

**House Study Bill 719 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON KAUFMANN)

**A BILL FOR**

1 An Act relating to the conduct of elections, including  
2 provisions related to absentee ballots, recounts, and  
3 contested gubernatorial elections and impeachments, making  
4 penalties applicable, and including effective date and  
5 applicability provisions.

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

1 Section 1. Section 43.20, subsection 1, Code 2022, is  
2 amended to read as follows:

3 1. ~~a. Except as provided in paragraph "b", nomination~~  
4 Nomination papers shall be signed by eligible electors as  
5 provided in [section 45.1](#).

6 ~~b. Nomination papers for an office to be filled by the~~  
7 ~~voters of the county or for the office of county supervisor~~  
8 ~~elected from a district within the county, shall be signed~~  
9 ~~by at least two percent of the party vote in the county or~~  
10 ~~supervisor district, as shown by the last general election, or~~  
11 ~~by at least one hundred persons, whichever is less.~~

12 Sec. 2. Section 43.56, subsection 1, paragraph c, Code 2022,  
13 is amended to read as follows:

14 c. ~~A third person mutually agreeable to the board members~~  
15 ~~designated by the candidates~~ One person who is a precinct  
16 election official selected by the chief judge of the judicial  
17 district in which the canvass occurs at or before the time the  
18 board is required to convene.

19 Sec. 3. Section 43.78, subsection 5, paragraph b, Code 2022,  
20 is amended to read as follows:

21 b. In the office of the appropriate commissioner, at least  
22 ~~sixty-four~~ sixty-seven days before the date of the election.

23 Sec. 4. Section 43.92, Code 2022, is amended to read as  
24 follows:

25 **43.92 Date of caucus published.**

26 1. The date, time, and place of each precinct caucus of a  
27 political party shall be published at least twice in at least  
28 one newspaper of general circulation in the precinct. The  
29 first publication shall be made not more than fifteen days nor  
30 less than seven days before the date of the caucus and the  
31 second shall be made not more than seven days before and not  
32 later than the date of the caucus. Such publication shall  
33 also state in substance that each voter affiliated with the  
34 specified political party may attend the precinct caucus.  
35 Publication in a news item or advertisement in such newspaper

1 shall constitute publication for the purposes of **this section**.  
2 The cost of such publication, if any, shall be paid by the  
3 political party.

4 2. a. In lieu of the requirement to publish a notice in a  
5 newspaper of general circulation in the precinct, a political  
6 party may publish the notice in its entirety on the political  
7 party's internet site, if the political party maintains an  
8 internet site. The notice shall include all information  
9 otherwise required to be contained in the publication and  
10 shall comply with all requirements relating to the date of  
11 publication.

12 b. In posting and maintaining a notice on a political  
13 party's internet site, the political party shall satisfy all  
14 of the following requirements:

15 (1) The internet site shall be available and easily  
16 accessible at all times by the public.

17 (2) The public shall not be charged for access to any notice  
18 posted on the internet site pursuant to this subsection.

19 (3) The notice shall be maintained and accessible through  
20 the same internet site address for as long as required by law  
21 or as long as such information is customarily maintained by the  
22 political party, whichever is longer.

23 c. Compliance with the requirements of this subsection  
24 shall constitute compliance with the newspaper publication  
25 requirements in subsection 1.

26 **Sec. 5. NEW SECTION. 49.17 Conduct of elections — funding.**

27 1. The state commissioner or a county commissioner or  
28 political subdivision of the state shall only accept funding  
29 from the following sources for the purposes of conducting an  
30 election:

31 *a.* Lawful appropriations of public funds from the government  
32 of the United States.

33 *b.* Lawful appropriations of public funds from the state of  
34 Iowa.

35 *c.* Lawful appropriations of public funds from a political

1 subdivision of the state for the conduct of an election in the  
2 political subdivision.

3 2. The state commissioner, a county commissioner, or a  
4 political subdivision of the state shall not accept or expend  
5 a grant, gift, or other source of funding from a source other  
6 than those listed in subsection 1, including from a private  
7 person, corporation, partnership, political party, nonparty  
8 political organization, committee as defined in section  
9 68A.102, or other organization for the purpose of conducting  
10 an election.

11 3. This section does not prohibit the state commissioner or  
12 a county commissioner or political subdivision from issuing and  
13 collecting fees as otherwise provided by law.

14 4. This section does not apply to the contribution of a  
15 building for use as a polling place pursuant to section 49.21.

16 Sec. 6. Section 49.53, subsection 1, Code 2022, is amended  
17 to read as follows:

18 1. The commissioner shall not less than four nor more  
19 than ~~twenty~~ thirty days before the day of each election,  
20 except those for which different publication requirements are  
21 prescribed by law, publish notice of the election. The notice  
22 shall list the names of all candidates or nominees and the  
23 office each seeks, and all public questions, to be voted upon  
24 at the election. The notice shall also state the date of the  
25 election, the hours the polls will be open, that each voter is  
26 required to provide identification at the polling place before  
27 the voter can receive and cast a ballot, the location of each  
28 polling place at which voting is to occur in the election, ~~and~~  
29 the names of the precincts voting at each polling place, the  
30 date the election will be audited pursuant to section 50.51,  
31 the location of the audit, and the hours during which the  
32 election will be audited. The notice shall include the full  
33 text of all public measures to be voted upon at the election.  
34 The notice may contain one or more facsimiles of the portion  
35 of the ballot containing the first rotation as prescribed by

1 section 49.31, subsection 2.

2 Sec. 7. NEW SECTION. **49.76A Electronic election register.**

3 1. The commissioner may use an electronic election register  
4 in lieu of a paper register if the electronic election register  
5 is a product that has been certified for use in this state by  
6 the state commissioner.

7 2. The state commissioner shall adopt rules pursuant to  
8 chapter 17A for the implementation of this section.

9 Sec. 8. Section 50.11, subsection 1, Code 2022, is amended  
10 to read as follows:

11 1. When the canvass is completed one of the precinct  
12 election officials shall, upon request of a person at the  
13 precinct, publicly announce the total number of votes received  
14 by each of the persons voted for, the office for which the  
15 person is designated, as announced by the designated tally  
16 keepers, and the number of votes for, and the number of votes  
17 against, any proposition which shall have been submitted to a  
18 vote of the people. A precinct election official may, at the  
19 request of the commissioner who is conducting the election,  
20 communicate the election results by telephone and shall deliver  
21 the election results in person pursuant to [section 50.14](#) to the  
22 commissioner who is conducting the election immediately upon  
23 completion of the canvass.

24 Sec. 9. Section 50.12, Code 2022, is amended to read as  
25 follows:

26 **50.12 Return and preservation of ballots.**

27 Immediately after making the proclamation, and before  
28 separating, the board members of each precinct in which votes  
29 have been received by paper ballot shall enclose in an envelope  
30 or other container all ballots which have been counted by them,  
31 except those endorsed "Rejected as double", "Defective", or  
32 "Objected to", and securely seal the envelope. The signatures  
33 of all board members of the precinct shall be placed across  
34 the seal or the opening of the container so that it cannot  
35 be opened without breaking the seal. The precinct election

1 officials shall return all the ballots to the commissioner,  
2 who shall carefully preserve them for six months. Ballots  
3 from elections for federal offices shall be preserved for  
4 twenty-two months. The sealed packages containing voted  
5 ballots shall be opened only for an official recount authorized  
6 by [section 50.48](#), or [50.49](#), ~~or 50.50~~, for an election contest  
7 held pursuant to [chapters 57 through 62](#), to conduct an audit  
8 pursuant to [section 50.50 or 50.51](#), or to destroy the ballots  
9 pursuant to [section 50.19](#).

10 Sec. 10. Section 50.15A, Code 2022, is amended to read as  
11 follows:

12 **50.15A Unofficial results of voting — ~~general election only~~.**

13 1. In order to provide the public with an early source  
14 of election results before the official canvass of votes,  
15 the state commissioner of elections, in cooperation with the  
16 commissioners of elections, shall conduct an unofficial canvass  
17 of election results following the closing of the polls on  
18 the day of a regular city election, regular school election,  
19 primary election, and general election. The unofficial  
20 canvass shall report election results for national offices,  
21 statewide offices, the office of state representative, the  
22 office of state senator, and other offices or public measures  
23 at the discretion of the state commissioner of elections.  
24 The unofficial canvass shall also report the total number of  
25 ballots cast at the ~~general~~ election.

26 2. a. After the polls close on election day, the  
27 commissioner of elections shall periodically provide election  
28 results to the state commissioner of elections as the precincts  
29 in the county report election results to the commissioner  
30 pursuant to [section 50.11](#). If the commissioner determines  
31 that all precincts will not report election results before  
32 the office is closed, the commissioner shall report the most  
33 complete results available prior to leaving the office at the  
34 time the office is closed as provided in [section 50.11](#). The  
35 commissioner shall specify the number of precincts included in

1 the report to the state commissioner of elections and provide  
2 an explanation in writing as to why all precincts will not be  
3 reported.

4 *b.* The state commissioner of elections shall tabulate  
5 unofficial election results as the results are received from  
6 the commissioners of elections and shall periodically make the  
7 reports of the results available to the public.

8 3. Before the day of the ~~general~~ election, the state  
9 commissioner of elections shall provide a form and instructions  
10 for reporting unofficial election results pursuant to this  
11 section.

12 Sec. 11. Section 50.24, subsections 1 and 4, Code 2022, are  
13 amended to read as follows:

14 1. The county board of supervisors shall meet to canvass  
15 the vote on the first ~~Monday~~ or Tuesday after the day of  
16 each election to which **this chapter** is applicable, unless  
17 the law authorizing the election specifies another date for  
18 the canvass. If that ~~Monday~~ or Tuesday is a public holiday,  
19 section 4.1, subsection 34, controls.

20 4. For a regular or special city election or a city runoff  
21 election, if the city is located in more than one county, the  
22 controlling commissioner for that city under **section 47.2** shall  
23 conduct a second canvass on the second ~~Monday~~ or Tuesday after  
24 the day of the election. However, if a recount is requested  
25 pursuant to **section 50.48**, the controlling commissioner shall  
26 conduct the second canvass within two business days after the  
27 conclusion of the recount proceedings. Each commissioner  
28 conducting a canvass for the city pursuant to **subsection 1**  
29 shall transmit abstracts for the offices and public measures of  
30 that city to the controlling commissioner for that city, along  
31 with individual tallies for each write-in candidate. At the  
32 second canvass, the county board of supervisors of the county  
33 of the controlling commissioner shall canvass the abstracts  
34 received pursuant to **this subsection** and shall prepare a  
35 combined city abstract stating the number of votes cast in the

1 city for each office and on each question on the ballot for  
2 the city election. The combined city abstract shall further  
3 indicate the name of each person who received votes for each  
4 office on the ballot, the number of votes each person named  
5 received for that office, and the number of votes for and  
6 against each question submitted to the voters at the election.  
7 The votes of all write-in candidates who each received less  
8 than five percent of the total votes cast in the city for  
9 an office shall be reported collectively under the heading  
10 "scattering".

11 Sec. 12. Section 50.24, subsection 5, paragraph a, Code  
12 2022, is amended to read as follows:

13 a. For a regular or special school election, if the school  
14 district is located in more than one county, the controlling  
15 commissioner for that school district under [section 47.2](#) shall  
16 conduct a second canvass on the second ~~Monday~~ or Tuesday after  
17 the day of election. However, if a recount is requested  
18 pursuant to [section 50.48](#), the controlling commissioner shall  
19 conduct the second canvass within two business days after the  
20 conclusion of the recount proceedings. Each commissioner  
21 conducting a canvass for the school district pursuant to  
22 subsection 1 shall transmit abstracts for the offices and  
23 public measures of that school district to the controlling  
24 commissioner for that school district, along with individual  
25 tallies for each write-in candidate. At the second canvass the  
26 county board of supervisors of the controlling county shall  
27 canvass the abstracts received pursuant to [this subsection](#) and  
28 shall prepare a combined school district abstract stating the  
29 number of votes cast in the school district for each office and  
30 on each question on the ballot for the school election. The  
31 combined school district abstract shall further indicate the  
32 name of each person who received votes for each office on the  
33 ballot, the number of votes each person named received for that  
34 office, and the number of votes for and against each question  
35 submitted to the voters at the election. The votes of all



1 write-in candidates who each received less than five percent of  
2 the total votes cast in the school district for an office shall  
3 be reported collectively under the heading "scattering".

4 Sec. 13. Section 50.48, subsection 1, paragraphs a and b,  
5 Code 2022, are amended to read as follows:

6 a. The county board of canvassers shall order a recount of  
7 the votes cast for a particular office or nomination in ~~one~~  
8 ~~or more specified~~ all election precincts in that county if a  
9 written request for a recount is made not later than 5:00 p.m.  
10 on the ~~third~~ second day following the county board's canvass  
11 of the election in question. For a city runoff election held  
12 pursuant to [section 376.9](#), the written request must be made not  
13 later than 5:00 p.m. on the day following the county board's  
14 canvass of the city runoff election. A written request for a  
15 recount shall indicate whether the recount shall be conducted  
16 only using automatic tabulating equipment or by a hand recount  
17 following the use of automatic tabulating equipment. If a  
18 candidate requests a hand recount in one county, the candidate  
19 shall also request a hand recount in each county at which the  
20 candidate requests a recount. The request shall be filed with  
21 the commissioner of that county and shall be signed by either  
22 of the following:

23 (1) A candidate for that office or nomination whose name  
24 was printed on ~~the~~ a ballot of the precinct or precincts in the  
25 county where the recount is requested.

26 (2) Any other person who receives votes for that particular  
27 office or nomination in the ~~precinct or precincts~~ county where  
28 the recount is requested and who is legally qualified to seek  
29 and to hold the office in question.

30 b. Immediately upon receipt of a request for a recount,  
31 the commissioner shall send a copy of the request to the  
32 apparent winner by certified mail and the state commissioner  
33 by electronic mail. The commissioner shall also attempt to  
34 contact the apparent winner by telephone. If the apparent  
35 winner cannot be reached within ~~four~~ three days, the

1 chairperson of the political party or organization which  
2 nominated the apparent winner shall be contacted and shall act  
3 on behalf of the apparent winner, if necessary. For candidates  
4 for state or federal offices, the chairperson of the state  
5 party shall be contacted. For candidates for county offices,  
6 the county chairperson of the party shall be contacted.

7 Sec. 14. Section 50.48, subsection 2, Code 2022, is amended  
8 by adding the following new paragraph:

9 NEW PARAGRAPH. c. (1) Upon receipt of a written request  
10 for a hand recount involving a state office, including a seat  
11 in the general assembly, a seat in the United States Congress,  
12 or electors for president or vice president, forwarded by  
13 the commissioner, the state commissioner shall verify that  
14 each request for a recount for that office submitted by that  
15 candidate included a request for a hand recount. For each  
16 request that did not include a request for a hand recount, the  
17 state commissioner shall assess a civil penalty of one hundred  
18 dollars against the candidate. The civil penalty shall first  
19 be deducted from the bond filed by the candidate.

20 (2) Upon verification that a candidate for a state office,  
21 including a seat in the general assembly, a seat in the United  
22 States Congress, or electors for president or vice president,  
23 submitted a written request for hand recount in at least one  
24 but not all counties, the state commissioner shall, within six  
25 days following the county canvass of the election, inform each  
26 commissioner at which a hand recount was not requested that a  
27 hand recount shall be performed pursuant to this section.

28 Sec. 15. Section 50.48, subsections 3 and 4, Code 2022,  
29 are amended by striking the subsections and inserting in lieu  
30 thereof the following:

31 3. a. The recount shall be conducted by a board which shall  
32 consist of one of the following:

33 (1) For a county with a population of fewer than fifteen  
34 thousand people according to the most recent federal decennial  
35 census:

1 (a) A designee of the candidate requesting the recount,  
2 who shall be named in the written request when the request is  
3 filed.

4 (b) A designee of the apparent winning candidate, who shall  
5 be named by the candidate at or before the time the board is  
6 required to convene.

7 (c) A member who is a precinct election official selected by  
8 the chief judge of the judicial district in which the canvass  
9 occurs at or before the time the board is required to convene.

10 (2) For a county with a population of at least fifteen  
11 thousand but fewer than fifty thousand people according to the  
12 most recent federal decennial census:

13 (a) A designee of the candidate requesting the recount,  
14 who shall be named in the written request when the request is  
15 filed.

16 (b) A designee of the apparent winning candidate, who shall  
17 be named by the candidate at or before the time the board is  
18 required to convene.

19 (c) Three members who are precinct election officials  
20 selected by the chief judge of the judicial district in which  
21 the canvass occurs at or before the time the board is required  
22 to convene.

23 (3) For a county with a population of fifty thousand people  
24 or greater:

25 (a) Two designees of the candidate requesting the recount,  
26 who shall be named in the written request when the request is  
27 filed.

28 (b) Two designees of the apparent winning candidate, who  
29 shall be named by the candidate at or before the time the board  
30 is required to convene.

31 (c) Three members who are precinct election officials  
32 selected by the chief judge of the judicial district in which  
33 the canvass occurs at or before the time the board is required  
34 to convene.

35 *b.* Members appointed to the recount board by the chief judge

1 shall be selected consistent with section 49.13, subsection 2,  
2 for partisan offices and section 49.12 for nonpartisan offices.

3     *c.* The commissioner shall convene the persons designated  
4 under paragraph "*a*" not later than 9:00 a.m. on the sixth  
5 day following the county board's canvass of the election in  
6 question.

7     4. When all members of the recount board have been selected,  
8 the board shall undertake and complete the required recount as  
9 expeditiously as reasonably possible in the following manner:

10     *a.* The commissioner shall inform the board whether the  
11 candidate has requested a hand recount. The commissioner  
12 or the commissioner's designee shall supervise the handling  
13 of ballots to ensure that the ballots are protected from  
14 alteration or damage.

15     *b.* The board shall direct the commissioner to retabulate  
16 the ballots using the automatic tabulating equipment. The same  
17 program used for tabulating the votes on election day shall be  
18 used at the recount unless the program is believed or known to  
19 be flawed.

20     *c.* The board shall recount only the ballots which were voted  
21 and counted for the office in question, including any disputed  
22 ballots returned as required in section 50.5.

23     *d.* After retabulating the ballots as provided in paragraph  
24 "*b*", the board shall compare the printed results of the  
25 tabulation equipment to the abstract prepared pursuant to the  
26 county board's canvass. The board shall note any discrepancies  
27 between the two results.

28     *e.* If the candidate's written request included a request  
29 for a hand recount, the board shall separate the ballots into  
30 piles: one for each candidate, one for write-in votes, and  
31 one for ballots considered an over or under count. The board  
32 shall review and tabulate the ballots in each pile as provided  
33 in section 49.98. The board shall compare the hand recount  
34 results to the printed results of the tabulation equipment and  
35 the abstract. If there are discrepancies between the three

1 results, then the results of the hand recount shall control.

2 *f.* The ballots shall be resealed by the recount board before  
3 adjournment and shall be preserved as required by section  
4 50.12.

5 Sec. 16. Section 50.48, subsection 5, Code 2022, is amended  
6 to read as follows:

7 5. *a.* At the conclusion of the recount, the recount board  
8 shall make and file with the commissioner a written report of  
9 its findings signed by a majority of the recount board. The  
10 commissioner or commissioner's designee may assist in compiling  
11 the written report. The written report shall include a full  
12 tally and accounting of ballots reviewed by the recount board  
13 and shall be reported as required by sections 50.24 and 53.20.  
14 The written report must allow the commissioner to correct the  
15 canvass of voters in the manner required by law, if applicable.

16 *b.* If the recount board's report is that the abstracts  
17 prepared pursuant to the county board's canvass were incorrect  
18 as to the number of votes cast for the candidates for the  
19 office or nomination in question, in that county or district,  
20 the commissioner shall at once so notify the county board. The  
21 county board shall reconvene within three days after being so  
22 notified, but no later than noon on the twenty-seventh day  
23 following the election in question for a recount of the offices  
24 of president and vice president, and shall correct its previous  
25 proceedings.

26 *c.* The recount board shall complete the recount and file its  
27 report as follows:

28 (1) For the offices of president and vice president, not  
29 later than the seventeenth day following the county board's  
30 canvass of the election in question.

31 (2) For a state office, including a seat in the general  
32 assembly, or a seat in the United States Congress, not later  
33 than the twenty-first day following the county board's canvass  
34 of the election in question.

35 (3) For any other office, not later than the thirteenth

1 day following the county board's canvass of the election in  
2 question.

3 Sec. 17. Section 50.49, subsection 1, Code 2022, is amended  
4 by striking the subsection and inserting in lieu thereof the  
5 following:

6 1. *a.* A recount for any public measure shall be ordered  
7 by the board of canvassers if a petition requesting a recount  
8 is filed with the county commissioner of a county at which  
9 the question appeared on the ballot not later than two days  
10 after the completion of the canvass of voters for the election.  
11 The petition for a recount shall indicate whether the recount  
12 shall be conducted only using automatic tabulating equipment  
13 or by a hand recount following the use of automatic tabulating  
14 equipment. If a petition requests a hand recount in one  
15 county, the petition shall also request a hand recount in each  
16 county in which the petition is filed. A petition must be  
17 filed by the person submitting the petition in each county  
18 in which the public measure appeared on the ballot. If the  
19 petition is not filed by the person submitting the petition in  
20 each county in which the public measure appeared on the ballot,  
21 a recount shall not be conducted.

22 *b.* The petition must be signed by the greater of ten  
23 eligible electors or a number of eligible electors equaling  
24 one percent of the total number of votes cast upon the public  
25 measure in the county. Each person signing the petition must  
26 be a person who was entitled to vote on the public measure in  
27 question or would have been so entitled if registered to vote.

28 *c.* Immediately upon receipt of a petition for a recount,  
29 the commissioner shall send a copy of the petition to the  
30 state commissioner by electronic mail. The state commissioner  
31 shall confirm that a petition was filed in every county the  
32 public measure appeared on the ballot prior to the convening of  
33 the recount board. The state commissioner shall also verify  
34 whether each petition for a recount included a request for  
35 a hand recount. If the state commissioner verifies that a

1 petition included a request for a hand recount in at least one  
2 but not all counties, the state commissioner shall, prior to  
3 convening of the recount board, inform each commissioner at  
4 which a hand recount was not requested that a hand recount  
5 shall be performed.

6 Sec. 18. Section 50.49, subsection 2, paragraph b, Code  
7 2022, is amended by striking the paragraph and inserting in  
8 lieu thereof the following:

9 b. Two members who are precinct election officials selected  
10 by the chief judge of the judicial district in which the  
11 canvass occurs at or before the time the board is required to  
12 convene. The members shall be selected consistent with section  
13 49.12.

14 Sec. 19. Section 50.49, subsection 2, paragraph c, Code  
15 2022, is amended by striking the paragraph.

16 Sec. 20. Section 50.49, subsection 3, Code 2022, is amended  
17 by striking the subsection and inserting in lieu thereof the  
18 following:

19 3. The commissioner shall convene the recount board not  
20 later than 9:00 a.m. on the sixth day following the county  
21 board's canvass of the election in question.

22 Sec. 21. Section 50.50, Code 2022, is amended to read as  
23 follows:

24 **50.50 Administrative ~~recounts~~ audits.**

25 1. The commissioner who was responsible for conducting an  
26 election may request an administrative ~~recount~~ audit when the  
27 commissioner is informed or suspects that voting equipment used  
28 in the election malfunctioned or that programming errors may  
29 have affected the outcome of the election, or if the precinct  
30 election officials report counting errors to the commissioner  
31 after the conclusion of the canvass of votes in the precinct.  
32 An administrative ~~recount~~ audit shall be conducted by the board  
33 of the special precinct established by [section 53.23](#). ~~Board~~  
34 ~~shall not be required for an administrative recount.~~ The  
35 state commissioner may adopt rules for administrative ~~recounts~~

1 audits.

2 ~~2. If the recount board finds that there is an error~~  
3 ~~in the programming of any voting equipment which may have~~  
4 ~~affected the outcome of the election for any office or public~~  
5 ~~measure on the ballot, the recount board shall describe the~~  
6 ~~errors in its report to the commissioner. The commissioner~~  
7 ~~shall notify the board of supervisors. The supervisors shall~~  
8 ~~determine whether to order an administrative recount for any~~  
9 ~~or all of the offices and public measures on the ballot. Each~~  
10 political party, as defined in section 43.2 may appoint up  
11 to five observers to witness an audit conducted pursuant to  
12 this section. The observers shall be appointed by the county  
13 chairperson or, if the county chairperson fails to make an  
14 appointment, by the state chairperson. However, if either or  
15 both political parties fail to appoint an observer, the board  
16 may continue with the proceedings.

17 Sec. 22. Section 50.51, subsection 3, paragraph a, Code  
18 2022, is amended by striking the paragraph.

19 Sec. 23. NEW SECTION. 53.1B Definitions.

20 For purposes of this subchapter, unless the context  
21 otherwise requires:

22 1. "*Affidavit envelope*" means an envelope that includes  
23 a serial number and bears on the back an affidavit for a  
24 registered voter to mark the registered voter's signature and  
25 voter verification number in a form prescribed by the state  
26 commissioner.

27 2. "*Delivery envelope*" means an envelope that bears on its  
28 face the name and address of the registered voter requesting an  
29 absentee ballot, the words "county commissioner of elections",  
30 the address of the commissioner's office, and the same serial  
31 number that appears on the affidavit envelope and return  
32 envelope.

33 3. "*Return envelope*" means an envelope that is addressed  
34 to the commissioner's office, bears appropriate return postage  
35 or a postal permit guaranteeing that the commissioner will pay



1 the return postage, and includes the same serial number as the  
2 affidavit envelope and delivery envelope.

3 4. "*Secrecy envelope*" means an envelope, folder, or sleeve  
4 that hides all voting ovals on a ballot when folded.

5 Sec. 24. Section 53.8, subsection 1, Code 2022, is amended  
6 to read as follows:

7 1. a. Upon receipt of an application for an absentee ballot  
8 and immediately after the absentee ballots are printed, but not  
9 more than twenty days before the election, the commissioner  
10 shall mail an absentee ballot to the applicant within  
11 twenty-four hours, except as otherwise provided in subsection  
12 3. The absentee ballot shall be ~~sent to the registered voter~~  
13 ~~by one of the following methods:~~ enclosed in an unsealed  
14 affidavit envelope. The absentee ballot and affidavit envelope  
15 shall be enclosed in or with an unsealed return envelope. The  
16 absentee ballot, affidavit envelope, and return envelope shall  
17 be enclosed in the delivery envelope. If the ballot cannot  
18 be folded so that all the voting ovals on the ballot will be  
19 hidden, the commissioner shall also enclose a secrecy envelope  
20 with the absentee ballot.

21 ~~(1) The absentee ballot shall be enclosed in an unsealed~~  
22 ~~envelope marked with a serial number and affidavit. The~~  
23 ~~absentee ballot and affidavit envelope shall be enclosed in~~  
24 ~~or with an unsealed return envelope marked postage paid which~~  
25 ~~bears the same serial number as the affidavit envelope. The~~  
26 ~~absentee ballot, affidavit envelope, and return envelope shall~~  
27 ~~be enclosed in a third envelope to be sent to the registered~~  
28 ~~voter. If the ballot cannot be folded so that all of the votes~~  
29 ~~east on the ballot will be hidden, the commissioner shall also~~  
30 ~~enclose a secrecy envelope with the absentee ballot.~~

31 ~~(2) The absentee ballot shall be enclosed in an unsealed~~  
32 ~~return envelope marked with a serial number and affidavit~~  
33 ~~and marked postage paid. The absentee ballot and return~~  
34 ~~envelope shall be enclosed in a second envelope to be sent~~  
35 ~~to the registered voter. If the ballot cannot be folded so~~

1 ~~that all of the votes cast on the ballot will be hidden, the~~  
2 ~~commissioner shall also enclose a secrecy envelope with the~~  
3 ~~absentee ballot.~~

4 ~~b. The affidavit shall be marked on the appropriate envelope~~  
5 ~~in a form prescribed by the state commissioner of elections~~  
6 registered voter requesting and receiving an absentee ballot  
7 shall subscribe to the affidavit by signing and marking the  
8 registered voter's voter verification number on the affidavit  
9 envelope.

10 c. All domestic return envelope flaps or backs shall also  
11 be printed or stamped with a notice of the deadline to return a  
12 completed absentee ballot and the manner to track the status of  
13 the ballot in a form prescribed by the state commissioner.

14 ~~e.~~ d. For envelopes mailed at any election other than the  
15 primary election, the commissioner shall not mark any envelope  
16 with any information related to the party affiliation of the  
17 applicant.

18 Sec. 25. Section 53.10, subsection 2, paragraph a, Code  
19 2022, is amended to read as follows:

20 a. Each person who wishes to vote by absentee ballot at  
21 the commissioner's office shall first sign an application for  
22 a ballot including the following information: name, current  
23 address, voter verification number, and the election for which  
24 the ballot is requested. The person may report a change of  
25 address or other information on the person's voter registration  
26 record at that time. Prior to furnishing a ballot, the  
27 commissioner shall verify the person's identity as provided  
28 in [section 49.78](#). The registered voter shall immediately  
29 mark the ballot; enclose the ballot in a secrecy envelope,  
30 if necessary, and seal it the ballot in the envelope marked  
31 with the affidavit envelope; subscribe to the affidavit ~~on~~  
32 ~~the reverse side of the envelope by signing and marking the~~  
33 registered voter's voter verification number; and return the  
34 sealed affidavit envelope containing the absentee ballot to  
35 the commissioner. The commissioner shall record the numbers

1 appearing on the application and affidavit envelope along with  
2 the name of the registered voter.

3 Sec. 26. Section 53.12, Code 2022, is amended by striking  
4 the section and inserting in lieu thereof the following:

5 **53.12 Duty of commissioner.**

6 The commissioner shall affix to the application the same  
7 serial number that appears on the affidavit envelope, return  
8 envelope, and delivery envelope.

9 Sec. 27. Section 53.16, Code 2022, is amended by striking  
10 the section and inserting in lieu thereof the following:

11 **53.16 Subscribing to affidavit.**

12 After marking the ballot, the voter shall enclose the ballot  
13 in a secrecy envelope, if necessary, and seal the ballot in  
14 the affidavit envelope; subscribe to the affidavit by signing  
15 and marking the registered voter's voter verification number;  
16 place the sealed affidavit envelope in the return envelope; and  
17 securely seal the return envelope.

18 Sec. 28. Section 53.17, subsection 1, unnumbered paragraph  
19 1, Code 2022, is amended to read as follows:

20 ~~If the commissioner mailed the ballot pursuant to section~~  
21 ~~53.8, subsection 1, paragraph "a", subparagraph (1), the sealed~~  
22 ~~envelope bearing the voter's affidavit and containing the~~  
23 ~~absentee ballot shall be enclosed in a return envelope which~~  
24 ~~shall be securely sealed. If the commissioner mailed the~~  
25 ~~ballot pursuant to section 53.8, subsection 1, paragraph "a",~~  
26 ~~subparagraph (2), the absentee ballot shall be enclosed in the~~  
27 ~~return envelope which shall be securely sealed. The sealed~~  
28 ~~return envelope shall be returned to the commissioner by one of~~  
29 ~~the following methods:~~

30 Sec. 29. Section 53.18, subsections 2 and 3, Code 2022, are  
31 amended to read as follows:

32 2. If the commissioner receives the return envelope  
33 containing the completed absentee ballot by 5:00 p.m. on the  
34 Saturday before the election for general elections and by 5:00  
35 p.m. on the Friday before the election for all other elections,

1 the commissioner shall ~~review the affidavit marked on the~~  
2 ~~return envelope, if applicable, for completeness or shall open~~  
3 ~~the return envelope to review the affidavit for completeness~~  
4 open the return envelope, if applicable, and review the  
5 affidavit marked on the affidavit envelope for completeness.  
6 If the affidavit lacks the signature or voter verification  
7 number of the registered voter, the commissioner shall, within  
8 twenty-four hours of the receipt of the envelope, notify the  
9 voter of the deficiency and inform the voter that the voter may  
10 vote a replacement ballot as provided in [subsection 3](#), cast a  
11 ballot as provided in [section 53.19, subsection 3](#), or complete  
12 the affidavit in person at the office of the commissioner not  
13 later than the time polls close on election day.

14 3. If the affidavit envelope ~~or the return envelope marked~~  
15 ~~with the affidavit~~ contains a defect that would cause the  
16 absentee ballot to be rejected by the absentee and special  
17 voters precinct board, the commissioner shall immediately  
18 notify the voter of that fact and that the voter's absentee  
19 ballot shall not be counted unless the voter requests and  
20 returns a replacement ballot in the time permitted under  
21 [section 53.17, subsection 2](#). For the purposes of [this section](#),  
22 ~~a return~~ an affidavit envelope ~~marked with the affidavit~~  
23 shall be considered to contain a defect if it ~~appears to~~  
24 ~~the commissioner that the signature on the envelope has been~~  
25 ~~signed by someone other than the registered voter, in comparing~~  
26 ~~the signature on the envelope to the signature on record of~~  
27 ~~the registered voter named on the envelope. A signature or~~  
28 ~~marking made in accordance with section 39.3, subsection~~  
29 ~~17, shall not be considered a defect for purposes of this~~  
30 ~~section~~ the voter verification number provided does not match  
31 the voter verification number associated with the voter's  
32 voter registration. The voter may request a replacement  
33 ballot in person, in writing, or over the telephone. The  
34 same serial number that was assigned to the records of the  
35 original absentee ballot application shall be used on the

1 ~~envelope envelopes~~ and records of the replacement ballot. The  
2 ~~affidavit envelope marked with the affidavit and~~ containing  
3 the completed replacement ballot shall be marked "Replacement  
4 ballot". The ~~affidavit envelope marked with the affidavit and~~  
5 containing the original ballot shall be marked "~~Defective~~" and  
6 the "~~Defective~~". The replacement ballot shall be attached to  
7 ~~such~~ the affidavit envelope containing the original ballot and  
8 shall be stored in a secure place until they are delivered to  
9 the absentee and special voters precinct board, notwithstanding  
10 sections 53.26 and 53.27.

11 Sec. 30. Section 53.20, subsection 2, paragraph b, Code  
12 2022, is amended to read as follows:

13 b. For the primary election, ~~general election~~ election,  
14 and for any election in which the commissioner determines in  
15 advance of the election to report the results of the special  
16 precinct by the resident precincts of the voters who cast  
17 absentee and provisional ballots, the commissioner shall  
18 prepare a separate absentee ballot style for each precinct  
19 in the county and shall program the voting system to produce  
20 reports by the resident precincts of the voters.

21 Sec. 31. Section 53.21, subsection 2, paragraph b, Code  
22 2022, is amended to read as follows:

23 b. The voter shall enclose one copy of the above statement  
24 in the return envelope along with the affidavit envelope, ~~if~~  
25 ~~the voter was mailed a separate affidavit envelope~~, and shall  
26 retain a copy for the voter's records.

27 Sec. 32. Section 53.23, subsection 3, paragraph b,  
28 subparagraph (1), Code 2022, is amended to read as follows:

29 (1) The commissioner may direct the board to meet on the day  
30 before the election for the purpose of reviewing the absentee  
31 voters' affidavits appearing on the sealed envelopes. If in  
32 the commissioner's judgment this procedure is necessary due  
33 to the number of absentee ballots received, the members of  
34 the board may open the sealed affidavit envelopes and remove  
35 the secrecy envelope containing the ballot, but under no

1 circumstances shall a secrecy envelope or ~~a return~~ an affidavit  
2 envelope ~~marked with an affidavit~~ be opened before the board  
3 convenes on election day, except as provided in paragraph  
4 "c". If the affidavit envelopes are opened before election  
5 day pursuant to this paragraph "b", the observers appointed  
6 by each political party, as defined in [section 43.2](#), shall  
7 witness the proceedings. Each political party may appoint up  
8 to five observers under this paragraph "b". The observers  
9 shall be appointed by the county chairperson or, if the  
10 county chairperson fails to make an appointment, by the state  
11 chairperson. However, if either or both political parties fail  
12 to appoint an observer, the commissioner may continue with the  
13 proceedings.

14 Sec. 33. Section 53.23, subsection 5, Code 2022, is amended  
15 to read as follows:

16 5. The special precinct election board shall preserve the  
17 secrecy of all absentee and provisional ballots. After the  
18 affidavits on the affidavit envelopes have been reviewed and  
19 the qualifications of the persons casting the ballots have been  
20 determined, those that have been accepted for counting shall  
21 be opened. The ballots shall be removed from the affidavit  
22 envelopes ~~or return envelopes marked with the affidavit, as~~  
23 ~~applicable~~, without being unfolded or examined, and then shall  
24 be thoroughly intermingled, after which they shall be unfolded  
25 and tabulated. If secrecy ~~folders~~ or envelopes are used with  
26 provisional paper ballots, the ballots shall be removed from  
27 the secrecy ~~folders~~ envelopes after the ballots have been  
28 intermingled.

29 Sec. 34. Section 53.25, subsection 1, paragraph a, Code  
30 2022, is amended to read as follows:

31 a. If the absentee voter's affidavit lacks the voter's  
32 signature or voter verification number, if the applicant is  
33 not a duly registered voter on election day in the precinct  
34 where the absentee ballot was cast, if the affidavit envelope  
35 ~~marked with the affidavit~~ contains more than one ballot of any

1 one kind, or if the voter has voted in person, such vote shall  
2 be rejected by the absentee and special voters precinct board.  
3 If the affidavit envelope ~~or return envelope marked with the~~  
4 ~~affidavit~~ is open, or has been opened and resealed, or if the  
5 ballot is not enclosed in ~~such~~ the affidavit envelope, and an  
6 affidavit envelope or return envelope marked with the affidavit  
7 with the same serial number and marked "Replacement ballot" is  
8 not attached as provided in [section 53.18](#), the ballot shall be  
9 rejected by the absentee and special voters precinct board.

10 Sec. 35. Section 53.25, subsection 2, Code 2022, is amended  
11 to read as follows:

12 2. If the absentee or provisional ballot is rejected prior  
13 to the opening of the affidavit envelope ~~or return envelope~~  
14 ~~marked with the affidavit~~, the voter casting the ballot shall  
15 be notified by a precinct election official by the time the  
16 canvass is completed of the reason for the rejection on a form  
17 prescribed by the state commissioner of elections.

18 Sec. 36. Section 53.30, subsection 2, Code 2022, is amended  
19 to read as follows:

20 2. At the conclusion of each meeting of the absentee and  
21 special voters precinct board, the board shall securely seal  
22 all ballots counted by them in the manner prescribed in section  
23 50.12. The ballot envelopes, including the affidavit envelope  
24 ~~if an affidavit envelope was provided~~, the return envelope, and  
25 secrecy envelope bearing the signatures of precinct election  
26 officials, as required by [section 53.23](#), shall be preserved.  
27 All applications for absentee ballots, ballots rejected without  
28 being opened, absentee ballot logs, and any other documents  
29 pertaining to the absentee ballot process shall be preserved  
30 until such time as the documents may be destroyed pursuant to  
31 section 50.19.

32 Sec. 37. Section 53.32, Code 2022, is amended to read as  
33 follows:

34 **53.32 Ballot of deceased voter.**

35 When it shall be made to appear by due proof to the precinct

1 election officials that any elector, who has so marked and  
2 forwarded a ballot, has died before the ~~envelope marked with~~  
3 ~~the affidavit~~ affidavit envelope is opened, then the ballot of  
4 such deceased voter shall be endorsed, "Rejected because voter  
5 is dead", and be returned to the commissioner. The casting  
6 of the ballot of a deceased voter shall not invalidate the  
7 election.

8 Sec. 38. Section 58.4, subsections 1 and 2, Code 2022, are  
9 amended to read as follows:

10 1. The names of members of each house, except the presiding  
11 officer and the majority and minority leaders, written on  
12 similar paper tickets, shall be placed in a box, the names of  
13 the senators in their presence by their secretary, and the  
14 names of the representatives in their presence by their clerk.

15 2. The secretary of the senate in the presence of the  
16 senate, and the clerk of the house of representatives in  
17 the presence of the house, shall draw from their respective  
18 boxes the names of ~~seven~~ five members each. The majority and  
19 minority leaders of each house shall also serve on the contest  
20 court.

21 Sec. 39. Section 60.2, Code 2022, is amended to read as  
22 follows:

23 **60.2 Clerk.**

24 The ~~secretary of state~~ clerk of the supreme court shall be  
25 the clerk of the court, or, in the ~~secretary of state's~~ clerk  
26 of the supreme court's absence or inability to act, the ~~clerk~~  
27 ~~of the supreme court~~ secretary of state.

28 Sec. 40. Section 61.2, Code 2022, is amended to read as  
29 follows:

30 **61.2 Clerk.**

31 The ~~secretary of state~~ clerk of the supreme court shall be  
32 the clerk of this court; ~~but if the person holding that office~~  
33 ~~is a party to the contest, the clerk of the supreme court, or,~~  
34 ~~in case of that person's absence or inability, the auditor of~~  
35 ~~state shall be clerk,~~ or, in the clerk of the supreme court's



1 absence or inability to act, the secretary of state. If the  
2 person holding the office of secretary of state is a party to  
3 the contest, the auditor of state shall be clerk.

4 Sec. 41. Section 68.9, subsection 1, Code 2022, is amended  
5 to read as follows:

6 1. When an impeachment is presented, the senate shall, after  
7 ~~the hour of final adjournment of the legislature as soon as~~  
8 practicable, be ~~forthwith~~ organized as a court of impeachment  
9 for the trial thereof, at the capitol.

10 Sec. 42. Section 69.14, Code 2022, is amended to read as  
11 follows:

12 **69.14 Special election to fill vacancies.**

13 1. A special election to fill a vacancy shall be held for a  
14 representative in Congress, when Congress is in session or will  
15 convene prior to the next general election, or for a senator or  
16 representative in the general assembly, ~~when the body in which~~  
17 ~~such vacancy exists is in session, or the general assembly will~~  
18 convene prior to the next general election, and the governor  
19 shall order, not later than five days from the date the vacancy  
20 exists, a special election, giving not less than forty days'  
21 notice of such election.

22 2. In the event the special election is to fill a vacancy  
23 in the general assembly while it is in session or within  
24 forty-five days of the convening of any session, the time limit  
25 provided in **this section** shall not apply and the governor shall  
26 order such special election at the earliest practical time,  
27 giving at least eighteen days' notice of the special election.  
28 Any special election called under **this section** must be held on  
29 a Tuesday and shall not be held on the same day as a school  
30 election within the district.

31 Sec. 43. Section 260C.15, subsection 5, Code 2022, is  
32 amended to read as follows:

33 5. The votes cast in the election shall be canvassed and  
34 abstracts of the votes cast shall be certified as required by  
35 section 277.20. In each county whose commissioner of elections

1 is the controlling commissioner for a merged area under section  
2 47.2, the county board of supervisors shall convene on the  
3 second ~~Monday~~ or Tuesday after the day of the election to  
4 canvass the abstracts of votes cast from each county in the  
5 merged area, and declare the results of the voting. The  
6 commissioner shall at once issue certificates of election to  
7 each person declared elected, and shall certify to the merged  
8 area board in substantially the manner prescribed by section  
9 50.27 the result of the voting on any public question submitted  
10 to the voters of the merged area. Members elected to the board  
11 of directors of a merged area shall qualify by taking the oath  
12 of office prescribed in [section 277.28](#).

13 Sec. 44. Section 277.4, subsection 4, Code 2022, is amended  
14 to read as follows:

15 4. Any person on whose behalf nomination petitions have been  
16 filed under [this section](#) may withdraw as a candidate by filing  
17 a signed statement to that effect with the secretary consistent  
18 with [section 44.9, subsection 5](#).

19 Sec. 45. EFFECTIVE DATE. Except as otherwise provided, this  
20 Act, being deemed of immediate importance, takes effect upon  
21 enactment.

22 Sec. 46. EFFECTIVE DATE. The following take effect January  
23 1, 2023:

24 The sections of this Act amending chapter 53.

25 Sec. 47. APPLICABILITY. The following shall not apply to  
26 primary elections conducted in 2022 unless this Act is enacted  
27 prior to March 23, 2022:

28 The section of this Act amending section 43.20, subsection  
29 1.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
32 the explanation's substance by the members of the general assembly.

33 This bill relates to the conduct of elections.

34 The bill provides that a political party that this  
35 required by statute to publish a notice of a precinct caucus

1 in a newspaper of general circulation may, in lieu of such  
2 requirement, publish the notice, action, or other information  
3 in its entirety on the political party's internet site, if the  
4 political party maintains an internet site.

5 The bill removes a requirement that nomination papers for  
6 an office to be filled by the voters of the county or for the  
7 office of county supervisor elected from a district within  
8 the county be signed by 2 percent of the party vote in the  
9 county or supervisor district, as shown by the last general  
10 election, or by at least 100 persons, whichever is less. Such  
11 petitions must be signed as provided in Code section 45.1.  
12 This change to the signature requirements does not apply to  
13 primary elections held in 2022 unless the bill is enacted prior  
14 to March 23, 2022.

15 The bill changes the deadline for a person nominated to fill  
16 a ballot vacancy to withdraw by filing a notice in the office  
17 of the appropriate county commissioner of elections from 64  
18 days before the date of the election to 67 days before the date  
19 of the election.

20 The bill allows the state commissioner of elections and a  
21 county commissioner of elections or political subdivision of  
22 the state to accept funding only from lawful appropriations  
23 of public funds from the government of the United States  
24 or the state of Iowa for the purposes of conducting an  
25 election, or from lawful appropriations of public funds  
26 from a political subdivision of the state for an election  
27 conducted in the political subdivision. The bill prohibits the  
28 state commissioner of elections and a county commissioner of  
29 elections or political subdivision from accepting or expending  
30 a grant, gift, or other source of funding from a private  
31 person, corporation, partnership, political party, nonparty  
32 political organization, committee, or other organization  
33 for the purpose of conducting an election. The prohibition  
34 does not apply to the contribution of a building for use  
35 as a polling place. The bill does not prohibit the state

1 commissioner or a county commissioner or political subdivision  
2 from issuing and collecting fees as otherwise provided by law.  
3 By operation of law, a person who willfully violates this  
4 provision of the bill is guilty of election misconduct in the  
5 fourth degree, a simple misdemeanor. A simple misdemeanor is  
6 punishable by confinement for no more than 30 days and a fine  
7 of at least \$105 but not more than \$855.

8 The bill requires a notice for an election to include the  
9 date the election will be audited, the location of the audit,  
10 and the hours during which the election will be audited. The  
11 bill also changes the earliest date that notice of an election  
12 may be published from 20 to 30 days before the date of the  
13 election.

14 The bill allows a county commissioner of elections to use  
15 an electronic election register in lieu of a paper register  
16 if the electronic election register is a product that has  
17 been certified for use in the state by the state commissioner  
18 of elections. The bill directs the state commissioner of  
19 elections to adopt rules regarding electronic election  
20 registers.

21 The bill requires a precinct election official to publicly  
22 announce the results of a canvass only upon the request of  
23 a person at the precinct. Current law requires a precinct  
24 election official to always publicly announce the results of  
25 a canvass.

26 The bill requires the state commissioner of elections, in  
27 cooperation with county commissioners of elections, to conduct  
28 an unofficial canvass of election results following the closing  
29 of polls for regular city, regular school, primary, and general  
30 elections. Current law requires an unofficial canvass only  
31 for general elections. If a county commissioner of elections  
32 determines that all precincts will not report results before  
33 the office is closed, the bill requires the county commissioner  
34 to provide a written explanation as to why.

35 The bill removes the first Monday after an election as a

1 possible date for canvassing an election.

2 The bill changes the deadline to request a recount from 5:00  
3 p.m. on the third day following the canvass of an election  
4 to 5:00 p.m. on the second day following the canvass of an  
5 election. The bill requires a recount request to include all  
6 precincts in a county instead of only specified counties. The  
7 bill also requires the request to include whether the candidate  
8 requests only a machine recount or a machine recount followed  
9 by a hand recount. If a candidate requests a hand recount  
10 in one county, the bill requires the candidate to request a  
11 hand recount in all counties in which the candidate requests  
12 a recount. The bill imposes a fine of \$100 for each violation  
13 on a candidate who does not request a hand recount in all  
14 counties in which the candidate is required to do so. The  
15 state commissioner of elections shall then inform each other  
16 county to be recounted that a hand recount shall be conducted.  
17 The bill imposes similar requirements on recounts for public  
18 measures.

19 The bill requires the county commissioner of elections to  
20 notify the state commissioner of elections by electronic mail  
21 when a recount is requested. If the apparent winning candidate  
22 in an election for which a recount has been requested cannot be  
23 contacted, the bill changes the deadline by which the county  
24 commissioner of elections must contact the chairperson of the  
25 political party or organization that nominated the apparent  
26 winner from four days after attempting to make contact to three  
27 days.

28 The bill changes the composition of recount boards based  
29 on the population of the county. For a county of fewer than  
30 15,000 people, the board shall consist of a designee of the  
31 candidate requesting the recount, a designee of the apparent  
32 winning candidate, and a person who is a precinct election  
33 official selected by the chief judge of the judicial district  
34 in which the canvass occurs. For a county with a population  
35 between 15,000 and 49,999, the board shall consist of a

1 designee of the candidate requesting the recount, a designee  
2 of the apparent winning candidate, and three persons who are  
3 precinct election officials selected by the chief judge of the  
4 judicial district in which the canvass occurs. For a county  
5 with a population of 50,000 or greater, the board shall consist  
6 of two designees of the candidate requesting the recount, two  
7 designees of the apparent winning candidate, and three persons  
8 who are precinct election officials selected by the chief judge  
9 of the judicial district in which the canvass occurs. Members  
10 appointed by the chief judge for the recount of a partisan  
11 election shall not be comprised of more than one-third of  
12 persons who are not members of either of the two political  
13 parties whose candidates for president received the most or  
14 next-most votes at the last general election for a partisan  
15 election and not more than a simple majority of members  
16 appointed by a chief judge shall be from the same political  
17 party or organization.

18 The bill makes a similar change for recounts requested  
19 in a primary election for an office for which no candidate  
20 has received the required 35 percent to be nominated. Under  
21 current law, the recount board consists of one person chosen  
22 by the candidate requesting the recount, one person chosen by  
23 the candidate receiving the highest number of votes excluding  
24 the requestor, and a third person mutually agreeable to the  
25 board members designated by the candidates. The bill provides  
26 that the third person is instead a precinct election official  
27 selected by the chief judge of the judicial district in which  
28 the canvass occurs.

29 The bill requires a recount board to be convened no later  
30 than 9:00 a.m. on the sixth day following the canvass of  
31 the election. The commissioner shall then inform the board  
32 whether the candidate requested a hand recount. The board  
33 shall direct the commissioner to retabulate the ballots using  
34 the automatic tabulating equipment using the same program as  
35 was used to tabulate the votes on election day unless the

1 program is believed or known to be flawed. The board shall  
2 recount only the ballots which were voted and counted for  
3 the office in question, including disputed ballots. After  
4 retabulating, the board shall compare the results to the  
5 abstract prepared pursuant to the county board's canvass and  
6 note any discrepancies. If the candidate requested a hand  
7 recount, the bill requires the ballots to be separated into  
8 categories and tabulated. The board shall then compare the  
9 results of the tabulation to the results of the canvass and the  
10 automatic recount. If there are discrepancies, the results of  
11 the hand recount shall control. The bill then requires the  
12 board to reseal and preserve the ballots.

13 At the conclusion of the recount, the bill requires the board  
14 to make and file with the county commissioner of elections a  
15 report of its findings, signed by a majority of the board.  
16 The bill requires a recount board to include in its written  
17 report following the conclusion of a recount a full tally  
18 and accounting of ballots reviewed by the board. The report  
19 must allow the county commissioner of elections to correct the  
20 canvass of votes in the manner required by law, if applicable.  
21 The board shall file its report by 17 days after the canvass of  
22 an election for the offices of president and vice president,  
23 by 21 days after the canvass of an election for a state office  
24 or a seat in the United States Congress, and by 13 days after  
25 the canvass of any other election. The bill also requires  
26 the county board of elections to reconvene no later than 27  
27 days following a presidential election to correct any errors  
28 identified by the recount board.

29 The bill requires a petition for a recount of an election  
30 for a public measure to be submitted not later than two days  
31 following the canvass of the votes for the measure rather  
32 than three days. The bill changes the makeup of the recount  
33 board for a public measure by removing a designee named by the  
34 commissioner and a person jointly selected by that person and  
35 a designee named in the petition requesting the recount and

1 replacing them with two election officials selected by the  
2 chief judge of the judicial district where the canvass occurs.  
3 The commissioner shall convene the recount board not later than  
4 9:00 a.m. on the sixth day following the county board's canvass  
5 of the election in question.

6 Under current law, a county commissioner of elections may  
7 conduct an administrative recount if the commissioner suspects  
8 that voting equipment used in the election malfunctioned or  
9 that programming errors may have affected the outcome of the  
10 election, or if the precinct election officials report counting  
11 errors to the commissioner. The bill allows the county  
12 commissioner of elections to conduct an administrative audit if  
13 such circumstances exist. The bill allows political parties,  
14 defined in Code, to appoint observers to witness the audit.

15 The bill requires an absentee ballot that is mailed to a  
16 voter to be enclosed in an unsealed affidavit envelope and with  
17 or in an unsealed return envelope, which shall then be enclosed  
18 in the delivery envelope. If the ballot cannot be folded so  
19 that all the voting ovals on the ballot will be hidden, the  
20 bill requires the commissioner to also send a secrecy envelope.  
21 The bill requires a registered voter to subscribe to an  
22 affidavit on an affidavit envelope by signing the envelope and  
23 writing the voter's voter verification number. The bill also  
24 requires return envelopes to have printed on them the deadline  
25 to return the ballot and the manner to track the status of the  
26 ballot.

27 The bill strikes a requirement that an affidavit envelope  
28 be considered to contain a defect if it appears to the county  
29 commissioner of elections that it was signed by a person other  
30 than the voter. The bill adds a requirement that an affidavit  
31 envelope be considered to contain a defect if the voter  
32 verification number on the envelope does not match the voter  
33 verification number on file for the voter.

34 The bill requires the county commissioner of elections to  
35 prepare a separate absentee ballot style for each precinct in



1 the county and program the voting system to produce reports by  
2 the resident precincts of the voters for each primary election.

3 The bill repeals certain requirements regarding what  
4 materials a commissioner shall include with an absentee ballot  
5 and instead requires a commissioner to put the same serial  
6 number on the affidavit, return, and delivery envelopes.  
7 The bill requires all mailed absentee ballots to include an  
8 affidavit envelope. The bill also requires the absentee and  
9 special voters precinct board to reject an absentee ballot  
10 if the affidavit envelope does not include the voter's voter  
11 verification number.

12 The bill changes the makeup of the contest court for a  
13 contested gubernatorial election to include five members each  
14 from the house and the senate and the majority and minority  
15 leaders of each chamber.

16 The bill requires the senate to organize as a court of  
17 impeachment as soon as practicable after an impeachment is  
18 presented.

19 The bill changes the clerk of a court of contest for  
20 presidential electors and congresspersons from the secretary  
21 of state to the clerk of the supreme court. If the clerk of  
22 the supreme court is absent or unable to act, the secretary of  
23 state shall be the clerk of the court. For elections for state  
24 officers, the bill changes the clerk of a contest court to the  
25 clerk of the supreme court. If the clerk of the supreme court  
26 is absent or unable to act, the secretary of state shall be the  
27 clerk of the court. However, if the secretary of state is a  
28 party to the contest, the auditor of state shall be the clerk  
29 of the court.

30 The bill updates an internal reference regarding withdrawals  
31 of candidates for school district elections.

32 The bill takes effect upon enactment, except that sections  
33 amending Code chapter 53 (absent voters) take effect on January  
34 1, 2023.