

State Government
Nystrom, Chairperson
Briles
Slater

FILED FEB 19 1981

SENATE FILE 272

BY BROWN

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the counting of write-in ballots cast on
2 a voting machine.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Section 52.16, Code 1981, is amended to read
2 as follows:

3 52.16 DUTIES OF ELECTION OFFICERS--INDEPENDENT BALLOTS.

4 1. The election board of each precinct in which votes
5 are to be cast by machine shall meet at the precinct polling
6 place, at least one hour before the time set for the opening
7 of the polls at each election, and shall proceed to arrange
8 the furniture, stationery, and voting machine for the conduct
9 of the election. The board shall cause at least two
10 instruction cards to be posted conspicuously within the polling
11 place. If not previously done, they shall arrange, in their
12 proper place on the voting machine, the ballots containing
13 the names of the offices to be filled at ~~such~~ the election,
14 and the names of the candidates nominated ~~therefor~~. If not
15 previously done, the machine shall be so arranged as to show
16 that no vote has been cast, and ~~the same~~ shall not be
17 thereafter operated, except by electors in voting. Before
18 the polls are open for election, the board shall carefully
19 examine every machine and see that no vote has been cast,
20 and the ~~same shall be~~ machines are subject to inspection of
21 the election officers.

22 2. Ballots voted for any person whose name does not appear
23 on the machine as a nominated candidate for office, are ~~herein~~
24 referred to in this section as ~~independent~~ write-in ballots.
25 When two or more persons are to be elected to the same office,
26 and the machine requires that all ~~independent~~ write-in ballots
27 voted for that office be deposited in a single receptacle
28 or device, an elector may vote in or by such receptacle or
29 device for one or more persons whose names do not appear upon
30 the machine ~~with-or-without-the~~ and may vote by use of the
31 machine for names of one or more persons whose names do so
32 appear. ~~With-that-exception,-and-except~~ Except for
33 presidential electors, ~~no-independent~~ a write-in ballot shall
34 be voted for any person for any office whose name appears
35 on the machine as a nominated candidate for that office, ~~any~~

1 independent-ballot-se-voted, or in a primary election whose
2 name appears on the machine for the voter's party's nomination
3 for that office, shall not be counted. An-independent A
4 write-in ballot must be cast in its appropriate place on the
5 machine, or it shall be void and not counted.

6 EXPLANATION

7 This bill revises the statute on casting a write-in vote
8 on a voting machine to clarify that a write-in vote for a
9 person whose name is on the machine for that office shall
10 not be counted and explicitly extends a similar proscription
11 to primary elections. The bill takes effect July 1 following
12 enactment.

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