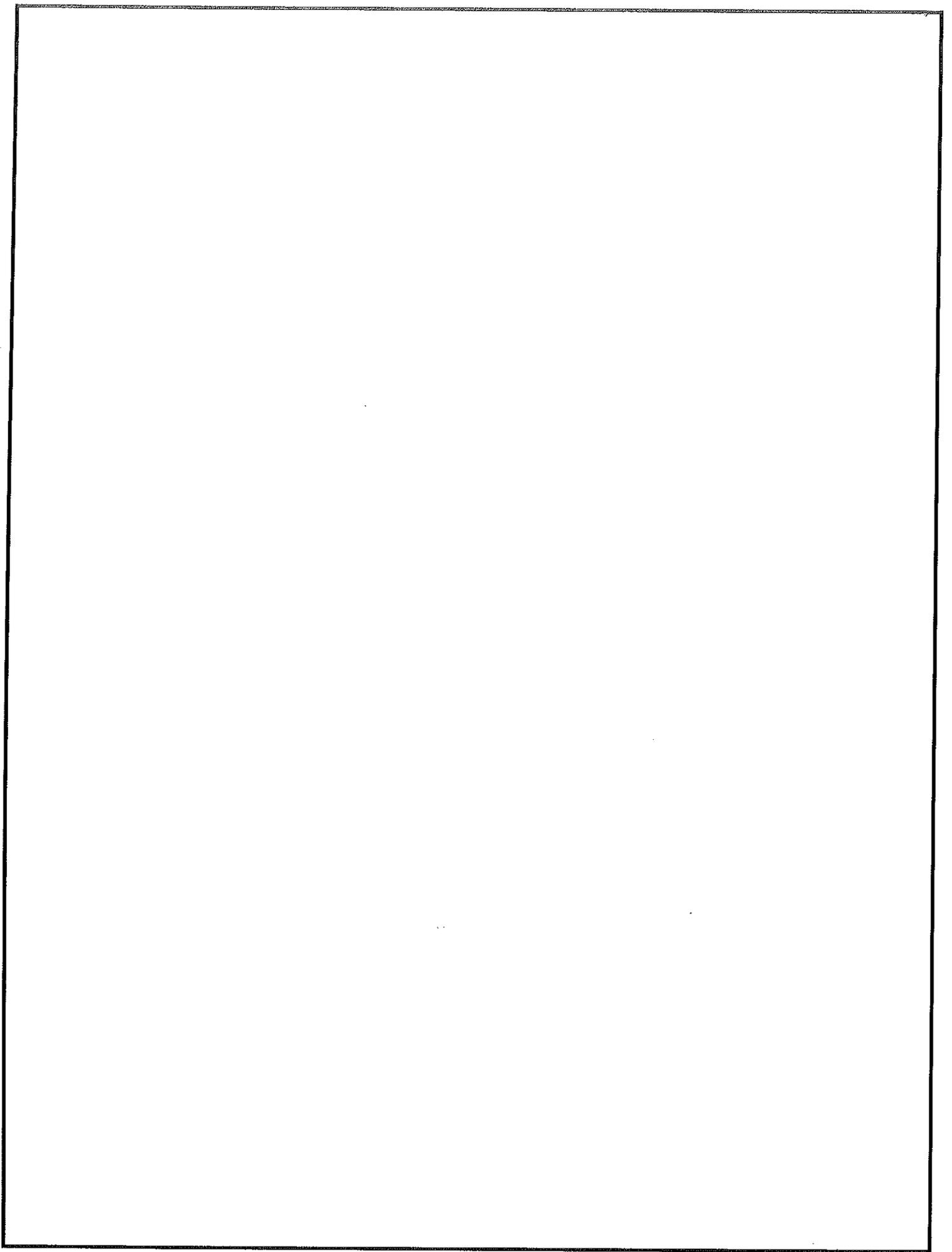


**Absentee and Special Voters  
Precinct Board  
Guide**



## Table of Contents

<b>Overview</b> .....	1
Absentee and Special Voters Precinct (ASVP) .....	1
What is the ASVP Board? .....	1
Board Responsibilities.....	1
Board Membership.....	1
Meeting Times.....	1
General Election.....	2
ASVP Initial Meeting Times and Reconvening Times .....	3
Ballots and Supplies.....	3
Persons Allowed While Board is Meeting.....	4
When Counting is not Taking Place .....	4
When Counting is Taking Place .....	4
Political Party Observers .....	5
Challenging Absentee Ballots .....	5
<b>Reviewing Envelopes</b> .....	<b>6</b>
Envelopes Overview .....	6
Reviewing Affidavit Envelopes .....	7
Six Steps .....	7
Removing the Ballot and Counting the Votes.....	9
Eight Steps.....	9
Counting Absentee Ballots on Monday .....	12
<b>After Election Day</b> .....	<b>14</b>
Overview .....	14

Absentee Ballots Received After Election Day.....	14
Special Write-In Ballot (aka submarine ballot, special ballot) – General Elections Only .....	14
Federal Write-In Absentee Ballots (FWAB) – Federal Elections Only .....	15
Provisional Ballots and Challenged Absentee Ballots .....	15
What is a Provisional Ballot?.....	15
Absentee Voters with Provisional Ballots .....	15
Why are Voters Challenged? .....	16
Rejecting Ballots .....	16
Sealing Ballots .....	17

## Overview

### Absentee and Special Voters Precinct (ASVP)

The absentee and special voters precinct (ASVP) is one precinct that includes ballots from the entire county. The precinct is established for the counting of all absentee and provisional ballots and for delivering absentee ballots to residents and patients in health care facilities. All elections will have an ASVP board. The precinct is sometimes referred to as the “absentee precinct” or the “special precinct.”

### What is the ASVP Board?

The ASVP board is comprised of precinct election officials appointed by the auditor to carry out the duties of the precinct. It is also referred to as the “absentee board” or “counting board.”

### Board Responsibilities

The ASVP board is responsible for reviewing and rejecting or counting absentee and provisional ballots. The board also delivers ballots to voters in health care facilities. This guide explains the process of reviewing and rejecting or counting absentee and provisional ballots.

### Board Membership

The number of board members will vary based on the election. The board must consist of at least three but can be expanded if the auditor determines that is necessary. The board must be large enough to ensure all absentee ballots received before the polls close are counted by 10 p.m. on election night.

In a partisan election, the board as a whole must have an equal number of Democrats, Republicans, and no-party or NPPO affiliated PEOs. The board cannot be out of balance by more than one. If the board is divided into smaller groups to consider ballots, the groups must consist of no fewer than three officials and cannot be out of party balance by more than one.

### Meeting Times

- **Before Election Day:** The board may be called to review affidavit envelopes.  
\*At the direction of the auditor only, the board may begin counting absentee votes. This is the only circumstance in which ballots can be counted before election day under Iowa law.
- **Election Day:** All ballots received before the polls close must be counted by 10 p.m.
- **After Election Day:** The board will reconvene after election day at the direction of the auditor to consider any provisional ballots, challenged absentee ballots, or absentee ballots that arrived in time to be considered for counting. \*

\*Absentee ballots must be received by the county auditor by 8:00 pm on election day for the ballot to count, with an exception for the following cases:

- Ballots from participants in the Safe at Home program received by the Secretary of State in time to be transmitted to the County Auditor by noon on the Monday following the election (or the time of the canvass, if earlier).
- Ballots from uniformed and overseas citizens received by noon on the Monday following the election (or the time of the canvass, if earlier).

### **General Election**

For the general election, the ASVP Board can meet any time beginning at noon on Thursday, two days after the election. However, you will be required to schedule the Board to meet on Monday afternoon six days after the election in the following situations:

- 1) Voters who have cast provisional ballots have the right to present information as to why the voter is eligible by noon on Monday. This deadline moves to noon on Tuesday if Monday is a federal holiday.
- 2) Any outstanding Safe at Home or UOCAVA absentee ballots that you receive from the Post Office by noon on Monday must be reviewed and counted if they meet one of the exceptions outlined above. Again, this deadline moves to noon on Tuesday if Monday is a federal holiday. All other untimely, and therefore ineligible, ballots must be rejected.

Some counties will choose to have the ASVP Board meet twice, for example, first on Thursday afternoon, and again on Monday afternoon. Others will choose to wait until Monday afternoon to consider all late Safe at Home and UOCAVA absentees and provisional ballots. The benefit of meeting earlier is to approve and count those late-absentee and provisional ballots that the Board determines are valid. The drawback would be the Board cannot reject provisional ballots until after the Monday noon deadline and would need to meet again to do so.

## ASVP Initial Meeting Times and Reconvening Times

Election	County Canvass Date	Reconvene ASVP Board
School	First Monday or Tuesday after election [§277.20, 50.24]	No earlier than noon on Thursday following election [§50.21]
City Primary	Thursday following election no earlier than 1 p.m. [§376.7]	Noon on Wednesday following election [§50.21]
Regular City without runoff provisions	First Monday or Tuesday after election [§50.24]	No earlier than noon on Thursday following election [§50.21]
Regular City with runoff provisions	First Monday or Tuesday after election [§376.9, 50.24]	No earlier than noon on Thursday following election [§50.21]
City Runoff	Thursday following election no earlier than 1 p.m. [§50.24]	Noon on Wednesday following election [§50.21]
Primary	First Monday or Tuesday after election [§43.49]	No earlier than noon on Thursday following election [§50.21]
General	First Monday or Tuesday after election [§50.24]	No earlier than noon on Thursday following election [§50.21]

**Important Note:** If the canvass is scheduled to be earlier than the Monday following the election, the ASVP board must be reconvened at noon on the day following the election.

### **Ballots and Supplies**

Each day the board meets, the auditor will deliver the ballots and supplies needed. Some supplies you will need include:

- Absentee and Provisional Ballot Chain of Custody Log

This form helps both the auditor and the board keep track of ballots. Verify the number of ballots upon receiving them from the auditor and before returning them to the auditor.

- Ballot Rejection Tally Sheet

Use this tally sheet to keep track of the number of ballots rejected. The auditor must report this information to the Secretary of State (SOS) after the general election.

- Ballot Rejection Letter Template

When absentee ballots are rejected, voters must be notified by the ASVP board of their ballot's rejection. The auditor may be able to provide you with a sample letter.

- Counting Votes Guide

This guide will help you navigate the process of counting write-in votes or counting votes if the auditor has chosen to use hand-counted ballots for the election. It explains the election laws relating to counting votes and provides examples of possible situations.

- Challenger's Statement

Use this form when challenging the qualifications of a voter.

### **Persons Allowed While Board is Meeting**

#### **When Counting is not Taking Place**

On the Monday before the election and after the polls are closed on election day, meetings of the ASVP board are open to the public.

#### **When Counting is Taking Place**

The only people who are allowed by law to be in the room when the ASVP board is counting ballots on Monday or Tuesday before the polls are closed are:

- Auditor or auditor's designee
- The members of the ASVP board
- Five challengers representing each political party
- One observer representing any non-party political organization or any candidate nominated by petition
- One observer representing any non-partisan candidate appearing on the ballot in city and school elections
- One observer representing support for a public measure on the ballot
- One observer representing opposition for a public measure on the ballot

[\$53.23(4)]

### **Interference**

No observer may interfere with the duties of the ASVP board. Interference includes but is not limited to handling ballots and, while the board is counting ballots, communicating, or attempting

to communicate information regarding the progress of the count. Observers may report the names of voters' whose ballots were rejected without being opened. This is not a violation of the secrecy required for the progress of the count.

[§53.23(3)(b)(1), IAC 721—21.359(5)(a)]

### **Political Party Observers**

Political party observers are not required to be present when the ASVP board meets; however, the auditor must notify the parties of the meeting.

If either or both parties fail to appoint an observer, the process continues without the observers.

[§53.23(3)]

### **Challenging Absentee Ballots**

Absentee ballots may be challenged before the affidavit envelope is opened.

Board members and observers may challenge the qualifications of a person who cast an absentee ballot. By law, a board member must challenge the absentee ballot of any person the board member knows or suspects is not a duly qualified voter.

Challenges may be made at any time before the polls close on election day. The deadline for challenges by persons who are neither members of the board or observers is the Friday before the election.

All challenges, including those made by members of the ASVP board, must be made in writing and state the reason(s) for the challenge. The challenger must sign the form. The challenger's statement form is used for this purpose.

[§53.31]

## Reviewing Envelopes

Counting votes is only one of the responsibilities of the ASVP board. The majority of the board's time will be spent reviewing and sorting the ballots.

### Envelopes Overview

There are always two envelopes and sometimes three envelopes involved in the return of an absentee ballot. Members of the ASVP need to be familiar with all of the envelopes involved. The envelopes are records of the election that need to be kept for a specified time period after the election. Never throw away any envelopes.

From the outside in, the envelopes are:

1. **Return Envelope** (larger envelope)

This is the envelope the voter uses to return the ballot to the auditor. After the election, the ASVP board may need to review the postmark on this envelope if the ballot is from a Safe at Home or UOCAVA voter. Depending on when the ballot was received by the auditor's office, the board may receive ballots whose return envelope has been opened and removed by the auditor's office so that the affidavit envelope could be checked for errors.

**Important Note:** The affidavit envelope and return envelope may be combined into one envelope.

[[53.8(1)]]

2. **Affidavit Envelope** (medium envelope)

The affidavit envelope contains the ballot. The outside of the envelope contains the voter's affidavit. Completing the affidavit on the envelope is the equivalent of the voter's declaration of eligibility at the polls on election day. This envelope must be inspected for potential problems. Depending on when the ballot was received by the auditor's office, the board may receive ballots whose affidavit envelope has already been reviewed and either approved or flagged as a problem by the auditor's office.

**Important Note:** The affidavit envelope and return envelope may be combined into one envelope.

[[53.8(1)]]

3. **Secrecy Envelope** (smaller envelope)

This envelope may or may not have been provided to the voter and if provided, may or may not have been used by the voter. The purpose of the secrecy envelope is to protect the voter's right to a secret ballot. Like all other envelopes, these envelopes must be carefully accounted for.

## **Reviewing Affidavit Envelopes**

Whether you are a member of the ASVP board who is processing ballots the Monday before election day or on election day, the process of opening the return envelope (if a combined return/affidavit envelope was not used) and reviewing the affidavit envelope will be the same. The instructions below apply to all meetings of the ASVP Board.

The difference between the board's work before election day and on or after election day is where the work stops. The auditor may or may not have the board open affidavit envelopes on the Monday before the election. Counting votes before election day is not at the board's discretion but is only at the direction of the auditor and in limited circumstances. Ensure the board has received clear instructions regarding its duties before work begins.

### **Six Steps**

- 1. Complete the Absentee and Provisional Ballot Chain of Custody Log.**

Verify the number of ballots upon receiving them from the auditor.

- 2. Check the postmark. (when necessary)**

If you are reviewing envelopes before election day, you may skip this step (because you know the ballot is on time).

If you are reviewing envelopes after election day, you must reject ballots received after the polls close UNLESS they are from a Safe at Home or UOCAVA voter.

Remember that absentee ballots which were hand delivered to the auditor's office will not have a postmark. (Skip this step if affidavit envelopes have already been removed a return envelope and reviewed by the auditor's office.) In this situation, the auditor should have time-stamped the envelope with the time the ballot was delivered to the office. Hand-delivered ballots are on time if they arrive before the polls close on election day.

- 3. Open return envelopes (if a combined return/affidavit envelope was not used).**

The return envelopes may be opened either manually or with an automatic letter opener.  
[IAC 721—21.353, 21.354]

- 4. Remove the affidavit envelopes from return envelopes (if a combined return/affidavit envelope was not used).**

Stack the return envelopes, which must be kept with other records of the election.

**5. Sort the affidavit envelopes into three piles.**

Pile #1: Rejected

Reject the ballot without opening the affidavit envelope if any of the following conditions exist:

- The ballot arrived too late to be counted
- Affidavit lacks the voter's signature
- Applicant is not a duly registered voter in the precinct in which the ballot was cast
- Voter has a pending status or voter was made inactive after casting their absentee ballot and has not provided §48A.8 ID by the time the ASVP board meets to consider provisional ballots
- Affidavit envelope is open or the affidavit envelope has been opened and resealed
- Affidavit envelope contains more than one ballot of any kind
- Voter voted in person at the polls
- Voter submitted an absentee ballot request electronically and the original request form was not postmarked by the absentee mail request deadline (15 days before all elections) and was not received in the auditor's office by the time the polls closed on election day.

[§53.25, IAC 721—21.2(2), 21.354, 21.361]

Pile #2: Challenged ballots

Put all challenged ballots together. A ballot may be challenged by a precinct official or an observer. A ballot may also be challenged by any registered voter in the county if the challenge is received by the auditor no later than 5:00 PM the Friday before the election. See "Challenging Absentee Ballots" earlier in this guide.

Pile #3: Ballots that are accepted for counting

Put all ballots that are accepted for counting together. Stack the envelopes with the affidavit facing down.

[IAC 721—21.359(3)]

**6. Complete processing of rejected absentee ballots.**

- a. Flip the affidavit envelope over so the back of the envelope is facing you.

- b. Write the following on the back of the envelope “Rejected because (insert the reason for rejection).”
- c. All rejected ballots must be sealed in an envelope marked “defective ballots.” The envelope must be marked with “absentee precinct.” Include the date of the election at which the ballots were cast. All board members must sign the sealed envelope.
- d. Record the number of rejected ballots on the absentee and provisional ballot chain of custody log. The envelope marked “defective ballots” containing the rejected ballots must be returned to the auditor.  
[§53.25, 53.26, 53.27, IAC 721-21.361]
- e. Prepare rejection notices for voters whose ballots must be rejected. These notices must be prepared by either the auditor or the board but must be initialed by a board member.

A sample rejection notice is available on the SOS website.

Mail the notices immediately. The notices must be sent by the time of the county canvass.

[§53.25]

### **Removing the Ballot and Counting the Votes**

At the direction of the auditor, affidavit envelopes can be opened and ballots removed from them on the Monday before election day. The board may also be directed to count votes before election day. Below are the instructions for opening the affidavit envelope, removing the ballot, and counting the votes. Ensure the board has clear instructions regarding its duties before work begins.

On election day, the board will open the affidavit envelopes (if they haven’t already done so) and count absentee ballots. The board must complete counting all absentee ballots received before the polls close by 10 p.m. on election day.

### **Eight Steps**

#### **1. Open the affidavit envelopes.**

Stack affidavit envelopes of ballots accepted for counting upside down. Open the affidavit envelopes using either a manual or automatic letter opener.

#### **2. Remove the ballots from the affidavit envelope.**

*It is very important to preserve the secrecy of each voter’s ballot during this process.*

When opening on the Monday before election day (but not counting votes):

- Remove ballots from affidavit envelopes one at a time.
- If the ballot is not in a secrecy envelope, two board members, one from each of the parties, must place the ballot in a secrecy envelope without examining the ballot.
- Stack the empty affidavit envelopes and set them aside for storage.
- Verify the number of secrecy envelopes matches the number of empty affidavit envelopes before the ballots are stored. The secrecy envelopes containing ballots may be bundled and sealed in groups of a specified number to make counting easier. Any discrepancies between the number of empty affidavit envelopes and secrecy folders must be resolved at this time.
- Organize the ballots for overnight storage and complete the absentee and provisional ballot chain of custody log verifying that the number of ballots you are returning to the auditor is the same number of ballots you were given by the auditor, and stop. You will continue your work on election day.

[§53.23, IAC 721—21.359]

When opening on the Monday before election day (and counting votes), on election day, or after election day:

- Remove ballots from affidavit envelopes one at a time.
- It is not necessary to put ballots that are not in secrecy envelopes into secrecy envelopes when ballots will be counted the same day.
- Stack the empty affidavit envelopes and set them aside for storage.
- Mix or shuffle the secrecy envelopes (or ballots) so they are no longer in the same sequence as the affidavit envelopes.

[§53.23, IAC 721—21.359]

**3. Remove the ballots from the secrecy envelopes.**

If affidavit envelopes were opened on Monday, but the ballots were not counted, the number of secrecy envelopes present on Tuesday must be recorded before any ballots are removed from secrecy folders to make sure it matches the number from Monday.

[§53.23, 53.24, IAC 721—21.359]

**4. Inspect the ballots.**

**Reject if there is more than one.** If the affidavit or secrecy envelope contains more than one ballot, you must reject both ballots.

[§53.25, IAC 721-21.361(5)]

**Reject if there is an identifying mark.** Do not count ballots that are marked or signed in any way identifies the voter.

**Reject if the affidavit envelope does not contain any ballot.**

[IAC 721—26.14(50)]

**5. Process rejected ballots.**

If the board does not count a ballot, write the reason on the back of the ballot: “Rejected because (insert reason for rejection).”

All rejected ballots must be sealed in an envelope marked “Defective ballots.” The envelope must be marked with “absentee precinct,” include the date of the election at which the ballots were cast and be signed by the board members.

Record the number of rejected ballots on the absentee and provisional ballot chain of custody log. The envelope with the rejected ballots must be returned to the auditor.

[§53.26]

**6. Count the votes.**

Insert the ballots in the optical scan voting machine or begin hand-counting as directed by the auditor. The count of absentee ballots received before the polls close must be completed by 10 p.m. If ballots are counted by hand, count them according to the standards in the Counting Votes Guide.

It is illegal for anyone to communicate or attempt to communicate information about the progress of the count at any time before the polls are closed.

[§53.23(4)]

Write-Ins and Optical Scanners

Tabulate any write-in votes cast and recognized by the optical scanner. Refer to the Counting Votes Guide to determine how to count write-in votes.

Damaged Ballot

If a ballot is damaged and cannot be read by the voting machine, you may make a true duplicate of the ballot. Write “ORIGINAL” on the original ballot and “DUPLICATE” on the substitute ballot. Label the duplicate ballot and the original, damaged ballot with the same serial number. (Example: O1 on original and D1 on duplicate.)

[§52.37 (1)(a)]

Machine Cannot Read Ballot

If a ballot cannot be read by the optical scanner because it was marked by an unreadable marker, you may make a true duplicate of the ballot. Write “ORIGINAL” on the original ballot and “DUPLICATE” on the substitute ballot. Label the duplicate ballot and the original ballot with the same serial number.

The auditor may instruct the board to mark over the unreadable marks with a pen or pencil that can be read by the voting machine. If a ballot's marks are enhanced by the ASVP board, leave part of the original mark made by the voter. If it is impossible to mark over the original mark without completely obliterating the mark, duplicate the ballot.

[§52.37(1)(c)]

If you are counting ballots on the day before election day, see the next page for procedures to follow at the end of the day.

**7. Announce the results.**

Announce both the results tallied by the optical scanner and the tallied write-in votes only after the polls are closed.

[§50.11, 52.37(2)]

**8. Seal the ballots.**

After counting is complete, seal the counted ballots into containers. A seal must be placed over the opening of the container so the container cannot be opened without breaking the seal. All members of the board must sign across the seal.

[§50.12]

### **Counting Absentee Ballots on Monday**

Follow these security procedures when you are finished counting at the end of the day before election day:

**1. Seal and label the voted ballots in an envelope or other container.**

The board must seal all counted ballots in a voted ballot envelope or other container. Label the envelope or other container with the date the ballots were counted. A seal must be placed on the envelope or other container making it evident if the envelope or container is opened. All members of the board must sign across the seal.

**2. Return all ballots to auditor.**

Return all absentee ballots to the auditor when finished for the day. The auditor must store all absentee ballots in a secure location until counting is resumed on election day.

**3. Secure memory cards.**

The board must secure the memory cards in one of the following ways:

- Leave the memory card in the optical scan machine with a tamper evident seal affixed over the memory card in a manner making it evident if the seal is removed.
- Remove the memory card from the optical scan machine and store it in an envelope. A seal must be placed on the envelope making it evident if the envelope is opened.

4. Secure optical scan machine.

The optical scan machine must be stored in a secure location until counting resumes on election day.

5. Do not print a results tape from the optical scan machine on the day before the election.

6. Do not upload or input results into tabulating software on the day before the election.

Before resuming counting on election day, verify the seals on the optical scan machine, memory card(s), and memory card port(s) have not been obviously tampered with overnight.

Resume counting using one of the following methods:

- Using the same memory card(s) used on Monday and resuming counting
- Using a new memory card(s) and compiling the results contained on the memory card(s) used on election day and Monday

[§53.23, IAC 721—21.359]

## After Election Day

### Overview

After election day, the board will consider any provisional ballots, challenged absentee ballots, and any Safe at Home or UOCAVA absentee ballots that were postmarked before election day and received before the deadline. If no provisional ballots were cast and no absentee ballots were challenged, the board will be reconvened only if there are absentee ballots to be counted before the canvass. See page 2 to determine when the board must meet after election day if there are additional ballots to be considered.

The number of members on the board when reconvened after the election may increase or decrease depending on the number of provisional and challenged absentee ballots to be considered.

The board may divide itself into panels of no less than three members each to consider provisional and challenged absentee ballots. Each panel must include a Democrat and a Republican. Not more than a simple majority of the members of a panel may be from the same political party.

[§50.21, 50.22]

### Absentee Ballots Received After Election Day

The board must not count absentee ballots received after the polls close on election day, unless they are from a Safe at Home or UOCAVA voter.

[§50.22, 53.17]

For both FWABs and special write-in ballots, the auditor will either direct you to hand-tally the ballot or make a duplicate ballot following the instructions on page 11.

### **Special Write-In Ballot (aka submarine ballot, special ballot) – General Elections Only**

Special write-in ballots are used by members of the military and overseas citizens when they cannot receive and return their absentee ballot by normal mail delivery during the usual absentee voting period. Voters will use a form provided by the auditor and will write the names of the candidates they wish to vote for on the special write-in ballot and if they oppose or support the public measure(s).

The auditor should only deliver special write-in ballots to the ASVP board after the deadline to receive regular absentee ballots. This type of ballot may be counted only if the voter's regular absentee ballot was not received before the deadline to receive absentee ballots.

Process and canvass votes on the special write-in ballots in the same manner as is done with other absentee ballots.

[§53.45]

## **Federal Write-In Absentee Ballots (FWAB) – Federal Elections Only**

A FWAB is used by members of the military and overseas citizens. It is a completely blank write-in ballot that does not contain any offices or candidates. FWABs may be used if a voter requested a regular absentee ballot more than 14 days prior to election day but did not receive it or does not believe they have time to receive the ballot and return it in order for it to be counted. The voter must be outside the U.S. or on active duty outside the voter's county of residence to use a FWAB.

The auditor should only deliver FWABs to the ASVP board after the deadline to receive regular absentee ballots. FWABs should only be counted if the voter's regular or a special write-in ballot is not received before the deadline to receive regular absentee ballots.

Process and canvass votes on the FWAB in the same manner as with other absentee ballots.

If a FWAB is not counted, the voter must be notified that the FWAB was not counted and the reason why.

[§53.53]

## **Provisional Ballots and Challenged Absentee Ballots**

The board must review all the information on the provisional ballot envelopes and all of the evidence submitted regarding the qualifications of each provisional and challenged absentee voter. The decision to count or reject each ballot must be made by the ASVP board based on the information on the envelope containing the provisional ballot, the evidence concerning the challenge, and any pertinent voter registration documents.

[§50.22]

All provisional and challenged absentee ballots counted by the board must be counted in the same manner as all other ballots tabulated for the election. If voting equipment was used, these ballots must be run through the ballot scanners.

[IAC 721—26.4]

## **What is a Provisional Ballot?**

A provisional ballot is used by voters whose qualifications to vote were challenged at the polls, by voters who could not prove they are qualified to vote by showing ID when requested, and by some absentee voters at the polls.

## **Absentee Voters with Provisional Ballots**

If you receive a timely absentee ballot and a provisional ballot from the same voter, the absentee ballot should be considered for counting. This means that provisional ballots cast by absentee voters at the polls should be considered by the ASVP board after the absentee receipt deadline or immediately prior to the canvass, whichever is applicable.

If the absentee ballot must be rejected for any reason, the ASVP board should then consider the provisional ballot for counting.

## Why are Voters Challenged?

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

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

[§49.79, 49.80, 49.81]

## Rejecting Ballots

Provisional and challenged absentee ballots may only be rejected when the:

- Voter did not provide ID and/or proof of residence and was required to do so,
- Voter was not registered in the precinct on election day,
- Voter already returned an absentee ballot that was counted (provisional voters),
- Voter is not qualified to vote, or
- Voter has a pending status or voter was made inactive after casting their absentee ballot and has not provided §48A.8 ID by the time the ASVP board meets to consider provisional ballots

Rejected ballots must be marked "Rejected because (insert reason of rejection)." All rejected ballots must be sealed in an envelope marked "Defective ballots." The envelope must be marked with "absentee and special voters precinct" and the date of the election at which the ballots were cast. The seal on the envelope must also be signed by the precinct election officials.

The board must record the number of rejected ballots on the absentee and provisional ballot chain of custody log. The envelope with the rejected ballots must be returned to the auditor.

[§53.25, 53.26, 53.27]

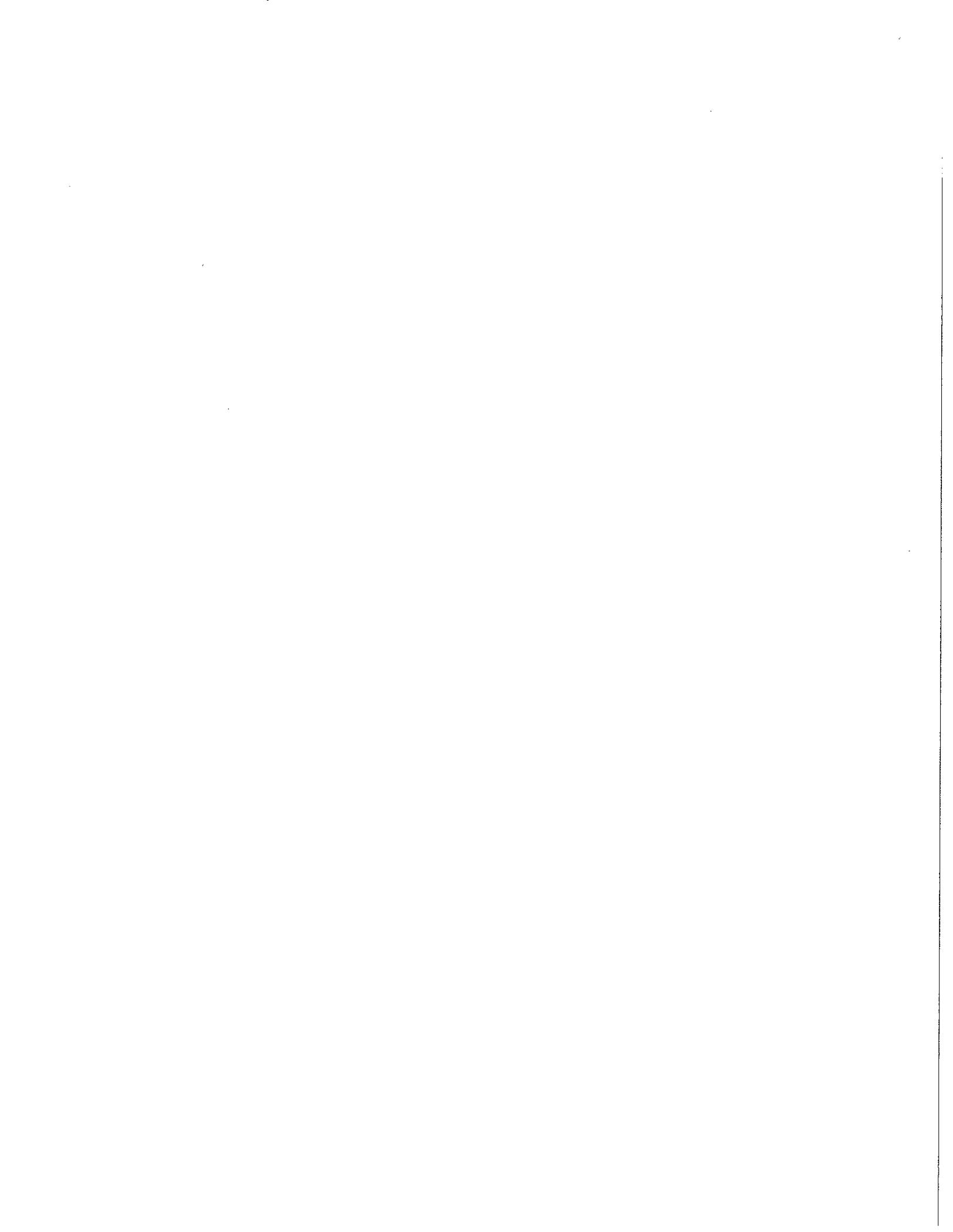
The auditor or the board needs to prepare notices to send to voters whose ballots were rejected by the time of the county canvass. A board member must initial or sign the notices. A sample notice is available on the SOS website.

[§53.25]

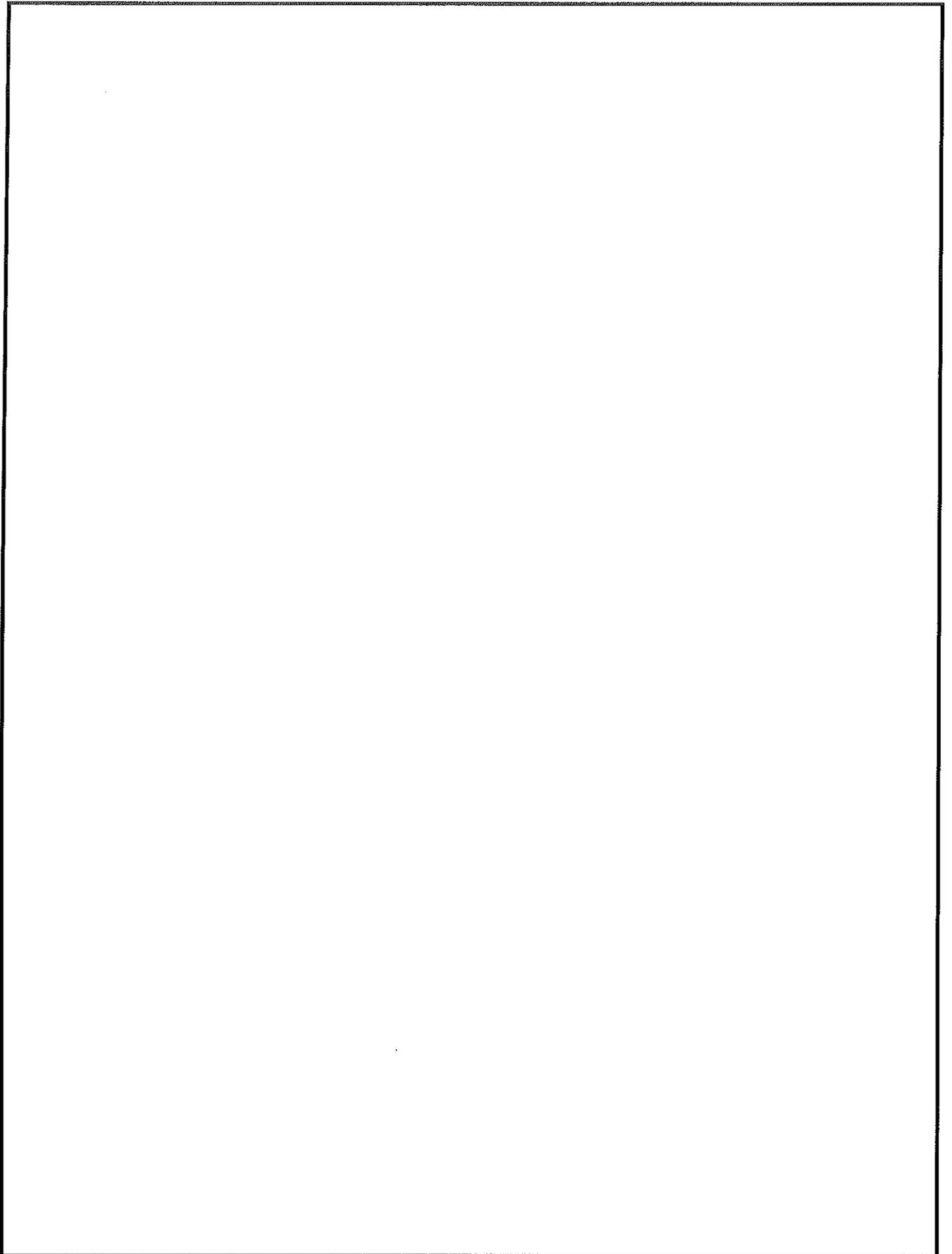
### **Sealing Ballots**

After counting is completed, seal the counted ballots into containers. A seal must be placed over the opening of the container so the container cannot be opened without breaking the seal. All members of the board must sign across the seal.

[§50.12]



**Absentee and Special Voters  
Precinct Board  
Guide**



## Table of Contents

### Overview

Absentee and Special Voters Precinct (ASVP).....	1
What is the ASVP Board? .....	1
Board Responsibilities .....	1
Board Membership.....	1
Meeting Times.....	1
General Election .....	2
ASVP Initial Meeting Times and Reconvening Times .....	3
Ballots and Supplies.....	3
Persons Allowed While Board is Meeting .....	4
When Counting is not Taking Place .....	4
When Counting is Taking Place .....	4
Political Party Observers.....	5
Challenging Absentee Ballots.....	5

### Reviewing Envelopes

Envelopes Overview.....	6
Reviewing Affidavit Envelopes.....	7
Six Steps .....	7
Removing the Ballot and Counting the Votes .....	10
Eight Steps .....	10
Counting Absentee Ballots on Monday .....	14

### After Election Day

Overview .....	15
----------------	----

Absentee Ballots Received After Election Day .....	15
Special Write-In Ballot (aka submarine ballot, special ballot) .....	16
Federal Write-In Absentee Ballots (FWAB) .....	16
Provisional Ballots and Challenged Absentee Ballots .....	17
What is a Provisional Ballot? .....	17
Absentee Voters with Provisional Ballots .....	17
Why are Voters Challenged? .....	17
Rejecting Ballots .....	18
Sealing Ballots .....	18

## Overview

### Absentee and Special Voters Precinct (ASVP)

The absentee and special voters precinct (ASVP) is one precinct that includes ballots from the entire county. The precinct is established for the counting of all absentee and provisional ballots and for delivering absentee ballots to residents and patients in health care facilities. All elections will have an ASVP board. The precinct is sometimes referred to as the “absentee precinct” or the “special precinct.”

### What is the ASVP Board?

The ASVP board is comprised of precinct election officials appointed by the auditor to carry out the duties of the precinct. It is also referred to as the “absentee board” or “counting board.”

### Board Responsibilities

The ASVP board is responsible for reviewing and rejecting or counting absentee and provisional ballots. The board also delivers ballots to voters in health care facilities. This guide explains the process of reviewing and rejecting or counting absentee and provisional ballots.

### Board Membership

The number of board members will vary based on the election. The board must consist of at least three but can be expanded if the auditor determines that is necessary. The board must be large enough to ensure all absentee ballots received before the polls close are counted by 10 p.m. on election night.

In a partisan election, the board as a whole must have an equal number of Democrats, Republicans, and no-party or NPPO affiliated PEOs. The board cannot be out of balance by more than one. If the board is divided into smaller groups to consider ballots, the groups must consist of no fewer than three officials and cannot be out of party balance by more than one.

### Meeting Times

- **Before Election Day:** The board may be called to review affidavit envelopes.  
\*For the General Election only, and at the direction of the auditor only, the board may begin counting votes. This is the only circumstance in which ballots can be counted before election day under Iowa law.
- **Election Day:** All ballots received before the polls close must be counted by 10 p.m.
- **After Election Day:** The board will reconvene after election day at the direction of the auditor to consider any provisional ballots, challenged absentee ballots, or absentee ballots that arrived in time to be considered for counting.

## General Election

For the general election, the ASVP Board can meet any time beginning at noon on Thursday, two days after the election. However, you will be required to schedule the Board to meet on Monday afternoon six days after the election in the following situations:

- 1) Voters who have cast provisional ballots have the right to present information as to why the voter is eligible by noon on Monday. This deadline moves to noon on Tuesday if Monday is a federal holiday.
- 2) Any outstanding absentee ballots postmarked prior to Election Day that you receive from the Post Office by noon on Monday are in time to be counted. Again, this deadline moves to noon on Tuesday if Monday is a federal holiday.

Some counties will choose to have the ASVP Board meet twice, for example, first on Thursday afternoon, and again on Monday afternoon. Others will choose to wait until Monday afternoon to consider all late-absentee and provisional ballots. The benefit of meeting earlier is to approve and count those late-absentee and provisional ballots that the Board determines are valid. The drawback would be the Board cannot reject provisional ballots until after the Monday noon deadline and would need to meet again to do so.

## ASVP Initial Meeting Times and Reconvening Times

Election	County Canvass Date	Reconvene ASVP Board
School	Friday after election [§277.20]	Noon on Wednesday following election [§50.21]
City Primary	Thursday following election no earlier than 1 p.m. [§376.7]	Noon on Wednesday following election [§50.21]
Regular City without runoff provisions	First Monday or Tuesday after election [§50.24]	No earlier than noon on Thursday following election [§50.21]
Regular City with runoff provisions	Thursday following election no earlier than 1 p.m. [§376.9]	Noon on Wednesday following election [§50.21]
City Runoff	First Monday or Tuesday after election [§50.24]	No earlier than noon on Thursday following election [§50.21]
Primary	First Monday or Tuesday after election [§43.49]	No earlier than noon on Thursday following election [§50.21]
General	First Monday or Tuesday after election [§50.24]	No earlier than noon on Thursday following election [§50.21]

**Important Note:** If the canvass is scheduled to be earlier than the Monday following the election, the ASVP board must be reconvened at noon on the day following the election.

### **Ballots and Supplies**

Each day the board meets, the auditor will deliver the ballots and supplies needed. Some supplies you will need include:

- Absentee and Provisional Ballot Chain of Custody Log

This form helps both the auditor and the board keep track of ballots. Verify the number of ballots upon receiving them from the auditor and before returning them to the auditor.

- Ballot Rejection Tally Sheet

Use this tally sheet to keep track of the number of ballots rejected. The auditor must report this information to the Secretary of State (SOS) after the general election.

- Ballot Rejection Letter Template

When absentee ballots are rejected, voters must be notified by the ASVP board of their ballot's rejection. The auditor may be able to provide you with a sample letter.

- Counting Votes Guide

This guide will help you navigate the process of counting write-in votes or counting votes if the auditor has chosen to use hand-counted ballots for the election. It explains the election laws relating to counting votes and provides examples of possible situations.

- Challenger's Statement

Use this form when challenging the qualifications of a voter.

### **Persons Allowed While Board is Meeting**

#### **When Counting is not Taking Place**

On the Monday before the election and after the polls are closed on election day, meetings of the ASVP board are open to the public.

#### **When Counting is Taking Place**

The only people who are allowed by law to be in the room when the ASVP board is counting ballots on Monday or Tuesday before the polls are closed are:

- Auditor or auditor's designee
- The members of the ASVP board
- No more than 5 challengers representing each political party
- One observer representing any non-party political organization or any candidate nominated by petition (including candidates for city and school offices)
- One observer representing support for a public measure on the ballot
- One observer representing opposition for a public measure on the ballot [§53.23(4)]

### **Interference**

No observer may interfere with the duties of the ASVP board. Interference includes but is not limited to handling ballots and, while the board is counting ballots, communicating or attempting to communicate information regarding the progress of the count. Observers may report the names of voters' whose ballots were rejected without being opened. This is not a violation of the secrecy required for the progress of the count.

[§53.23(3)(b)(1), IAC 721—21.359(5)(a)]

### **Political Party Observers**

Political party observers are not required to be present when the ASVP board meets; however, the auditor must notify the parties of the meeting.

If either or both parties fail to appoint an observer, the process continues without the observers.  
[§53.23(3)]

### **Challenging Absentee Ballots**

Board members and observers may challenge the qualifications of a person who cast an absentee ballot. By law, a board member must challenge the absentee ballot of any person the board member knows or suspects is not a duly qualified voter.

Challenges may be made at any time before the polls close on election day. The deadline for challenges by persons who are neither members of the board or observers is the Friday before the election.

All challenges, including those made by members of the ASVP board, must be made in writing and state the reason(s) for the challenge. The challenger must sign the form. The challenger's statement form is used for this purpose.

## Reviewing Envelopes

Counting votes is only one of the responsibilities of the ASVP board. The majority of the board's time will be spent reviewing and sorting the ballots.

### Envelopes Overview

There are always two envelopes and sometimes three envelopes involved in the return of an absentee ballot. Members of the ASVP need to be familiar with all of the envelopes involved. The envelopes are records of the election that need to be kept for a specified time period after the election. Never throw away any envelopes.

From the outside in, the envelopes are:

1. **Return Envelope** (larger envelope)

This is the envelope the voter uses to return the ballot to the auditor. After the election, the ASVP board may need to review the postmark on this envelope. Depending on when the ballot was received by the auditor's office, the board may receive ballots whose return envelope has been opened and removed by the auditor's office so that the affidavit envelope could be checked for errors.

**Important Note:** The affidavit envelope and return envelope may be combined into one envelope.

[§53.8(1)]

2. **Affidavit Envelope** (medium envelope)

The affidavit envelope contains the ballot. The outside of the envelope contains the voter's affidavit. Completing the affidavit on the envelope is the equivalent of the voter's declaration of eligibility at the polls on election day. This envelope must be inspected for potential problems. Depending on when the ballot was received by the auditor's office, the board may receive ballots whose affidavit envelope has already been reviewed and either approved or flagged as a problem by the auditor's office.

**Important Note:** The affidavit envelope and return envelope may be combined into one envelope.

[§53.8(1)]

3. **Secrecy Envelope** (smaller envelope)

This envelope may or may not have been provided to the voter and if provided, may or may not have been used by the voter. The purpose of the secrecy envelope is to protect the voter's right to a secret ballot. Like all other envelopes, these envelopes must be carefully accounted for.

## Reviewing Affidavit Envelopes

Whether you are a member of the ASVP board who is processing ballots the Monday before election day, on election day, or after election day, the process of opening the return envelope (if a combined return/affidavit envelope was not used) and reviewing the affidavit envelope will be the same. The instructions below apply to all meetings of the ASVP Board.

The difference between the board's work before election day and on or after election day is where the work stops. The auditor may or may not have the board open affidavit envelopes on the Monday before the election. Only in the case of the general election can the board count votes before election day. Counting votes before election day is not at the board's discretion but is only at the direction of the auditor and in limited circumstances. Ensure the board has received clear instructions regarding its duties before work begins.

### **Six Steps**

**1. Complete the Absentee and Provisional Ballot Chain of Custody Log.**

Verify the number of ballots upon receiving them from the auditor.

**2. Check the postmark. (when necessary)**

If you are reviewing envelopes before election day, you may skip this step (because you know the ballot is on time).

If you are reviewing envelopes on election day, you must reject ballots received after the polls close and either have no postmark or ineligible postmarks.

If you are reviewing envelopes after election day, you must reject ballots that are not postmarked before election day. Reject ballots that have no postmark or have an ineligible postmark.

Remember that absentee ballots which were hand delivered to the auditor's office will not have a postmark. (Skip this step if affidavit envelopes have already been removed a return envelope and reviewed by the auditor's office.) In this situation, the auditor should have time-stamped the envelope with the time the ballot was delivered to the office. Hand-delivered ballots are on time if they arrive before the polls close on election day.

**3. Open return envelopes (if a combined return/affidavit envelope was not used).**

The return envelopes may be opened either manually or with an automatic letter opener.  
[IAC 721—21.353, 21.354]

**4. Remove the affidavit envelopes from return envelopes (if a combined return/affidavit envelope was not used).**

Stack the return envelopes, which must be kept with other records of the election.

5. **Sort the affidavit envelopes into three piles.**

Pile #1: Rejected

Reject the ballot without opening the affidavit envelope if any of the following conditions exist:

- The ballot arrived too late to be counted
- Affidavit lacks the voter's signature
- Applicant is not a duly registered voter in the precinct in which the ballot was cast
- Voter has a pending status or voter was made inactive after casting their absentee ballot and has not provided §48A.8 ID by the time the ASVP board meets to consider provisional ballots
- Affidavit envelope is open or the affidavit envelope has been opened and resealed
- Affidavit envelope contains more than one ballot of any kind
- Voter voted in person at the polls
- Voter submitted an absentee ballot request electronically and the original request form was not postmarked by the absentee mail request deadline (10 days before a general election or 11 days before all other elections) and was not received in the auditor's office by the time the polls closed on election day

[§53.25, IAC 721—21.2(2), 21.354, 21.361]

Pile #2: Challenged ballots

Put all challenged ballots together. A ballot may be challenged by a precinct official or an observer. A ballot may also be challenged by any registered voter in the county if the challenge is received by the auditor no later than the Friday before the election. See "Challenging Absentee Ballots" earlier in this guide.

Pile #3: Ballots that are accepted for counting

Put all ballots that are accepted for counting together. Stack the envelopes with the affidavit facing down.

[IAC 721—21.359(3)]

**6. Complete processing of rejected absentee ballots.**

- a. Flip the affidavit envelope over so the back of the envelope is facing you.
- b. Write the following on the back of the envelope "Rejected because (insert the reason for rejection)."
- c. All rejected ballots must be sealed in an envelope marked "defective ballots." The envelope must be marked with "absentee precinct." Include the date of the election at which the ballots were cast. All board members must sign the sealed envelope.
- d. Record the number of rejected ballots on the absentee and provisional ballot chain of custody log. The envelope marked "defective ballots" containing the rejected ballots must be returned to the auditor.  
[§53.25, 53.26, 53.27, IAC 721-21.361]
- e. Prepare rejection notices for voters whose ballots must be rejected. These notices must be prepared by either the auditor or the board but must be initialed by a board member.

A sample rejection notice is available on the SOS website.

Mail the notices immediately. The notices must be sent by the time of the county canvass.

[§53.25]

## **Removing the Ballot and Counting the Votes**

At the direction of the auditor, affidavit envelopes can be opened and ballots removed from them on the Monday before election day. In general elections, the board may also be directed to count votes before election day. Below are the instructions for opening the affidavit envelope, removing the ballot, and counting the votes. Ensure the board has clear instructions regarding its duties before work begins.

On election day, the board will open the affidavit envelopes (if they haven't already done so) and count absentee ballots. The board must complete counting all absentee ballots received before the polls close by 10 p.m. on election day.

### **Eight Steps**

#### **1. Open the affidavit envelopes.**

Stack affidavit envelopes of ballots accepted for counting upside down. Open the affidavit envelopes using either a manual or automatic letter opener.

#### **2. Remove the ballots from the affidavit envelope.**

*It is very important to preserve the secrecy of each voter's ballot during this process.*

When opening on the Monday before election day (but not counting votes):

- Remove ballots from affidavit envelopes one at a time.
- If the ballot is not in a secrecy envelope, two board members, one from each of the parties, must place the ballot in a secrecy envelope without examining the ballot.
- Stack the empty affidavit envelopes and set them aside for storage.
- Verify the number of secrecy envelopes matches the number of empty affidavit envelopes before the ballots are stored. The secrecy envelopes containing ballots may be bundled and sealed in groups of a specified number to make counting easier. Any discrepancies between the number of empty affidavit envelopes and secrecy folders must be resolved at this time.
- Organize the ballots for overnight storage and complete the absentee and provisional ballot chain of custody log verifying that the number of ballots you are returning to the auditor is the same number of ballots you were given by the auditor, and stop. You will continue your work on election day.

[§53.23, IAC 721—21.359]

When opening on the Monday before election day (and counting votes), on election day, or after election day:

- Remove ballots from affidavit envelopes one at a time.
- It is not necessary to put ballots that are not in secrecy envelopes into secrecy envelopes when ballots will be counted the same day.
- Stack the empty affidavit envelopes and set them aside for storage.
- Mix or shuffle the secrecy envelopes (or ballots) so they are no longer in the same sequence as the affidavit envelopes.

[§53.23, IAC 721—21.359]

**3. Remove the ballots from the secrecy envelopes.**

If affidavit envelopes were opened on Monday, but the ballots were not counted, the number of secrecy envelopes present on Tuesday must be recorded before any ballots are removed from secrecy folders to make sure it matches the number from Monday.

[§53.23, 53.24, IAC 721—21.359]

**4. Inspect the ballots.**

**Reject if there is more than one.** If the affidavit or secrecy envelope contains more than one ballot, you must reject both ballots.

[§53.25, IAC 721-21.361(5)]

**Reject if there is an identifying mark.** Do not count ballots that are marked or signed in any way identifies the voter.

**Reject if the affidavit envelope does not contain any ballot.**

[IAC 721—26.14(50)]

**5. Process rejected ballots.**

If the board does not count a ballot, write the reason on the back of the ballot: "Rejected because (insert reason for rejection)."

All rejected ballots must be sealed in an envelope marked "Defective ballots." The envelope must be marked with "absentee precinct," include the date of the election at which the ballots were cast and be signed by the board members.

Record the number of rejected ballots on the absentee and provisional ballot chain of custody log. The envelope with the rejected ballots must be returned to the auditor.

[§53.26]

**6. Count the votes.**

Insert the ballots in the optical scan voting machine or begin hand-counting as directed by the auditor. The count of absentee ballots received before the polls close must be completed by 10 p.m. If ballots are counted by hand, count them according to the standards in the Counting Votes Guide.

It is illegal for anyone to communicate or attempt to communicate information about the progress of the count at any time before the polls are closed.

[§53.23(4)]

Write-Ins and Optical Scanners

Tabulate any write-in votes cast and recognized by the optical scanner. Refer to the Counting Votes Guide to determine how to count write-in votes.

Damaged Ballot

If a ballot is damaged and cannot be read by the voting machine, you may make a true duplicate of the ballot. Write "ORIGINAL" on the original ballot and "DUPLICATE" on the substitute ballot. Label the duplicate ballot and the original, damaged ballot with the same serial number. (Example: O1 on original and D1 on duplicate.)

[§52.37 (1)(a)]

Machine Cannot Read Ballot

If a ballot cannot be read by the optical scanner because it was marked by an unreadable marker, you may make a true duplicate of the ballot. Write "ORIGINAL" on the original ballot and "DUPLICATE" on the substitute ballot. Label the duplicate ballot and the original ballot with the same serial number.

The auditor may instruct the board to mark over the unreadable marks with a pen or pencil that can be read by the voting machine. If a ballot's marks are enhanced by the ASVP board, leave part of the original mark made by the voter. If it is impossible to mark over the original mark without completely obliterating the mark, duplicate the ballot.

[§52.37(1)(c)]

If you are counting ballots on the day before election day, see the next page for procedures to follow at the end of the day.

**7. Announce the results.**

Announce both the results tallied by the optical scanner and the tallied write-in votes only after the polls are closed.

[§50.11, 52.37(2)]

**8. Seal the ballots.**

After counting is complete, seal the counted ballots into containers. A seal must be placed over the opening of the container so the container cannot be opened without breaking the seal. All members of the board must sign across the seal.

[§50.12]

## Counting Absentee Ballots on Monday

Follow these security procedures when you are finished counting at the end of the day before election day:

1. Seal and label the voted ballots in an envelope or other container.

The board must seal all counted ballots in a voted ballot envelope or other container. Label the envelope or other container with the date the ballots were counted. A seal must be placed on the envelope or other container making it evident if the envelope or container is opened. All members of the board must sign across the seal.

2. Return all ballots to auditor.

Return all absentee ballots to the auditor when finished for the day. The auditor must store all absentee ballots in a secure location until counting is resumed on election day.

3. Secure memory cards.

The board must secure the memory cards in one of the following ways:

- Leave the memory card in the optical scan machine with a tamper evident seal affixed over the memory card in a manner making it evident if the seal is removed.
- Remove the memory card from the optical scan machine and store it in an envelope. A seal must be placed on the envelope making it evident if the envelope is opened.

4. Secure optical scan machine.

The optical scan machine must be stored in a secure location until counting resumes on election day.

5. Do not print a results tape from the optical scan machine on the day before the election.
6. Do not upload or input results into tabulating software on the day before the election.

Before resuming counting on election day, verify the seals on the optical scan machine, memory card(s), and memory card port(s) have not been obviously tampered with overnight.

Resume counting using one of the following methods:

- Using the same memory card(s) used on Monday and resuming counting
- Using a new memory card(s) and compiling the results contained on the memory card(s) used on election day and Monday

[§53.23, IAC 721—21.359]

## After Election Day

### Overview

After election day, the board will consider any provisional ballots, challenged absentee ballots, and any absentee ballots that were postmarked before election day and received before the board meets. If no provisional ballots were cast and no absentee ballots were challenged, the board will be reconvened only if there are absentee ballots to be counted before the canvass. See page 2 to determine when the board must meet after election day if there are additional ballots to be considered.

The number of members on the board when reconvened after the election may increase or decrease depending on the number of provisional and challenged absentee ballots to be considered.

The board may divide itself into panels of no less than three members each to consider provisional and challenged absentee ballots. Each panel must include a Democrat and a Republican. Not more than a simple majority of the members of a panel may be from the same political party.

[§50.21, 50.22]

### Absentee Ballots Received After Election Day

The board must also canvass any timely postmarked absentee ballots which were received after Election Day and before the deadline for their return.

The board must follow the standards for reviewing affidavit envelopes and count any absentee ballots accepted. Follow the procedures on page 6 for reviewing affidavit envelopes.

The board may need to meet again on the day of the canvass to complete the tally of these absentee ballots. The board will need to submit their tally list to the board of supervisors before the conclusion of the county canvass.

[§50.22, 53.17]

For both FWABs and special write-in ballots, the auditor will either direct you to hand-tally the ballot or make a duplicate ballot following the instructions on page 11.

### **Special Write-In Ballot (aka submarine ballot, special ballot) – General Elections Only**

Special write-in ballots are used by members of the military and overseas citizens when they cannot receive and return their absentee ballot by normal mail delivery during the usual absentee voting period. Voters will use a form provided by the auditor and will write the names of the candidates they wish to vote for on the special write-in ballot and if they oppose or support the public measure(s).

The auditor should only deliver special write-in ballots to the ASVP board after the deadline to receive regular absentee ballots. This type of ballot may be counted only if the voter's regular absentee ballot was not received before the deadline to receive absentee ballots.

Process and canvass votes on the special write-in ballots in the same manner as is done with other absentee ballots.

[§53.45]

### **Federal Write-In Absentee Ballots (FWAB) – Federal Elections Only**

A FWAB is used by members of the military and overseas citizens. It is a completely blank write-in ballot that does not contain any offices or candidates. FWABs may be used if a voter requested a regular absentee ballot more than 14 days prior to election day but did not receive it or does not believe they have time to receive the ballot and return it in order for it to be counted. The voter must be outside the U.S. or on active duty outside the voter's county of residence to use a FWAB.

The auditor should only deliver FWABs to the ASVP board after the deadline to receive regular absentee ballots. FWABs should only be counted if the voter's regular or a special write-in ballot is not received before the deadline to receive regular absentee ballots.

Process and canvass votes on the FWAB in the same manner as with other absentee ballots.

If a FWAB is not counted, the voter must be notified that the FWAB was not counted and the reason why.

[§53.53]

## **Provisional Ballots and Challenged Absentee Ballots**

The board must review all the information on the provisional ballot envelopes and all of the evidence submitted regarding the qualifications of each provisional and challenged absentee voter. The decision to count or reject each ballot must be made by the ASVP board based on the information on the envelope containing the provisional ballot, the evidence concerning the challenge, and any pertinent voter registration documents.

[§50.22]

All provisional and challenged absentee ballots counted by the board must be counted in the same manner as all other ballots tabulated for the election. If voting equipment was used, these ballots must be run through the ballot scanners.

[IAC 721—26.4]

### **What is a Provisional Ballot?**

A provisional ballot is used by voters whose qualifications to vote were challenged at the polls, by voters who could not prove they are qualified to vote by showing ID when requested, and by some absentee voters at the polls.

### **Absentee Voters with Provisional Ballots**

If you receive a timely absentee ballot and a provisional ballot from the same voter, the absentee ballot should be considered for counting. This means that provisional ballots cast by absentee voters at the polls should be considered by the ASVP board after the absentee receipt deadline or immediately prior to the canvass, whichever is applicable.

If the absentee ballot must be rejected for any reason, the ASVP board should then consider the provisional ballot for counting.

### **Why are Voters Challenged?**

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

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

[§49.79, 49.80, 49.81]

## **Rejecting Ballots**

Provisional and challenged absentee ballots may only be rejected when the:

- Voter did not provide ID and/or proof of residence and was required to do so,
- Voter was not registered in the precinct on election day,
- Voter already returned an absentee ballot that was counted (provisional voters),
- Voter is not qualified to vote, or
- Voter has a pending status or voter was made inactive after casting their absentee ballot and has not provided §48A.8 ID by the time the ASVP board meets to consider provisional ballots

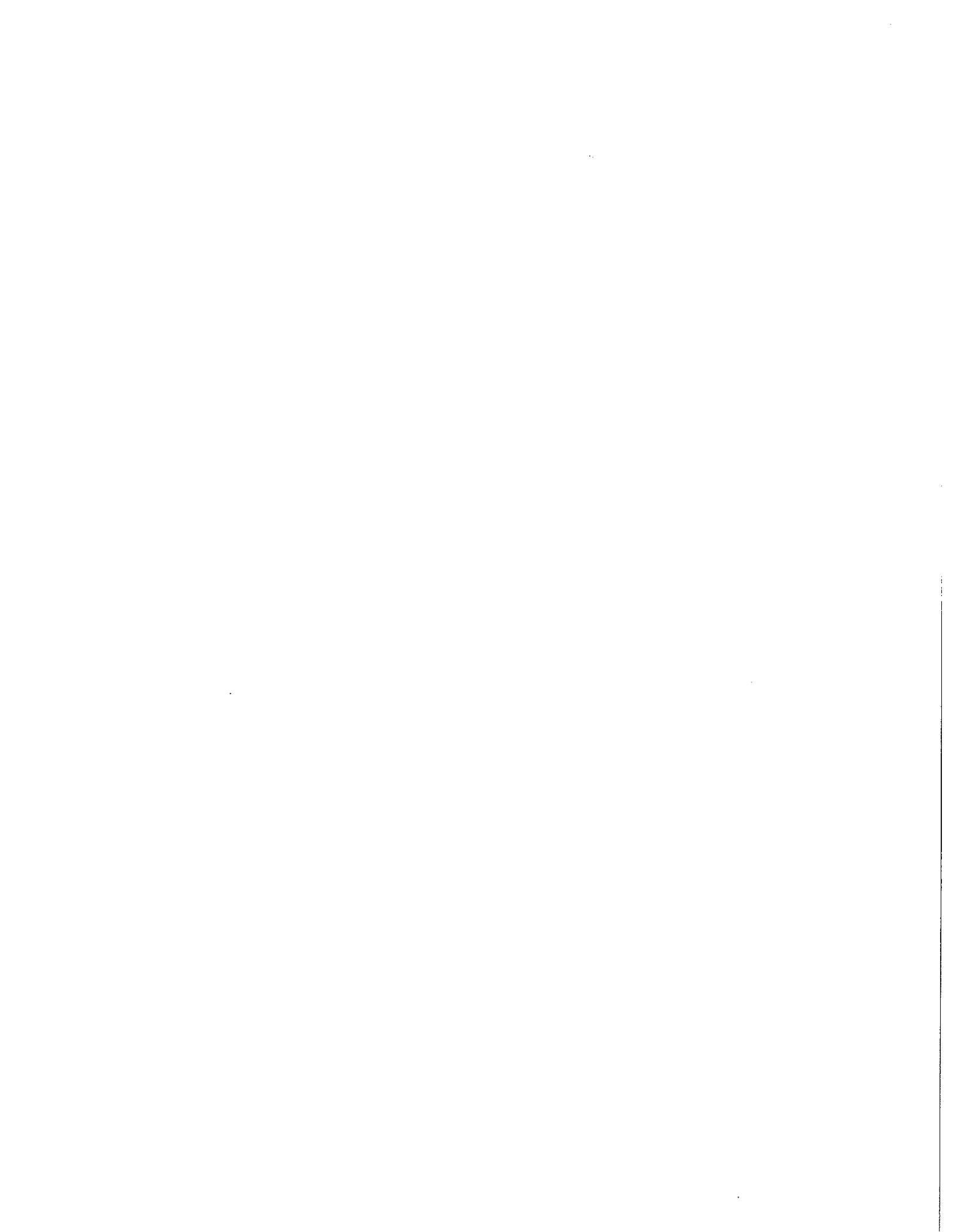
Rejected ballots must be marked "Rejected because (insert reason of rejection)." All rejected ballots must be sealed in an envelope marked "Defective ballots." The envelope must be marked with "absentee and special voters precinct" and the date of the election at which the ballots were cast. The seal on the envelope must also be signed by the precinct election officials.

The board must record the number of rejected ballots on the absentee and provisional ballot chain of custody log. The envelope with the rejected ballots must be returned to the auditor.  
[§53.25, 53.26, 53.27]

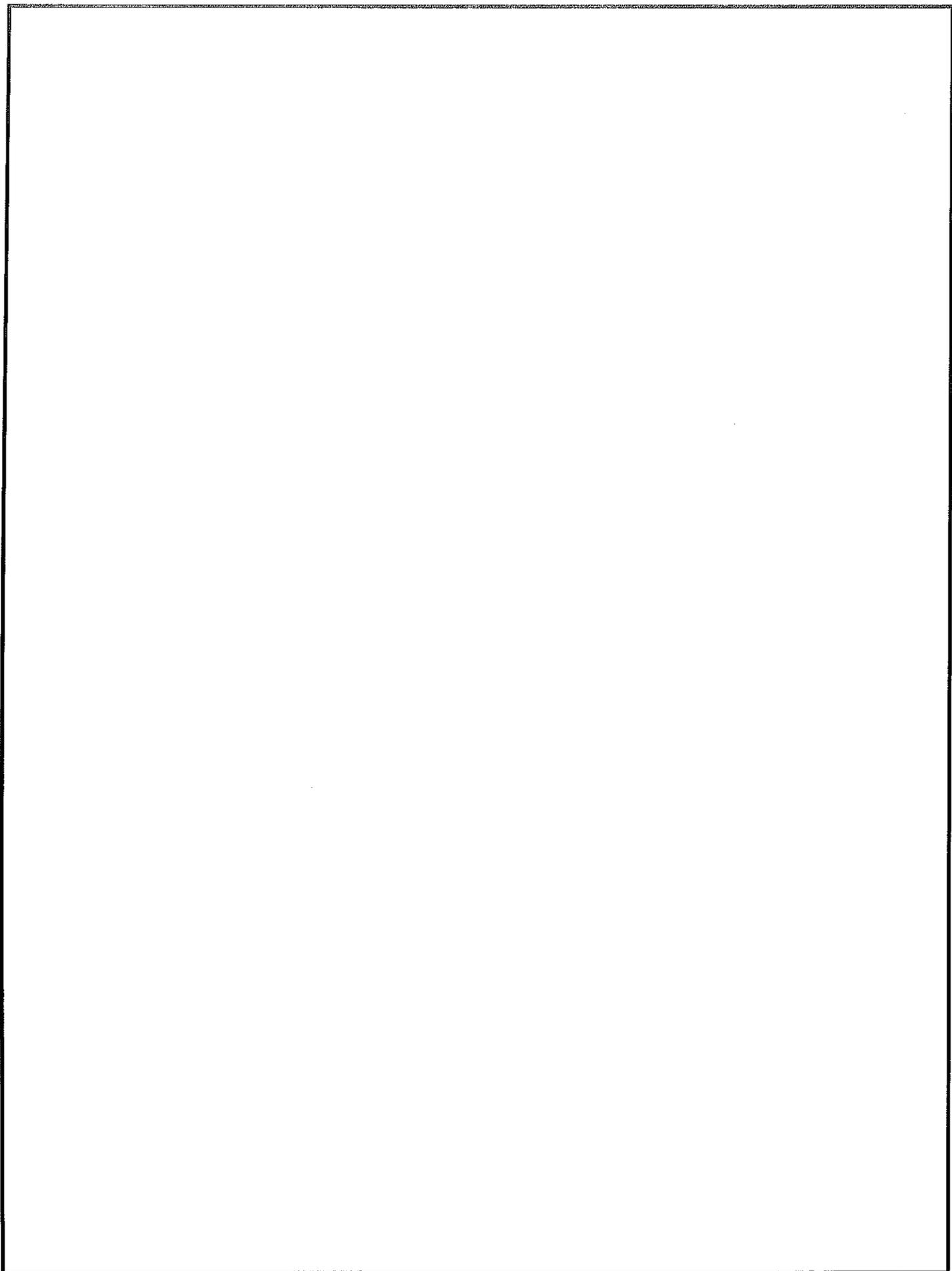
The auditor or the board needs to prepare notices to send to voters whose ballots were rejected by the time of the county canvass. A board member must initial or sign the notices. A sample notice is available on the SOS website.  
[§53.25]

## **Sealing Ballots**

After counting is completed, seal the counted ballots into containers. A seal must be placed over the opening of the container so the container cannot be opened without breaking the seal. All members of the board must sign across the seal.  
[§50.12]



**Absentee and Special Voters  
Precinct Board  
Guide**



## Table of Contents

### Overview

Absentee and Special Voters Precinct (ASVP).....	1
What is the ASVP Board? .....	1
Board Responsibilities .....	1
Board Membership.....	1
Meeting Times.....	2
ASVP Initial Meeting Times and Reconvening Times .....	2
Ballots and Supplies.....	2
Persons Allowed While Board is Meeting .....	3
When Counting is not Taking Place .....	3
When Counting is Taking Place .....	3
Political Party Observers.....	4
Challenging Absentee Ballots.....	4

### Reviewing Envelopes

Envelopes Overview.....	5
Reviewing Affidavit Envelopes.....	6
Six Steps .....	6
Removing the Ballot and Counting the Votes .....	9
Eight Steps .....	9
Counting Absentee Ballots on Monday .....	11a

### After Election Day

Overview .....	12
Absentee Ballots Received After Election Day .....	12

Special Write-In Ballot (aka submarine ballot, special ballot) .....	13
Federal Write-In Absentee Ballots (FWAB) .....	13
Provisional Ballots and Challenged Absentee Ballots .....	14
What is a Provisional Ballot? .....	14
Absentee Voters with Provisional Ballots .....	14
Why are Voters Challenged? .....	14
Rejecting Ballots .....	15
Sealing Ballots .....	15

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### Board Responsibilities

The ASVP board is responsible for reviewing and rejecting or counting absentee and provisional ballots. The board also delivers ballots to voters in health care facilities. This guide explains the process of reviewing and rejecting or counting absentee and provisional ballots.

### Board Membership

The number of board members will vary based on the election. The board must consist of at least three but can be expanded if the auditor determines that is necessary. The board must be large enough to ensure all absentee ballots received before the polls close are counted by 10 p.m. on election night.

In partisan election, the board as a whole must have an equal number of Democrats, Republicans, and no-party or NPPO affiliated PEOs. The board cannot be out of balance by more than one. If the board is divided into smaller groups to consider ballots, the groups must consist of no fewer than three officials and cannot be out of party balance by more than one.

[§50.22, 53.23(1)]

**Meeting Times**

- **Before Election Day:** The board may be called to review affidavit envelopes.  
 \*For the General Election only, and at the direction of the auditor only, the board may begin counting votes. This is the only circumstance in which ballots can be counted before election day under Iowa law.
- **Election Day:** All ballots received before the polls close must be counted by 10 p.m.
- **After Election Day:** The board will reconvene after election day at the direction of the auditor to consider any provisional ballots, challenged absentee ballots, or absentee ballots that arrived in time to be considered for counting.

**ASVP Initial Meeting Times and Reconvening Times**

<b>Election</b>	<b>County Canvass Date</b>	<b>Reconvene ASVP Board</b>
School	Friday after election [§277.20]	Noon on Wednesday following election [§50.21]
City Primary	Thursday following election no earlier than 1 p.m. [§376.7]	Noon on Wednesday following election [§50.21]
Regular City without runoff provisions	First Monday or Tuesday after election [§50.24]	No earlier than noon on Thursday following election [§50.21]
Regular City with runoff provisions	Thursday following election no earlier than 1 p.m. [§376.9]	Noon on Wednesday following election [§50.21]
City Runoff	First Monday or Tuesday after election [§50.24]	No earlier than noon on Thursday following election [§50.21]
Primary	First Monday or Tuesday after election [§43.49]	No earlier than noon on Thursday following election [§50.21]
General	First Monday or Tuesday after election [§50.24]	No earlier than noon on Thursday following election [§50.21]

**Important Note:** If the canvass is scheduled to be earlier than the Monday following the election, the ASVP board must be reconvened at noon on the day following the election.

**Ballots and Supplies**

Each day the board meets, the auditor will deliver the ballots and supplies needed. Some supplies you will need include:

- Absentee and Provisional Ballot Chain of Custody Log

This form helps both the auditor and the board keep track of ballots. Verify the number of ballots upon receiving them from the auditor and before returning them to the auditor.

- Ballot Rejection Tally Sheet

Use this tally sheet to keep track of the number of ballots rejected. The auditor must report this information to the Secretary of State (SOS) after the general election.

- Ballot Rejection Letter Template

When absentee ballots are rejected, voters must be notified by the ASVP board of their ballot's rejection. The auditor may be able to provide you with a sample letter.

- Counting Votes Guide

This guide will help you navigate the process of counting write-in votes or counting votes if the auditor has chosen to use hand-counted ballots for the election. It explains the election laws relating to counting votes and provides examples of possible situations.

- Challenger's Statement

Use this form when challenging the qualifications of a voter.

## **Persons Allowed While Board is Meeting**

### **When Counting is not Taking Place**

On the Monday before the election and after the polls are closed on election day, meetings of the ASVP board are open to the public.

### **When Counting is Taking Place**

The only people who are allowed by law to be in the room when the ASVP board is counting ballots on Monday or Tuesday before the polls are closed are:

- Auditor or auditor's designee
- The members of the ASVP board
- One challenger representing each political party
- One observer representing any non-party political organization or any candidate nominated by petition (including candidates for city and school offices)
- One observer representing support for a public measure on the ballot

- One observer representing opposition for a public measure on the ballot [§53.23(4)]

#### Interference

No observer may interfere with the duties of the ASVP board. Interference includes but is not limited to handling ballots and, while the board is counting ballots, communicating or attempting to communicate information regarding the progress of the count. Observers may report the names of voters' whose ballots were rejected without being opened. This is not a violation of the secrecy required for the progress of the count.

[§53.23(3)(b)(1), IAC 721—21.359(5)(a)]

#### **Political Party Observers**

Political party observers are not required to be present when the ASVP board meets on the Monday before the election; however, the auditor must notify the parties of the meeting.

If either or both parties fail to appoint an observer, the process continues without the observers.  
[§53.23(3)]

#### **Challenging Absentee Ballots**

Board members and observers may challenge the qualifications of a person who cast an absentee ballot. By law, a board member must challenge the absentee ballot of any person the board member knows or suspects is not a duly qualified voter.

Challenges may be made at any time before the polls close on election day. The deadline for challenges by persons who are neither members of the board or observers is the Friday before the election.

All challenges, including those made by members of the ASVP board, must be made in writing and state the reason(s) for the challenge. The challenger must sign the form. The challenger's statement form is used for this purpose.

## Reviewing Envelopes

Counting votes is only one of the responsibilities of the ASVP board. The majority of the board's time will be spent reviewing and sorting the ballots.

### Envelopes Overview

There are always two envelopes and sometimes three envelopes involved in the return of an absentee ballot. Members of the ASVP need to be familiar with all of the envelopes involved. The envelopes are records of the election that need to be kept for a specified time period after the election. Never throw away any envelopes.

From the outside in, the envelopes are:

1. **Return Envelope** (larger envelope)

This is the envelope the voter uses to return the ballot to the auditor. After the election, the ASVP board may need to review the postmark on this envelope. Depending on when the ballot was received by the auditor's office, the board may receive ballots whose return envelope has been opened and removed by the auditor's office so that the affidavit envelope could be checked for errors.

**Important Note:** The affidavit envelope and return envelope may be combined into one envelope.

[§53.8(1)]

2. **Affidavit Envelope** (medium envelope)

The affidavit envelope contains the ballot. The outside of the envelope contains the voter's affidavit. Completing the affidavit on the envelope is the equivalent of the voter's declaration of eligibility at the polls on election day. This envelope must be inspected for potential problems. Depending on when the ballot was received by the auditor's office, the board may receive ballots whose affidavit envelope has already been reviewed and either approved or flagged as a problem by the auditor's office.

**Important Note:** The affidavit envelope and return envelope may be combined into one envelope.

[§53.8(1)]

3. **Secrecy Envelope** (smaller envelope)

This envelope may or may not have been provided to the voter and if provided, may or may not have been used by the voter. The purpose of the secrecy envelope is to protect the voter's right to a secret ballot. Like all other envelopes, these envelopes must be carefully accounted for.

## Reviewing Affidavit Envelopes

Whether you are a member of the ASVP board who is processing ballots the Monday before election day, on election day, or after election day, the process of opening the return envelope (if a combined return/affidavit envelope was not used) and reviewing the affidavit envelope will be the same. The instructions below apply to all meetings of the ASVP Board.

The difference between the board's work before election day and on or after election day is where the work stops. The auditor may or may not have the board open affidavit envelopes on the Monday before the election. Only in the case of the general election can the board count votes before election day. Counting votes before election day is not at the board's discretion but is only at the direction of the auditor and in limited circumstances. Ensure the board has received clear instructions regarding its duties before work begins.

### **Six Steps**

**1. Complete the Absentee and Provisional Ballot Chain of Custody Log.**

Verify the number of ballots upon receiving them from the auditor.

**2. Check the postmark. (when necessary)**

If you are reviewing envelopes before election day, you may skip this step (because you know the ballot is on time).

If you are reviewing envelopes on election day, you must reject ballots received after the polls close and either have no postmark or ineligible postmarks.

If you are reviewing envelopes after election day, you must reject ballots that are not postmarked before election day. Reject ballots that have no postmark or have an ineligible postmark.

Remember that absentee ballots which were hand delivered to the auditor's office will not have a postmark. (Skip this step if affidavit envelopes have already been removed a return envelope and reviewed by the auditor's office.) In this situation, the auditor should have time-stamped the envelope with the time the ballot was delivered to the office. Hand-delivered ballots are on time if they arrive before the polls close on election day.

**3. Open return envelopes (if a combined return/affidavit envelope was not used).**

The return envelopes may be opened either manually or with an automatic letter opener.  
[IAC 721—21.353, 21.354]

**4. Remove the affidavit envelopes from return envelopes (if a combined return/affidavit envelope was not used).**

Stack the return envelopes, which must be kept with other records of the election.

5. **Sort the affidavit envelopes into three piles.**

Pile #1: Rejected

Reject the ballot without opening the affidavit envelope if any of the following conditions exist:

- The ballot arrived too late to be counted
- Affidavit lacks the voter's signature
- Applicant is not a duly registered voter in the precinct in which the ballot was cast
- Voter is inactive/pending and has not provided §48A.8 ID by the time the ASVP board meets to consider provisional ballots
- Affidavit envelope is open or the affidavit envelope has been opened and resealed
- Affidavit envelope contains more than one ballot of any kind
- Voter voted in person at the polls
- Voter submitted an absentee ballot request electronically and the original request form was not postmarked by the Friday before election day and was not received in the auditor's office by the time the polls closed on election day

[§53.25, IAC 721—21.2(2), 21.354, 21.361]

Pile #2: Challenged ballots

Put all challenged ballots together. A ballot may be challenged by a precinct official or an observer. A ballot may also be challenged by any registered voter in the county if the challenge is received by the auditor no later than the Friday before the election. See "Challenging Absentee Ballots" earlier in this guide.

Pile #3: Ballots that are accepted for counting

Put all ballots that are accepted for counting together. Stack the envelopes with the affidavit facing down.

[IAC 721—21.359(3)]

**6. Complete processing of rejected absentee ballots.**

- a. Flip the affidavit envelope over so the back of the envelope is facing you.
- b. Write the following on the back of the envelope "Rejected because (insert the reason for rejection)."
- c. All rejected ballots must be sealed in an envelope marked "defective ballots." The envelope must be marked with "absentee precinct." Include the date of the election at which the ballots were cast. All board members must sign the sealed envelope.
- d. Record the number of rejected ballots on the absentee and provisional ballot chain of custody log. The envelope marked "defective ballots" containing the rejected ballots must be returned to the auditor.  
[§53.25, 53.26, 53.27, IAC 721-21.361]
- e. Prepare rejection notices for voters whose ballots must be rejected. These notices must be prepared by either the auditor or the board but must be initialed by a board member.

A sample rejection notice is available on the SOS website.

Mail the notices immediately. The notices must be sent by the time of the county canvass.

[§53.25]

## **Removing the Ballot and Counting the Votes**

At the direction of the auditor, affidavit envelopes can be opened and ballots removed from them on the Monday before election day. In general elections, the board may also be directed to count votes before election day. Below are the instructions for opening the affidavit envelope, removing the ballot, and counting the votes. Ensure the board has clear instructions regarding its duties before work begins.

On election day, the board will open the affidavit envelopes (if they haven't already done so) and count absentee ballots. The board must complete counting all absentee ballots received before the polls close by 10 p.m. on election day.

### **Eight Steps**

#### **1. Open the affidavit envelopes.**

Stack affidavit envelopes of ballots accepted for counting upside down. Open the affidavit envelopes using either a manual or automatic letter opener.

#### **2. Remove the ballots from the affidavit envelope.**

*It is very important to preserve the secrecy of each voter's ballot during this process.*

#### **When opening on the Monday before election day (but not counting votes):**

- Remove ballots from affidavit envelopes one at a time.
- If the ballot is not in a secrecy envelope, two board members, one from each of the parties, must place the ballot in a secrecy envelope without examining the ballot.
- Stack the empty affidavit envelopes and set them aside for storage.
- Verify the number of secrecy envelopes matches the number of empty affidavit envelopes before the ballots are stored. The secrecy envelopes containing ballots may be bundled and sealed in groups of a specified number to make counting easier. Any discrepancies between the number of empty affidavit envelopes and secrecy folders must be resolved at this time.
- Organize the ballots for overnight storage and complete the absentee and provisional ballot chain of custody log verifying that the number of ballots you are returning to the auditor is the same number of ballots you were given by the auditor, and stop. You will continue your work on election day.

[§53.23, IAC 721—21.359]

When opening on the Monday before election day (and counting votes), on election day, or after election day:

- Remove ballots from affidavit envelopes one at a time.
- It is not necessary to put ballots that are not in secrecy envelopes into secrecy envelopes when ballots will be counted the same day.
- Stack the empty affidavit envelopes and set them aside for storage.
- Mix or shuffle the secrecy envelopes (or ballots) so they are no longer in the same sequence as the affidavit envelopes.

[§53.23, IAC 721—21.359]

**3. Remove the ballots from the secrecy envelopes.**

If affidavit envelopes were opened on Monday, but the ballots were not counted, the number of secrecy envelopes present on Tuesday must be recorded before any ballots are removed from secrecy folders to make sure it matches the number from Monday.

[§53.23, 53.24, IAC 721—21.359]

**4. Inspect the ballots.**

**Reject if there is more than one.** If the affidavit or secrecy envelope contains more than one ballot, you must reject both ballots.

[§53.25, IAC 721-21.361(5)]

**Reject if there is an identifying mark.** Do not count ballots that are marked or signed in any way identifies the voter.

**Reject if the affidavit envelope does not contain any ballot.**

[IAC 721—26.14(50)]

**5. Process rejected ballots.**

If the board does not count a ballot, write the reason on the back of the ballot: "Rejected because (insert reason for rejection)."

All rejected ballots must be sealed in an envelope marked "Defective ballots." The envelope must be marked with "absentee precinct," include the date of the election at which the ballots were cast and be signed by the board members.

Record the number of rejected ballots on the absentee and provisional ballot chain of custody log. The envelope with the rejected ballots must be returned to the auditor.

[§53.26]

**6. Count the votes.**

Insert the ballots in the optical scan voting machine or begin hand-counting as directed by the auditor. The count of absentee ballots received before the polls close must be completed by 10 p.m. If ballots are counted by hand, count them according to the standards in the Counting Votes Guide.

It is illegal for anyone to communicate or attempt to communicate information about the progress of the count at any time before the polls are closed.

[§53.23(4)]

Write-Ins and Optical Scanners

Tabulate any write-in votes cast and recognized by the optical scanner. Refer to the Counting Votes Guide to determine how to count write-in votes.

Damaged Ballot

If a ballot is damaged and cannot be read by the voting machine, you may make a true duplicate of the ballot. Write "ORIGINAL" on the original ballot and "DUPLICATE" on the substitute ballot. Label the duplicate ballot and the original, damaged ballot with the same serial number. (Example: O1 on original and D1 on duplicate.)

[§52.37 (1)(a)]

Machine Cannot Read Ballot

If a ballot cannot be read by the optical scanner because it was marked by an unreadable marker, you may make a true duplicate of the ballot. Write "ORIGINAL" on the original ballot and "DUPLICATE" on the substitute ballot. Label the duplicate ballot and the original ballot with the same serial number.

The auditor may instruct the board to mark over the unreadable marks with a pen or pencil that can be read by the voting machine. If a ballot's marks are enhanced by the ASVP board, leave part of the original mark made by the voter. If it is impossible to mark over the original mark without completely obliterating the mark, duplicate the ballot.

[§52.37(1)(c)]

If you are counting ballots on the day before election day, see the next page for procedures to follow at the end of the day.

**7. Announce the results.**

Announce both the results tallied by the optical scanner and the tallied write-in votes only after the polls are closed.

[§50.11, 52.37(2)]

**8. Seal the ballots.**

After counting is complete, seal the counted ballots into containers. A seal must be placed over the opening of the container so the container cannot be opened without breaking the seal. All members of the board must sign across the seal.

[§50.12]

## Counting Absentee Ballots on Monday

Follow these security procedures when you are finished counting at the end of the day before election day:

1. Seal and label the voted ballots in an envelope or other container.

The board must seal all counted ballots in a voted ballot envelope or other container. Label the envelope or other container with the date the ballots were counted. A seal must be placed on the envelope or other container making it evident if the envelope or container is opened. All members of the board must sign across the seal.

2. Return all ballots to auditor.

Return all absentee ballots to the auditor when finished for the day. The auditor must store all absentee ballots in a secure location until counting is resumed on election day.

3. Secure memory cards.

The board must secure the memory cards in one of the following ways:

- Leave the memory card in the optical scan machine with a tamper evident seal affixed over the memory card in a manner making it evident if the seal is removed.
- Remove the memory card from the optical scan machine and store it in an envelope. A seal must be placed on the envelope making it evident if the envelope is opened.

4. Secure optical scan machine.

The optical scan machine must be stored in a secure location until counting resumes on election day.

5. Do not print a results tape from the optical scan machine on the day before the election.
6. Do not upload or input results into tabulating software on the day before the election.

Before resuming counting on election day, verify the seals on the optical scan machine, memory card(s), and memory card port(s) have not been obviously tampered with overnight.

Resume counting using one of the following methods:

- Using the same memory card(s) used on Monday and resuming counting
- Using a new memory card(s) and compiling the results contained on the memory card(s) used on election day and Monday

[§53.23, IAC 721—21.343]

## After Election Day

### Overview

After election day, the board will consider any provisional ballots, challenged absentee ballots, and any absentee ballots that were postmarked before election day and received before the board meets. If no provisional ballots were cast and no absentee ballots were challenged, the board will be reconvened only if there are absentee ballots to be counted before the canvass. See page 2 to determine when the board must meet after election day if there are additional ballots to be considered.

The number of members on the board when reconvened after the election may increase or decrease depending on the number of provisional and challenged absentee ballots to be considered.

The board may divide itself into panels of no less than three members each to consider provisional and challenged absentee ballots. Each panel must include a Democrat and a Republican. Not more than a simple majority of the members of a panel may be from the same political party.

[§50.21, 50.22]

### Absentee Ballots Received After Election Day

The board must also canvass any timely postmarked absentee ballots which were received after Election Day and before the deadline for their return.

The board must follow the standards for reviewing affidavit envelopes and count any absentee ballots accepted. Follow the procedures on page 6 for reviewing affidavit envelopes.

The board may need to meet again on the day of the canvass to complete the tally of these absentee ballots. The board will need to submit their tally list to the board of supervisors before the conclusion of the county canvass.

[§50.22, 53.17]

For both FWABs and special write-in ballots, the auditor will either direct you to hand-tally the ballot or make a duplicate ballot following the instructions on page 11.

### **Special Write-In Ballot (aka submarine ballot, special ballot) – General Elections Only**

Special write-in ballots are used by members of the military and overseas citizens when they cannot receive and return their absentee ballot by normal mail delivery during the usual absentee voting period. Voters will use a form provided by the auditor and will write the names of the candidates they wish to vote for on the special write-in ballot and if they oppose or support the public measure(s).

The auditor should only deliver special write-in ballots to the ASVP board after the deadline to receive regular absentee ballots. This type of ballot may be counted only if the voter's regular absentee ballot was not received before the deadline to receive absentee ballots.

Process and canvass votes on the special write-in ballots in the same manner as is done with other absentee ballots.

[§53.45]

### **Federal Write-In Absentee Ballots (FWAB) – Federal Elections Only**

A FWAB is used by members of the military and overseas citizens. It is a completely blank write-in ballot that does not contain any offices or candidates. FWABs may be used if a voter requested a regular absentee ballot more than 14 days prior to election day but did not receive it or does not believe they have time to receive the ballot and return it in order for it to be counted. The voter must be outside the U.S. or on active duty outside the voter's county of residence to use a FWAB.

The auditor should only deliver FWABs to the ASVP board after the deadline to receive regular absentee ballots. FWABs should only be counted if the voter's regular or a special write-in ballot is not received before the deadline to receive regular absentee ballots.

Process and canvass votes on the FWAB in the same manner as with other absentee ballots.

If a FWAB is not counted, the voter must be notified that the FWAB was not counted and the reason why.

[§53.53]

## **Provisional Ballots and Challenged Absentee Ballots**

The board must review all the information on the provisional ballot envelopes and all of the evidence submitted regarding the qualifications of each provisional and challenged absentee voter. The decision to count or reject each ballot must be made by the ASVP board based on the information on the envelope containing the provisional ballot, the evidence concerning the challenge, and any pertinent voter registration documents.

[§50.22]

All provisional and challenged absentee ballots counted by the board must be counted in the same manner as all other ballots tabulated for the election. If voting equipment was used, these ballots must be run through the ballot scanners.

[IAC 721—26.4]

### **What is a Provisional Ballot?**

A provisional ballot is used by voters whose qualifications to vote were challenged at the polls, by voters who could not prove they are qualified to vote by showing ID when requested, and by some absentee voters at the polls.

### **Absentee Voters with Provisional Ballots**

If you receive a timely absentee ballot and a provisional ballot from the same voter, the absentee ballot should be considered for counting. This means that provisional ballots cast by absentee voters at the polls should be considered by the ASVP board after the absentee receipt deadline or immediately prior to the canvass, whichever is applicable.

If the absentee ballot must be rejected for any reason, the ASVP board should then consider the provisional ballot for counting.

### **Why are Voters Challenged?**

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

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

- Deceased.

[§49.79, 49.80, 49.81]

### **Rejecting Ballots**

Provisional and challenged absentee ballots may only be rejected when the:

- Voter did not provide ID and was required to do so,
- Voter was not registered in the precinct on election day,
- Voter already returned an absentee ballot that was counted (provisional voters),
- Voter is not qualified to vote, or
- Voter is inactive/pending and has not provided §48A.8 ID as required by the time the board meets to consider provisional and challenged absentee ballots.

Rejected ballots must be marked "Rejected because (insert reason of rejection)." All rejected ballots must be sealed in an envelope marked "Defective ballots." The envelope must be marked with "absentee and special voters precinct" and the date of the election at which the ballots were cast. The seal on the envelope must also be signed by the precinct election officials.

The board must record the number of rejected ballots on the absentee and provisional ballot chain of custody log. The envelope with the rejected ballots must be returned to the auditor.

[§53.25, 53.26, 53.27]

The auditor or the board needs to prepare notices to send to voters whose ballots were rejected by the time of the county canvass. A board member must initial or sign the notices. A sample notice is available on the SOS website.

[§53.25]

### **Sealing Ballots**

After counting is completed, seal the counted ballots into containers. A seal must be placed over the opening of the container so the container cannot be opened without breaking the seal. All members of the board must sign across the seal.

[§50.12]