

**IOWA CODE**  
**TITLE II ELECTIONS AND OFFICIAL DUTIES**  
**(20)SUBTITLE 1 ELECTIONS**

**39A.4 Election misconduct in the third degree.**

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

*a. Election day acts.* Any of the following on election day:

(1) Loitering, congregating, electioneering, posting signs, treating voters, or soliciting votes, during the receiving of the ballots, either on the premises of a polling place or within three hundred feet of an outside door of a building affording access to a room where the polls are held, or of an outside door of a building affording access to a hallway, corridor, stairway, or other means of reaching the room where the polls are held. This subparagraph does not apply to the posting of signs on private property not a polling place, except that the placement of a sign that is more than ninety square inches in size on a motor vehicle, trailer, or semitrailer, or its attachment to a motor vehicle, trailer, or semitrailer parked on public property within three hundred feet of a polling place is prohibited.

(2) Interrupting, hindering, or opposing a voter while in or approaching the polling place for the purpose of voting.

(3) As a voter, submitting a false statement as to the voter's ability to mark a ballot.

(4) Interfering or attempting to interfere with a voter when the voter is inside the enclosed voting space, or when the voter is marking a ballot.

(5) Endeavoring to induce a voter to show how the voter marks or has marked a ballot.

(6) Marking, or causing in any manner to be marked, on a ballot, any character for the purpose of identifying such ballot.

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

(1) Serving as a member of a challenging committee or observer under section [49.104](#), subsection 2, 5, or 6, while serving as a precinct election official at the polls.

(2) Failing to perform duties prescribed by chapters [39](#) through [53](#), or performing those duties in such a way as to hinder the object of the law.

(3) Disclosing the manner in which a person's ballot has been voted to anyone except as ordered by a court.

- (4) Failing to carry out a duty with regard to access under chapter [22](#) to a public record that relates to an election or voter registration.
- (5) Furnishing a voter with a ballot other than the proper ballot to be used at an election.
- (6) Making or consenting to a false entry on the list of voters or poll books.
- (7) Placing or permitting another election official to place anything other than a ballot into a ballot box as provided in section [49.85](#), or permitting a person other than an election official to place anything into a ballot box.
- (8) Taking or permitting to be taken out of a ballot box a ballot deposited in the ballot box, except in the manner prescribed by law.
- (9) Destroying or altering a ballot that has been given to a voter.
- (10) Permitting a person to vote in a manner prohibited by law.
- (11) Refusing or rejecting the vote of a voter qualified to vote.
- (12) Wrongfully acting or refusing to act for the purpose of avoiding an election, or of rendering invalid a ballot cast from a precinct or other voting district.
- (13) Having been deputized to carry the poll books of an election to the place where they are to be canvassed, failing to deliver them to such place, safe, with seals unbroken, and within the time specified by law.

*c. Miscellaneous offenses.*

- (1) As a party committee member or a primary election officer or public officer upon whom a duty is imposed by chapter [43](#) or by a statute applicable to chapter [43](#), neglecting to perform any such duty, or performing any such duty in such a way as to hinder the object of the statute, or by disclosing to anyone, except as may be ordered by a court, the manner in which a ballot may have been voted.
- (2) As a person who is designated pursuant to section [43.4](#) to report the results of a precinct caucus as it relates to the selection and reporting of delegates selected as part of the presidential nominating process or who is designated pursuant to section [43.4](#) to tabulate and report the number of persons attending the caucus favoring each presidential candidate, failing to perform those duties, falsifying the information, or omitting information required to be reported under section [43.4](#).
- (3) Making a false answer under chapter [43](#) relative to a person's qualifications and party affiliations.

- (4) Paying, offering to pay, or receiving compensation for voter registration assistance in violation of section [48A.25](#).
- (5) Using voter registration information in violation of section [48A.39](#).
- (6) As a candidate, making a promise to name or appoint another person to a position or to secure a position for another person in violation of section [49.120](#).
- (7) Soliciting the use of influence from a candidate in violation of section [49.121](#).
- (8) As a public official or employee, or a person acting under color of a public official or employee, knowingly requiring a public employee to act in connection with an absentee ballot in violation of section [53.7](#).
- (9) As a person designated by the county commissioner of elections or by the voter casting an absentee ballot, failing to return an absentee ballot in violation of section [53.35A](#).
- (10) As an incumbent officeholder of, or a candidate for, an office being voted for at the election in progress, serving as a member of a challenging committee or observer under section [49.104](#), subsection 2, 5, or 6.
- (11) Returning a voted absentee ballot, by mail or in person, to the commissioner's office and the person returning the ballot is not the voter, an absentee ballot courier, a special precinct election official designated pursuant to section [53.22](#), subsection 1, or the designee of a voter described in section [53.22](#), subsection 5.
- (12) Making a false or untrue statement reporting that a voted absentee ballot was returned to the commissioner's office, by mail or in person, by a person other than the voter, an absentee ballot courier, a special precinct election official designated pursuant to section [53.22](#), subsection 1, or the designee of a voter described in section [53.22](#), subsection 5.

## **2. Election misconduct in the third degree is a serious misdemeanor.**

2002 Acts, ch 1071, §4; 2004 Acts, ch [1083, §1, 37](#)

[http://nxtsearch.legis.state.ia.us/NXT/gateway.dll/2007%20Iowa%20Code/2007code/1/2312/2313/2342/2346?f=templates\\$fn=document-frameset.htm\\$g=\[field%20folio-destination-name:'sec\\_39A\\_4'\]\\$x=Advanced#0-0-0-13951](http://nxtsearch.legis.state.ia.us/NXT/gateway.dll/2007%20Iowa%20Code/2007code/1/2312/2313/2342/2346?f=templates$fn=document-frameset.htm$g=[field%20folio-destination-name:'sec_39A_4']$x=Advanced#0-0-0-13951)

### **43.4 Political party precinct caucuses.**

Delegates to county conventions of political parties and party committee members shall be elected at precinct caucuses held not later than the fourth Monday in February of each even-numbered year. The date shall be at least eight days earlier than the scheduled date for any meeting, caucus or primary which constitutes the first determining stage of the presidential

nominating process in any other state, territory or any other group which has the authority to select delegates in the presidential nomination. The state central committees of the political parties shall set the date for their caucuses. The county chairperson of each political party shall issue the call for the caucuses. The county chairperson shall file with the commissioner the meeting place of each precinct caucus at least seven days prior to the date of holding the caucus.

There shall be selected among those present at a precinct caucus a chairperson and a secretary who shall within seven days certify to the county central committee the names of those elected as party committee members and delegates to the county convention.

When the rules of a political party require the selection and reporting of delegates selected as part of the presidential nominating process, or the rules of a political party require the tabulation and reporting of the number of persons attending the caucus favoring each presidential candidate, it is the duty of a person designated as provided by the rules of that political party to report the results of the precinct caucus as directed by the state central committee of that political party. When the person designated to report the results of the precinct caucus reports the results, **representatives of each candidate, if they so choose, may accompany the person as the results are being reported to assure that an accurate report of the proceedings is reported. If ballots are used at the precinct caucus, representatives of each candidate or other persons attending the precinct caucus may observe the tabulation of the results of the balloting.**

Within fourteen days after the date of the caucus the county central committee shall certify to the county commissioner the names of those elected as party committee members and delegates to the county convention.

The central committee of each political party shall notify the delegates and committee members so elected and certified of their election and of the time and place of holding the county convention. Such conventions shall be held either preceding or following the primary election but no later than ten days following the primary election and shall be held on the same day throughout the state.

[S13, §1087-a1; C24, 27, 31, 35, 39, § 530; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.4] 83 Acts, ch 138, §1; 88 Acts, ch 1001, §1; 89 Acts, ch 136, §2

**Failure to report, criminal penalty, § [39A.4](#)**

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