

State Book Recommendation Passage 4/25 (p. 462)  
De Pass 4/25 (p. 471)  
for to the Book of De Pass 3/11

1992 4/25/92

SENATE FILE 2114  
BY FRAISE

Passed Senate, Date 4/21/92 (p. 508) Passed House, Date 3/31/92 (p. 730)  
Vote: Ayes 50 Nays 0 Vote: Ayes 95 Nays ?  
Approved April 9, 1992

A BILL FOR

- 1 An Act relating to procedures upon the closing of polls using
- 2 electronic voting or tabulating systems.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SF 2114

1 Section 1. Section 52.32, subsections 1, 2, and 3. Code  
2 1991, are amended by striking the subsections and inserting in  
3 lieu thereof the following:

4 1. At the time for closing the polls, or as soon  
5 thereafter as all persons entitled under section 49.74 to do  
6 so have cast their votes, the precinct election officials in  
7 each precinct where an electronic voting system or an  
8 electronic tabulating system is in use shall secure the system  
9 against further voting. The precinct election officials shall  
10 certify the number of declarations of eligibility signed as  
11 required by section 49.77, and record that number on the tally  
12 sheet with the number of special, unused, spoiled, and unvoted  
13 ballots cast, with each number recorded separately. The  
14 numbers shall be used to determine whether the number of  
15 ballots cast as recorded in the electronic precinct reports  
16 varies from the number of declarations of eligibility. If so,  
17 that fact shall be reported in writing to the commissioner by  
18 the counting center officials, together with the number of  
19 ballots varying from the number of declarations of eligibility  
20 and the reason for the variance, if known.

21 2. The precinct election officials shall affix a seal upon  
22 the ballot container. The precinct election officials shall  
23 then each affix their signatures to a statement attesting that  
24 the requirements of this section have been met and the time  
25 the ballot container is removed from the precinct polling  
26 location for delivery to the counting center pursuant to  
27 section 52.37. The statement shall be returned to the  
28 commissioner with the election register as required by section  
29 50.17.

30 Sec. 2. Section 52.37, subsection 1, Code 1991, is amended  
31 to read as follows:

32 1. The sealed ballot container from each precinct shall be  
33 delivered to the counting center by two of the election  
34 officials of that precinct, not members of the same political  
35 party, who shall travel together in the same vehicle and shall

1 have the container under their immediate joint control until  
2 they surrender it to the commissioner or the commissioner's  
3 designee in charge of the counting center. The commissioner or  
4 designee shall, in the presence of the two precinct election  
5 officials who delivered the container, enter on a record kept  
6 for the purpose that the container was received, the time the  
7 container was received, and the condition of the seal upon  
8 receipt.

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EXPLANATION

10 This bill provides a procedure for determining whether  
11 excess ballots are cast in an election by means of an  
12 electronic voting system or electronic tabulating system in  
13 which the ballots are to be counted at a counting center.  
14 Current procedure provides that election officials open the  
15 ballot box after voting is complete and count the number of  
16 ballots cast and compare that number with the number of  
17 declarations of eligibility. This bill provides that the  
18 comparison is made without the precinct election officials  
19 opening the ballot box by comparing the number of declarations  
20 of eligibility to the number of ballots cast as recorded in  
21 the electronic precinct reports.

22 The bill requires that the number of special, unused,  
23 spoiled, or unvoted ballots be recorded, with each number  
24 recorded separately.

25 The bill also requires that the time the ballot box is  
26 taken from the polling place and the time it is received at  
27 the counting center be recorded.

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SENATE FILE 2114

AN ACT

RELATING TO PROCEDURES UPON THE CLOSING OF POLLS USING  
ELECTRONIC VOTING OR TABULATING SYSTEMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 52.32, subsections 1, 2, and 3, Code 1991, are amended by striking the subsections and inserting in lieu thereof the following:

1. At the time for closing the polls, or as soon thereafter as all persons entitled under section 49.74 to do so have cast their votes, the precinct election officials in

each precinct where an electronic voting system or an electronic tabulating system is in use shall secure the system against further voting. The precinct election officials shall certify the number of declarations of eligibility signed as required by section 49.77, and record that number on the tally sheet with the number of special, unused, spoiled, and unvoted ballots cast, with each number recorded separately. The numbers shall be used to determine whether the number of ballots cast as recorded in the electronic precinct reports varies from the number of declarations of eligibility. If so, that fact shall be reported in writing to the commissioner by the counting center officials, together with the number of ballots varying from the number of declarations of eligibility and the reason for the variance, if known.

2. The precinct election officials shall affix a seal upon the ballot container. The precinct election officials shall then each affix their signatures to a statement attesting that the requirements of this section have been met and the time the ballot container is removed from the precinct polling location for delivery to the counting center pursuant to section 52.37. The statement shall be returned to the commissioner with the election register as required by section 50.17.

Sec. 2. Section 52.37, subsection 1, Code 1991, is amended to read as follows:

1. The sealed ballot container from each precinct shall be delivered to the counting center by two of the election officials of that precinct, not members of the same political party, who shall travel together in the same vehicle and shall have the container under their immediate joint control until they surrender it to the commissioner or the commissioner's designee in charge of the counting center. The commissioner or designee shall, in the presence of the two precinct election officials who delivered the container, enter on a record kept for the purpose that the container was received,

the time the container was received, and the condition of the seal upon receipt.

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MICHAEL E. GRONSTAL  
President of the Senate

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ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2114, Seventy-fourth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 9, 1992

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TERRY E. BRANSTAD  
Governor