

# House File 2630 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 779)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the use of optical scan voting systems in  
2 every county, making an appropriation for the cost of  
3 purchasing and distributing optical scan voting systems,  
4 reducing certain appropriations, providing for continuing  
5 education for certain election personnel, and providing an  
6 effective date.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 6548HV 82  
9 sc/rj/8

PAG LIN

1 1 Section 1. NEW SECTION. 47.10 OPTICAL SCAN VOTING SYSTEM  
1 2 FUND.  
1 3 An optical scan voting system fund is established in the  
1 4 office of the treasurer of state under the control of the  
1 5 secretary of state. Moneys in the fund are appropriated to  
1 6 the office of the secretary of state for purchase and  
1 7 distribution of optical scan voting system equipment to  
1 8 counties to assist county compliance with section 52.2,  
1 9 subsection 2. The secretary of state, in consultation with  
1 10 the department of administrative services, shall establish a  
1 11 procedure for purchasing and distributing the equipment.  
1 12 Sec. 2. Section 49.124, Code 2007, is amended to read as  
1 13 follows:  
1 14 49.124 TRAINING COURSE BY COMMISSIONER == CONTINUING  
1 15 EDUCATION PROGRAM.  
1 16 1. The commissioner shall conduct, not later than the day  
1 17 before each primary and general election, a training course  
1 18 for all election personnel, and the commissioner may do so  
1 19 before any other election the commissioner administers. The  
1 20 personnel shall include all precinct election officials and  
1 21 any other persons who will be employed in or around the  
1 22 polling places on election day. At least two precinct  
1 23 election officials who will serve on each precinct election  
1 24 board at the forthcoming election shall attend the training  
1 25 course. If the entire board does not attend, those members  
1 26 who do attend shall so far as possible be persons who have not  
1 27 previously attended a similar training course.  
1 28 2. A continuing education program shall be provided to  
1 29 election personnel who are full-time or part-time permanent  
1 30 employees of the commissioner's office. The state  
1 31 commissioner of elections shall adopt rules pursuant to  
1 32 chapter 17A to implement and administer the continuing  
1 33 education program.  
1 34 Sec. 3. Section 52.2, subsection 2, Code Supplement 2007,  
1 35 is amended by striking the subsection and inserting in lieu  
2 1 thereof the following:  
2 2 2. Notwithstanding any provision to the contrary, for  
2 3 elections held on or after November 4, 2008, a county shall  
2 4 use an optical scan voting system only. The requirements of  
2 5 the federal Help America Vote Act relating to disabled voters  
2 6 shall be met by a county through the use of electronic ballot  
2 7 marking devices that are compatible with an optical scan  
2 8 voting system.  
2 9 Sec. 4. Section 52.7, subsection 1, paragraph 1, Code  
2 10 Supplement 2007, is amended by striking the paragraph.  
2 11 Sec. 5. OPTICAL SCAN VOTING SYSTEM FUND == APPROPRIATION.  
2 12 There is appropriated from the rebuild Iowa infrastructure  
2 13 fund to the office of the secretary of state for the fiscal  
2 14 year beginning July 1, 2007, and ending June 30, 2008, the

2 15 following amount, or so much thereof as is necessary, to be  
2 16 used for the purpose designated:

2 17 For deposit into the optical scan voting system fund, as  
2 18 established in section 47.10, notwithstanding section 8.57,  
2 19 subsection 6, paragraph "c":

2 20 ..... \$ 4,900,880

2 21 1. If any federal funding is received for the same or  
2 22 similar purposes authorized in section 47.10, as enacted by  
2 23 this Act, of the amount appropriated in this section, \$61,000  
2 24 is allocated for matching such federal funding, and an amount  
2 25 equal to the federal funding received shall revert from the  
2 26 amount appropriated to the rebuild Iowa infrastructure fund at  
2 27 the end of the fiscal year.

2 28 2. Notwithstanding section 47.9, as of the effective date  
2 29 of this Act, all remaining moneys in the voting machine  
2 30 reimbursement fund established in section 47.9 shall be  
2 31 transferred to the optical scan voting system fund established  
2 32 in section 47.10. Notwithstanding section 8.33, except as  
2 33 otherwise provided in subsection 1, the moneys appropriated  
2 34 and transferred in accordance with this section shall not  
2 35 revert to the fund from which appropriated or transferred.

3 1 3. On or before December 31, 2008, the secretary of state  
3 2 shall submit a report to the chairpersons and ranking members  
3 3 of the joint appropriations subcommittee on administration and  
3 4 regulation regarding the expenditures of moneys from the  
3 5 optical scan voting system fund and distribution of equipment  
3 6 to counties appropriated in this section.

3 7 Sec. 6. 2006 Iowa Acts, chapter 1179, section 5, as  
3 8 amended by 2007 Iowa Acts, chapter 219, section 22, is amended  
3 9 to read as follows:

3 10 SEC. 5. DEPARTMENT OF ADMINISTRATIVE SERVICES. There is  
3 11 appropriated from the rebuild Iowa infrastructure fund to the  
3 12 department of administrative services for the designated  
3 13 fiscal years, the following amounts, or so much thereof as is  
3 14 necessary, to be used for the purposes designated:

3 15 For planning, design, and construction costs associated  
3 16 with the construction of a new approximately  
3 17 350,000-gross-square-foot state office building, including  
3 18 costs associated with furnishings, employee relocation, and  
3 19 the demolition of the Wallace Building:

3 20 FY 2007=2008..... \$ ~~3,600,000~~  
3 21 0  
3 22 FY 2008=2009..... \$ 23,300,000  
3 23 FY 2009=2010..... \$ 12,657,100

3 24 Notwithstanding section 8.33, moneys appropriated in this  
3 25 section shall not revert at the close of the fiscal year for  
3 26 which they were appropriated but shall remain available for  
3 27 the purposes designated until the close of the fiscal year  
3 28 that begins July 1, 2011, or until the project for which the  
3 29 appropriation was made is completed, whichever is earlier.

3 30 The design specifications of the new state office building  
3 31 shall include, at a minimum, energy efficiency specifications  
3 32 that exceed state building code requirements and have the  
3 33 potential for leadership in energy and environmental design  
3 34 silver certification from the United States green building  
3 35 council.

4 1 Sec. 7. 2007 Iowa Acts, chapter 219, section 1, subsection  
4 2 1, paragraph n, is amended to read as follows:

4 3 n. For costs associated with a feasibility study  
4 4 concerning asbestos abatement and related building renovation  
4 5 work at the Iowa workforce development building located at  
4 6 1000 E. Grand Avenue in Des Moines, notwithstanding section  
4 7 8.57, subsection 6, paragraph "c":

4 8 ..... \$ ~~1,000,000~~  
4 9 0

4 10 Sec. 8. Section 47.9, Code Supplement 2007, is repealed.

4 11 Sec. 9. EMERGENCY RULES. The secretary of state may adopt  
4 12 emergency rules under section 17A.1, subsection 2, and section  
4 13 17A.5, subsection 2, paragraph "b", to implement the  
4 14 provisions of this Act relating to optical scan voting  
4 15 systems, and the rules shall be effective immediately upon  
4 16 filing unless a later date is specified in the rules. Any  
4 17 rules adopted in accordance with this section shall also be  
4 18 published as a notice of intended action as provided in  
4 19 section 17A.4.

4 20 Sec. 10. EFFECTIVE DATE. This Act, being deemed of  
4 21 immediate importance, takes effect upon enactment.

4 22 EXPLANATION

4 23 This bill requires a county, for elections held on or after  
4 24 November 4, 2008, to use an optical scan voting system only.

4 25 The bill repeals the voting machine reimbursement fund and

4 26 enacts new Code section 47.10 creating the optical scan voting  
4 27 system fund. The bill also transfers any moneys in the voting  
4 28 machine reimbursement fund on the effective date of the bill  
4 29 to the optical scan voting system fund.

4 30 The bill appropriates \$4,900,880 from the rebuild Iowa  
4 31 infrastructure fund (RIIF) for the fiscal year beginning July  
4 32 1, 2007, and ending June 30, 2008, to the optical scan voting  
4 33 system fund for purchase and distribution of optical scan  
4 34 voting equipment. The bill also provides that if moneys are  
4 35 received from the federal government for the same or a similar  
5 1 purpose, an amount equal to the federal funding received shall  
5 2 revert to RIIF at the end of the fiscal year.

5 3 The bill reduces FY 2007=2008 appropriations from RIIF to  
5 4 the department of administrative services made in 2006 Iowa  
5 5 Acts, chapter 1179, by \$3.6 million and in 2007 Iowa Acts,  
5 6 chapter 219, by \$1 million.

5 7 The bill provides authority for the secretary of state to  
5 8 adopt administrative rules for the bill's optical scan voting  
5 9 system provision using emergency procedures which allow the  
5 10 rules to be effective upon filing and forego initial public  
5 11 comment.

5 12 The bill requires the state commissioner of elections to  
5 13 adopt rules to implement and administer a continuing education  
5 14 program for election personnel who are full-time or part-time  
5 15 permanent employees of the county commissioner of elections.

5 16 The bill takes effect upon enactment.

5 17 LSB 6548HV 82

5 18 sc/rj/8