Senate Study Bill 1210

Bill Text

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  1 1   Section 1. Section 49.68, subsection 3, Code 2001, is
  1 2 amended to read as follows:
  1 3   3. That unmarked

~~or improperly marked~~
ballots will not be
  1 4 counted.
  1 5   Sec. 2. Section 49.68, Code 2001, is amended by adding the
  1 6 following new subsection:
  1 7   NEW SUBSECTION. 3A. That improperly market ballots will
  1 8 not be counted if it is impossible to determine the voter's
  1 9 intent.
  1 10   Sec. 3. Section 49.92, Code 2001, is amended to read as
  1 11 follows:
  1 12   49.92 VOTING MARK.
  1 13   The instructions appearing on the ballot shall describe the
  1 14 appropriate mark to be used by the voter. The mark shall be
  1 15 consistent with the requirements of the voting system in use
  1 16 in the precinct. The voting mark used on paper ballots may be
  1 17 a cross or check which shall be placed in the voting targets
  1 18 opposite the names of candidates. If the entire voting target
  1 19 is circled by a voter rather than the voter placing a cross or
  1 20 check inside the target, and no other mark is made on the
  1 21 ballot for any other candidate for that office, the vote for
  1 22 that office shall be counted. The fact that the voting mark
  1 23 is made by an instrument other than a black lead pencil shall
  1 24 not affect the validity of the ballot unless it appears that
  1 25 the color or nature of the mark is intended to identify the
  1 26 ballot contrary to the intent of section 49.107, subsection 7.
  1 27   Sec. 4. Section 49.98, Code 2001, is amended to read as
  1 28 follows:
  1 29   49.98 COUNTING BALLOTS.
  1 30   The ballots shall be counted according to the voters' marks
  1 31 on them as provided in sections 49.92

~~to~~
through 49.97, and
  1 32 not otherwise. If, for any reason, it is impossible to
  1 33 determine from a ballot, as marked, the choice of the voter
  1 34 for any office, the vote for that office shall not be counted.
  1 35 If at least seventy-five percent of the required mark is made
  2 1 on the ballot for a candidate and no other mark is made on the
  2 2 ballot for any other candidate for that office, the vote for
  2 3 that office shall be counted. When there is a conflict
  2 4 between a straight party or organization vote for one
  2 5 political party or nonparty political organization and the
  2 6 vote cast by marking the voting target next to the name of a
  2 7 candidate for another political party or nonparty political
  2 8 organization on the ballot, the mark next to the name of the
  2 9 candidate shall be held to control, and the straight party or
  2 10 organization vote in that case shall not apply as to that
  2 11 office. Any ballot shall be rejected if it is marked in any
  2 12 other manner than authorized in sections 49.92

~~to~~
through

2 13 49.97. A ballot shall be rejected if the voter used a mark to
2 14 identify the voter's ballot.
2 15   Sec. 5. Section 50.48, subsection 4, unnumbered paragraph
2 16 1, Code 2001, is amended to read as follows:
2 17   When all members of the recount board have been selected,
2 18 the board shall undertake and complete the required recount as
2 19 expeditiously as reasonably possible. The commissioner or the
2 20 commissioner's designee shall supervise the handling of
2 21 ballots or voting machine documents to ensure that the ballots
2 22 and other documents are protected from alteration or damage.
2 23 The board shall open only the sealed ballot containers from
2 24 the precincts specified to be recounted in the request or by
2 25 the recount board. The board shall recount only the ballots
2 26 which were voted and counted for the office in question,
2 27 including any disputed ballots returned as required in section
2 28 50.5. If an electronic tabulating system was used to count
2 29 the ballots, the recount board

~~may~~
shall request the
2 30 commissioner to retabulate the ballots using the electronic
2 31 tabulating system. The same program used for tabulating the
2 32 votes on election day shall be used at the recount unless the
2 33 program is believed or known to be flawed. The ballots shall
2 34 be counted according to the voters' marks on them as provided
2 35 in sections 49.92 through 49.97, and not otherwise.
3 1   EXPLANATION
3 2   This bill provides that a ballot is properly marked if 75
3 3 percent or more of the required mark is made on the ballot for
3 4 a candidate and no other mark was made for any other candidate
3 5 for that office. The bill also provides that if the voting
3 6 target on the paper ballot is circled instead of checked or
3 7 crossed, the vote for that candidate shall count if no other
3 8 mark is made for any other candidate for that office.
3 9   The bill provides that if an electronic tabulating system
3 10 was used to count votes in an election, the recount of votes
3 11 shall also be electronically tabulated unless the electronic
3 12 tabulation system is believed or known to be flawed. The bill
3 13 provides that provisions relating to properly marking ballots
3 14 shall apply in a recount of ballots.
3 15 LSB 3121SC 79
3 16 sc/cf/24