

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

**A BILL FOR**

1 An Act relating to the conduct of elections.

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

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DIVISION I

ELECTION MISCONDUCT — INVESTIGATION

Section 1. Section 39A.1, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. For purposes of this chapter, "*election day*" includes any day on which voting takes place in person, including pursuant to section 53.10 or 53.11.

Sec. 2. NEW SECTION. 39A.8 Investigation of election officials — notification.

A law enforcement agency or other entity of the state or a political subdivision of the state that conducts an investigation of an election, the actions of election officials, or election misconduct shall immediately notify the state commissioner, except that the governor shall immediately be notified of an investigation of the state commissioner.

DIVISION II

CANCELLATION OF VOTER REGISTRATION

Sec. 3. Section 48A.30, subsection 1, Code 2026, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* The registration has been designated as incomplete, pending, or unconfirmed pursuant to section 48A.37, subsection 2, for ninety days, and the commissioner has been unable to contact the registrant, or the registrant has failed to submit sufficient information to complete, verify, or correct the defect in the registration following contact by the commissioner.

DIVISION III

ELECTION RECOUNTS — PUBLIC MEASURES

Sec. 4. Section 50.49, subsections 1 and 2, Code 2026, are amended to read as follows:

1. A recount for any public measure shall be ordered by the board of canvassers if a petition requesting a recount is filed with the state commissioner for a public measure voted on by the electors of the entire state, or the county commissioner for all other public measures, not later than three days after

1 the completion of the canvass of votes for the election at  
2 which the question appeared on the ballot and the abstracts  
3 prepared pursuant to section 50.24 indicate that the difference  
4 between the affirmative and negative votes cast on the public  
5 measure is less than fifteen hundredths of one percent for a  
6 public measure voted on by the electors of the entire state,  
7 or less than either one percent or fifty votes, whichever is  
8 lesser, for all other public measures. For a public measure  
9 that is not voted on by the electors of the entire state and  
10 that requires the affirmative vote of at least sixty percent of  
11 the votes cast on the public measure, the abstracts prepared  
12 pursuant to section 50.24 must indicate that the difference  
13 between passage and defeat of the public measure is less than  
14 either one percent or fifty votes, whichever is lesser. The  
15 petition shall be signed by the greater of not less than ten  
16 eligible electors or a number of eligible electors equaling  
17 one percent of the total number of votes cast upon the public  
18 measure. Each petitioner must be a person who was entitled to  
19 vote on the public measure in question or would have been so  
20 entitled if registered to vote.

21 2. The recount shall be conducted by a board which shall  
22 consist of: the commissioner and the commissioner's staff,  
23 which may include persons employed by the commissioner to tally  
24 ballots during the election.

25 ~~a. A designee named in the petition requesting the recount.~~

26 ~~b. A designee named by the commissioner at or before the~~  
27 ~~time the board is required to convene.~~

28 ~~c. A person chosen jointly by the members designated under~~  
29 ~~paragraphs "a" and "b".~~

30 Sec. 5. Section 50.49, subsection 3, Code 2026, is amended  
31 to read as follows:

32 3. The commissioner shall convene the persons designated  
33 under subsection 2, ~~paragraphs "a" and "b",~~ not later than 9:00  
34 a.m. on the seventh day following the canvass of the election  
35 in question. ~~If those two members cannot agree on the third~~

1 ~~member by 8:00 a.m. on the ninth day following the canvass,~~  
2 ~~they shall immediately notify the chief judge of the judicial~~  
3 ~~district in which the canvass is occurring, who shall appoint~~  
4 ~~the third member not later than 5:00 p.m. on the eleventh day~~  
5 ~~following the canvass.~~

6 DIVISION IV

7 ELECTION SECURITY

8 Sec. 6. Section 52.5, subsection 2, Code 2026, is amended  
9 to read as follows:

10 2. The state commissioner shall formulate, with the advice  
11 and assistance of the examiners, and adopt rules governing the  
12 testing and examination of any optical scan voting system by  
13 the board of examiners. The rules shall prescribe the method  
14 to be used in determining whether the system is suitable for  
15 use within the state and performance standards for voting  
16 equipment in use within the state. The rules shall provide  
17 that all optical scan voting systems approved for use by the  
18 examiners after April 9, 2003, shall meet voting systems  
19 performance and test standards, as adopted by the ~~federal~~  
20 United States election assistance commission on April 30,  
21 2002, and as deemed adopted by the federal Help America Vote  
22 Act, Pub. L. No. 107-252, §222 116 Stat. 1666. The rules  
23 shall include standards for determining when recertification  
24 is necessary following modifications to the equipment or to  
25 the programs used in tabulating votes, and a procedure for  
26 rescinding certification if a system is found not to comply  
27 with performance standards adopted by the state commissioner.

28 Sec. 7. NEW SECTION. 52.39 Election equipment — physical  
29 security.

30 Election equipment, including election equipment not  
31 currently in use, shall be secured by a tamper-evident seal at  
32 all times.

33 DIVISION V

34 SPECIAL PRECINCT ELECTION BOARD

35 Sec. 8. Section 53.23, subsection 3, paragraph a, Code 2026,



1 follows:

2 **44.11 Vacancies filled.**

3 If a candidate named under this chapter withdraws or dies  
4 before the deadline established in section 44.9, declines  
5 a nomination, or if a certificate of nomination is held  
6 insufficient or inoperative by the officer with whom it  
7 is required to be filed, or in case any objection made to  
8 a certificate of nomination, or to the eligibility of any  
9 candidate named in the certificate, is sustained by the board  
10 appointed to determine such questions, the vacancy or vacancies  
11 may be filled by the convention, or caucus, or in such manner  
12 as such convention or caucus has previously provided. The  
13 vacancy or vacancies shall be filled not less than seventy-six  
14 days before the election in the case of nominations required to  
15 be filed with the state commissioner, not less than sixty-nine  
16 days before the election in the case of nominations required to  
17 be filed with the commissioner, not less than forty-two days  
18 before the election in the case of nominations required to be  
19 ~~filed in the office of the school board secretary~~ with the  
20 commissioner for school elections, and not less than forty-two  
21 days before the election in the case of nominations required to  
22 be filed with the commissioner for city elections.

23 Sec. 12. Section 275.25, subsection 1, paragraph b, Code  
24 2026, is amended to read as follows:

25 *b.* The election shall be conducted as provided in section  
26 277.3, and nomination petitions shall be filed pursuant to  
27 section 277.4, except as otherwise provided in this subsection.  
28 Nomination petitions shall be filed with the ~~secretary of the~~  
29 ~~board of the existing school district in which the candidate~~  
30 resides county commissioner of elections described in paragraph  
31 "a" not less than twenty-eight days before the date set for the  
32 special school election. The ~~secretary of the board~~ county  
33 commissioner of elections, or the ~~secretary's~~ commissioner's  
34 ~~designee~~, shall be present in the ~~secretary's~~ commissioner's  
35 office until 5:00 p.m. on the final day to file the nomination

1 papers. ~~The nomination papers shall be delivered to the~~  
2 ~~commissioner no later than 5:00 p.m. on the twenty-seventh day~~  
3 ~~before the election.~~

4 Sec. 13. Section 277.4, subsections 1, 3, and 4, Code 2026,  
5 are amended to read as follows:

6 1. Nomination papers for all candidates for election  
7 to office in each school district shall be filed with the  
8 ~~secretary of the school board~~ county commissioner of elections  
9 not more than seventy-one days nor less than forty-seven days  
10 before the election. Nomination petitions shall be filed  
11 not later than 5:00 p.m. on the last day for filing. ~~If the~~  
12 ~~school board secretary is not readily available during normal~~  
13 ~~office hours, the secretary may designate a full-time employee~~  
14 ~~of the school district who is ordinarily available to accept~~  
15 ~~nomination papers under this section.~~ On the final date for  
16 filing nomination papers, the office of the ~~school secretary~~  
17 county commissioner of elections shall remain open until 5:00  
18 p.m.

19 3. ~~The secretary of the school board~~ county commissioner  
20 of elections shall accept the petition for filing if on its  
21 face it appears to have the requisite number of signatures  
22 and if it is timely filed. ~~The secretary of the school board~~  
23 county commissioner of elections shall note upon each petition  
24 and affidavit accepted for filing the date and time that the  
25 petition was filed. ~~The secretary of the school board shall~~  
26 ~~deliver all nomination petitions, together with the complete~~  
27 ~~text of any public measure being submitted by the board to the~~  
28 ~~electorate,~~ to the county commissioner of elections on the day  
29 following the last day on which nomination petitions can be  
30 filed, and not later than 12:00 noon on that day.

31 4. Any person on whose behalf nomination petitions have been  
32 filed under this section may withdraw as a candidate by filing  
33 a signed statement to that effect with the ~~secretary~~ county  
34 commissioner of elections consistent with section 44.9.

35 Sec. 14. Section 277.5, Code 2026, is amended to read as

1 follows:

2 **277.5 Objections to nominations.**

3 1. Objections to the legal sufficiency of a nomination  
4 petition or to the eligibility of a candidate may be filed by  
5 any person who would have the right to vote for a candidate for  
6 the office in question. The objection must be filed with the  
7 ~~secretary of the school board~~ county commissioner of elections  
8 at least forty-two days before the day of the school election.  
9 When objections are filed, notice shall forthwith be given to  
10 the candidate affected, addressed to the candidate's place  
11 of residence as given on the candidate's affidavit, stating  
12 that objections have been made to the legal sufficiency of  
13 the petition or to the eligibility of the candidate, and also  
14 stating the time and place the objections will be considered.

15 2. Objections shall be considered not later than two working  
16 days following the receipt of the objections ~~by the president~~  
17 ~~of the school board, the secretary of the school board, and~~  
18 ~~one additional member of the school board chosen by ballot.~~  
19 ~~If objections have been filed to the nominations of either of~~  
20 ~~those school officials, that official shall not pass on the~~  
21 ~~objection. The official's place shall be filled by a member~~  
22 ~~of the school board against whom no objection exists. The~~  
23 ~~replacement shall be chosen by ballot as provided in section~~  
24 44.7.

25 Sec. 15. Section 279.6, subsection 1, paragraph b,  
26 subparagraph (1), Code 2026, is amended to read as follows:

27 (1) If within fourteen days after publication of a notice  
28 required pursuant to paragraph "a" for a vacancy that occurs  
29 more than one hundred eighty days before the next regular  
30 school election, or after the filing period closes pursuant  
31 to section 277.4, subsection 1, for the next regular school  
32 election, there is filed with the ~~secretary of the school~~  
33 ~~board~~ county commissioner of elections a petition requesting a  
34 special election to fill the vacancy, an appointment to fill  
35 the vacancy is temporary until a successor is elected and

1 qualified, and the board shall call a special election pursuant  
2 to section 279.7, to fill the vacancy for the remaining balance  
3 of the unexpired term.

4 Sec. 16. Section 279.6, subsection 2, Code 2026, is amended  
5 to read as follows:

6 2. A vacancy shall be filled at the next regular school  
7 election if a member of a school board resigns from the  
8 board not later than forty-five days before the election  
9 and the notice of resignation specifies an effective date  
10 at the beginning of the next term of office for elective  
11 school officials. The president of the board shall declare  
12 the office vacant as of the date of the next organizational  
13 meeting. Nomination papers shall be ~~received~~ filed with the  
14 county commissioner of elections for the unexpired term of  
15 the resigning member. The person elected at the next regular  
16 school election to fill the vacancy shall take office at the  
17 same time and place as the other elected school board members.

18 Sec. 17. Section 362.4, subsection 3, Code 2026, is amended  
19 to read as follows:

20 3. Petitions which have been accepted for filing are  
21 valid unless written objections are filed with the ~~city clerk~~  
22 commissioner within five working days after the petition is  
23 received. The objection process in section 44.8 shall be  
24 followed.

25 Sec. 18. Section 376.4, subsections 1, 3, 4, 5, and 6, Code  
26 2026, are amended to read as follows:

27 1. a. An eligible elector of a city may become a candidate  
28 for an elective city office by filing with the county  
29 commissioner of elections responsible under section 47.2  
30 for conducting elections held for the city a valid petition  
31 requesting that the elector's name be placed on the ballot for  
32 that office, ~~or by filing a valid petition with the designated~~  
33 ~~city clerk~~. The petition must be filed not more than  
34 seventy-one days and not less than forty-seven days before the  
35 date of the election, and must be signed by eligible electors

1 equal in number to at least two percent of those who voted to  
2 fill the same office at the last regular city election, but not  
3 less than ten persons. However, for those cities which may be  
4 required to hold a primary election, the petition must be filed  
5 not more than eighty-five days and not less than sixty-eight  
6 days before the date of the regular city election. Nomination  
7 petitions shall be filed not later than 5:00 p.m. on the last  
8 day for filing.

9     *b.* The petitioners for an individual seeking election from  
10 a ward must be residents of the ward at the time of signing the  
11 petition. An individual is not eligible for election from a  
12 ward unless the individual is a resident of the ward at the  
13 time the individual files the petition and at the time of  
14 election.

15     ~~*c.* The county commissioner may designate the city clerk of~~  
16 ~~a city to receive nomination papers for elective city offices.~~  
17 ~~If so designated, the city clerk shall have all the duties of~~  
18 ~~the county commissioner provided in this section.~~

19     3. On the final date for filing nomination papers the office  
20 of the county commissioner ~~and the office of the city clerk~~  
21 ~~designated pursuant to subsection 1~~ shall remain open until  
22 5:00 p.m.

23     4. The county commissioner ~~or the city clerk designated~~  
24 ~~pursuant to subsection 1~~ shall review each petition and  
25 affidavit of candidacy for completeness following the standards  
26 in section 45.5 and shall accept the petition for filing  
27 if on its face it appears to have the requisite number of  
28 signatures and if it is timely filed. The county commissioner  
29 ~~or the designated city clerk~~ shall note upon each petition and  
30 affidavit accepted for filing the date and time that they were  
31 filed. The county commissioner ~~or the designated city clerk~~  
32 shall return any rejected nomination papers to the person on  
33 whose behalf the nomination papers were filed.

34     5. Nomination papers filed with the county commissioner ~~or~~  
35 ~~the city clerk designated pursuant to subsection 1~~ shall be

1 available for public inspection.

2 6. The city clerk shall deliver the text of any public  
3 measure being submitted by the city council to the electorate  
4 to the county commissioner of elections. ~~If the county~~  
5 ~~commissioner has designated the city clerk to receive~~  
6 ~~nomination papers for elective city offices pursuant to~~  
7 ~~subsection 1, the city clerk shall deliver the nomination~~  
8 ~~papers accepted for filing to the county commissioner.~~ The  
9 text of any public measure and nomination papers required to  
10 be delivered under this subsection shall be delivered no later  
11 than the day after the last day on which nomination petitions  
12 can be filed, and not later than 12:00 noon on that day.

13 Sec. 19. Section 376.10, Code 2026, is amended to read as  
14 follows:

15 **376.10 Contest.**

16 A nomination or election to a city office may be contested in  
17 the manner provided in chapter 62 for contesting elections to  
18 county offices, except that a statement of intent to contest  
19 must be filed with the ~~city clerk~~ county commissioner of  
20 elections within ten days after the nomination or election.

21 Sec. 20. Section 376.11, subsections 1 and 2, Code 2026, are  
22 amended to read as follows:

23 1. Write-in votes are permitted to be cast in all elections  
24 for city offices. A person who receives a sufficient number of  
25 write-in votes to be elected to a city office shall be declared  
26 the winner of the election. If the result is a tie vote, lots  
27 shall be drawn pursuant to section 50.44. If a person who was  
28 elected by write-in votes chooses not to serve in that office,  
29 the person shall submit a resignation in writing to the ~~city~~  
30 ~~clerk~~ county commissioner of elections not later than 5:00 p.m.  
31 on the tenth day following the canvass of the election. If a  
32 person who was elected by write-in votes resigns at a later  
33 time, the office shall be considered vacant at the end of the  
34 term and the council shall fill the vacancy pursuant to the  
35 provisions of section 372.13, subsection 2.



1 commissioner of elections is under investigation.

2 DIVISION II — CANCELLATION OF VOTER REGISTRATION. The  
3 bill requires a voter registration that has been designated as  
4 incomplete, pending, or unconfirmed for 90 days to be canceled  
5 if the county commissioner of elections has been unable to  
6 contact the registrant or the registrant has failed to submit  
7 sufficient information to complete, verify, or correct the  
8 defect in the registration.

9 DIVISION III — ELECTION RECOUNTS — PUBLIC MEASURES. The  
10 bill changes the minimum threshold for conducting a recount  
11 of a public measure that is not voted on by the electors of  
12 the entire state and that requires an affirmative vote of at  
13 least 60 percent of the votes cast on the measure to be a  
14 difference between passage and defeat of at least 1 percent or  
15 50 votes, whichever is lesser. The bill changes the makeup of  
16 a recount board for a public measure to consist of the county  
17 commissioner of elections and the commissioner's staff, which  
18 may include persons employed by the commissioner to tally  
19 ballots, instead of a designee of the petitioner requesting the  
20 recount, a designee selected by the commissioner, and a third  
21 person chosen jointly by the other designees.

22 DIVISION IV — ELECTION SECURITY. The bill updates  
23 references to the United States election assistance commission  
24 and the federal Help America Vote Act. The bill requires all  
25 election equipment, including election equipment that is not  
26 currently in use, to be secured with a tamper-evident seal at  
27 all times.

28 DIVISION V — SPECIAL PRECINCT ELECTION BOARD. The bill  
29 requires a county commissioner of elections to set a convening  
30 time for the election board of the absentee ballot and special  
31 voters precinct of no later than 9:00 a.m. on election day  
32 for general and statewide special elections. Under current  
33 law, election boards of absentee ballot and special voters  
34 precincts must be convened by 9:00 a.m. on election day for all  
35 elections.

1     DIVISION VI — LOCAL ELECTION FILINGS. The bill requires  
2 all filings for city and school elections to be made with the  
3 county commissioner of elections and removes the authority of a  
4 county commissioner of elections to designate a city clerk to  
5 accept election filings. The bill also requires objections to  
6 petitions in city elections to be heard by the county auditor,  
7 county treasurer, and county attorney.