

House File 670 - Introduced

HOUSE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 133)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to absentee voting by requiring the counting of
2 absentee ballots to begin the day before the general election.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1172HV 83
5 sc/nh/8

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1 1 Section 1. Section 53.23, subsections 3 and 4, Code 2009,
1 2 are amended to read as follows:

1 3 3. a. The commissioner shall set the convening time for
1 4 the board, allowing a reasonable amount of time to complete
1 5 counting all absentee ballots by 10:00 p.m. on election day.

1 6 b. (1) The commissioner may direct the board to meet on
1 7 the day before the election ~~solely~~ for the purpose of
1 8 reviewing the absentee voters' affidavits appearing on the
1 9 sealed affidavit envelopes. If in the commissioner's judgment
1 10 this procedure is necessary due to the number of absentee
1 11 ballots received, the members of the board may open the sealed
1 12 affidavit envelopes and remove the secrecy envelope containing
1 13 the ballot, but under no circumstances shall a secrecy
1 14 envelope be opened before the board convenes on election day,
1 15 except as provided in paragraph "c". If the affidavit

1 16 envelopes are opened before election day pursuant to this
1 17 paragraph "b", two observers, one appointed by each of the two
1 18 political parties referred to in section 49.13, subsection 2,
1 19 shall witness the proceedings. The observers shall be
1 20 appointed by the county chairperson or, if the county
1 21 chairperson fails to make an appointment, by the state
1 22 chairperson. However, if either or both political parties
1 23 fail to appoint an observer, the commissioner may continue
1 24 with the proceedings.

1 25 ~~b. (2)~~ If the board finds any ballot not enclosed in a
1 26 secrecy envelope and the ballot is folded in such a way that
1 27 any of the votes cast on the ballot are visible, the two
1 28 special precinct election officials, one from each of the two
1 29 political parties referred to in section 49.13, subsection 2,
1 30 shall place the ballot in a secrecy envelope. No one shall
1 31 examine the ballot, except as provided in paragraph "c".

1 32 c. For the general election, the commissioner shall
1 33 convene the special precinct election board on the day before
1 34 the election to begin counting absentee ballots. The board
1 35 shall not release the results of its tabulation pursuant to
2 1 this paragraph until the count is completed on election day.

2 2 4. The room where members of the special precinct election
2 3 board are engaged in counting absentee ballots on the day
2 4 before the election pursuant to subsection 3, paragraph "c",
2 5 or during the hours the polls are open shall be policed so as
2 6 to prevent any person other than those whose presence is
2 7 authorized by this subsection from obtaining information about
2 8 the progress of the count. The only persons who may be
2 9 admitted to that room are the members of the board, one
2 10 challenger representing each political party, one observer
2 11 representing any nonparty political organization or any
2 12 candidate nominated by petition pursuant to chapter 45 or any
2 13 other nonpartisan candidate in a city or school election
2 14 appearing on the ballot of the election in progress, one
2 15 observer representing persons supporting a public measure
2 16 appearing on the ballot and one observer representing persons
2 17 opposed to such measure, and the commissioner or the

2 18 commissioner's designee. It shall be unlawful for any of
2 19 these persons to communicate or attempt to communicate,
2 20 directly or indirectly, information regarding the progress of
2 21 the count at any time while the board is convened pursuant to
2 22 subsection 3, paragraph "c", or at any time before the polls
2 23 are closed.

2 24 EXPLANATION

2 25 This bill requires the county commissioner of elections to
2 26 convene the special precinct election board on the day before
2 27 the general election to begin counting absentee ballots.

2 28 LSB 1172HV 83

2 29 sc/nh/8