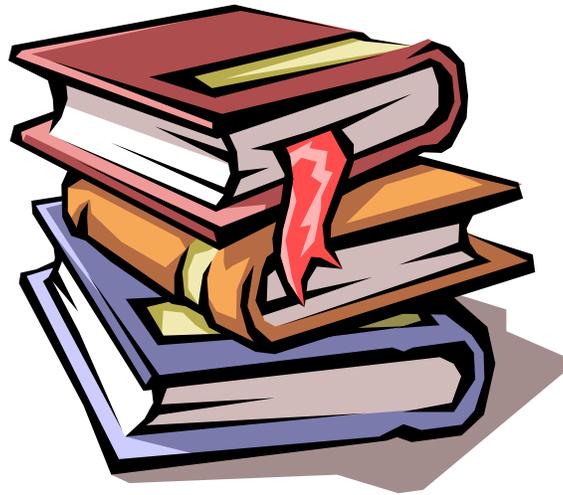


# The Iowa Election Administrator's Dictionary

Sixth Edition



Prepared in the Office of Iowa Secretary of State

# Election Administrator's Dictionary

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## Introduction

Many of the definitions in this dictionary are taken directly from the *Code of Iowa* and the *Iowa Administrative Code*. It is important to understand that some of these definitions apply only to election laws or specific chapters of the Code. Please note the authority cited for the definition [in brackets along the right-hand margin] and, to be absolutely certain how far the definition applies, consult the Code sections reproduced below.

The Code citations below show how some sections of the Code apply throughout the Code and others only apply to specific chapters. Definitions in §39.3 apply only to specific chapters in the Code.

**§4.1 Rules.** In the construction of the statutes, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the general assembly, or repugnant to the context of the statute.

*\*This code section can be applied generally throughout the code, unless there is a more specific definition in a particular code chapter.*

**§39.3 Definitions.** The definitions established by this section shall apply wherever the terms so defined appear in this chapter and in chapters 39A, 43, 44, 45, 47, 48A through 53, and 68A unless the context in which any such term is used clearly requires otherwise.

*\*These definitions only apply within the particular code sections referenced in this code section.*

**§48A.2 [Voter Registration] Definitions.** The definitions established by this section and section 39.3 shall apply wherever the terms so defined appear in this chapter, unless the context in which any such term is used clearly requires otherwise.

*\*The definitions in 48A only apply to 48A.*

**§52.1(2) Alternative voting systems--definitions.** As used in this chapter, unless the context otherwise requires.

Notice: Although every attempt has been made to make this an accurate and reliable guide, if there are conflicts between the *Code of Iowa*, session laws, *Iowa Administrative Code*, and the information contained in this guide, the Code, session laws, and Rules shall be considered authoritative. Any changes in the *Code of Iowa* or *Iowa Administrative Code* after publication of this guide should be followed instead of the information in this guide.

References to the *Code of Iowa* are cited only by section number:

For example: §47.6

References to the *Iowa Administrative Code* are cited as follows:

IAC 721–21.4

“721” is the Secretary of State’s department number in the *Iowa Administrative Code*. Elections Division rules are found in chapters 20 through 26.

“821” is the Voter Registration Commission’s department number in the *Iowa Administrative Code*.

This is the fifth edition of the *Election Administrator’s Dictionary*. It is not all-inclusive, and the *Code of Iowa* and *Iowa Administrative Code* always remain the final authorities.

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## A a

**Absentee and special voters precinct (ASVP).** A precinct made up of all of the absentee and provisional ballots cast in the county. The precinct election officials assigned to work in this precinct are selected following §49.15, using the same criteria used to appoint other election officials for Election Day. The absentee and special voters precinct board is also responsible for tabulating the results of absentee and provisional ballots accepted for counting and for sending notices to voters whose absentee or provisional ballots were rejected. [§53.20]

See IAC 721—22.340 through 22.351 and IAC 721—21.359 through 21.361 for further information on counting procedures for the absentee and special voters precinct.

**Absentee ballot.** Any ballot authorized by chapter 53. This includes ballots voted by mail, in-person at the commissioner's office and in-person at a satellite voting station. It also includes ballots voted by residents of a **health care facility**. [§39.3(1)]

**Absentee ballot application.** A form used to request an absentee ballot. The form prescribed by the Secretary of State may be used or the voter may submit a request on paper larger than 3x5 inches that contains all of the required information from the official form. This applies to **all** elections. For more information on absentee voting, follow this link: <http://www.sos.state.ia.us/elections/electioninfo/absenteeinfo.html> [§53.2]

**Absentee ballot application from inactive voter.** Administrative rules for processing this application can be found at IAC 721—21 301.

**Absentee ballot courier.** Absentee Ballot Couriers no longer exist under Iowa law. Anyone the voter designates may perform the functions of an absentee ballot courier. Previously, a ballot courier was a person trained and registered with the county auditor to gather and deliver voted absentee ballots to the appropriate county auditor. [§53.17]

**Absentee ballot processing before Election Day.** Instructions for beginning to process absentee ballots before Election Day. [IAC 721—21.359]

**Absentee ballot, rejecting.** Reasons for rejecting absentee ballots can be found in the administrative rules. [IAC 721—21.361]

**Absentee voting instructions.** Instructions must be mailed to every absentee voter with their absentee ballot. The SOS office writes the instructions and makes them available to the counties on the SOS website. Counties are required to use instructions written by the SOS for federal elections. [IAC 721—22.250]

**Acceptance testing.** Examination of a voting system and its components by the purchasing county to make sure that the equipment is what was ordered and that it functions properly. [IAC 721—22.31]

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**Accessibility.** The federal “Voting Accessibility for the Elderly and Handicapped Act” requires all polling places to be accessible to persons with disabilities. The standards for accessibility and the Polling Place Accessibility Survey Form adopted by the Secretary of State are found in the *Iowa Administrative Code* at 721—21.50:  
<http://www.sos.state.ia.us/pdfs/elections/auditors/pollingplaceaccessibilityform.pdf>

For a copy of the federal law, go to:  
<http://www4.law.cornell.edu/uscode/42/1973ee-1.html>

**Accredited independent test authority.** A person or agency that is formally recognized by the Election Assistance Commission (EAC) as competent to design and perform qualification tests for voting system hardware and software. Also referred to as “ITA.” See also **Voting System Testing Laboratory.** [IAC 721–22.1]

**Acknowledgement of voter registration form.** Generally, this is a voter registration card or a notice of incomplete voter registration. Every person who submits a voter registration form or change of information must be notified of its acceptance (by sending a voter registration card) or rejection (by sending a notice of incomplete voter registration) within 7 business days after submitting the form. Acknowledgements must always be sent by nonforwardable mail. [§48A.26]

**Administrative Complaint Procedure.** The administrative complaint procedure set forth in IAC 721–Ch. 25 is established to comply with Title IV, Section 402, of the Help America Vote Act of 2002, Public Law 107–252, 42 U.S.C. 15512. The procedure is available to any person who believes that a violation of any provision of Title III of the Help America Vote Act of 2002, Public Law 107–252, 42 U.S.C. 15481–15485, has occurred, is occurring, or is about to occur in connection with a federal election.

**Administrative recount.** A recount conducted when the commissioner suspects that voting equipment used in the election malfunctioned or that programming errors may have affected the outcome of the election, or if the precinct election officials report counting errors to the commissioner after the conclusion of the canvass of votes in the precinct. [§50.50; IAC 721–21.25]

**Administrative Rules.** Rules adopted by state agencies to implement authority granted in the **Code of Iowa.** Administrative Rules have the force and effect of law. [Chapter 17A]

The **Secretary of State's Administrative Rules (721)** are available online at:  
<http://www.legis.state.ia.us/asp/ACODocs/chapterList.aspx?pubDate=03-25-2009&agency=721>

The **Voter Registration Commission's Rules (821)** are available online at:  
<http://www.legis.state.ia.us/asp/ACODocs/chapterList.aspx?pubDate=03-25-2009&agency=821>

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**Affidavit envelope.** This envelope is required to be used with every absentee ballot. If a secrecy envelope is also required, the secrecy envelope containing the ballot is placed inside the affidavit envelope. If a secrecy envelope is not required, then the voted ballot is placed directly in the affidavit envelope. This envelope is referred to in §53.8 as the “unsealed” envelope. This envelope contains the absent voter’s declaration of eligibility. This envelope must be signed and sealed or the absentee ballot must be rejected.

[§53.8; §53.18; §53.25; IAC 721–21.361]

**Affinity.** Means family relationship by marriage. Persons related to an opposed candidate within the third degree of **consanguinity** or **affinity** may not serve as precinct election officials. This includes the candidate’s spouse and the spouse’s:

1. Parents and children
2. Siblings, grandparents and grandchildren
3. Aunts, uncles, nieces, nephews, great-grandparents and great-grandchildren.

[§49.16(1)]

Judges standing for **retention** at the **General Election** are not considered to be opposed candidates.

**Appointed official.** A person selected by an official or body to serve in a position, rather than being chosen by the voters at an election. For example, city clerks are appointed. See also **elected official**.

**Appointment to fill a vacancy.** Many vacancies are either authorized or required to be filled by appointment. An appointment must be in writing and must be filed with the same official who keeps the oath of office. A person appointed to fill a vacancy in an elective office serves only until the office can be filled by election.

[Iowa Constitution, Art. XI; §69.10; §69.11]

**Approved voting systems.** See **Certification**.

**Annexation** means the addition of territory to a city. A city that has annexed territory may adjust the city’s precinct boundaries after the annexation. If a city has annexed territory after January 1 of a year ending in zero but before completion of the re-precincting during a year ending in one, the city must include the annexed land in precincts drawn pursuant to §49.3 and §49.5.

[§368.1(2); §49.8(2); IAC 721–21.30]

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**Armed forces of the United States.** See also **Uniformed and Overseas Citizens Absentee Voting Act** (UOCAVA). The term "*armed forces of the United States*", as used in the Absent Voting by Armed Forces division of Chapter 53, means the army, navy, marine corps, coast guard, and air force of the United States.

For the purpose of absentee voting only, "*armed forces of the United States*" also means the following individuals:

1. Spouses and dependents of members of the armed forces while in active service.
2. Members of the merchant marine of the United States and their spouses and dependents.
3. Civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.
4. Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents.
5. Citizens of the United States who do not fall under any of the categories described in subsections 1 to 4, but who are entitled to register and vote pursuant to §48A.5(4).

For the purposes of the Absent Voting by Armed Forces division of Chapter 53, "*qualified voter*" means a person who is included within the term "*armed forces of the United States*" as described above, who would be qualified to register to vote under §48A.5(2), except for residency, and who is not disqualified from registering to vote and voting under §48A.6. [§53.37]

**ASVP.** An acronym standing for absentee and special voters precinct.

**At-large.** An at-large office is one in which all voters who live in the area covered by the jurisdiction are eligible to vote for. This is exactly the opposite of election by district where the voters must live in the director or supervisor district to vote for candidates running for a particular seat. In addition to pure at-large and pure by-district systems, Iowa law permits some jurisdictions to do hybrid at-large and by-district systems.

For example, County Supervisor Plan I is a pure at-large system. In a pure at-large system, there are no restrictions on where the candidate may live within the jurisdiction and all voters who live in the jurisdiction may vote for all of the candidates. County Supervisor Plan III is a pure by-district system. In a pure by-district system, the jurisdiction is split into different districts. Candidates running for district seats must live in the district they are seeking to represent and only those voters living in the district may vote on the race for their district. An example of a hybrid system is County Supervisor Plan II—this plan requires candidates to live in supervisor districts but these

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candidates are elected at-large, meaning all voters in the county are eligible to vote for all of their elected supervisors.

**Attorney General, informal advice.** Written advice to a client from the Attorney General or a deputy or assistant attorney general. Informal advice represents the position of the individual attorney and is not an **Attorney General's Opinion**. See also **Attorney General, opinion**.

**Attorney General, opinion.** Attorney General (AG) opinions answer legal questions of a public nature that relate to a public official's duties.

An AG's opinion helps interpret laws and guide state and local officials in applying the laws. An opinion is similar to a legal precedent and is binding until a court or later AG opinion overrules it or new legislation is enacted to change the statute in question. Opinions are not binding on a court, but are usually given careful consideration and respect.

The most appropriate questions for AG opinions are questions about inconsistent statutes or legal principles, confusion in the law itself, the constitutionality of a statute or rule, or legal disputes between two government entities.

[<http://www.state.ia.us/government/ag/>]

**Audio ballot.** "Audio ballot" means the ability of a voting system to read the contents of a ballot to a voter through the use of headphones. [IAC 721–22.1]

**Auditor.** The County Commissioner of Elections See **Commissioner**. [§47.2]

**Auditor's office hours.** See **Office hours**.

**Australian ballot.** An official ballot on which the names of all the candidates and public questions appear.

**AutoMARK.** An electronic **vote-marking device**. [IAC 721–22.263]

**Automatic tabulating equipment.** Is optical scan voting equipment. See also **optical scan voting system**. [§52.1(2)(a)]

## B b

**Ballot** includes optical scan and hand-counted ballots. See also **audio ballot**. [52.1(2)(b); IAC 721–22.101]

**Ballot marking device.** A pen, pencil or similar device for use in marking an optical scan ballot, designed so the mark it leaves may be detected and counted by automatic tabulating equipment. See also **AutoMARK**.

[§52.1(2)(c)]

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**Ballot style.** A combination of races and order of candidate names applicable to a precinct split for an election.

**Benefited district.** A special district created to provide a service. There are several in the *Code*. The election provisions for these districts are unusual and vary slightly from one district to another. Read carefully.

Chapter title	Chapter number
City emergency medical services districts	357G
Drainage districts	468
Emergency medical services districts	357F
Fire districts	357B
Law enforcement districts	357D
Real estate improvement districts	358C
Recreational lake and water quality districts	357E
Rural improvement zones	357H
Rural water districts	357A
Sanitary districts	358
Street lighting districts	357C
Water districts	357

**Blank ballot** means a ballot issued to *and* returned by a voter that contains no votes that can be detected by a tabulating device. Not the same as an **unvoted ballot**.

[IAC 721–26.1]

**Blended voting system.** Formerly, a term used to describe counties using both optical scan and direct recording electronic voting machines in each precinct. Iowa law now only allows for the use of optical scan voting equipment.

[IAC 721–22.500]

**Board of Advisors.** The Help America Vote Act (HAVA) of 2002 provides for the establishment of two boards to advise the **Election Assistance Commission (EAC)**: the EAC **Standards Board** and the EAC Board of Advisors.

**The Board of Advisors** and the Standards Board review proposed voluntary voting system guidelines and EAC technical guidance. They play a role in recommending candidates for the EAC Executive Director. They also may hold hearings and take testimony related to carrying out the provisions of HAVA.

The EAC Board of Advisors is made up of 37 members from various national associations and government agencies that played a role in the implementation of HAVA. In addition, the Board includes members from science and technology-related

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professions appointed by Congressional members. Members of the Board of Advisors serve two-year terms and may be reappointed.

**Board of examiners for voting systems (Iowa).** The Secretary of State must appoint three members to the Iowa Board of Examiners for Voting Systems, not more than two of whom shall be from the same political party. The examiners hold office for staggered terms of six years, subject to removal at the pleasure of the Secretary of State.

At least one of the examiners must be trained in computer programming and operations. The other two members must be directly involved in the administration of elections and must have experience in the use of voting systems. [§52.4]

See also **Certification, Voting systems standards.**

## C c

**Candidate qualifications.** Any person seeking election to an office under the laws of Iowa must be an eligible elector at the time of any election in which their name is on the ballot. There may be more specific qualifications in the statute describing the election. See also **Eligible elector.** [§39.26]

**Canvass.** This is the process of compiling election results. All elections have at least two canvasses. The first canvass is conducted at the precinct when the polls close and must be completed before the precinct officials leave. The county board of supervisors conducts the second canvass. The board compiles election results from all precincts and makes the official report of the outcome of the election within the county.

[Iowa Code Chapter 50]

The Open Meetings Law is not applicable to a canvass of an election by a county board of supervisors. Other provisions of law, however, require canvasses under chapter 50 to be public and minutes to be kept. These minutes need not be published. (Opinion of the Attorney General: Pottorff to Martin, Cerro Gordo County Attorney, 2-8-90)

**Census.** Whenever the population of any county, township or city is referred to in any law of this state, it shall be determined by the last preceding certified federal census unless otherwise provided. [§9F.6]

**Central count.** A system where all ballots cast in the county are tabulated at one central location. Currently no central count systems are used in Iowa. HAVA discourages their use.

[HAVA 301(a)(1)(B)]

**Certification.** The formal approval of voting equipment for use in Iowa by the **Board of Examiners for Voting Systems** pursuant to §52.5, §52.7, and §52.26. Administrative rules for this process are found at IAC 721–22.1 through 22.29.

<http://www.legis.state.ia.us/Rules/Current/iac/721iac/72122/72122.pdf>

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**Certification by EAC.** See **EAC Certification.**

**Challenged ballot.** See **Provisional ballot**, formerly special ballot.

**Challenge of voter registration.** A registered voter of a county may challenge the registration of another registered voter in the same county. The process is governed by §48A.14. A challenge must be a statement in writing to the **commissioner** alleging one or more reasons the challenged registrant's registration should not have been accepted or should be canceled. [§48A.14 –16]

**Challenged voter.** A person whose right to vote in an election has been challenged. Challenges may be made either at the polls or to voters who have cast absentee ballots. Challenged voters may vote only by **provisional ballot**, unless the challenge to their qualifications is withdrawn. [§49.79–81; §53.31]

**Change of address at the polls.** A registered voter who has moved within the county where they are registered may report a change of address at the polls on Election Day. If the voter moved within a precinct, they are not required to show ID. If the voter moved to a new precinct in the same county, the voter must show ID. See IAC 721-21.3. See also **Election Day Registration.** [§49.77(3–4)]

**Chief state election official.** The secretary of state is designated the chief state election official and is responsible for coordination of state responsibilities under the federal National Voter Registration Act of 1993 and the Help America Vote Act of 2002. [§47.1(3); HAVA §253(e)]

**City.** Is a municipal corporation not including a county, township, school district, or any special purpose district or authority. When used in relation to land area, "*city*" includes only the land area within the city limits. [§39.3(2)]

**City election.** Is any election held in a city for nomination or election of the officers thereof including a city primary or runoff election. [§39.3(3)]

**City primary election.** In cities that have not adopted by ordinance runoff elections or nominations under Chapter 44 or 45, a primary election must be held for offices in which the number of individuals who file valid petitions for an office is more than twice the number of positions to be filled. Laws that apply to the city primary election do not apply to the **primary election** for political parties. [§376.6–7]

**Code of Iowa.** The laws of Iowa. The *Code* is the highest authority regarding the way elections must be conducted in the state. The *Code of Iowa* is available online at: <http://www.legis.state.ia.us/IowaLaw.html>

**Combining precincts (temporarily).** For some elections the commissioner may choose to reduce the number of polling places by temporarily combining precincts. See §49.11, Notice of boundaries of precincts – merger or division for details.

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**Commissioner.** As used in Iowa's election laws, commissioner means the county commissioner of elections as defined in §47.2. The County Auditor is designated as the county commissioner of elections. [§39.3(4)]

**Commissioner of registration.** As used in Iowa's election laws, commissioner of registration means the county commissioner of elections (county auditor) as defined in §47.2. The county commissioner of elections is designated the commissioner of registration for the county, and may appoint deputies and assistants, subject to the approval of the county board of supervisors, necessary to carry out the commissioner's responsibilities under this chapter and under rules of the state voter registration commission and the state registrar of voters.

[§48A.2(1); §48A.3.]

**Community college.** Is a publicly supported school which may offer programs of adult and continuing education, lifelong learning, community education, and up to two years of liberal arts, preprofessional, or occupational instruction partially fulfilling the requirements for a baccalaureate degree but confers no more than an associate degree; or which offers as the whole or as part of the curriculum up to two years of vocational or technical education, training, or retraining to persons who are preparing to enter the labor market. See also **merged area.** [§260C.2]

**Compensation for number of voter registration applications prohibited.** Paying, offering to pay, or receiving compensation based on the number of registration forms completed, or the party affiliations shown on completed registration forms, or on any other performance criteria, is unlawful. This section shall not apply to state statutory political committees, as defined in §43.111. [§48A.25]

**Competing nominations by nonparty political organizations.** Non-party political organizations may nominate only one candidate for each partisan office on the **general election** ballot. If more than one candidate for the same office claims affiliation with a particular non-party political organization, the commissioner or state commissioner publicly draws lots to determine which one will appear on the ballot for the non-party political organization. The other candidate will appear without any reference to a party affiliation.

[IAC 721–21.201]

**Conflict between elections.** A conflict between two elections exists only when one of the elections would require use of precinct boundaries which differ from those to be used for the other election, or when some but not all of the registered voters of any precinct would be entitled to vote in one of the elections and all of the registered voters of the same precinct would be entitled to vote in the other election. Nothing in this subsection shall deny a commissioner discretionary authority to approve holding a special election on the same date as another election, even though the two elections are in conflict, if the commissioner concludes that to do so will cause no undue difficulties. [§47.6(2)]

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**Congressional districts.** Iowa is divided into four congressional districts. The Iowa General Assembly adopted the current districts following the 2010 Federal Decennial Census. They will be reviewed and redrawn following the 2010 Census. The districts are composed of whole counties, as follows:

1. The first district consists of the counties of Worth, Mitchell, Howard, Winneshiek, Allamakee, Bremer, Fayette, Clayton, Black Hawk, Buchanan, Delaware, Dubuque, Marshall, Tama, Benton, Linn, Jones, Jackson, Poweshiek, and Iowa.
2. The second district consists of the counties of Jasper, Johnson, Cedar, Clinton, Marion, Mahaska, Keokuk, Washington, Louisa, Muscatine, Scott, Clarke, Lucas, Monroe, Wapello, Jefferson, Henry, Des Moines, Decatur, Wayne, Appanoose, Davis, Van Buren, and Lee.
3. The third district consists of the counties of Guthrie, Dallas, Polk, Pottawattamie, Cass, Adair, Madison, Warren, Mills, Montgomery, Adams, Union, Fremont, Page, Taylor, and Ringgold.
4. The fourth district consists of the counties of Lyon, Osceola, Dickinson, Emmet, Kossuth, Winnebago, Sioux, O'Brien, Clay, Palo Alto, Hancock, Cerro Gordo, Floyd, Chickasaw, Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt, Wright, Franklin, Butler, Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Hardin, Grundy, Monona, Crawford, Carroll, Greene, Boone, Story, Harrison, Shelby, and Audubon.

[§40.1]

**Consanguinity.** Means family relationship by blood. Persons related to an opposed candidate within the third degree of consanguinity (or **affinity**) may not serve as precinct election officials. This includes the candidate's:

1. Parents and children (first degree)
2. Siblings, grandparents and grandchildren (second degree)
3. Aunts, uncles, nieces, nephews, great-grandparents and great-grandchildren.  
(third degree)

[§49.16(1)]

Judges standing for **retention** at the **General Election** are not considered to be opposed candidates.

**Constitutional amendments.** The voters at an election must approve amendments to the Iowa Constitution. Amendments to the US Constitution are ratified by the state legislatures; they are not voted upon at elections. See US Constitution, Article V.

**Contest.** The formal process for challenging the results of an election by alleging improper activities resulted in an incorrect outcome. The process of a contest may include recounting ballots. See also **recount**. A person who files a statement of intent to contest an election must post a bond. Standards for determining the amount of the bond are found in IAC 721–21.20. [Chapters 57 through 62]

**Control county.** The county in charge of conducting an election when a district includes areas in more than one county. The county having the greatest taxable base in the district is the control county. The county commissioners of elections of the other

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counties must cooperate with the county commissioner of elections who is conducting the election. [§47.2(2)]

**Counting board.** Formally, the group of PEOs who counted the ballots when a double election board had been appointed. Double election boards are no longer allowed under Iowa law.

**Counting center.** Refers to the central location where ballots cast in all Election Day precincts are counted. No counting centers are used in Iowa. See also **central count**.

**Counting days.** To figure out the number of days before an election, start with Election Day as day zero. Note that each Tuesday is a multiple of 7 days before Election Day. See calendar below.

Days Before Election Day

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
23	22	21	20	19	18	17
16	15	14	13	12	11	10
9	8	7	6	5	4	3
2	1	0 Election Day				

**Counting votes.** The process for counting ballots by hand is described in IAC 721–Chapter 26.

**County auditor.** See **commissioner**.

**County commissioner of elections.** See **commissioner**.

**Countywide mailing.** Both **NVRA** and Iowa law require each county auditor to do annual voter registration file maintenance. In January of each year, each county auditor must decide whether to do the **NCOA** process or the countywide mailing. If the countywide mailing is chosen, every voter in the county will be mailed a confirmation card.

**Courthouse open on Election Day.** The courthouse of each county must be open on Election Day. The commissioner must remain on duty until election results are received from each polling place in the commissioner's county. [§49.123; §50.11]

**Criminal offenses.** See Iowa Code Chapter 39A: **Election Misconduct**.

**Curbside voting.** If any voter cannot enter the building where the polling place is located because of a disability, two officers (one Democrat and one Republican) must take a paper ballot to the voter's car and allow the voter to cast the ballot in the car. [§49.90]

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## D d

**Deceased candidate.** If a **general election** candidate nominated by a political party for the offices of U.S. senator, U.S. representative, governor, attorney general, or state senator or state representative dies, the votes for that office shall not be canvassed. Instead, a special election shall be held on the first Tuesday after the second Monday in December, for the purpose of electing a person to fill that office. [49.58]

**Deceased voters.** Absentee ballots cast by voters who are deceased on Election Day must be rejected by the absentee and special voters precinct board. If a deceased voter's ballot is inadvertently counted, it does not invalidate the election. [§53.32]

In addition, the commissioner must cancel records of deceased registrants after receiving notice that the voter is deceased. A cancellation notice does not need to be mailed to voter. [§48A.30(1)]

**Declination form.** A portion of the **NVRA** agency voter registration form indicating a client of the agency declined to register to vote. The agency must keep the declination form for 22 months after the next **general election** following the agency's offer of the opportunity to register. [§48A.33]

**Delivery envelope.** An absentee ballot, affidavit envelope, secrecy envelope and voting instructions are mailed to voters in a **delivery envelope**.

**Department of Justice (DOJ or USDOJ).** Among many other things, the Department of Justice is the federal agency responsible for enforcing the Help America Vote Act. The DOJ website includes their interpretations of HAVA:  
<http://www.usdoj.gov/crt/voting/hava/hava.html>

**Diebold Election Systems AccuVote OS/OSX.** The AccuVote OS/OSX is an optical scanner manufactured by Diebold Election Systems dba Premier Election Solutions.

**Diebold Election Systems AccuVote TSX DRE.** The Diebold touchscreen voting machine which is no longer approved for use in Iowa.

**Director district.** A subdistrict of a school district or merged area community college. [§260C.13; §275.12(2)]

**Disputed ballot.** A ballot cast at a polling place that is not counted because it is one of two or more ballots folded together or a ballot counted but objected to by a precinct election official or challenger. [§50.3; 50.4; 50.5]

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**Disqualified electors.** The following persons are disqualified from registering to vote and from voting in Iowa:

1. A person who has been convicted of a felony as defined by Iowa law or federal law. If the person's rights are later restored by the governor, or by the president of the United States, the person may register to vote.
2. A person who is declared incompetent to vote by a court. Certification by the clerk of the district court that any such person has been found no longer **incompetent** by a court shall qualify such person to again be an elector, subject to the other provisions of this chapter. See also *Iowa Constitution*, Article II, section 5. [§48A.6]

**Double election board.** Double election boards are no longer allowed under Iowa law.

## E e

**EAC.** See **Election Assistance Commission.**

**EAC Certification.** Formal recognition by the **Election Assistance Commission** that a specific voting system is compliant with a set of voting system standards or guidelines. For more information go to: <http://www.eac.gov/program-areas/voting-systems/voting-system-certification>

**Early pickup sites.** Formerly, a process authorized in counties where all ballots cast on Election Day were counted in a central location. Ballots could be collected and taken to the central location before the polls closed. Note: **central count** is no longer used in Iowa.

**Early voting.** Some other states permit voters to cast their ballots before Election Day following the same process that will be used by voters at the polls on Election Day (i.e. having their ballots tabulated by an optical scanner as they are cast). Iowa does not have that type of "true" early voting at this time. In-person absentee voting at the courthouse or other places is used instead. See **satellite absentee voting station.** [IAC 721–22.1]

**Elected official, qualifications.** See **Qualifications for Public Office.** [39.27]

**Election.** Is a **general election, primary election, city election, school election** or **special election.** [§39.3(5)]

**Election Assistance Commission (EAC).** The federal agency created by HAVA to provide programs in the following areas:

- **Voting Systems** - developing, in consultation with the National Institute of Standards and Technology and the **Technical Guidelines Development**

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**Committee** (TGDC), voluntary voting system guidelines and providing for a national program for testing, certification, and decertification of voting systems.

- ❑ **Voter Registration** - maintaining the National Mail Voter Registration Form required by the **National Voter Registration Act** of 1993 (NVRA), providing information to States on their responsibilities under that law, reporting to Congress every two years on the effect the NVRA has on implementing federal elections, and promulgating regulations related to the National Mail Voter Registration Form and to the biennial reporting.
- ❑ **Payments & Grants** - administering programs that provide federal funds for States to meet Help America Vote Act requirements, for the development of innovative election technology, for pilot programs to test election technology, and for certain programs to encourage youth to become involved in elections.
- ❑ **Research** - studying and reporting best practices and other matters relevant to the effective administration of federal elections.
- ❑ **Outreach** - communicating information on laws, technologies, procedures, studies, and data related to the administration of federal elections to those responsible for formulating or implementing election law and procedures, to the media, and to other interested persons.
- ❑ **Website:** <http://www.eac.gov/>

**Election board.** For each election, the commissioner is required to appoint an election board which must “ordinarily” consist of three or five precinct election officials. The commissioner may appoint more precinct election officials if needed. No more than a simple majority of the board in any precinct may be members of the same party or **NPPO** if there are registered voters of another party or organization that are qualified and willing to work at the election. [§49.12]

**Election board panel.** The precinct election officials chosen to work in a precinct. Every two years, the boards are drawn up with input from the two political parties. [§49.15]

**Election canvass summary.** A report prepared by the auditor and certified by the board of supervisors showing the results of the election, including scatterings, overvotes, and undervotes by precinct for each contest and public measure. When hand-counted paper ballots are used, the election canvass summary does not contain overvotes or undervotes. [§50.24(3)]

**Election Center.** The **Election Center** is a nonprofit organization dedicated to promoting, preserving, and improving democracy. Its members are government employees whose profession is to serve in voter registration and elections administration. <http://www.electioncenter.org/>

**Election contest.** See **contest.**

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**Election Day/ Election Night.** See **Auditor's office hours.**

**Election Day Registration.** Effective in Iowa on January 1, 2008, Election Day Registration is a process allowing eligible electors to register and vote after the voter pre-registration deadline. For additional information and identification requirements see: <http://www.sos.state.ia.us/elections/voterinformation/voterregistration.html#2>. [§48A.7A]

**Election Laws of Iowa.** A compilation from the **Code of Iowa** of laws governing public elections in Iowa. It is available online at: <http://www.legis.state.ia.us/IowaLaw.html>

**Election misconduct.** Please refer to *Iowa Code* Chapter 39A for more details about what constitutes election misconduct in different degrees.

**Election officials.** For the purposes of Iowa Code chapter 39A, "Election Misconduct," this term includes the state commissioner, the county commissioner, employees of the state commissioner and county commissioner who are responsible for carrying out functions or duties under chapters 39 through 53, and precinct election officials appointed pursuant to §49.12, §49.14, §49.18, and §53.23. [§39A.1(3)]

**Election register.** Is a list of the names and addresses of all registered voters of the precinct. The election register includes voters who are active, inactive and pending. When a precinct is divided by a district boundary, and some, but not all, registered voters of the precinct may vote on an issue or office from that district, the election register must indicate which ballot style each registered voter must be given. [§49.28]

**Election Systems & Software M100 and M650.** These are optical scanners manufactured by ES&S. The M100 is a precinct count scanner and the M650 is a high speed scanner, generally used to tabulate absentee ballots.

**Election Systems & Software iVotronic.** This is the touchscreen voting machine manufactured and sold by ES&S. It is no longer approved for use in Iowa.

**Electronic transmission of election results.**

*Procedures on Election Day.* The election results may be transmitted electronically from the precinct to the county commissioner of election's office only after the precinct election officials have printed a results tape as required by Iowa Code section 50.11. All election officials of the precinct must sign the printed results tape. The signed tape shall be the official results of that precinct.

*Procedures after Election Day.* Before the canvass by the board of supervisors, the county commissioner of elections must compare the signed, printed results tape from each precinct with the results transmitted electronically from the precinct on election night. The commissioner must also report any discrepancies between the two sets of election results to the board of supervisors. The signed, printed results tape from the precinct are the official results in the event any discrepancies exist.

[IAC 721–22.30(2) & (3)]

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**Electronic voting system.** Is an optical scan voting system for use with optical scan ballots upon which votes are:

1. Cast by voters by marking optical scan ballots with a vote marking device (pen, pencil or AutoMARK); and
2. Counted using an optical scan device. [§52.1(2)(e); IAC 721–22.100-22.430]

**Eligible elector.** Is a person who possesses all of the qualifications necessary to register to vote, whether or not the person is in fact registered. Candidates for public offices must be eligible electors at the time of the election. Elected officials must be eligible electors at the time of taking office. [§39.3(6); §39.26; §39.27]

**Eligibility declaration (a.k.a. Eligibility slip).** On Election Day, each voter must sign a declaration of eligibility. This may either be on a separately provided eligibility form (slip) or in the election register. See also **voter roster**. [§49.77; IAC 721–21.5]

**Emergency ballot box.** Each precinct shall be furnished with an emergency ballot box or bin that is suitably equipped with a lock and key or numbered, tamperproof seal. In the event of power failure or malfunction of the tabulating device, voted ballots shall be deposited in the locked or sealed emergency ballot box or bin. A precinct election official shall put the ballot into the emergency ballot box or bin for the voter. The voted ballots may be removed from the locked emergency ballot box or bin and tabulated before the polls close whenever a properly functioning tabulating device becomes available, or the voted ballots so deposited may be removed and counted electronically or manually immediately after the polls are closed. If the ballots are counted manually, the precinct election officials shall follow the requirements of IAC [721–Chapter 26](#). [IAC 721–22.231]

**Emergency election procedures.** The state commissioner of elections may exercise emergency powers over any election being held in a district in which either a natural or other disaster or extremely inclement weather has occurred. The state commissioner of elections may also exercise emergency powers during an armed conflict involving United States armed forces, or mobilization of those forces, or if an election contest court finds that there were errors in the conduct of an election making it impossible to determine the result. [47.1(2); IAC 721–21.1]

**Employees—time off to vote.** Any person entitled to vote at an election in this state who does not have three consecutive hours in the period between the time of the opening and the time of the closing of the polls during which the person is not required to be present at work for an employer, is entitled to such time off from work time to vote as will, in addition to the person's nonworking time, total three consecutive hours during the time the polls are open. Application by any employee for such absence shall be made individually and in writing prior to the date of the election, and the employer shall designate the period of time to be taken. The employee is not liable to any penalty nor shall any deduction be made from the person's regular salary or wages on account of such absence. [§49.109]

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**Evacuation of election office, polling place or absentee voting site.** If it is necessary to evacuate the election office, a satellite absentee voting station or a polling place, the precinct election officials must immediately attempt to notify the commissioner and take the following actions:

- a. *Keep people safe.* The officials shall make sure that all voters and other persons are safely out of the polling place.
- b. If possible, gather and secure voted ballots, election equipment and critical election documents.

[IAC 721-22.50(3)]

**Examiners for voting systems.** See **Board of Examiners for voting systems.**

**Exit polls.** Pollsters conducting a survey are permitted within 300 feet of the outside door of a polling place, but not inside. See Opinion of the Attorney General No. 82-2-1.

## F f

**Facsimile documents.** Some election documents may be filed by fax as long as the original document is also received. The administrative rules setting out which documents may be filed by fax are in IAC 721-21.2.(47).

**FEC.** See **Federal Election Commission.**

**Federal census.** See **Census.**

**Federal election.** An election at which candidates for federal offices appear on the ballot. Those offices include President and Vice President of the United States, US Senator, and US Representative. All **primary elections** and **general elections** are federal elections. A special election to fill a vacancy in the office of US Representative is also a federal election. [IAC 721-1.1(12)]

**Federal Election Commission.** The federal agency responsible for campaign finance reporting. Before HAVA, it housed the Office on Election Administration (OEA)—the agency that was responsible for the development of the 1990 and 2002 Voting Systems Standards. When HAVA created the Election Assistance Commission (EAC) the OEA staff moved to the EAC.

**Federal mail voter registration form.** The mail voter registration form prescribed by the Election Assistance Commission (EAC) must be accepted for voter registration in Iowa if all required information is provided, if it is signed by the registrant, and if the form is timely received by mail. [§48A.12]

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**Federal postcard application for voter registration and absentee ballot (FPCA).** A form available from the **Federal Voting Assistance Program** for use by uniformed and overseas voters to register to vote and to apply for absentee ballots. Unless the voter requests differently, after the county auditor receives a properly submitted FPCA, ballots must be sent to the voter for all **federal elections** during two **general election** cycles. [§53.38]

**Federal Voting Assistance Program (FVAP).** An office in the Department of Defense whose mission it is to make sure that US citizens serving in the military, their families and US citizens living outside the United States have the opportunity to register and to vote. See also **Uniformed Overseas Citizens Absentee Voting Act** (UOCAVA). For more information go to: [www.fvap.gov](http://www.fvap.gov)

**Federal write-in absentee ballot (FWAB).** A blank, write-in ballot available from the Federal Voting Assistance Program (FVAP) for UOCAVA voters who haven't received their county-issued ballots or are worried they won't have enough time to wait for a county-issued ballot to arrive. It allows these voters to write in their choices for offices and public measures. In many cases, this may be the only communication an auditor ever receives from a voter.

This is an "emergency" ballot. If the voter's county-issued ballot arrives, the county-issued ballot is accepted for counting and the FWAB is rejected. If the county-issued ballot does not arrive, the FWAB is counted by duplicating the ballot pursuant to §52.37(1). FWABs may be used in **primary** and **general elections**, and in special elections held to fill vacancies in the office of US Representative, Iowa Senator or Iowa Representative (See §69.14).

Once receive a FWAB is received from a voter, check to make sure the declaration form is filled out completely and that the voter mailed the it to the correct county. If the voter is not registered, use the declaration on the FWAB to register him or her.

A FWAB **cannot be counted** if any of the following apply:

1. The ballot was submitted from within the United States.
2. The voter's application for a regular absentee ballot was received by the commissioner less than fourteen days prior to the election. However, if the voter's application for a regular absentee ballot is not received by the commissioner and if the FWAB is not prohibited by another provision of this subsection, a FWAB cast by the voter and received by the commissioner is valid.
3. The voter's completed regular or special Iowa absentee ballot ("submarine ballot") was received by the deadline for return of absentee ballots established in § 53.17.
4. The voter's federal write-in ballot was received after the deadline for return of absentee ballots established in § 53.17.

[§53.53]

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## G g

**Gambling elections.** Elections must be held to authorize gambling within a county. See §99F.7, and IAC 721–21.820.

**General election.** This is the November election in even-numbered years in which federal and state officers, members of Congress and of the general assembly, county and township officers, and other officers or the decision of questions as provided by law appear on the ballot. [§39.3(7)]

## H h

**Hatch Act.** The Hatch Act restricts the political activity of executive branch employees of the federal government, the District of Columbia government, and certain state and local agencies. For more information go to: <http://www.osc.gov/hatchact.htm>

**Health care facility.** "*Health care facility*" or "*facility*" means a residential care facility, a nursing facility, an intermediate care facility for persons with mental illness, or an intermediate care facility for persons with mental retardation. [§135C.1(6)]

**Health care facility license list.** To facilitate the implementation of §53.8(3) and §53.22, the director shall provide to each county commissioner of elections at least annually a list of each licensed health care facility in that county. The list shall include the street address or location, and the mailing address if it is other than the street address or location, of each facility. Go to [www.dia-hfd.state.ia.us](http://www.dia-hfd.state.ia.us) for the list. [§135C.29]

**Help America Vote Act (HAVA).** HAVA is a federal law enacted on October 29, 2002. This law is considered civil rights legislation because it includes provisions for voting by persons with disabilities and by minority communities. HAVA is the first federal election law to provide federal funding for state and local election functions.

**Hesitation mark.** Is a small mark made by resting a pen or pencil on the ballot. [IAC 721–26.1]

**Homeless person.** Is a person who lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is one of the following:

- a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations.
- b. An institution that provides a temporary residence for persons intended to be institutionalized.

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- c. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. [§48A.2(2)]

**Hospital ballots.** Absentee ballots delivered to nursing homes, hospitals and other health care facilities must be delivered by a bi-partisan team of precinct election officials. [§53.22]

**Hours.** See **Polling place hours.**

## I I

**Identification documents.** **Inactive voters, pending voters** and voters the precinct election officials ask for ID pursuant to §49.77 must show identification before voting in any election. A list of acceptable identification documents can be found at IAC 721—21.3. Election Day Registrants must provide documents proving both identity and residency in the precinct. See **Election Day Registration.**

**Inactive voters.** Inactive voters are those to whom official mailings have been sent from the county auditor's office, the notice was returned as undeliverable by the United States Postal Service and the voter has not responded to a follow up confirmation notice. [§48A.37]

**Incompetent to vote, [person adjudged].** A person who has been found in a court proceeding to lack the mental capacity to vote. [§48A.2(3), §222.31, §622.556]

**Independent candidate.** See **Nonpartisan Candidate.** To avoid confusion, please use the term “nonpartisan or nonparty political organization candidate” to refer to candidates not affiliated with or not running with one of the two recognized political parties in Iowa.

**Infamous crime.** Is a felony as defined in section 701.7, or an offense classified as a felony under federal law. Convicted felons are cancelled and marked in the voter file. [§39.3(8); §48A.30(1)(d)]

The phrase “infamous crime” appears in the *Iowa Constitution*, Article II, section 5: “**Disqualified persons.** SEC. 5. A person adjudged mentally incompetent to vote or a person convicted of any infamous crime shall not be entitled to the privilege of an elector.” See also **Disqualified elector.**

**Initiative.** The process of enacting laws based on popular vote of the people. In states with initiative provisions, citizens may file petitions to place law or constitutional changes on the ballot. This is not permitted under Iowa law. See *Anderson v. Secretary of State*,

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634 NW2d 148. However, some city governments may include initiative processes in their city charters. See *City of Clinton v. Sheridan*, 530 NW2d 690.

**IVOTERS.** Iowa Voters On-line Technologically-Secure Election & Registration System. Iowa's HAVA-compliant "single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level." [HAVA section 303(a)(1)(A); §47.7]

## J j

**Judicial election.** An election held at the same time as the **general election** to determine whether judges will be retained in office. See also **retention of judges.** [Chapter 46]

**Judicial election districts.** The state is divided into eight judicial districts, some of which are further divided into smaller subdistricts for judicial elections. The judicial election districts are as follows:

- 1A**   **5 Counties:** Allamakee, Clayton, Delaware, Dubuque, and Winneshiek.
- 1B**   **6 Counties:** Black Hawk, Buchanan, Chickasaw, Fayette, Grundy, and Howard.
- 2A**   **9 Counties:** Bremer, Butler, Cerro Gordo, Floyd, Franklin, Hancock, Mitchell, Winnebago, and Worth.
- 2B**   **13 Counties:** Boone, Calhoun, Carroll, Greene, Hamilton, Hardin, Humboldt, Marshall, Pocahontas, Sac, Story, Webster, and Wright,
- 3A**   **10 Counties:** Buena Vista, Cherokee, Clay, Dickinson, Emmet, Kossuth, Lyon, O'Brien, Osceola, and Palo Alto.
- 3B**   **6 Counties:** Crawford, Ida, Monona, Plymouth, Sioux, and Woodbury.
- 4**     **9 Counties:** Audubon, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, and Shelby.
- 5A**   **6 Counties:** Dallas, Guthrie, Jasper, Madison, Marion, and Warren.
- 5B**   **9 Counties:** Adair, Adams, Clarke, Decatur, Lucas, Ringgold, Taylor, Union, and Wayne.
- 5C**   **1 County:** Polk county.
- 6**     **6 Counties:** Benton, Iowa, Jones, Johnson, Linn and Tama.
- 7**     **5 Counties:** Cedar, Clinton, Jackson, Muscatine, and Scott.
- 8A**   **10 Counties:** Appanoose, Davis, Jefferson, Keokuk, Mahaska, Monroe, Poweshiek, Van Buren, Wapello, and Washington.
- 8B**   **4 Counties:** Des Moines, Henry, Lee, and Louisa.

[§602.6107(3)]

**Justice.** See **US Department of Justice.**

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## L I

**Lever voting machine.** A type of **voting machine** no longer used in Iowa.

**Local option taxes.** Any taxes authorized to be imposed by the voters of a county, including local option sales and services tax (LOSST) (§423B) and local vehicle tax (§423B).

Type of Local Option Tax	IAC section
Local option sales and services tax	721–21.800; 721–21.801
Vehicle tax	721–21.802

**LOST or LOSST.** Local option sales and services tax. See **Local option taxes.**

## M m

**Majority.** A simple majority is at least one more than 50% of total votes cast.

Majorities in at-large multimember body elections are different. A majority in those cases is one vote more than half the quotient found by dividing the total number of votes cast for all candidates for that body by the number of positions to be filled.

**Malfunction.** See **voting equipment malfunction.**

**May.** Confers a power. This grants permission to do something; it does not dictate a requirement. See also **Shall, must, may.** [§4.1(30)]

**Memory cards.** These are storage devices used to hold the election definition program and store election results. They are used in all optical scan voting equipment. For administrative rules about memory card security see IAC 721–22.51.

**Mental illness.** The words "*persons with mental illness*" include persons with psychosis, persons who are severely depressed, and persons with any type of mental disease or mental disorder, except that mental illness does not refer to mental retardation as defined in §222.2, or to insanity, diminished responsibility, or mental incompetency as defined and used in the Iowa criminal code or in the rules of criminal procedure. A person who is hospitalized or detained for treatment of mental illness shall not be deemed or presumed to be incompetent for voting purposes without a finding of incompetence made pursuant to §229.27. [§4.1(21A)]

Mentally incompetent to vote [person who is] see **Incompetent to vote.**

**Mental retardation.** Commitment of a person pursuant to §222.31 [for mental retardation] does not constitute a finding or raise a presumption that the person is

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incompetent to vote. The court shall make a separate determination as to the person's competency to vote. The court shall find a person incompetent to vote only upon determining that the person lacks sufficient mental capacity to comprehend and exercise the right to vote. [§222.16]

**Merged area.** Merged area means an area where two or more school systems or parts of school systems merge resources to operate a community college in the manner provided in chapter 260C. See also **Community college.** [§260C.2(5)]

**Military ballot envelopes.** Although U.S. citizens as well as military voters use these envelopes, the name "military ballot envelope" is commonly used. These are the envelopes used with absentee ballots by voters who are members of the **armed forces of the United States**, must have stamped or printed on them the words "*Armed Forces or Overseas Ballot*" and a designation of the election at which the ballot is to be cast. These envelopes are postage-free for both commissioners and voters. They are available only from the Secretary of State. [§53.43]

**Military voters.** See **Armed forces of the United States** and **Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).**

**Motor Voter.** See **National Voter Registration Act (NVRA).**

**Multimember district.** An election district from which more than one person is elected. See also **single-member district.**

**Must.** States a requirement. See also **Shall, must, may.** [§4.1(30)]

## N n

**NASED.** See **National Association of State Election Directors.**

**National Association of State Election Directors.** An organization of election administrators that meets twice annually to share information, hear from pertinent speakers on election issues, and develop a network among those in the elections community. From 1992 through 2006 NASED provided a program to accredit independent test authorities to examine voting equipment to determine whether it met the Federal Election Commission's Voting Systems Standards. The **Election Assistance Commission** assumed the responsibility for voting system testing in 2007. <http://www.nased.org/certification.html>

**National Voter Registration Act of 1993 (NVRA).** A federal law that requires driver's license stations and state agencies to offer voter registration opportunities to people who apply for services. It also prescribes and requires acceptance of the **federal mail voter registration form.** For a copy of this law, go to: [http://www.usdoj.gov/crt/voting/42usc/subch\\_1h.htm](http://www.usdoj.gov/crt/voting/42usc/subch_1h.htm)

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**NCOA.** This acronym means the United States Postal Service **National Change Of Address** program. Both **NVRA** and Iowa law require each county auditor to do annual voter registration file maintenance. In January of each year, each county auditor must decide whether to do the **NCOA** process or the countywide mailing. If the NCOA process is chosen, voters who submitted a change of address to the post office during the year will receive a confirmation card. [§48A.27]

**Nominated by petition.** Candidates nominated by petition without affiliation to a political party or NPPO for partisan offices are often referred to as nominated by petition candidates. These candidates' names will appear on the ballot without any reference to a party affiliation. [§49.42A; Chapter 45]

**Nomination papers.** Nomination papers include a nomination petition or a convention certificate and an affidavit of candidacy. All nomination petitions must be eight and one-half by eleven inches in size and must be in substantially the form prescribed by the state commissioner of elections. [§43.14; §45.5]

**Nonpartisan candidate.** A candidate not affiliated with any political party or organization. See Chapter 45, *Nominations by Petition*, for the nomination process for candidates who are not affiliated with either a political party or a nonparty political organization. Note: to avoid confusion, please do not use the term "Independent Candidate" when referring to these candidates.

**Nonpartisan election.** An election where the political affiliation of candidates is not printed on the ballot.

**Nonpartisan office.** Any office for which partisan nominations are not permitted and for which the names of candidates are listed without reference to political parties or organizations. This includes elective city offices, school board directors, and three offices that appear on the **general election** ballot: county public hospital trustees [§347.25], soil and water conservation district commissioners [§161A.5] and county agricultural extension council members [§176A.6]. [§39.21; Chapter 45]

**Nonparty political organization (NPPO).** Is a political organization that is not a political party as defined by Iowa law. [Chapter 44]

**Notarial act.** Is any act that a notary public of Iowa is authorized to perform, and includes, but is not limited to, taking an acknowledgment, administering an oath or affirmation, taking verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument. [§9E.2(2)]

**Notary stamp and seal required.** Each person performing a notarial act pursuant to §9E.10 must acquire and use a stamp as provided in Iowa Code Chapter 9E. See §9E.A for notary stamp requirements.

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**Nursing homes.** See **health care facility.**

**Nursing home ballots.** Absentee ballots delivered to nursing homes, hospitals and other health care facilities must be delivered by a bi-partisan team of precinct election officials. [§53.22]

**NVRA.** See **National Voter Registration Act of 1993.**

## O o

**Oath of office.** See **Qualify, Voter registration official's oath.**

**Objection.** A formal challenge to a candidate's qualifications or the validity of nomination documents, or to the validity of a petition requesting an election. Without a written objection, nomination papers and petitions are presumed valid. The person who wishes to file an objection must do so in writing by the deadline, which is usually not more than one week after the filing deadline.

[§43.24; §44.4; §44.5; §45.4; §277.5; §277.7; §331.306; §362.4; §376.4]

**Observer.** See **Poll watchers.**

**Office hours.** The *Code of Iowa* requires **commissioners** (auditors) to have their offices open for the following purposes:

<b>Purpose or Event</b>	<b>Date or Time</b>	<b>Code Citation</b>
Absentee voting and other official business	For at least 8 hours on the Saturday before the <b>primary election, general election</b> or a <b>special election</b> called to fill a vacancy in the legislature or in the office of US Representative.	§47.2(5)
Receive nomination papers	Candidate filing deadline. The office must be open until the deadline has passed.	§47.2(6)
Courthouse must be open	Election Day	§49.123
Commissioner shall remain on duty	Election night until election results are received from each polling place in the county.	§50.11
Voter registration deadlines for regularly scheduled elections.	Office hours: 8 a.m. to 5 p.m.	§48A.9(2)

**Open Meetings Law.** Chapter 21 of the *Code of Iowa*. This chapter seeks to assure, by requiring open meetings of governmental bodies, that the basis and rationale of

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governmental decisions, as well as those decisions themselves, are easily accessible to the people. [§21.1]

The authority which appoints members of governmental bodies must provide the members with information about this chapter and chapter 22. The appropriate **commissioner of elections** must also provide that information to elected officials. See also **public records**. [§21.10]

**Optical scan ballot.** A printed ballot designed to be marked by a voter with a vote marking device. Formerly referred to as a special paper ballot. For printing rules, see IAC 721–22.102. [§52.1(2)(e)]

**Optical scan voting system.** A voting system using paper ballots on which votes are cast by voters with a **ballot marking device** and thereafter counted by use of automatic tabulating equipment. It includes a tabulating device that reads ballots by detecting voters' marks using reflected or absorbed light. **Optical scan ballots** are designed for use with an optical scan voting system. [IAC 721–22.101(52) and 721–26.1]

**Overseas voter.** See **Armed forces of the United States** and **Uniformed and Overseas Citizens' Voting Act (UOCAVA)**

**Overvote.** Is to mark more than the permitted number of choices for any office or question on a ballot. [IAC 721–26.1]

## P p

**Paper ballot.** There are two types of paper ballots: optical scan ballots that will be counted by an automatic tabulating device or hand-counted paper ballots that are only allowed in certain elections. See IAC 721–26.1 for instructions to be used when ballots are hand counted.

**Partisan election.** An election where the political affiliation of candidates is printed on the ballot.

**Partisan office.** Any office for which candidates may be nominated at the **primary election**. Other partisan offices that are nominated by political party conventions (not at the **primary election**) include President and Vice President of the United States, and lieutenant governor of Iowa. [Chapter 43]

**Pending election.** As used in §69.12, "*pending election*" means any election at which there will be on the ballot either the office in which the vacancy exists, or any other office to be filled or any public question to be decided by the voters of the same political subdivision in which the vacancy exists. [§69.12]

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**Pending Voters.** Voters assigned a status of pending are required to show a form of ID listed in IAC 721—21.3 before voting in any election. Voters are assigned a status of pending when the identification number provided on a voter registration application cannot be verified by the commissioner and when the voter indicates on their voter registration application that they do not have either an Iowa-issued ID number or a social security number. [48A.8, 48A.25A, 48A.37]

**Political nonparty organization.** Is a political organization that is not a political party as defined by law. See also **nonparty political organization.** [§44.1]

**Political party.** The term "*political party*" is a party which, at the last preceding **general election**, cast for its candidate for president of the United States or for governor, as the case may be, at least two percent of the total vote cast for all candidates for that office at that election. It is the responsibility of the state commissioner to determine whether any organization claiming to be a political party qualifies as such under the foregoing definition. [§43.2; IAC 721—21.10]

**Political party, voter registration with a.** Registration with a **political party** is required only to be a candidate in the **primary election** or to vote in a **primary election.**

[§43.14; §43.38 – 43.42]

**Political subdivision.** A unit of local government such as a city, county, school district or township. Although this term is not defined anywhere in the Code, it is frequently used. The Index to the Code of Iowa sends the searcher from "POLITICAL SUBDIVISION" to "*index headings for particular local government entities, e.g., CITIES; COUNTIES; SCHOOLS AND SCHOOL DISTRICTS; TOWNSHIPS.*"

**Pollbook.** See **election register.**

**Polling place.** Room or building designated by the commissioner for holding elections in a precinct. Each precinct has one polling place that is designated by the **commissioner.** [§49.10; §49.21]

**Polling place accessibility.** See **accessibility.**

**Polling place hours.** Polls open at 7 am with some exceptions. The **commissioner** may decide to open the polls at noon for some elections. See §49.73 for the list of exceptions.

**Polls close** at 8 pm for all elections except, **primary elections, general elections,** and all other **partisan elections.** Voters who arrive at the polls before the time set to close must be permitted to vote. [§49.73–74]

**Poll watchers.** Poll watchers for candidates or political parties are permitted to be at the polling place in limited numbers. Poll watchers may, upon request, view the signed

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declarations of eligibility and may review the signed declarations on file so long as the person does not interfere with the functions of the precinct election officials. See the Poll Watchers Guide at the Secretary of State's website for more information:

<http://www.sos.state.ia.us/elections/auditors/auditorguides.html> [§49.77(2); §49.104(6)]

**Pollworker.** See **precinct election official.**

**Population.** The word "*population*" where used in the *Code of Iowa* or any statute means the population shown by the latest preceding certified federal census, unless otherwise specifically provided. [§4.1(22)]

**Portable vote-tallying system.** See **Optical scan voting system.**

**Postelection Audit.** A process in which ballots are hand-counted in a random sampling of precincts after the election and the results of the hand-count are matched with the Election Day machine count to see if any discrepancies exist.

**Power of attorney.** An individual who has power of attorney for a voter does not have authority to sign a voter registration form as the voter's power of attorney (a.k.a. POA). An individual who has power of attorney for a registered voter also does not have authority to request or to cast an absentee ballot on behalf of a registered voter. See **signature** for information about what a voter who is unable to sign his or her own forms may do. [§48A.11(7); §53.1]

**Precinct.** Precinct boundaries are generally drawn every 10 years after the federal census. No more than 3,500 people can live in a precinct when the lines are drawn. All voters in a precinct who vote on Election Day go to the same polling place to cast their ballots. [§49.3 – 8]

County commissioners occasionally have authority to combine or split precincts for certain elections. See §49.11.

**Precinct count voting system.** Is a voting system designed to count ballots in an individual precinct. For voting system security rules, see IAC 721–22.200.

**Precinct election official.** A person selected by the commissioner to serve on a precinct **election board**. See also **Affinity** and **Consanguinity** for information about relationships between precinct election officials and candidates. [§49.12 – 16]

**Preelection testing.** See **public test.**

**Prescribed mark.** Is the mark indicated in the instructions to voters as the appropriate way to mark a vote. "Prescribed mark" includes a close approximation of the mark. [IAC 721–26.1]

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**Presidential elector.** A person who votes for president and vice president of the United States. Each state has one elector for each US Senator and US Representative; Iowa has seven electors. The names of the candidates for president and vice president appear on the ballot in place of electors and the electors for the team of candidates who receive the most votes at the **general election** meet at the State Capitol to cast Iowa's Electoral College votes for president and vice president. [§49.32; Chapter 54]

**Primary election.** Is the election during which members of the political parties nominate candidates for public office. Iowa Code chapter 43 governs primary elections. Laws that apply to the primary election for political parties do not apply to the **city primary election.** [§39.3(9)]

**Primary election, city.** See **City primary election.**

**Program.** This is the written record of the set of instructions defining the operations to be performed by a computer in examining, counting, tabulating, and printing votes. [§52.1(2)(f)]

**Proper place of voting.** Each person must vote in the precinct of their residence. [§49.9]

**Provisional ballot.** Is a ballot cast by a person who is required to but cannot show ID and does not have an attester or a voter who requested an absentee ballot and does not have it to surrender or a voter's whose qualifications are challenged. Provisional ballots are sealed in envelopes and kept separate from other ballots. The absentee and special voters precinct board reviews written evidence submitted by the challenged voter, the challenger and the voter registration records to determine whether the ballot will be counted. Formerly "special ballot." [§49.79 – 81]

**Proxy absentee ballot request.** Only for the **General Election**, certain family members (spouse, parent, parent-in-law, adult brother, adult sister, or adult child) may request absentee ballots for armed forces and overseas voters. [§53.40(1)(b)]

**Public measure.** Is any question authorized or required by law to be submitted to the voters at an election. [§39.3(10)]

**Public records.** "Public records" includes all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to this state or any county, city, township, school corporation, political subdivision, nonprofit corporation other than a fair conducting a fair event as provided in Chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to Chapter 99D, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.

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"Public records" also includes all records relating to the investment of public funds including but not limited to investment policies, instructions, trading orders, or contracts, whether in the custody of the public body responsible for the public funds or a fiduciary or other third party. See also **open meetings**. [Chapter 22; §22.1]

**Public test.** All voting equipment must be tested in public before each election at which the equipment will be used. [§52.9; §52.35; IAC 721–22.41 and 22.43]

**Punch card voting systems.** All references to punch card voting systems were deleted from the *Code of Iowa* by HF 2472, 2002. This change was effective on January 1, 2003.

## Q q

**Qualification test.** The examination and testing of electronic voting system by an independent test authority using the Federal Election Commission **voting systems standards** described in IAC 721–22.2. Voting systems that do not meet the 2002 voting systems standards cannot apply for **certification** and use in Iowa. [IAC 721–22.1]

**Qualifications for candidates.** Any person seeking election to an elective office under the laws of this state shall be an eligible elector at the time of any election at which the person's name appears on the ballot. [§39.26]

**Qualifications for public office.** Any person elected to an office under the laws of this state shall be an eligible elector. At the time an elected official takes office the official shall be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised. An elected official shall continue to be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised for the duration of the term of office. This section shall not apply to United States senators or representatives in Congress or to members of the general assembly. [§39.27]

**Qualified elector.** An obsolete term formerly used to describe a **registered voter**.

**Qualified voter.** For the purposes of Absent Voting by Armed Forces division of Iowa Code Chapter 53, "*qualified voter*" means a person who is included within the term "*armed forces of the United States*" as described in this section, who would be qualified to register to vote under §48A.5 (2), except for residency, and who is not disqualified from registering to vote and voting under section §48A.6. [§53.37]

**Qualification of voter registration officers.** Before undertaking any voter registration duties, each voter registration officer, deputy, or assistant in whatever capacity, or clerk

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in the office of commissioner shall take the oath in §48A.4. See Secretary of State's Form 1-F. [48A.4]

**Qualify.** Each officer, elective or appointive, before taking office, shall **qualify** by taking the prescribed oath and by giving a bond, if required. [§63.1]

**Question.** This term, as used in 721 IAC 26 includes a public measure as defined by §39.3(10) and a judicial retention question pursuant to §46.21. [IAC 721–26.1]

## R r

**Random mark.** Is a mark on a ballot (other than the prescribed mark) that is used inconsistently, either in or near the voting target or the names of candidates. [IAC 721–26.1]

**Recall election.** In some states there is a process for calling an election to allow the voters to decide whether an elected official should give up the office before the end of their term. There is no way to do this under Iowa law. See **Removal from office**.

**Receiving board.** Formerly, the group of PEOs who supervised the casting of ballots when a double election board had been appointed. Double election boards are no longer allowed under Iowa law.

**Record retention.** Iowa law requires that election documents be kept for a minimum of 6 months after school, city and other non-federal elections. Records from federal elections must be kept for at least 22 months. There are two exceptions: **unvoted ballots** and programmed memory cards. Unvoted ballots may be destroyed and memory cards re-burned (once the audit log is printed from them) once the deadline to contest the election has passed. See also **Voter registration records**. [§50.9; §50.19; IAC 721–22.51(13)]

**Recount.** The formal process of counting ballots to verify or correct the official tally of votes for an office or a public measure after the county canvass of votes has been held. A written request is required. See also **contest**. [§50.48; §50.49; §43.56]

**Recount board, candidate election.** This is the three-person board selected to conduct a **recount**. The board consists of a designee of the candidate requesting the recount, who must be named in the written request when it is filed, a designee of the apparent winning candidate, who must be named by that candidate at or before the time the board is required to convene, and a person chosen jointly by the other two members. [§50.48]

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**Recount board, public measure election.** This is the three-person board selected to conduct a recount of votes cast for a public measure. The board consists of a designee named in the petition requesting the recount, a designee named by the commissioner at or before the time the board is required to convene, and a person chosen jointly by the other two members. [§50.49]

**Redistricting and reprecincting.** Following each federal decennial census, the boundaries of congressional and legislative districts, city council wards, school director districts, and county supervisor districts are redrawn to reflect changes in population. The precinct boundaries are also redrawn and numbered or named at that time. [§49.3 – 11; §275.23A; §331.209 and others]

**Referendum.** The process of seeking approval of legislation or constitutional changes by the voters. The Iowa Constitution requires voter approval of all amendments to the Iowa Constitution. Voter approval of legislative action by the General Assembly, county boards of supervisors, or city councils is not part of Iowa law.

**Registered voter.** Is a person who is registered to vote pursuant to chapter 48A. [§39.3(11)]

**Registrar.** Is the state registrar of voters designated by §47.7 to be the Secretary of State. [§39.3(12)]

**Registration commission.** Is the state voter registration commission established by §47.8. [§39.3(13)]

**Removal from office.** The formal process of asking a court to decide whether an elected official will continue to serve until the end of the person's term. [Chapter 66]

**Residence.** 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. [§48A.5(2)(b); §48A.5A]

The residence requirements for voting do not necessarily apply to Iowa's residence requirements for other purposes, such as qualifying for in-state tuition at a state school, or getting a driver's license.

**Residence, determination of.** Residence for voting purposes shall be determined in accordance with the principles of §48A.5A.

**Residence, elected officials.** At the time an elected official takes office the official shall be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised. An

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elected official shall continue to be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised for the duration of the term of office. This section shall not apply to United States senators or representatives in Congress or to members of the general assembly. [§39.27]

**Resignation.** Formal written notice from an elected official that the person will leave office before the end of the term. [§69.4]

**Retention of judges.** Iowa judges are appointed to the bench and after they have served a full year, they must stand for retention at the **Judicial Election**. The form of the ballot is "shall the following judge of the xx court be retained in office?  YES  NO" [§46.17 – 25]

**Return carrier envelope.** The envelope used for the voter to return an **absentee ballot** in a **secrecy envelope** (if one is needed) and an **affidavit envelope** to the **commissioner**.

**Revenue purpose statement.** A document specifying how a school will spend money received from the statewide penny tax (secure an advanced vision for education- SAVE) fund, if approved by the voters. If a voter approved revenue purpose statement is not on file, the school district is limited by law in the uses of the revenue received from the tax. [§423F.3]

**Roster.** See **voter roster**.

**Rotation.** The process of rearranging the names of candidates on the ballots used in different precincts to reduce any benefit that may come from a candidate's name appearing first on the ballot. Candidates' names must be rotated in two situations:

1. **Nonpartisan elections.** Candidates' names are rotated only if there are more candidates than there are seats to be filled. (i.e. If there are two school director seats open and there are three or more candidates to fill the office, rotation of the candidates' names is required. If there are only two candidates in this example, rotation of the candidates' names is not required.)
2. **General election.** In Plan I (at-large) county supervisor elections, if there is more than one candidate to be elected, the names of the candidates are rotated within their party grouping on the ballot. For example:
  - a. **First Rotation**
    - Candidate A, Democratic
    - Candidate B, Democratic
    - Candidate C, Republican
    - Candidate D, Republican
  - b. **Second Rotation**
    - Candidate B, Democratic
    - Candidate A, Democratic
    - Candidate D, Republican

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Candidate C, Republican

[§49.31]

**Runoff election.** A city council may by ordinance choose to have a runoff election, as provided in §376.9, in lieu of a **primary election**. No other Iowa jurisdictions are authorized to have runoff elections. [§376.6]

## S s

**Sample ballot.** The commissioner must post sample ballots in the precincts on Election Day. The sample ballots must be clearly marked "Sample." The commissioner must also make sample ballots available to the public. Any sample ballot given to a member of the public must be clearly marked "Sample."  
[§43.30; §49.71; IAC 721–22.221]

**Satellite absentee voting station.** Locations outside the commissioner's office designated for voting absentee ballots. [§53.11; IAC 721–21.300]

**School election.** Is the election conducted for school districts pursuant to §277.1.  
[§39.3(14)]

**Secrecy envelope.** Is a reusable envelope of sufficient construction that when the optical scan ballot is inserted in it all portions indicating voting marks are hidden from view. Secrecy envelopes are required to be sent with absentee ballots if the commissioner plans to open affidavit envelopes on the day before Election Day. Secrecy envelopes are also required to be included with absentee ballots if the ballot cannot be folded so that all of the votes cast on the ballot will be hidden.

Secrecy envelopes must cover the entire ballot and be closed on at least two sides. They must have the following message printed on it in at least 24-point type: "Secrecy Envelope. After you vote, put your ballot in here."  
[§53.23(3); §53.8(1); IAC 721–22.101 and 721–21.359]

**Secretary of state.** See state commissioner.

**Security policy.** Each county shall have a written security policy to protect the voting equipment. The policy must include detailed plans to protect the election equipment and data from unauthorized access. The policy shall describe the methods to be used to preserve the integrity of the election and to document the election process.  
[IAC 721–22.50]

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**Serial number, assigned to absentee ballot envelopes and application.** Each absentee ballot affidavit envelope, return envelope and absentee ballot application is required to contain a serial number. The serial number can be the IVOTERS-assigned absentee ballot sequence number, the IVOTERS-assigned voter ID number or other sequential, unique number assigned to the absentee ballot affidavit envelope, return envelope and absentee ballot application by the commissioner. [§53.8(1)]

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**Shall, must, and may.** Unless otherwise specifically provided by the general assembly, whenever the following words are used in a statute enacted after July 1, 1971, their meaning and application shall be:

- a. The word "*shall*" imposes a duty.
- b. The word "*must*" states a requirement.
- c. The word "*may*" confers a power.

[§4.1(30)]

**Signature.** "Written" and "in writing" may include any mode of representing words or letters in general use. A **signature**, when required by law, must be made by the writing or markings of the person whose signature is required. If a person is unable, due to a physical disability, to make a written signature or mark, that person may substitute either of the following in lieu of a signature required by law:

- a. The name of the person with a disability written by another upon the request and in the presence of the person with a disability.
- b. A rubber stamp reproduction of the name or facsimile of the actual signature of the person with a disability when adopted by that person for all purposes requiring a signature request and in the presence of the person with a disability.

[§39.3(17)]

**Single-member district.** A geographic division of a political subdivision that is represented by one person. See also **multi-member district**. [§275.12(2)]

**Special ballot.** Formerly, the name for provisional ballots under Iowa law. See **Provisional ballot**.

**Special election.** Is any other election held for any purpose authorized or required by law. Special elections on public measures are only allowed on certain dates, as specified in §39.2. [§39.3(15)]

**Special paper ballot.** Former name for an **optical scan ballot**.

**Special precinct.** See **Absentee and special voters precinct**.

**Special school election.** A school board may call a special election regarding the sale of school property and the application to be made of the proceeds, the authorization of seven members on the board of directors, the authorization to establish or change the boundaries of director districts, and the authorization of a voter-approved physical plant and equipment levy or indebtedness, as provided by law. [§277.2]

**Standards Board.** The Help America Vote Act of 2002 provides for the establishment of two boards to advise the Election Assistance Commission (EAC): the EAC Standards Board and the EAC **Board of Advisors**. The Standards Board (acting through its Executive Board) and the Board of Advisors review proposed voluntary voting system guidelines and EAC technical guidance. They play a role in recommending candidates for the EAC Executive Director. They also may hold

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hearings and take testimony related to carrying out the provisions of the Help America Vote Act.

The EAC Standards Board is composed of 110 members drawn from State and local election officials. Terms of service for Standards Board members are not specified. The EAC Standards Board is required to select nine of its members to serve as the Executive Board of the Standards Board. Members of the Executive Board serve two-year terms and they may not serve more than three consecutive terms, except that the length of service for first members on this board is staggered, with three serving one term, three serving two consecutive terms, and three serving three consecutive terms.

**State commissioner.** Is the state commissioner of elections as defined in §47.1. See also **commissioner.** [§39.3(16)]

**State commissioner of elections.** The Secretary of State is designated as the state commissioner of elections and must supervise the activities of the county commissioners of elections. The Secretary of State is designated the chief state election official and is responsible for coordination of state responsibilities under the federal National Voter Registration Act of 1993. [§47.1]

**State registrar of voters.** The state commissioner of elections is designated the state registrar of voters. [§47.7]

**Status codes.** References used in the voter registration system to designate the current standing (“status”) of a voter registration record. Active, Inactive, Pending, Incomplete, and Cancelled are the five statuses currently in use. [IAC 821–2.14]

**Straight party vote.** Is a vote cast in the area of the ballot where political parties and nonparty political organizations are listed, pursuant to §49.37(1). [IAC 721–26.1]

**Straight party voting.** For **general elections**, and for other elections in which more than one partisan office will be filled, the first section of the ballot shall be for straight party voting. Each political party or organization that has nominated candidates for more than one office shall be listed. For straight party vote-counting laws. See §49.94–97 and IAC 721–Chapter 26, “Counting Votes.” [§49.37(1), IAC 721–26.1]

**Stray mark.** Is a mark on a ballot that appears to be accidental or appears to be unrelated to the act of filling in the voting target. [IAC 721–26.1]

**Submarine ballot.** A submarine ballot is the nickname for a “special absentee ballot,” a type of absentee ballot that can be used only in the **general election**. Armed forces and overseas voters who are out of the continental United States may request absentee ballots 90 days before the general election and receive a list of offices and known

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candidates before the candidate filing deadlines and before the ballots are printed. A special form from the Secretary of State's Office is required. [§53.45]

**Substitute precinct election official.** A precinct election official who works less than a full day on Election Day. See §49.14.

**Supervisor district.** A subdistrict of a county. See also **supervisor plan.**

**Supervisor plan.** One of the following supervisor district representation plans shall be used for the election of supervisors:

- a. Plan "one." Election at large without district residence requirements for the members.
- b. Plan "two." Election at large but with equal-population district residence requirements for the members.
- c. Plan "three." Election from single-member equal-population districts, in which the electors of each district shall elect one member who must reside in that district.

[§331.206]

## T t

**Tabulating device.** Is the portable apparatus which examines and counts the votes marked on the optical scan ballot and produces a paper printout of the results of the voting in the precinct. [IAC 721–22.101]

**Tally list.** The total number of people who cast ballots in the precinct, the total number of ballots cast for each office, except those rejected, the name of each person voted for, and the number of votes given to each person for each different office. The precinct election officials must all sign the tally list. Tally lists must be kept forever, unless they have been electronically recorded. [§50.16; §50.19]

**Technical Guidelines Development Committee (TGDC).** A committee established by HAVA to assist in the development of the Election Assistance Commission's (EAC) voluntary voting systems standards.

**Technical infractions – notice.** If the state commissioner or county commissioner becomes aware of an apparent technical violation of a provision of Chapters 39 through 53, the state commissioner or county commissioner may administratively provide a written notice and letter of instruction to the responsible person regarding proper compliance procedures. This notice is not a final determination of facts or law in the matter, and does not entitle a person to a proceeding under Chapter 17A. [§39A.6]

**Test deck.** The commissioner must prepare test decks from all ballot styles printed for use in the election, including those for use at the polling places and for absentee

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voting. Test ballots for optical scan voting equipment must test the reporting of votes for every office and public measure on the ballot at the election. [IAC 721–22.42]

**Third party.** See **nonparty political organizations** and **political nonparty organizations**.

**Ticket.** Is a list of candidates nominated by a political party or group of petitioners. [IAC 721–22.101]

**TGDC.** See **Technical Guidelines Development Committee**.

**Total votes cast.** Sum of votes cast for all candidates and write-ins. Does not include over votes and undervotes. When calculating for vote for more than one races, divide the total votes cast by the number of seats to be filled.

**Township.** A political subdivision of a county. The boundaries are set by the board of supervisors and may, or may not, include incorporated territory. See Chapter 359.

**Turnout report.** Auditors are no longer required to prepare this report. An election canvass summary is used instead.

## U u

**Undervote.** Is to vote for fewer than the permitted number of choices for any office or question on a ballot. [IAC 721–22.101 and 721–26.1]

**Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).** A federal law designed to make sure that military personnel & and their families and other US citizens living outside the US have the opportunity to register and to vote.

**Unofficial canvass of votes.** The state commissioner of elections, in cooperation with the county commissioners of elections, shall conduct an unofficial canvass of election results after the closing of the polls on the day of a **general election**. The unofficial canvass shall report election results for national offices, statewide offices, the office of state representative, the office of state senator, and other offices or public measures at the discretion of the state commissioner. The purpose of the unofficial canvass is to provide the public with a convenient source of general election results before the official canvass.

[IAC 721–Chapter 24]

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**Unsealed envelope.** See **affidavit envelope.**

[§53.8]

**Unvoted ballot.** Is a ballot that has not been marked in any way and never issued to a voter. Unvoted ballots may be destroyed once the deadline to contest the election has passed. This is not the same as a **blank ballot.** See also **Record retention.**

[§50.9; IAC 721–26.1]

**US Department of Justice.** See **Department of Justice.**

**US Election Assistance Commission.** See **Election Assistance Commission.**

## V v

**Vacancy.** Generally caused when an elected official resigns, dies, or is removed from office. General provisions: See *Iowa Code* section 69.2 for what constitutes a vacancy and the process to determine whether a vacancy exists. See also **pending election,** and §69.12. *Please note that the general provisions apply only when there is nothing more specific elsewhere in the Code.*

[Chapter 69]

**Vacancy, city office, method for filling.** See §372.13(2).

**Vacancy, county office, method for filling.** See §69.14A.

**Vacancy, school board.** Failure to elect at the proper election or to appoint within the time fixed by law or the failure of the officer elected or appointed to qualify within the time prescribed by law; the incumbent ceasing for any reason to be a resident of the district or removing residence from the subdistrict; the resignation or death of incumbent or of the officer-elect; the removal of the incumbent from, or forfeiture of, the office, or the decision of a competent tribunal declaring the office vacant; the conviction of incumbent of a felony, as defined in §701.7, or of any public offense involving the violation of the incumbent's oath of office, shall constitute a vacancy.

[§277.29]

**Vacancy, school board, method for filling.** The school board shall fill by **appointment** vacancies occurring among the officers or members of the board. A person so appointed to fill a vacancy in an elective office shall hold office until a successor is elected and qualified pursuant to §69.12. A person appointed to fill a vacancy in an appointive office shall hold such office for the residue of the unexpired term and until a successor is appointed and qualified. Any person so appointed shall qualify within ten days thereafter in the manner required by §277.28. *For more information, go to §279.7 regarding the timing of resignations and filling vacancies by election if the school board fails to appoint within the required time.*

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**Vacancy, state legislature.** The county auditor has a duty to report to the governor a vacancy, except by resignation, in the office of state representative or senator as provided in §69.5. [§69.5; §331.510(1)]

**Vendor.** Is a person or representative of a person owning or being interested in a voting machine or electronic voting system seeking certification of the equipment for use in elections in Iowa. [IAC 721–22.1]

**Voluntary Voting System Guidelines (VVSG).** The voluntary guidelines were adopted by the **Election Assistance Commission** on December 13, 2005, to provide a set of specifications and requirements against which voting systems can be tested to determine if the systems provide all of the basic functionality, accessibility and security capabilities required of these systems. In addition, the guidelines establish evaluation criteria for the national certification of voting systems. The guidelines update and augment the 2002 Federal Election Commission's **Voting System Standards**, as required by HAVA, to address advancements in election practices and computer technologies.

**Vote.** This word refers to the voter's choice for an office or question on the ballot. HAVA requires each state to provide a uniform definition of what constitutes a vote. See IAC 721–Chapter 26. [HAVA 301(a)(6); IAC 721–26.1]

**“Vote Here” signs.** On the day of an election, the commissioner must post a sign stating "vote here" at the entrance to each driveway leading to the building where a polling place is located. [§49.21; IAC 721–21.8]

**Vote marking device.** See **Ballot marking device.**

**Voter registration agency.** Is an agency designated to conduct voter registration under §48A.19. Offices of the office of driver services of the state department of transportation are not voter registration agencies. [§48A.2(4); IAC 721–Chapter 23]

**Voter registration commission.** The voter registration commission meets quarterly. Members of the commission are the Secretary of State, a designee of the Iowa Democratic and Republican parties and a designee of the president of the Iowa association of county auditors. The commission membership must be balanced by party. [§47.8(1)]

**Voter registration form.** Is an application to register to vote that must be completed by any person registering to vote. [§48A.2(5)]

**Voter registration official's oath.** See **Qualification of voter registration officers.**

**Voter registration records, destruction of.** 22 months after the next **general election** following the cancellation of a voter's registration, you may destroy all records

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of that person's registration. Records may also be donated to a historical society, if desired. See **Record retention**. [§48A.32]

**Voter roster**. Is the sign-in sheet required to be used in precincts where the voter's signature on the declaration of eligibility is recorded in the election register. [IAC 721–21.5]

**Voter verifiable paper audit trail (VVPAT)**. A device that prints a paper copy of each vote cast on a direct recording electronic voting device. The voter may inspect the paper record. Iowa no longer allows direct recording electronic devices.

**Voting Accessibility for the Elderly and Handicapped Act, 1984**. This federal law requires all polling places to be accessible to persons with disabilities. The standards for accessibility adopted by the Secretary of State are found in IAC 721–21.50. For a copy of this law, go to: <http://www4.law.cornell.edu/uscode/42/1973ee-1.html>

**Voting booth**. Is an enclosure designed to be used by a voter while marking a ballot. Voting booths shall provide for voting in secrecy. At least one voting booth in each precinct shall be accessible to persons with disabilities. If the lighting in the polling place is inadequate, the voting booths used in that precinct must include lights. [§49.25(3); IAC 721–22.1]

**Voting equipment malfunction at the polls**. If any voting equipment malfunctions at the polls, see IAC 721–22.52 and contact the Secretary of State's Office immediately.

**Voting machines**. Are direct recording electronic devices (DREs) which are no longer authorized for use in Iowa.

**Voting system**. Is the total combination of mechanical, electromechanical or electronic equipment (including the software, firmware and documentation required to program, control and support the equipment that is used to define ballots, to cast and count votes, to report or display election results and to maintain and produce any audit trail information). "Voting system" also includes the practices and associated documentation used to identify system components and versions of such components, to test the system during its development and maintenance, to maintain records of system errors and defects, to determine specific system changes to be made to a system after the initial qualification of the system and to make available any materials to the voter such as notices, instructions, forms or paper ballots. (See Section 301(b) of HAVA.) [IAC 721–22.101]

**Voting target**. Is the place designated on a ballot for the voter to mark the voter's choice. [IAC 721–22.101 and 721–26.1]

**Voting systems standards (VSS)**. All voting equipment approved by the Board of Examiners after April 9, 2003 for use in Iowa must meet the 2002 *Voting Systems Performance and Test Standards* adopted by the Federal Election Commission. The

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Election Assistance Commission no longer provides testing against the 2002 VSS. Testing is now conducted by an **accredited independent test authority (ITA)**.

[§52.5; IAC 721–22.2]

**Voting system test laboratory (VSTL)**. A laboratory formally accredited by the Election Assistance Commission to test voting systems against recognized standards and guidelines. Under the NASED program, the test labs were referred to as **NASED-Qualified Independent Test Authorities (ITA)**.

**VVPAT**. See **voter verifiable paper audit trail**.

## W w

**Waiver**. Permission not to follow certain requirements. For waivers of polling place accessibility standards, see IAC 721–21.50(5). For waivers from Administrative Rules promulgated by the Secretary of State see IAC 721–Chapter 10, “Waiver and Variance Rules.”

**Ward**. A geographic unit of some city governments from which city council members are elected. A ward may be composed of one or more precincts. [§372.13(7)]

**Withdrawal (by candidate)**. A written request to have one’s name removed from the ballot. A withdrawal must be received before the statutory deadline, or it has no effect. [§43.79; §44.9 – 10]

**Withdrawal (of public measure)**. A public measure shall not be withdrawn from the ballot at any election if the public measure was placed on the ballot by a petition, or if the election is a special election called specifically for the purpose of deciding one or more public measures for a single political subdivision. However, a public measure which was submitted to the county commissioner of elections by the governing body of a political subdivision may be withdrawn by the governing body which submitted the public measure if the public measure was to be placed on the ballot of a regularly scheduled election. The notice of withdrawal must be made by resolution of the governing body and must be filed with the commissioner no later than the last day upon which a candidate may withdraw from the ballot. [§47.6(1)(b)]

**Write-in vote**. Is a vote cast pursuant to §49.99. [IAC 721–26.1]

**Write-in votes in regular city elections with runoff provisions, nomination by**. A candidate who was nominated by write-in votes in the regular city election to run for an office at the city runoff election must file an affidavit of candidacy. [§376.11]

**Write-in votes in cities without runoffs**. In a city that does not have runoff provisions, the following applies to persons elected by write-in votes: “following the resignation of a person who was elected by write-in votes, the city clerk shall notify the person who

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received the next highest number of votes cast for the office that the person may assume the office.” If there is more than one person who received the next highest number of votes for the office, lots will be drawn pursuant to §50.44 to determine the “next highest vote-getter.” This appears to be the only instance in the Code where the “next highest vote-getter” takes office. [§376.11(2)]

**Write-in votes in city primary election, nomination by.** A candidate who was nominated by write-in votes at the **city primary election** to run for an office at the city regular election must file an affidavit of candidacy. [§43.66; IAC 721–21.602]

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