



CHESTER J. CULVER  
GOVERNOR

## OFFICE OF THE GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

March 19, 2010

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit:

**Senate File 2218**, an Act relating to elections by eliminating double election boards and by requiring the commissioner of elections, upon petition, to use automatic tabulating equipment in certain elections and including effective date provisions.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", with a long, sweeping flourish extending to the right.

Chester J. Culver  
Governor

CJC:bdj

cc: Secretary of the Senate  
Chief Clerk of the House





Senate File 2218

AN ACT

RELATING TO ELECTIONS BY ELIMINATING DOUBLE ELECTION BOARDS AND BY REQUIRING THE COMMISSIONER OF ELECTIONS, UPON PETITION, TO USE AUTOMATIC TABULATING EQUIPMENT IN CERTAIN ELECTIONS AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

DIVISION I

DOUBLE ELECTION BOARDS

Section 1. Section 39A.5, subsection 1, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) Circulating, communicating, or attempting to circulate or communicate information with reference to the result of the counted ballots or making a compilation of vote subtotals before the polls are closed in violation of section ~~51.11~~ or 53.23.

Sec. 2. Section 43.5, Code Supplement 2009, is amended to read as follows:

**43.5 Applicable statutes.**

The provisions of chapters 39, 39A, 47, 48A, 49, 50, ~~51~~, 52, 53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far as applicable, to all primary elections, except as hereinafter provided.

Sec. 3. Section 49.12, Code 2009, is amended to read as follows:

**49.12 Election boards.**

There shall be appointed in each election precinct an election board which shall ordinarily consist of three or five precinct election officials. At the commissioner's discretion, additional precinct election officials may be appointed to work at any election. ~~Double election boards may be appointed for any precinct as provided by chapter 51.~~ Not more than a simple

majority of the members of the election board in any precinct, ~~or of the two combined boards in any precinct for which a double election board is appointed,~~ shall be members of the same political party or organization if one or more registered voters of another party or organization are qualified and willing to serve on the board.

Sec. 4. Section 49.13, subsection 4, Code Supplement 2009, is amended to read as follows:

4. The commissioner shall designate one member of each precinct election board as chairperson of that board. ~~If a counting board authorized by chapter 51 is appointed, the chairperson shall have authority over the mechanics of the work of both boards.~~ At the discretion of the commissioner, two people who are members of different political parties may be appointed as co-chairpersons. The co-chairpersons shall have joint authority over the work of the precinct election board.

Sec. 5. Section 49.25, subsection 3, Code Supplement 2009, is amended to read as follows:

3. The commissioner shall furnish to each precinct the necessary ballot boxes, suitably equipped with seals or locks and keys, and voting booths. The voting booths shall provide for voting in secrecy. At least one voting booth in each precinct shall be accessible to persons with disabilities. Ballot boxes shall be locked or sealed before the polls open and shall remain locked or sealed until the polls are closed, ~~except as provided in section 51.7 or~~ to provide necessary service to malfunctioning automatic tabulating equipment. If a ballot box is opened prior to the closing of the polls, two precinct election officials not of the same party shall be present and observe the ballot box being opened.

Sec. 6. Section 49.104, subsection 3, Code 2009, is amended to read as follows:

3. Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots. ~~Subject to the restrictions of section 51.11, the witnesses may observe the counting of ballots by a counting board during the hours the polls are open in any precinct for which double election boards have been appointed.~~

Sec. 7. Section 331.383, Code Supplement 2009, is amended to read as follows:

**331.383 Duties and powers relating to elections.**

The board shall ensure that the county commissioner of

elections conducts primary, general, city, school, and special elections in accordance with applicable state law. The board shall canvass elections in accordance with sections 43.49 to 43.51, 43.60 to 43.62, 46.24, 50.13, 50.24 to 50.29, 50.44 to 50.47, 260C.39, 275.25, 277.20, 376.1, 376.7, and 376.9. The board shall prepare and deliver a list of persons nominated in accordance with section 43.55, provide for a recount in accordance with section 50.48, provide for election precincts in accordance with sections 49.3, 49.4, 49.6 to 49.8, and 49.11, pay election costs as provided in section 47.3, participate in election contests as provided in sections 62.1A and 62.9, and perform other election duties required by state law. The board may ~~authorize additional precinct election officials as provided in section 51.1,~~ provide for the use of an optical scan voting system as provided in sections 52.2, 52.3, and 52.8, and exercise other election powers as provided by state law.

Sec. 8. REPEAL. Sections 51.1, 51.2, 51.3, 51.4, 51.5, 51.6, 51.7, 51.8, 51.9, 51.10, 51.11, 51.12, 51.13, and 51.14, Code 2009, are repealed.

Sec. 9. REPEAL. Section 51.15, Code Supplement 2009, is repealed.

## DIVISION II

### USE OF AUTOMATIC TABULATING EQUIPMENT AT CERTAIN ELECTIONS

Sec. 10. Section 49.26, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

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

Sec. 11. Section 49.26, subsection 2, Code Supplement 2009, is amended by adding the following new paragraph:

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

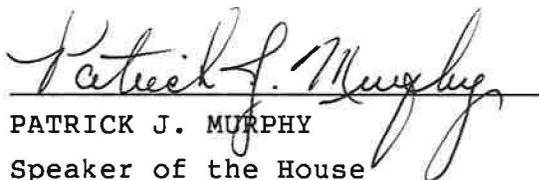
before the election.

Sec. 12. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.



JOHN P. KIBBIE

President of the Senate



PATRICK J. MURPHY

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2218, Eighty-third General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved March 19<sup>th</sup>, 2010



CHESTER J. CULVER

Governor