

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS OF IOWA, and MAJORITY
FORWARD,

PETITION AT LAW AND EQUITY

Plaintiffs,

v.

IOWA SECRETARY OF STATE
PAUL PATE, in his official capacity,

Defendant.

COME NOW Plaintiffs League of United Latin American Citizens of Iowa (“LULAC”) and Majority Forward (collectively, “Plaintiffs”) praying for temporary and injunctive relief restraining Defendant Iowa Secretary of State Paul Pate (“Secretary” or “Defendant”) from enforcing and implementing the September 2, 2020, Official Guidance for No-Contact Ballot Delivery (“Drop Box Restrictions” or “Restrictions”), as well as a declaratory judgment that implementing the Restrictions violates the Iowa Constitution, and other relief described below, and in support thereof state the following:

STATEMENT OF THE CASE

1. In an election year that will be like no other due to a nationwide pandemic and historic delays in mail service, the Secretary has taken steps to make returning absentee ballots for Iowans even more difficult. After county auditors began exploring the use of, and in one case installing, drop boxes for voters to return absentee ballots in convenient locations throughout their communities, the Secretary first indicated in an election training that drop boxes would not be allowed. In the face of criticism and confusion over this pronouncement and given that auditors had used drop boxes in prior elections, the Secretary issued written guidance providing that drop

boxes may be deployed but only at county auditors’ offices or on county property immediately surrounding those offices. The Restrictions, severely limiting the locations of drop boxes, are not grounded in any Iowa statute (indeed, they contravene statutes governing the manner in which ballots may be returned) and impermissibly burden the right of Iowans to vote in the upcoming election, especially those who live in rural areas and/or who receive their absentee ballots without sufficient time to return them using the mail. The Secretary was not authorized to impose the Restrictions and they should be invalidated.

2. The Restrictions interfere with each county’s “home rule authority,” under the Iowa Constitution. In 1978, the Iowa Constitution was amended to endow counties with home rule authority. Iowa Const. art. III, § 39A. Iowa Code § 331.301(1) outlines the scope of a county’s power under home rule:

A county may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.

“The goal of this amendment was to grant counties ‘power to rule their local affairs and government subject to the superior authority of the general assembly.’” *Goodell v. Humboldt Cnty.*, 575 N.W.2d 486, 492 (Iowa 1998).

3. The ability to establish and operate drop box systems falls squarely within counties’ home rule authority to “[c]onduct all elections” and protect the “rights . . . safety, health . . . and convenience” of the counties’ residents. Iowa Const. art III, § 39A, Iowa Code §§ 333.301(1), 331.505(2). Counties have regularly used drop boxes to collect absentee ballots, without concerns or issues. And counties’ home rule authority—including their authority to establish and operate drop box systems—is particularly important during a pandemic as each county auditor understands

the unique circumstances of their residents, how they are being impacted by the pandemic as well as the impacts of local delays in mail delivery.

4. Moreover, the Drop Box Restrictions unconstitutionally interfere with the right of suffrage guaranteed by Article II of the Iowa Constitution because they attempt to limit how voters can return absentee ballots.

5. On or around August 19, 2020, the Secretary told county election officials in an election administration training that “Drop Boxes [Are] Not Permitted” for absentee voting, citing Iowa Code § 53.8(2)(a) and § 53.17(1). The Secretary said that “a County Auditor does not have the authority to establish drop box system[s] in their county.”

6. After widespread dissention and confusion, the Secretary announced that he would issue written guidance to clarify his position on drop boxes.

7. On September 2, 2020, the Secretary issued the Drop Box Restrictions. The Restrictions are the Secretary’s “official guidance related to no-contact ballot delivery systems for voted absentee ballots.”

8. The Drop Box Restrictions limit the locations (to auditors’ physical offices and county property immediately surrounding those offices) where county auditors may deploy ballot drop boxes.

9. Ballot drop boxes allow voters a contactless means to return their absentee ballots without relying on the U.S. Postal Service which is experiencing delays in mail service. They are uniquely important and valuable in the midst of a global pandemic.

10. The Secretary did not have the authority to issue the Restrictions, and the Restrictions will lead to disenfranchisement of voters.

11. Plaintiffs challenge the Restrictions as unconstitutional under the Iowa Constitution.

JURISDICTION AND VENUE

12. This Court has jurisdiction under Iowa Code § 602.6101.

13. Venue in Polk County is proper under Iowa Code § 616.3(2) because the cause is against public officers and the cause or some part thereof arose in the county.

PARTIES

14. Plaintiff League of United Latin American Citizens of Iowa (“LULAC”) has its business address at 2463 E. Highview Dr., Des Moines, Iowa, 50320. LULAC has approximately 150,000 members throughout the United States and Puerto Rico, and more than 600 members in Iowa. It is the largest and oldest Latinx civil rights organization in the United States. In Iowa, LULAC is comprised of 22 councils located throughout the state. LULAC’s members and constituents include voting-age Latinos who are more likely than other members of the electorate to be burdened—and in some instances prevented entirely from being able to timely return their absentee ballot—by the Secretary’s Drop Box Restrictions. LULAC will need to divert resources and attention to deal with the adverse impacts the Drop Box Restrictions will have on its members and constituents, and to assist them in attempting to surmount the barriers to voting imposed by the Restrictions. Because of the Restrictions, LULAC has suffered and will continue to suffer substantial prejudice.

15. Plaintiff Majority Forward is a not-for-profit 501(c)(4) organization created to support voter registration and voter turnout efforts. Its primary mission is to encourage full participation by voters in our election process. Majority Forward has made, and will continue to make, contributions and expenditures in the millions of dollars to educate, mobilize, and turn out

voters in the upcoming federal elections around the country, including in Iowa. Majority Forward's funds help to pay for organizers on the ground in Iowa. These organizers will work with local activists and organizations on projects designed to engage activists and voters in the political process. Majority Forward will need to divert resources and attention to deal with the adverse impacts the Drop Box Restrictions will have on voters. Because of the Restrictions, Majority Forward has suffered and will continue to suffer substantial prejudice.

16. Defendant Paul Pate is the Iowa Secretary of State and is named in his official capacity.

FACTUAL ALLEGATIONS

A. COVID-19 is causing an enormous uptick in absentee voting and imposing unprecedented burdens on voters and elections officials alike.

17. The novel coronavirus ("COVID-19") has upended life across Iowa and the United States. Recognizing the serious risks of irreparable harm that forcing voters to potentially expose themselves to the virus by voting in-person could cause, the Secretary strongly urged Iowans to vote absentee in the June 2, 2020, primary (the "June Primary"). The Secretary himself sent out absentee ballot request forms to all active Iowa voters.

18. In total, more than 79% of votes were cast by absentee ballot in the June Primary—nearly twice the absentee voter turnout as compared to any past statewide election. For comparison, 21.2% of votes in Iowa were cast by absentee ballot during the 2000 general election, 41.3% of votes were cast by absentee ballot in the 2016 general election, and 40.5% of votes were cast by absentee ballot in the 2018 general election. The November election, which will be a general election in a presidential election year—the type of election which historically sees higher turnout than all others—is anticipated to see an even greater surge in Iowa voters seeking to participate, and because of the virus, extraordinary numbers of them will vote absentee.

19. Since the June Primary, the pandemic has gotten much worse in Iowa. As of September 10, Iowa reported over 72,000 individuals who have tested positive for COVID-19, with over 1,000 residents dying from the virus.¹ Since early July, the average new case count has hovered around 500 residents. August 26 alone saw 1,258 new cases reported in Iowa. *One out of every 51* Iowa residents have now tested positive for COVID-19.

20. The Centers for Disease Control and Prevention warns that the pandemic will continue into November—and that a second, more devastating wave is likely to coincide with the flu season and therefore with the general election.²

21. Thus, elections officials across the state are planning for a November election that sees vast and expansive increases in the number of voters seeking to exercise their right to vote absentee to avoid contracting, or inadvertently spreading, the virus.

22. Iowa voters may return absentee ballots by: (1) returning or having their designee return the ballot to the commissioner by the time the polls close on election day, or (2) returning or having their designee return the ballot via mail by the day before the election and be received by the commissioner not later than noon the Monday following the election. Iowa Code § 53.17.

23. For many years, Iowa voters in multiple counties have been allowed and encouraged to deliver their absentee ballots to drop boxes administered by county auditors.

24. Many Iowa voters have used drop boxes.

¹ See COVID-19 Cases in the U.S., CDC, <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html> (last accessed, Sept. 14 2020); COVID-19 in Iowa: Summary Statistics, Iowa Department of Public Health, <https://coronavirus.iowa.gov/#CurrentStatus> (last accessed, Sept. 14, 2020).

² Mandy Oaklander, *The coronavirus plus the flu could equal a devastating fall and winter, CDC director says*, TIME (Jun. 29, 2020), <https://time.com/5860066/coronavirus-flu-cdc-director/>.

25. Despite the longstanding use of drop boxes in Iowa, to Petitioner’s knowledge, there have been no reports of security breaches, voter fraud, or any other issues that could undermine the integrity of the election.

26. The Secretary has indicated that “absentee ballots will begin being mailed on October 5, 2020.”³

B. The U.S. Postal Service is experiencing mail delivery delays.

27. On May 29, 2020 the U.S. Postal Service (“USPS”) sent a letter to local and state election officials highlighting key aspects of election mail delivery processes. In the letter, the USPS stated it “cannot guarantee a specific delivery date or alter standards to comport with individual state election laws.”⁴ As such, USPS recommends “voters should mail their return ballots at least 1 week prior to the due date established by state law.”⁵

28. On July 31, 2020, USPS sent a follow up letter, specifically to the Secretary, highlighting key issues under Iowa’s election laws.⁶ The letter provided recommended timelines to avoid ballots not being returned in time to be eligible to be counted.⁷ It also noted, however, that “[u]nder our reading of your state’s election laws . . . certain state-law requirements and deadlines appear to be incompatible with the Postal Service’s delivery standards and the recommended timeframe above. As a result, to the extent the mail is used to transmit ballots to and from voters, there is a risk that, at least in certain circumstances, ballots may be requested in a

³ See Secretary of State, Track Your Absentee Ballot (last accessed Sept. 14, 2020) (emphasis in original), <https://sos.iowa.gov/elections/absenteeballotstatus/absentee/search>.

⁴ Letter from Thomas J. Marshall (May 29, 2020), <https://about.usps.com/newsroom/national-releases/2020/2020-05-29-marshall-to-election-officials-re-election-mail.pdf>.

⁵ *Id.*

⁶ Letter from Thomas J. Marshall (July 31, 2020), <https://about.usps.com/who/legal/foia/documents/election-mail/election-mail-2020-pages-76-100.pdf>.

⁷ *Id.*

manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.”⁸

29. On August 15, 2020 the Associated Press published an article stating the “U.S. Postal Service is warning states coast to coast that it cannot guarantee all ballots cast by mail for the November election will arrive in time to be counted, even if mailed by state deadlines.”⁹

30. Indeed, in recent primaries around the country, the USPS has struggled to timely deliver election mail in the pandemic.¹⁰

C. Auditors plan to set up community drop boxes to make it easier for voters to return absentee ballots.

31. In July, Linn County Auditor, Joel Miller announced plans to place ballot drop boxes in his community.

32. Mr. Miller installed two ballot drop boxes at grocery stores in Cedar Rapids and one ballot box at a grocery store in Marion.

33. Mr. Miller stated: “We basically wanted to get these drop boxes out into other locations in the community that were convenient, and nothing is more convenient than a grocery

⁸ *Id.*

⁹ Brian Slodysko & Amy Beth Hanson, *Post Office warns states across US about mail voting*, ASSOCIATED PRESS (Aug. 15, 2020), <https://apnews.com/32700a8b49ddf5f7594d2271eb033c2e>

¹⁰ See, e.g., Lissandra Villa, *After a Chaotic Primary, New York Scrambles to Reset for the 2020 Election*, TIME (Aug. 1, 2020), <https://time.com/5874571/new-york-state-general-election/>, (discussing issues with New York’s primary); U.S. Postal Service Office of the Inspector General, Report 20–235–R20 (July 7, 2020), available at <https://www.uspsoig.gov/sites/default/files/document-library-files/2020/20-235-R20.pdf> (highlighting issues with Wisconsin primary due to the COVID-19–related increase in the number of voters who choose to vote by mail); Jennifer Friedmann et al., *Ohio’s 2020 Elections in the Wake of COVID-19*, LAWFARE (Aug. 6, 2020), <https://www.lawfareblog.com/ohios-2020-elections-wake-covid-19> (outlining issues with Ohio’s primary); Nathaniel Rakich & Geoffrey Skelley, *Georgia Was a Mess. Here’s What Else We Know About the June 9 Elections.*, FIVETHIRTYEIGHT (June 10, 2020), <https://fivethirtyeight.com/features/georgia-was-a-mess-heres-what-else-we-know-about-the-june-9-elections/> (discussing issues with Georgia’s June 9 primary, as well as other June 9 primaries).

store.”¹¹ “Miller says the three major reasons they decided to install [the ballot boxes] were convenience, lowering postage costs, and because some voters don’t trust the mail system.”¹²

34. Backed by Linn County supervisors, Mr. Miller designated these drop boxes as county-provided accessories of the auditor’s office.

35. Given the above, Mr. Miller has been telling Linn County voters that they will be able to use drop boxes in the community to cast ballots in the 2020 general election.

36. On information and belief, prior to the issuance of the Restrictions, auditors in other counties had plans to deploy drop boxes at locations within their communities.

D. The Secretary issued Restrictions restricting the use of off-site or community drop boxes.

37. Before August 19, 2020, the Secretary had never challenged the legality of ballot drop boxes or taken legal action to limit their use.

38. Drop boxes have been used to collect absentee ballots for at least fifteen years in Iowa and, while the precise contours of drop box systems vary by county, there have been no reports of voter fraud or security issues associated with their use.

39. On or around August 19, 2020, the Secretary told county election officials in an election training that “Drop Boxes [Are] Not Permitted” for absentee voting, citing Iowa Code § 53.8(2)(a) and § 53.17(1). The Secretary said that, “a County Auditor does not have the authority to establish drop box system[s] in their county.”

40. After widespread dissention and confusion, the Secretary announced that he would issue written guidance to clarify his position on drop boxes.

¹¹ Michael Howell, *New absentee ballot boxes placed outside local Hy-Vee stores*, IOWA’S NEWS NOW (July 21, 2020), <https://cbs2iowa.com/news/local/new-absentee-ballot-boxes-placed-outside-local-hy-vee-stores>.

¹² *Id.*

41. On September 2, 2020, the Secretary issued the Drop Box Restrictions. The Restrictions are the Secretary’s “official guidance related to no-contact ballot delivery systems for voted absentee ballots.” A copy of the Restrictions is attached as Exhibit A to this Petition.

42. The Restrictions define a “County Auditor’s Office” as “the location where voters may receive services pursuant to Iowa Code §§48A.17, 50.20, 53.10 and 53.18.” Restrictions § 1. The Secretary does not, however, cite any statutory authority that supports this definition.

43. Based on this definition, the Drop Box Restrictions attempt to limit where county auditors can place drop boxes. Specifically, the Restrictions provide that “[a] County Auditor may develop a no-contact ballot delivery system option located at their office, as defined above, or on county owned and maintained property directly surrounding the building where their office is located.” Restrictions § 2. They do not allow county auditors to establish off-site drop boxes.

44. The Drop Box Restrictions do not allow county auditors to place drop boxes in areas outside their offices or on adjoining county property to make it easier and more convenient for voters to drop off their ballots.

E. The Restrictions are unlawful and unconstitutional.

45. In 1978, the Iowa Constitution was amended to endow counties with home rule authority. Iowa Const. art. III, § 39A. Iowa Code § 331.301(1) outlines the scope of a county’s power under home rule:

A county may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.

“The goal of this amendment was to grant counties ‘power to rule their local affairs and government subject to the superior authority of the general assembly.’” *Goodell v. Humboldt Cnty.*, 575 N.W.2d 486, 492 (Iowa 1998).

46. A county’s exercise of its home rule power “is not inconsistent with a state law unless it is irreconcilable with the state law.” Iowa Code § 331.301(4). This means that except for certain prohibited activities that are inapplicable here, *see id.* § 331.301, counties have the authority to engage in activities that have not been expressly or impliedly preempted. *Goodell*, 575 N.W.2d at 492–93 (summarizing express and implied preemption). There is no express or implied preemption here as the general assembly has not specifically prohibited local action in this area and the county’s action is not incompatible with a legislative act.

47. The auditors’ decisions to place drop boxes in locations convenient for voters within their communities was entirely lawful. *See* Iowa Code § 53.17(1)(a) (allowing for Iowa voters to return absentee ballots by: (1) returning or having their designee return the ballot to the commissioner by the time the polls close on election day, or (2) returning or having the designee return the ballot via mail by the day before the election and be received by the commissioner not later than noon the Monday following the election).

48. The Drop Box Restrictions conflict with county auditors’ expressly granted home rule authority to “conduct elections” and protect the “rights . . . safety, health . . . and convenience” of the counties’ residents. Iowa const., art IV, section 39A, Iowa Code §§ 333.301(1), 331.505(1), (2).

49. Indeed, county auditors are uniquely positioned to assess the impacts of the pandemic and slowdowns in mail service on their communities and implement measures, such as

drop boxes located in convenient locations, to make it easier and safer for their residents to return their ballots.

50. The Drop Box Restrictions also contravene Iowa Code §§ 53.8 and 53.17. Those statutes grant voters the right to return absentee ballots to drop boxes, wherever they might be located, either because the drop boxes are part of or extensions to the “commissioner’s [i.e., the county auditor’s] office,” or because they are the “voter’s designee” for returning absentee ballots to the county auditor.

51. The Secretary lacks the authority to issue the Restrictions, to regulate county-administered drop boxes, or to prohibit county auditors from setting up off-site drop boxes nor is the Secretary allowed to prohibit voters from accessing community drop boxes if that is the voter’s preferred method of returning the ballot.

52. Given the pandemic and attendant health risks of in person voting, as well as the well-publicized delays in mail delivery, it is likely many more voters are planning to use drop boxes in the upcoming election.

53. Counties’ home rule authority—including their authority to establish and operate drop box systems—is particularly important during a pandemic as each county auditor understands the unique circumstances of their residents, how they are being impacted by the pandemic, as well as the impacts of local delays in mail delivery.

54. The Drop Box Restrictions unconstitutionally interfere with the right of suffrage guaranteed by Article II of the Iowa Constitution because they attempt to limit how voters can return absentee ballots.

55. The Drop Box Restrictions have prejudiced Plaintiffs' substantial rights. If the Restrictions stand, Plaintiffs will have to divert resources to educating voters who are under the impression that they will be able to cast absentee ballots using off-site drop boxes.

56. The Restrictions burdens voters. The Restrictions require voters to undertake additional, burdensome steps to return their absentee ballot. For example, voters in large counties and remote locations will have to travel long distances to reach the only drop box in their county, disproportionately burdening low-income voters, rural voters, voters with disabilities, elderly voters, and voters without access to transportation, among others. When voters cannot reach these locations, they are relegated to mail delivery and likely mail delays and are far more susceptible to disenfranchisement.

57. Additionally, USPS delays may prevent voters from timely returning their ballots if they do not receive their absentee ballot until late in the process or wait until close to election day to vote. If these voters are unable to travel to drop the ballot off at the county auditor's office, they will be disenfranchised.

58. Moreover, in person voting is not possible for some individuals because of work, school, childcare, disabilities, health, or other issues, or are unwilling to risk their health and lives due to the ongoing pandemic. Additionally, many voters do not trust the USPS. If these voters cannot access drop boxes, they will also be disenfranchised. The impact is especially great on particular groups of voters, including first-time, young, minority, and poor voters, who often have less flexible schedules, reduced ability to get time off of work or school, more limited access to transportation, less familiarity or comfort with election rules, such as the ability to vote in person if they cannot return their ballot on time, and other barriers to voting.

59. Finally, the Drop Box Restrictions' burdens are not justified by any interests the Secretary can or has articulated. First, the Restrictions are not mandated by any Iowa statute and they, in fact, are overly restrictive interpretations of state law. The plain language of Iowa law allows voters or their designee to return absentee ballots to the county auditor. *See* Iowa Code § 53.17(1)(a). Under Iowa Code § 53.17(1)(a) a county auditor can serve as a designee to deliver the voter's ballot on the voter's behalf regardless whether the auditor picks it up directly from the voter or the voter places it in a drop box. There is nothing in Iowa law prohibiting county auditors from placing ballot drop boxes at locations other than auditors' offices or county property adjacent to those offices.

60. The Restrictions are therefore unconstitutional because they violate the Iowa Constitution, including Article III, Section 39A (home rule) and Article II, Section 1 (recognizing the right to vote).

61. Plaintiffs thus bring this petition to prevent widespread disenfranchisement caused by the Secretary's erroneous interpretation of Iowa law and unconstitutional actions.

CAUSES OF ACTION

COUNT I

Violation of Article III, Section 39A of the Iowa Constitution (Home Rule):

62. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint and the paragraphs in the counts below as though fully set forth herein.

63. Article III, Section 39A of the Iowa Constitution and implementing statutes grant all counties "home rule authority" to conduct their elections in a manner not inconsistent with the laws of the General Assembly. *See* Iowa Code § 331.301(a); *id.* § 331.505(1) and (2).

64. The laws of the General Assembly do not prohibit counties from using off-site and community drop boxes.

65. The Restrictions are not a law of the General Assembly, and the Iowa Constitution does not allow delegation of lawmaking authority to the Secretary.

66. Thus, the Restrictions exceed Defendant's statutory authority.

COUNT II

Violation of Article II, Section 1, of the Iowa Constitution (Right to Vote):

67. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint and the paragraphs in the counts below as though fully set forth herein.

68. The Iowa Constitution provides that all adult residents "shall be entitled to vote at all elections," Article II, § 1, except for those disqualified by Article II, Section 5.

69. The Restrictions impose a substantial burden on fundamental constitutional rights of voters in Iowa and Plaintiffs and are not narrowly tailored to serve a compelling government interest.

70. Thus, the Restrictions are unconstitutional under Article II, Section 1, of the Iowa Constitution.

RELIEF SOUGHT

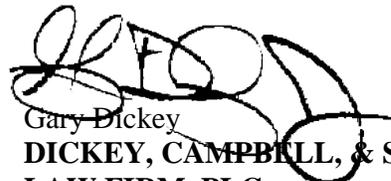
71. WHEREFORE, Plaintiffs respectfully requests that this Court enter the following relief against the Defendant:

- A. Entering a temporary and permanent injunction requiring the Secretary to withdraw the Restrictions and to immediately inform all auditors that to the extent the Restrictions limited the use of satellite absentee voting stations or "ballot boxes", it is withdrawn and cannot be given any effect;

- B. An order declaring that voters can use drop boxes, regardless of location, administered by county election officials to deliver their absentee ballots;
- C. An order declaring that the Secretary did not have the authority to issue the Restrictions;
- D. An order declaring that the Restrictions are unconstitutional;
- E. An order enjoining the Secretary, his respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them from implementing, enforcing, or giving any effect to the Restrictions;
- F. An order awarding Plaintiffs their costs, disbursements, and reasonable attorneys' fees incurred in bringing this action pursuant; and
- G. Such other and further relief as the Court deems just and proper.

Dated: September 14, 2020

Respectfully submitted



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OFFICE OF THE IOWA SECRETARY OF STATE

September 2, 2020

Official Guidance: No-Contact Ballot Delivery

Iowa Code §§ 53.8 and 53.17 provide Iowa voters with 4 ways in which their voted absentee ballot can be returned to the correct County Auditor's Office:

1. The voter may return their voted ballot via the USPS
2. The voter's designee may return the voted ballot via USPS
3. The voter may personally deliver their voted ballot to the County Auditor's Office
4. The voter's designee may personally deliver the voted ballot to the County Auditor's Office

Recognizing that some voters may desire to personally deliver their voted ballot to their County Auditor's Office in a no-contact manner, the Secretary of State's Office is issuing the following official guidance related to no-contact ballot delivery systems for voted absentee ballots:

1. The County Auditor's Office is the location where voters may receive services pursuant to Iowa Code §§48A.17, 50.20, 53.10 and 53.18.
2. A County Auditor may develop a no-contact ballot delivery system option located at their office, as defined above, or on county owned and maintained property directly surrounding the building where their office is located.
 - It is recommended that the no-contact ballot delivery system be limited to the collection of election materials.
 - If the no-contact ballot delivery system is a multi-use system, only the County Auditor or individuals employed by the County Auditor shall have access.
3. County Auditors must take all reasonable and necessary steps to ensure the accessibility and security of the no-contact ballot delivery system.
 - Such security measures may include placing the system within the regular sight of the County Auditor or their staff, monitoring the system with a video security system, or establishing some other type of monitoring system.
 - A video security surveillance system may include existing systems in the building where the County Auditor's Office is located.
 - If utilized, the video security surveillance system should create a recording, which can be reviewed by the County Auditor and law enforcement in the event misconduct occurs.

4. The no-contact ballot delivery system shall be available when the County Auditor's Office is open and staffed. If the no-contact ballot delivery system is available to voters during hours when the County Auditor's Office is closed, the County Auditor must take all steps necessary to ensure that the system is always secure and monitored.
5. The no-contact ballot delivery system shall be securely fastened to a stationary surface or to an immovable object.
6. The no-contact ballot delivery systems shall be secured by a lock and may include a tamper-evident seal. Only the County Auditor or individuals employed by the County Auditor shall have access to the keys and/or combination of the lock.
7. Materials delivered via the no-contact ballot delivery system shall be retrieved by the County Auditor or an individual employed by the County Auditor in an expeditious manner, but not less than once per 24-hour period.
8. The County Auditor's Office shall maintain a log of each time election materials are retrieved from the no-contact ballot delivery system, including date, time and the staff member who retrieved the materials.
9. On Election Day, the no-contact ballot delivery system shall be emptied at the time polls close. A record shall be kept, including the date, time and staff member who retrieved the materials, to memorialize that absentee ballots were delivered timely. Any ballots retrieved at the time polls close shall be immediately delivered to the Absentee and Special Voters Precinct Board for review and tabulation.
10. All elections materials received via a no-contact ballot delivery system shall be processed in the same manner as election materials delivered directly to an individual employed by the County Auditor's Office in a traditional hand to hand delivery.