

Senate File 413

S-3039

1 Amend Senate File 413 as follows:

2 1. Page 15, before line 6 by inserting:

3 <Sec. _____. Section 50.48, subsection 3, Code 2021, is
4 amended to read as follows:

5 3. a. The recount shall be conducted or overseen by a board
6 which shall consist of one of the following:

7 (1) For a county with a population of fewer than twenty-five
8 thousand people:

9 ~~(1)~~ (a) A designee Two designees of the candidate
10 requesting the recount, who shall be named in the written
11 request when it is filed.

12 ~~(2)~~ (b) A designee Two designees of the apparent winning
13 candidate, who shall be named by that candidate at or before
14 the time the board is required to convene.

15 ~~(3)~~ (c) A person chosen jointly by the members designated
16 under subparagraphs ~~(1)~~ subparagraph divisions (a) and ~~(2)~~ (b).

17 (2) For a county with a population of at least twenty-five
18 thousand but less than ninety thousand people:

19 (a) Three designees of the candidate requesting the
20 recount, who shall be named in the written request when it is
21 filed.

22 (b) Three designees of the apparent winning candidate, who
23 shall be named by that candidate at or before the time the
24 board is required to convene.

25 (c) A person chosen jointly by the members designated under
26 subparagraph divisions (a) and (b).

27 (3) For a county with a population of ninety thousand people
28 or greater:

29 (a) Three designees of the candidate requesting the
30 recount, who shall be named in the written request when it is
31 filed.

32 (b) Three designees of the apparent winning candidate, who
33 shall be named by that candidate at or before the time the
34 board is required to convene.

35 (c) Three persons chosen jointly by the members designated

1 under subparagraph divisions (a) and (b).

2 *b.* The commissioner shall convene the persons designated
3 under paragraph "*a*", ~~subparagraphs~~ subparagraph (1) and,
4 subparagraph divisions (a) and (b), subparagraph (2),
5 subparagraph divisions (a) and (b), or subparagraph (3),
6 subparagraph divisions (a) and (b), not later than 9:00 a.m.
7 on the seventh day following the county board's canvass of the
8 election in question. If those ~~two~~ members cannot agree on the
9 ~~third~~ additional member or members by 8:00 a.m. on the ninth
10 day following the canvass, they shall immediately so notify the
11 chief judge of the judicial district in which the canvass is
12 occurring, who shall appoint the ~~third~~ additional member or
13 members not later than 5:00 p.m. on the eleventh day following
14 the canvass.

15 Sec. _____. Section 50.48, subsection 4, paragraphs a and c,
16 Code 2021, are amended to read as follows:

17 *a.* When all members of the recount board have been selected,
18 the board shall undertake and complete the required recount
19 as expeditiously as reasonably possible. The recount board
20 may conduct the recount or may direct the county commissioner
21 and the county commissioner's staff to conduct the recount.
22 The recount board shall oversee any recount conducted by the
23 county commissioner and the county commissioner's staff. The
24 commissioner or the commissioner's designee shall supervise the
25 handling of ballots to ensure that the ballots are protected
26 from alteration or damage. The board or county commissioner
27 shall open only the sealed ballot containers from the precincts
28 specified to be recounted in the request or by the recount
29 board. The board or county commissioner shall recount only
30 the ballots which were voted and counted for the office in
31 question, including any disputed ballots returned as required
32 in [section 50.5](#). ~~If automatic tabulating equipment was used~~
33 ~~to count the ballots, the~~ The recount board may request the
34 commissioner to retabulate the ballots using the automatic
35 tabulating equipment on a per precinct basis, and the recount

1 board shall visually examine each ballot that the automatic
2 tabulating equipment identifies as containing an undervote, an
3 overvote, or a write-in vote to determine voter intent. The
4 same program used for tabulating the votes on election day
5 shall be used at the recount unless the program is believed or
6 known to be flawed.

7 c. The ballots shall be resealed by the recount board
8 or county commissioner before adjournment and shall be
9 preserved as required by [section 50.12](#). At the conclusion of
10 the recount, the recount board shall make and file with the
11 commissioner a written report of its findings, which shall be
12 signed by at least ~~two~~ two-thirds of the members of the recount
13 board. The recount board shall complete the recount and file
14 its report not later than the eighteenth day following the
15 county board's canvass of the election in question.>

16 2. Page 17, line 17, by striking <eighteen> and inserting
17 <forty-five>

18 3. Page 17, by striking lines 20 through 24 and inserting
19 <subsection 3. When the United States post office is closed
20 in observance of a federal holiday and is not delivering mail
21 on the twenty-ninth day before the election, the first day to
22 mail absentee ballots is the next business day on which mail
23 delivery is available. The absentee ballot shall be sent to>

24 4. Page 18, line 13, by striking <eighteen> and inserting
25 <forty-five>

26 5. Page 18, line 19, by striking <eighteen> and inserting
27 <forty-five>

28 6. Page 18, line 23, by striking <eighteen> and inserting
29 <forty-five>

30 7. Page 18, lines 24 and 25, by striking ~~<may be established~~
31 ~~throughout the cities and county at the direction>~~ and
32 inserting <may be established throughout the cities and county
33 at the direction>

34 8. Page 18, line 26, by striking ~~<of the commissioner and>~~
35 and inserting <of the commissioner and>

1 9. By renumbering as necessary.

JACKIE SMITH