

House Study Bill 628 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

- 1 An Act relating to the administration of elections.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 47.4, Code 2024, is amended to read as
2 follows:

3 **47.4 Election filing deadlines.**

4 If the deadline for a filing pertaining to an election
5 falls on a day that the state or county commissioner's office
6 is closed for business, the deadline shall be extended to
7 the next day that the office of state commissioner or county
8 commissioner is open for business to receive the filing. ~~This~~
9 ~~section does not apply to the deadline for voter registration~~
10 ~~under [section 48A.9, subsection 2.](#)~~

11 Sec. 2. Section 48A.9, subsection 2, Code 2024, is amended
12 to read as follows:

13 2. The commissioner's office shall be open from 8:00 a.m.
14 until at least 5:00 p.m. on the day registration closes before
15 each regularly scheduled election. ~~However, if the last day to~~
16 ~~register to vote for a regularly scheduled election falls on~~
17 ~~the day after Thanksgiving, the deadline shall be the following~~
18 ~~Monday.~~

19 Sec. 3. Section 49.25, subsection 1, Code 2024, is amended
20 to read as follows:

21 1. ~~The commissioner shall determine pursuant to section~~
22 ~~49.26, subsection 2, in advance of an election whether ballots~~
23 ~~voted in that election shall be counted by automatic tabulating~~
24 ~~equipment or by precinct election officials. If automatic~~
25 ~~tabulating equipment will be used, the The commissioner shall~~
26 furnish voting equipment for use by voters with disabilities.

27 Sec. 4. Section 49.26, Code 2024, is amended to read as
28 follows:

29 **49.26 ~~Commissioner to decide method~~ Methods of voting —**
30 **~~counting of ballots.~~**

31 ~~1.~~ In all elections regulated by [this chapter](#), the voting
32 shall be by paper ballots printed and distributed as provided
33 by law, or by voting systems meeting the requirements of
34 chapter 52.

35 ~~2. a.~~ ~~The commissioner shall determine in advance of each~~

~~1 election conducted for a city of three thousand five hundred or
2 less population or for any school district whether the ballots
3 will be counted by automatic tabulating equipment or by the
4 precinct election officials. In making such a determination,
5 the commissioner shall consider voter turnout for recent
6 similar elections and factors considered likely to affect voter
7 turnout for the forthcoming election.~~

~~8 *b.* If the commissioner concludes, pursuant to paragraph "a",
9 that voting will probably be so light as to make counting of
10 ballots by the precinct election officials less expensive than
11 preparation and use of automatic tabulating equipment, paper
12 ballots may be used, subject to paragraph "c". If paper ballots
13 are used, the commissioner shall use ballots and instructions
14 similar to those used when the ballots are counted by automatic
15 tabulating equipment.~~

~~16 *c.* Notwithstanding a determination by the commissioner
17 pursuant to paragraph "b", upon receipt of a petition signed by
18 not less than one hundred eligible electors, the commissioner
19 shall count the ballots at an election described in paragraph
20 "a" using automatic tabulating equipment. A petition filed
21 under this paragraph must be received by the commissioner
22 not later than 5:00 p.m. on the forty-second day before the
23 election.~~

24 **Sec. 5. NEW SECTION. 49.29 Electronic election register and**
25 **poll book.**

26 1. The commissioner may use an electronic election register
27 or election poll book in lieu of a paper register or poll book
28 if the electronic election register or poll book is a product
29 that has been certified for use in this state by the state
30 commissioner.

31 2. The state commissioner shall adopt rules pursuant to
32 chapter 17A for certification standards for electronic election
33 registers and election poll books. The certification standards
34 must include operational and security standards.

35 **Sec. 6. Section 49.124, subsection 1, Code 2024, is amended**

1 to read as follows:

2 1. The commissioner shall conduct, not later than the day
3 before each ~~primary and general~~ election, a training course for
4 all election personnel, ~~and the commissioner may do so before~~
5 ~~any other election the commissioner administers.~~ The personnel
6 shall include all precinct election officials and any other
7 persons who will be employed in or around the polling places
8 on election day. ~~At least two precinct election officials who~~
9 ~~will serve on each precinct election board at the forthcoming~~
10 ~~election shall attend the training course. If the entire board~~
11 ~~does not attend, those members who do attend shall so far as~~
12 ~~possible be persons who have not previously attended a similar~~
13 ~~training course. The state commissioner shall adopt rules~~
14 pursuant to chapter 17A to implement instruction required under
15 this subsection.

16 Sec. 7. Section 49.128, subsection 1, unnumbered paragraph
17 1, Code 2024, is amended to read as follows:

18 No later than twenty days following a ~~general~~ an election,
19 the commissioner shall place on file in the commissioner's
20 office a certification that the county met the following
21 requirements at the ~~general~~ election:

22 Sec. 8. Section 49.128, subsection 1, Code 2024, is amended
23 by adding the following new paragraph:

24 NEW PARAGRAPH. *f.* The state commissioner may adopt rules
25 pursuant to chapter 17A to require that the commissioner
26 provide and certify additional information.

27 Sec. 9. Section 49.128, subsection 2, Code 2024, is amended
28 to read as follows:

29 2. ~~a.~~ If the county is required to conduct an audit under
30 section 50.51, the commissioner shall include a copy of the
31 results with the certification required under this section.

32 ~~b.~~ ~~If a county is not required to conduct an audit under~~
33 ~~section 50.51, the commissioner shall include a copy of the~~
34 ~~certification required under this section along with the~~
35 ~~election canvass summary report required under section 50.30A.~~

1 Sec. 10. NEW SECTION. **49.129 Pre-election submission**
2 **requirements.**

3 1. No later than ten days before the election, the
4 commissioner shall notify the state commissioner of all of the
5 following:

6 a. The date, time, and location the testing of voting
7 equipment required pursuant to section 52.35 is to be
8 performed.

9 b. The date the election notice will be published pursuant
10 to section 49.53 and where it will appear.

11 c. The date the election personnel training course required
12 pursuant to section 49.124 is to be conducted.

13 2. The state commissioner may adopt rules pursuant to
14 chapter 17A to require that the commissioner provide and
15 certify additional information.

16 Sec. 11. Section 50.11, subsection 2, Code 2024, is amended
17 by striking the subsection.

18 Sec. 12. Section 50.15A, Code 2024, is amended to read as
19 follows:

20 **50.15A Unofficial results of voting — ~~general election only.~~**

21 1. In order to provide the public with an early source
22 of election results before the official canvass of votes,
23 the state commissioner of elections, in cooperation with the
24 commissioners of elections, shall conduct an unofficial canvass
25 of election results following the closing of the polls on
26 the day of a regular city election, regular school election,
27 primary election, or general election, or any other election
28 at the discretion of the state commissioner. The unofficial
29 canvass shall report election results for national offices,
30 statewide offices, the office of state representative, the
31 office of state senator, and other offices or public measures
32 at the discretion of the state commissioner of elections.
33 The unofficial canvass shall also report the total number of
34 ballots cast at the ~~general~~ reported election.

35 2. a. After the polls close on election day, the

1 commissioner of elections shall periodically provide election
2 results to the state commissioner of elections as the precincts
3 in the county report election results to the commissioner
4 pursuant to [section 50.11](#). If the commissioner determines
5 that all precincts will not report election results before
6 the office is closed, the commissioner shall report the most
7 complete results available prior to leaving the office at the
8 time the office is closed as provided in [section 50.11](#). The
9 commissioner shall specify the number of precincts included in
10 the report to the state commissioner of elections and provide
11 an explanation in writing as to why all precincts will not be
12 reported.

13 **b.** The state commissioner of elections shall tabulate
14 unofficial election results as the results are received from
15 the commissioners of elections and shall periodically make the
16 reports of the results available to the public.

17 **3.** Before the day of the ~~general~~ reported election, the
18 state commissioner of elections shall provide a form and
19 instructions for reporting unofficial election results pursuant
20 to [this section](#).

21 **4.** The state commissioner shall set a date and time by which
22 a commissioner must complete testing of the system used for the
23 unofficial canvass before the reported election.

24 Sec. 13. Section 50.24, subsection 3, Code 2024, is amended
25 to read as follows:

26 **3.** The board shall certify an election canvass summary
27 report prepared by the commissioner. The election canvass
28 summary report shall include the results of the election,
29 including scatterings, overvotes, and undervotes, by precinct
30 for each contest and public measure that appeared on the ballot
31 of the election being canvassed. ~~However, if paper ballots are~~
32 ~~used pursuant to [section 49.26](#), the election canvass summary~~
33 ~~report shall not include overvotes and undervotes.~~

34 Sec. 14. Section 50.48, subsection 5, Code 2024, is amended
35 to read as follows:

1 5. a. (1) At the conclusion of a recount, the recount
2 board shall make and file with the commissioner a written
3 report of its findings, signed by a majority of the recount
4 board.

5 (2) The commissioner or commissioner's designee may
6 assist in compiling the written report. The written report
7 shall include a full tally and accounting of ballots reviewed
8 by the recount board and shall be reported as required by
9 sections 50.24 and 53.20. The written report must allow the
10 commissioner to correct the canvass of voters in the manner
11 required by law, if applicable.

12 b. If the recount board's report is that the abstracts
13 prepared pursuant to the county board's canvass were incorrect
14 as to the number of votes cast for the candidates for the
15 office or nomination in question, in that county or district,
16 the commissioner shall at once so notify the county board. The
17 county board shall reconvene within three days after being so
18 notified, but no later than noon on the twenty-seventh day
19 following the election in question for a recount of the offices
20 of president and vice president, and shall correct its previous
21 proceedings.

22 Sec. 15. Section 52.1, subsection 1, Code 2024, is amended
23 to read as follows:

24 1. At all elections conducted under [chapter 49](#), and at
25 ~~any other election unless the commissioner directs otherwise~~
26 ~~pursuant to [section 49.26](#)~~, votes shall be cast, registered,
27 recorded, and counted by means of optical scan voting systems,
28 in accordance with [this chapter](#).

29 Sec. 16. Section 53.17, subsection 4, unnumbered paragraph
30 1, Code 2024, is amended to read as follows:

31 When a person designated by the voter pursuant to section
32 53.33 retrieves a completed absentee ballot from the voter, the
33 designee shall, ~~upon request of the voter,~~ fill out a receipt
34 to be retained by the voter. The state commissioner shall
35 prescribe a form for receipts required by [this subsection](#). The

1 receipt shall include all of the following:

2 Sec. 17. Section 53.17, subsection 4, paragraph d, Code
3 2024, is amended by striking the paragraph.

4 Sec. 18. Section 53.17, subsection 4, paragraph f, Code
5 2024, is amended to read as follows:

6 *f.* A statement that the completed absentee ballot will
7 be delivered to the commissioner's office within seventy-two
8 hours of retrieving it from the voter or before the closing of
9 the polls on election day, whichever is earlier, ~~or that the~~
10 ~~completed absentee ballot will be mailed to the commissioner~~
11 ~~within seventy-two hours of retrieving it from the voter.~~

12 Sec. 19. Section 53.20, subsection 2, paragraph b, Code
13 2024, is amended to read as follows:

14 *b.* For the primary election, general election, and for any
15 election in which the commissioner determines in advance of
16 the election to report the results of the special precinct by
17 the resident precincts of the voters who cast absentee and
18 provisional ballots, the commissioner shall prepare a separate
19 absentee ballot style for each precinct in the county and shall
20 program the voting system to produce reports by the resident
21 precincts of the voters.

22 Sec. 20. Section 54.7, subsection 1, Code 2024, is amended
23 to read as follows:

24 1. The presidential electors and alternate electors shall
25 meet in the capitol, at the seat of government, on the first
26 ~~Monday~~ Tuesday after the second Wednesday in December next
27 following their election.

28 Sec. 21. Section 277.4, subsection 4, Code 2024, is amended
29 to read as follows:

30 4. Any person on whose behalf nomination petitions have been
31 filed under [this section](#) may withdraw as a candidate by filing
32 a signed statement to that effect with the secretary consistent
33 with [section 44.9](#), ~~subsection 5~~.

34 Sec. 22. REPEAL. Section 52.41, Code 2024, is repealed.

35

EXPLANATION

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill relates to the conduct of elections. The bill
4 changes the filing deadline for voter registration forms that
5 would be due on the day after Thanksgiving from the following
6 Monday to the next day the office of the county commissioner of
7 elections or the state commissioner of elections is open.

8 The bill strikes a provision allowing a county commissioner
9 of elections to choose whether to use automatic tabulating
10 equipment in certain elections and makes conforming changes.

11 The bill allows a county commissioner of elections to use an
12 electronic election register or poll book in lieu of a paper
13 register or poll book if the electronic election register or
14 poll book is a product that has been certified for use in the
15 state by the state commissioner of elections. The bill directs
16 the state commissioner of elections to adopt rules regarding
17 electronic election registers and poll books, which must
18 include operational and security standards.

19 The bill requires a county commissioner of elections to
20 hold training for all election personnel before each election,
21 rather than before each primary and general election. The bill
22 also requires the state commissioner of elections to adopt
23 rules for the implementation of required instruction.

24 The bill requires a county commissioner of elections
25 to place on file a certification that the office of the
26 commissioner met certain requirements within 20 days after
27 each election. Current law requires that such certifications
28 be filed after a general election. The bill allows the state
29 commissioner of elections to adopt rules requiring county
30 commissioners of elections to provide and certify additional
31 information. The bill strikes a provision requiring a county
32 commissioner of elections to include a copy of a certification
33 along with an election canvass summary report when a county is
34 not required to conduct an audit.

35 The bill requires a county commissioner of elections to

1 provide certain information to the state commissioner of
2 elections not later than 10 days before an election, including
3 the date, time, and location of equipment testing, the date and
4 location where the election notice will be published, and the
5 date that election personnel training will be conducted. The
6 bill allows the state commissioner to adopt rules to require
7 that a county commissioner provide and certify additional
8 information.

9 The bill strikes a provision allowing election officials
10 to electronically transmit results from voting equipment in
11 the county commissioner of elections' office after producing a
12 written report of the election results.

13 The bill requires the state commissioner of elections,
14 in cooperation with county commissioners of elections, to
15 conduct an unofficial canvass of election results following the
16 closing of polls for regular city, regular school, primary, or
17 general elections, and any other election at the discretion of
18 the state commissioner. Current law requires an unofficial
19 canvass only for general elections. If a county commissioner
20 of elections determines that all precincts will not report
21 results before the office is closed, the bill requires the
22 county commissioner to provide a written explanation as to why.
23 The bill requires the state commissioner to set a date by which
24 a commissioner must complete testing of equipment used for an
25 unofficial canvass.

26 The bill requires a recount board to include in its written
27 report following the conclusion of a recount a full tally
28 and accounting of ballots reviewed by the board. The report
29 must allow the county commissioner of elections to correct the
30 canvass of votes in the manner required by law, if applicable.
31 The bill requires the report to be signed by a majority of the
32 recount board and allows the commissioner or the commissioner's
33 designee to assist in compiling the report. If the report is
34 that the initial abstracts were incorrect, the bill requires
35 the county board to reconvene no later than noon 27 days

1 following an election if the election is for president or vice
2 president.

3 The bill removes a requirement that a receipt filled out by a
4 person designated to return a voter's completed absentee ballot
5 include a statement regarding the time by which the person
6 will return the ballot and the name of the political party,
7 candidate, or committee for which the designee is acting as an
8 actual or implied agent. Code section 53.33 prohibits such a
9 person from delivering a completed absentee ballot. The bill
10 also removes a provision allowing a voter to request that a
11 person collecting an absentee ballot fill out a receipt. Code
12 section 53.33 makes such receipts mandatory.

13 The bill requires the county commissioner of elections to
14 prepare a separate absentee ballot style for each precinct in
15 the county and program the voting system to produce reports by
16 the resident precincts of the voters for each primary election.

17 The bill updates an internal reference regarding withdrawals
18 of candidates for school district elections.

19 The bill changes the meeting date for presidential electors
20 and alternates from the first Monday after the second Wednesday
21 in December next following the election to the first Tuesday
22 after the second Wednesday in December next following the
23 election.

24 The bill repeals a requirement that the state commissioner
25 of elections adopt by rule standards for the examination and
26 testing of devices for the electronic transmission of election
27 results with the advice of the board of commissioners and that
28 all voting systems containing such devices comply with those
29 standards.