected, the office must immediately void the person’s absentee ballot request on their voter record in I-VOTERS. Enter “Voted at Polls” in the “**Comment**” field that pops up when you void the request. This ensures that the person’s absentee ballot will not be counted if it comes in after election day.

Notice to EDR Registrants

In precincts where an electronic poll book program is not used, PEOs must hand each election day registrant a “Notice to Election Day Registrants” and ask the registrant to read the information.

[§721—21.7(4)]

The notice informs registrants that if they have ever been convicted of a felony and have not had their right to vote restored, they are committing a Class D felony if they proceed to register and vote. The notice also details what options the voter has if the voter is not 100% sure of the status of the voter’s voting rights and also lists the other requirements to be a registered voter.

Precincts that use an electronic poll book program that has been properly uploaded with the statewide felon data are not required to use this notice.

The “Notice to Election Day Registrations” is available in the Election Forms Library.

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Challenges

A registered voter in the county or a PEO may challenge the qualifications of any person offering to vote. It is the duty of PEOs to challenge any person offering to vote who they know or suspect is not qualified.

Any person (except a PEO working at a polling place on election day) wishing to challenge the qualifications of a voter must do so in writing and must provide a separate and specific written challenge for every voter to be challenged. "Blanket" challenges are illegal.

Registered voters must use the challenger's statement form prescribed by the SOS. PEOs are not required to use the challenger's statement form.

A challenge may be brought against a voter by claiming the voter is one of the following:

- Not a citizen of the United States
- Less than 18 years of age on Election Day
- Not a resident at the address where the person is registered
- Not a resident of the precinct where the person is offering to vote
- Falsifying information on a registration form or on a declaration of eligibility
- Convicted of a felony and voting rights have not been restored
- Adjudged incompetent to vote and no subsequent proceeding has declared the person to be once again competent
- Deceased

The challenged voter may be asked questions by the PEOs and the challenger, if the PEOs have permitted the challenger to do so, to determine the qualifications of the voter. If the challenge is withdrawn, the voter may cast a regular ballot. If the challenge is not withdrawn, the voter must be offered a provisional ballot.

[§49.79, 49.80, 49.81]

Provide copies of the challenger's statement and provisional ballot envelopes to each precinct with the other election supplies. The challenger's statement and provisional ballot envelope are available in the Election Forms Library.

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Persons Permitted at the Polling Place

Other than voters, the following persons may be at the polling place, provided they do not solicit votes:

- Any person who is by law authorized to perform or is charged with the performance of official duties at the election
- Any peace officer assigned or called upon by request of the auditor or PEO chairperson
- Poll watchers (see Poll Watchers chapter)
- Educational programs: participants authorized by the auditor, in consultation with the SOS, may be present at the polling place for the purpose of conducting or attending a youth educational program.
- Members of the news media (see below)

[§49.104]

Electronic Devices

The use of cameras, cell phones, pagers, or other electronic devices is prohibited in the voting booth.

[§49.88(1)]

Exit Polling

Exit polls may be conducted at any time but tend to be conducted in close races or in highly publicized contests. Exit polls may be conducted by the media or by political or interest groups.

People conducting surveys or exit polls are not permitted inside the polling place. In addition, they may not be inside the building in which the polling place is located or in the building's entryway regardless of weather or any other adverse condition. They must be outside the building but may be within 300 feet of the building or the entrance to the building used by voters entering the polling place.

Reporters and Photographers

Members of the media are common visitors to polling places but may notify the auditor ahead of time of their intention to visit a polling place. General guidelines for conduct of members of the media in the polling place include:

- Allow members of the media to be inside the polling place to take photographs or film activity, but do not allow them to interfere with the voting process. Members of the media cannot take images of how a voter marks or has marked a ballot.
- PEOs should ask members of the media to identify themselves and to show identification.
- Restrict interviews with voters until voters have cast ballots and are outside of the polling place. Members of the media should obtain permission from a voter to use the voter's name and/or image.
- PEOs may answer questions from or provide comments to members of the media only when authorized to do so by the auditor. Auditors should talk to their PEOs to let them know the auditor's expectations concerning media relations.

[§49.104(8)]

Assisting Voters

A voter may request help when marking or casting a ballot. Any voter may declare upon oath that the voter is blind, cannot read the English language, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance. The voter must complete the affidavit of voter requesting assistance. The PEOs must make a mark in the election register to indicate the voter received assistance.

Voters may choose any person to assist them except their employer, employer's agent, or an officer/agent of their union. Voters may also request assistance from PEOs, and two PEOs (one from each political party for partisan elections) may assist.

[§49.90, 49.91]

If a person other than the PEOs assists the voter, the person assisting the voter must sign the affidavit of voter requesting assistance. The affidavit is available in the Election Forms Library.

Curbside Voting

If a voter is unable to enter the building where the polling place is located because of a disability, two PEOs (one from each political party for partisan elections) must take a ballot and election supplies outside to the voter. The voter can then mark the ballot in the voter's vehicle. The same procedures that would happen if the voter was casting a ballot in the polling place must also occur during curbside voting.

The voter must sign the affidavit of voter requesting assistance which is available in the Election Forms Library. The PEOs must make a mark in the election register to indicate the voter received assistance.

[§49.90, 49.91]

Closing the Polls

Anyone who is on the premises of the polling place when the polls close must be allowed to vote. If they are outside, the PEOs should instruct voters to move inside the building and shut, but not lock, the doors. Anyone arriving after that time cannot be allowed to vote.

Best Practice: Have a PEO stand behind the last person in line so no one else can join the line.

The polls can never be closed early even if the PEOs or auditor believe no one else will vote. The PEOs must close the election equipment only after all voters have cast their ballots.

The doors to the polling place must remain unlocked.

[§49.74]

Precinct Canvass of Votes

Immediately after the polls close, the PEOs must begin the process of publicly counting ballots. They must continue until they are finished.

[§50.1, 50.1A]

The precinct canvass of votes is public. Observers may be present but cannot interfere with the process. Observers cannot touch the ballots or other election supplies.

[§50.11]

All votes cast at precinct polling places must be tallied on election night, including all write-in votes. Ballots cast at the polls are counted only at the polling place. Votes are not counted by the board of supervisors, the auditor, or the auditor's staff.

Iowa Administrative Code 721—Chapter 26, Counting Votes provides the uniform standards for counting votes by hand in Iowa. Provide PEOs instructions on how to count write-in votes by hand. Instructions are available in the Counting Votes guide.

Precinct results are entered in the tally list. The names of all people who received write-in votes (including fictional names) must be included on the tally list. It is the duty of the precinct canvassers to examine the write-in votes and to decide whether similar versions of a name should be counted for the same person.

The information entered in the tally list must include the number of people who voted, the name of each person who received votes, the number of votes each person received, and the total number of votes for each office. The PEOs who close the polls must sign the tally list.

[§50.16]

If ballots were damaged and could not be read by the optical scan machine, the PEOs may make a true duplicate of the ballot. PEOs should call the auditor's office before doing so. Once given the approval to do so, they must write "original" on the original ballot and "duplicate" on the substitute ballot and a serial number. The original ballot must be marked with the same serial number.

[§52.37]

PEOs must publicly announce the results.

[§50.11]

Ballots should be separated into the following categories:

- Voted and counted ballots
- Unused ballots (not voted)
- Spoiled ballots
- Surrendered absentee ballots
- Provisional ballots
- Disputed ballots

After the precinct canvass the PEOs must complete the ballot record and receipt and seal the ballots. The sealed ballot packages cannot be opened unless there is a recount or an election contest requiring an examination or recount of the ballots.

[§50.12, 52.23]

Election Day at the Auditor's Office

General Guidance

Arrive at the office before the polls open. The courthouse must remain open on election day. [§49.123]

Designate staff members to handle different issues on election day. Assign staff members to be responsible for:

While the polls are open:

- Voting equipment trouble calls and repairs
- Problem calls from PEOs and voters
- Voter registration and polling place location questions

After the polls close:

- Phone calls from precincts with results
- Tabulation of precinct results
- Phone calls from the media and public about results
- Distribution of results to the public and media
- Check in precinct supplies and ballots

The auditor must remain on duty until all precincts have reported their election results. [§50.11]

Log Phone Calls and Issues

Best Practice:

Keep a log of telephone calls your office receives on election day. Also make note of issues that arise at polling places. These records may be of assistance if there is a recount or contest after the election.

Absentee Ballots

Check the post office for absentee ballots received late in the day. Before the polls close, deliver those ballots to the ASVP board for counting.

Voters or a voter's designee can also return voted absentee ballots to the auditor's office by the time the polls close. This includes emailed and faxed ballots from UOCAVA voters.

All absentee ballots received by the time the polls close must be counted before 10 p.m.
[§53.17, 53.23]

Results from absentee ballots must not be released until all ballots required to be counted on Election Day have been tabulated.
[§53.23(6)]

ASVP Board

The auditor shall set the time for the ASVP board to meet, allowing a reasonable amount of time to complete counting all absentee ballots received before the polls close by 10 p.m. on election day.
[§53.23]

If the ASVP board did not meet the day before the election, the board members must take the election official/clerk oath available in the Election Forms Library. The oath is required the first time the board meets before each election, but it does not have to be administered each day the board meets to process ballots for the same election.
[§49.75, 49.76]

Returning Supplies

Upon receipt of the ballots from the precinct after the polls close, verify the quantity of ballots received against the number listed on the ballot record and receipt. Sign the ballot record and receipt once the numbers have been verified. The ballot record and receipt is available in the Election Forms Library.

All precinct supplies, including ballots, must be returned to the auditor no later than noon on the day after the election (Wednesday).
[§49.65, 50.10, 50.17]

Election Results

Determine how the precincts will transmit elections results on election night. Provide each precinct instructions on how they should transmit results.

The auditor must remain on duty until all precincts have reported their election results.
[§50.11, IAC 721—24.1, 24.2]

Results from the special precinct must be reported separately from the ballots cast at the polls on election day.

The auditor can choose to report the special precinct results by resident precinct of the voter or as a single precinct.

However, for general elections, the results for the special precinct must be reported by resident precincts of the voters who cast absentee and provisional ballots.

[§53.20(2)]

General and Primary Elections and Special Elections Held Pursuant to §69.14

Auditors must transmit unofficial results to the SOS after the polls close. Auditors must provide an electronic file generated from the county's vote tabulation device (if any). The results must include the following:

- Federal offices
- Statewide offices
- State representatives
- State senators
- Statewide public measure(s), if any
- Judicial retention
- Total number of ballots cast
- Any other offices or public measures requested by the SOS

Auditors must periodically transmit results to the SOS as the precincts report results. The results must specify the number of precincts included in the report to the SOS.

The SOS will tabulate unofficial results from each county and make statewide results available to the public.

The SOS will provide auditors instructions about how to report unofficial results before election day.

[§50.15A, IAC 721—22.203, 24.1, 24.2]

Possible Situations on Election Day

Voting Equipment Malfunctions

PEOs should notify the auditor immediately and stop using any equipment that appears to be malfunctioning. The PEOs should ask voters to hand their ballots to a PEO after they have marked their ballot. The PEO will insert voted ballots in the emergency ballot bin until the problem can be addressed.

There are two courses of action the auditor can take to resolve the problem:

1. Routine Resolution

If the problem can be resolved by simple instructions and the auditor and the PEOs are able to resolve the problem without replacing the equipment, the PEOs must document the following:

- The nature of the problem
- The time the problem occurred
- How the problem was resolved
- The person who resolved the problem

2. Repair or Replacement

The auditor or the auditor's designee (must be authorized in writing and show ID to the PEOs) can attempt to repair the equipment or the equipment can be replaced. Repairs on election day must be limited. If the problem cannot be easily resolved, the equipment must be replaced as soon as possible. Two PEOs (one from each political party) must witness the repair or replacement of voting equipment or memory cards. The person making the repair and the two PEOs must sign a report of the incident.

The voting equipment can only be used if the malfunction can be corrected. The auditor must keep a written record of all known malfunctions and their resolutions.

If the equipment is replaced, the ballots in the ballot box should be placed in the emergency bin of the new scanner and as time allows, two precinct election officials of different political parties should re-feed the ballots through the new scanner.

[IAC 721—22.52]

Precinct Runs Out of Ballots

The PEO chairperson must immediately contact the auditor by telephone (when available) to provide the necessary information to the auditor. The auditor must keep a written record of the requests made by telephone. If a telephone is not available, a messenger must be sent with a written request for additional ballots. Written requests must be signed by a majority of the PEOs of the precinct.

[§49.66]

A sample “Request for Additional Ballots” is available in the Election Forms Library.

Upon receipt of a request, the auditor must immediately deliver additional ballots to the polling place. If there are not enough official ballots, the auditor may make photocopies of official ballots. The auditor must keep a record of the written request for additional ballots, the number of photocopied ballots made, the name of the person who made the photocopies, and the date, time and location at which the photocopies were made.

[§49.67]

A sample ballot replication record is included in the “Request for Additional Ballots” available in the Election Forms Library.

Ordering Arrest

A PEO may order the arrest of any person who is acting in such a manner that is disturbing the election, or insults or abuses the PEOs, or commits a breach of the peace. If the person is a registered voter of the precinct and has not yet voted, the person must be permitted to vote before being removed from the polling place.

[§49.105]

Emergencies on Election Day

A declaration of emergency due to a disaster or extreme weather can only be declared by the SOS. If such a situation occurs in a county, the auditor must notify the SOS that an election cannot safely be conducted at that time or in the place where the election is supposed to be held.

A “County Auditor Election Emergency Report” form is available in the Election Forms Library.

The SOS will work with the auditor to order modifications to the method of conducting the election or postpone the date of the election.

Exception: If candidates for federal office are on the ballot, the election cannot be postponed or delayed but other remedies may be available.

Relocation of Polling Place

If the emergency causes the polling place to be relocated, a sign indicating the new location of the polling place must be posted on the exterior door of the former polling place as soon as possible. If it is unsafe or impossible to post a sign on the door, the sign must be posted in some other visible place at or near the site of the former polling place.

Postponing the Election

If the decision is made to postpone the election, each precinct must be notified to close the doors to the polling place and halt voting immediately. Ballots should not be given to voters in the polling place who are waiting to vote. Voters who have received and marked their ballots shall deposit them in the ballot scanner. Voters with unmarked ballots shall return them to the PEOs. All voted ballots must be sealed in secure containers and the containers marked "Ballots from the Postponed Election." If used, the automatic tabulating equipment shall be closed and sealed without printing any election results.

If it is safe to do so, the chairperson(s) shall transport or designate one of the PEOs to transport the ballot containers, election register(s), tally list(s), and other election supplies to the auditor's office. If it is unsafe to travel to the auditor's office, the chairperson(s) or designee shall securely store the ballots, election register(s) and tally list(s) until it is safe to return them to the auditor.

Records Needed

The SOS must maintain records of each emergency declaration. The auditor must send a signed notice of the emergency to the SOS. The records must include the following information:

- County in which emergency occurred
- Date and time the emergency declaration was requested
- Name and title of person making request
- Jurisdiction for which election is to be conducted
- Number of precincts in jurisdiction and number of precincts affected by emergency
- Nature of emergency
- Date(s) of occurrence of the emergency
- Conditions affecting the conduct of the election
- Whether the polling places were opened on time
- Action taken
- Method used to inform the public of changes in the election procedure

The SOS or designee must sign the emergency declaration and send it to the auditor.

[IAC 721—21.1]

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