

Good Afternoon Auditors, Deputies and Staff:

It is my understanding that yesterday all 99 counties received an email like the one below, which included several attachments. One of those attachments is a request for the "cast vote record" for all elections since 2015. Our office would ask that you work with your County Attorney to determine if/how you will respond to the requester.

Below are some points our office would encourage you to share with your County Attorney as they assist you in authoring your response:

1. In Iowa, a "cast vote record" as it is defined by the requester is not generated in the course of conducting an election.
2. Iowa's election laws do not require the creation and preservation of a "cast vote record" as it is defined by the requester in the course of conducting an election.
3. Iowa Code §50.12 makes it very clear that voted ballots, and therefore any report that contains information on how individual ballots were cast, are allowed to be opened and viewed "only for an official recount authorized by section 50.48, 50.49, or 50.50, for an election contest held pursuant to chapters 57 through 62, to conduct an audit pursuant to section 50.51, or to destroy the ballots pursuant to section 50.19." An open records request filed pursuant to Iowa Code chapter 22 is not one of the reasons enumerated in Iowa Code §50.12 for which information related to individual ballots may be viewed.

Please let me know if you have any additional questions.

Sincerely,

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