

House Study Bill 779

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON OLDSO)

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, and providing an effective
5 date.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 6548HC 82
8 sc/rj/8

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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 shall establish, by
1 10 administrative rule, a procedure for distributing the
1 11 equipment.
1 12 Sec. 2. Section 52.2, subsection 2, Code Supplement 2007,
1 13 is amended by striking the subsection and inserting in lieu
1 14 thereof the following:
1 15 2. Notwithstanding any provision to the contrary, for
1 16 elections held on or after November 4, 2008, a county shall
1 17 use an optical scan voting system only. The requirements of
1 18 the federal Help America Vote Act relating to disabled voters
1 19 shall be met by a county through the use of electronic ballot
1 20 marking devices that are compatible with an optical scan
1 21 voting system.
1 22 Sec. 3. Section 52.7, subsection 1, paragraph 1, Code
1 23 Supplement 2007, is amended by striking the paragraph.
1 24 Sec. 4. OPTICAL SCAN VOTING SYSTEM FUND == APPROPRIATION.
1 25 There is appropriated from the rebuild Iowa infrastructure
1 26 fund to the office of the secretary of state for the fiscal
1 27 year beginning July 1, 2007, and ending June 30, 2008, the
1 28 following amount, or so much thereof as is necessary, to be
1 29 used for the purpose designated:
1 30 For deposit into the optical scan voting system fund, as
1 31 established in section 47.10, notwithstanding section 8.57,
1 32 subsection 6, paragraph "c":
1 33 \$ 4,900,880
1 34 1. If any federal funding is received for the same or
1 35 similar purposes authorized in section 47.10, as enacted by
2 1 this Act, of the amount appropriated in this section, \$61,000
2 2 is allocated for matching such federal funding, and an amount
2 3 equal to the federal funding received shall revert from the
2 4 amount appropriated to the rebuild Iowa infrastructure fund at
2 5 the end of the fiscal year.
2 6 2. Notwithstanding section 47.9, as of the effective date
2 7 of this Act, all remaining moneys in the voting machine
2 8 reimbursement fund established in section 47.9 shall be
2 9 transferred to the optical scan voting system fund established
2 10 in section 47.10. Notwithstanding section 8.33, except as
2 11 otherwise provided in subsection 1, the moneys appropriated
2 12 and transferred in accordance with this section shall not
2 13 revert to the fund from which appropriated or transferred.
2 14 3. On or before December 31, 2008, the secretary of state
2 15 shall submit a report to the chairpersons and ranking members

2 16 of the joint appropriations subcommittee on administration and
2 17 regulation regarding the expenditures of moneys from the
2 18 optical scan voting system fund and distribution of equipment
2 19 to counties appropriated in this section.

2 20 Sec. 5. 2006 Iowa Acts, chapter 1179, section 5, as
2 21 amended by 2007 Iowa Acts, chapter 219, section 22, is amended
2 22 to read as follows:

2 23 SEC. 5. DEPARTMENT OF ADMINISTRATIVE SERVICES. There is
2 24 appropriated from the rebuild Iowa infrastructure fund to the
2 25 department of administrative services for the designated
2 26 fiscal years, the following amounts, or so much thereof as is
2 27 necessary, to be used for the purposes designated:

2 28 For planning, design, and construction costs associated
2 29 with the construction of a new approximately
2 30 350,000-gross-square-foot state office building, including
2 31 costs associated with furnishings, employee relocation, and
2 32 the demolition of the Wallace Building:

2 33 FY 2007=2008..... \$ ~~3,600,000~~
2 34
2 35 FY 2008=2009..... \$ 23,300,000
3 1 FY 2009=2010..... \$ 12,657,100

3 2 Notwithstanding section 8.33, moneys appropriated in this
3 3 section shall not revert at the close of the fiscal year for
3 4 which they were appropriated but shall remain available for
3 5 the purposes designated until the close of the fiscal year
3 6 that begins July 1, 2011, or until the project for which the
3 7 appropriation was made is completed, whichever is earlier.

3 8 The design specifications of the new state office building
3 9 shall include, at a minimum, energy efficiency specifications
3 10 that exceed state building code requirements and have the
3 11 potential for leadership in energy and environmental design
3 12 silver certification from the United States green building
3 13 council.

3 14 Sec. 6. 2007 Iowa Acts, chapter 219, section 1, subsection
3 15 1, paragraph n, is amended to read as follows:

3 16 n. For costs associated with a feasibility study
3 17 concerning asbestos abatement and related building renovation
3 18 work at the Iowa workforce development building located at
3 19 1000 E. Grand Avenue in Des Moines, notwithstanding section
3 20 8.57, subsection 6, paragraph "c":

3 21 \$ ~~1,000,000~~
3 22

3 23 Sec. 7. Section 47.9, Code Supplement 2007, is repealed.

3 24 Sec. 8. EMERGENCY RULES. The secretary of state may adopt
3 25 emergency rules under section 17A.1, subsection 2, and section
3 26 17A.5, subsection 2, paragraph "b", to implement the
3 27 provisions of this Act relating to optical scan voting
3 28 systems, and the rules shall be effective immediately upon
3 29 filing unless a later date is specified in the rules. Any
3 30 rules adopted in accordance with this section shall also be
3 31 published as a notice of intended action as provided in
3 32 section 17A.4.

3 33 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
3 34 immediate importance, takes effect upon enactment.

3 35 EXPLANATION

4 1 This bill requires a county, for elections held on or after
4 2 November 4, 2008, to use an optical scan voting system only.

4 3 The bill repeals the voting machine reimbursement fund and
4 4 enacts new Code section 47.10 creating the optical scan voting
4 5 system fund. The bill also transfers any moneys in the voting
4 6 machine reimbursement fund on the effective date of the bill
4 7 to the optical scan voting system fund.

4 8 The bill appropriates \$4,900,880 from the rebuild Iowa
4 9 infrastructure fund (RIIF) for the fiscal year beginning July
4 10 1, 2007, and ending June 30, 2008, to the optical scan voting
4 11 system fund for purchase and distribution of optical scan
4 12 voting equipment. The bill also provides that if moneys are
4 13 received from the federal government for the same or a similar
4 14 purpose, an amount equal to the federal funding received shall
4 15 revert to RIIF at the end of the fiscal year.

4 16 The bill reduces FY 2007=2008 appropriations from RIIF to
4 17 the department of administrative services made in 2006 Iowa
4 18 Acts, chapter 1179, by \$3.6 million and in 2007 Iowa Acts,
4 19 chapter 219, by \$1 million.

4 20 The bill provides authority for the secretary of state to
4 21 adopt administrative rules for the bill's optical scan voting
4 22 system provision using emergency procedures which allow the
4 23 rules to be effective upon filing and forego initial public
4 24 comment.

4 25 The bill takes effect upon enactment.

