

House Study Bill 627 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

1 An Act relating to the conduct of election recounts, providing
2 penalties, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 43.56, subsection 1, paragraphs a, b, and
2 c, Code 2024, are amended to read as follows:

3 a. One person or two designees, according to the population
4 of the county as provided in section 50.48, subsection 3,
5 paragraph "a", chosen by the candidate requesting the recount,
6 who shall be named in the written request when the request is
7 filed.

8 b. One person or two designees, according to the population
9 of the county as provided in section 50.48, subsection 3,
10 paragraph "a", chosen by the candidate who received the highest
11 number of votes for the nomination being recounted at or before
12 the time the board is required to convene. However, if the
13 candidate who requested the recount received more votes than
14 anyone else for the nomination, the candidate who received the
15 second highest number of votes shall ~~designate this person~~
16 choose the designee or designees, as applicable, to serve on
17 the recount board.

18 c. ~~A third person mutually agreeable to the board members~~
19 ~~designated by the candidates~~ One or three persons, according
20 to the population of the county as provided in section
21 50.48, subsection 3, paragraph "a", who are precinct election
22 officials selected by the chief judge of the judicial district
23 in which the canvass occurs at or before the time the board is
24 required to convene.

25 Sec. 2. Section 50.12, Code 2024, is amended to read as
26 follows:

27 **50.12 Return and preservation of ballots.**

28 Immediately after making the proclamation, and before
29 separating, the board members of each precinct in which votes
30 have been received by paper ballot shall enclose in an envelope
31 or other container all ballots which have been counted by them,
32 except those endorsed "Rejected as double", "Defective", or
33 "Objected to", and securely seal the envelope. The signatures
34 of all board members of the precinct shall be placed across
35 the seal or the opening of the container so that it cannot

1 be opened without breaking the seal. The precinct election
2 officials shall return all the ballots to the commissioner,
3 who shall carefully preserve them for six months. Ballots
4 from elections for federal offices shall be preserved for
5 twenty-two months. The sealed packages containing voted
6 ballots shall be opened only for an official recount authorized
7 by [section 50.48](#), [or 50.49](#), ~~or 50.50~~, for an election contest
8 held pursuant to [chapters 57 through 62](#), to conduct an audit
9 pursuant to [section 50.50 or 50.51](#), or to destroy the ballots
10 pursuant to [section 50.19](#).

11 Sec. 3. Section 50.24, subsections 1 and 4, Code 2024, are
12 amended to read as follows:

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

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

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

10 Sec. 4. Section 50.24, subsection 5, paragraph a, Code 2024,
11 is amended to read as follows:

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

1 the total votes cast in the school district for an office shall
2 be reported collectively under the heading "scattering".

3 Sec. 5. Section 50.48, subsection 1, Code 2024, is amended
4 to read as follows:

5 1. *a.* ~~The~~ Except as provided in paragraph "b", the county
6 board of canvassers shall order a recount of the votes cast for
7 a particular office or nomination in ~~one or more~~ all specified
8 election precincts in that county if a written request for a
9 recount is ~~made~~ filed with the commissioner of that county not
10 later than 5:00 p.m. on the ~~third~~ second day following the
11 county board's canvass of the election in question. For a city
12 runoff election held pursuant to [section 376.9](#), the written
13 request must be ~~made~~ filed with the commissioner of that county
14 not later than 5:00 p.m. on the day following the county
15 board's canvass of the city runoff election. ~~The request shall~~
16 ~~be filed with the commissioner of that county and shall be~~
17 ~~signed by either of the following:~~

18 ~~(1) A candidate for that office or nomination whose name was~~
19 ~~printed on the ballot of the precinct or precincts where the~~
20 ~~recount is requested.~~

21 ~~(2) Any other person who receives votes for that particular~~
22 ~~office or nomination in the precinct or precincts where the~~
23 ~~recount is requested and who is legally qualified to seek and~~
24 ~~to hold the office in question.~~

25 b. The state commissioner shall order a recount of the
26 votes cast for a statewide office, a seat in the United States
27 Congress, or electors for president or vice president, or
28 nominations for such offices, in each county specified in a
29 written request if a written request for a recount is filed
30 with the state commissioner not later than 5:00 p.m. on the
31 second day following the county canvass of the election in
32 question.

33 c. If automatic tabulating equipment was used to tabulate
34 votes in the precinct, a written request for a recount must
35 indicate whether the recount shall be conducted only using

1 automated tabulating equipment or by a hand recount. The same
2 method of recounting must be requested and used in each county
3 in which the candidate requests a recount. The request must be
4 filed with the commissioner of the county where the candidate
5 is requesting a recount and must be signed by either of the
6 following:

7 (1) A candidate for that office or nomination whose name
8 was printed on a ballot of the precinct where the recount is
9 requested.

10 (2) Any other person who receives votes for that particular
11 office or nomination in the precinct where the recount is
12 requested and who is legally qualified to seek and to hold the
13 office in question.

14 ~~b.~~ d. Immediately upon receipt of a request for a recount
15 under paragraph "a", the commissioner shall send a copy of the
16 request to the apparent winner by certified mail and the state
17 commissioner by electronic mail. Immediately upon receipt
18 of a request for a recount under paragraph "b", the state
19 commissioner shall send a copy of the request to the apparent
20 winner by certified mail and the commissioner of each county
21 specified in the request by electronic mail. The commissioner
22 or state commissioner who initially received the request for a
23 recount shall also attempt to contact the apparent winner by
24 telephone. If the apparent winner cannot be reached within
25 four three days, the chairperson of the political party or
26 organization which nominated the apparent winner shall be
27 contacted and shall act on behalf of the apparent winner,
28 if necessary. For candidates for state or federal offices,
29 the chairperson of the state party shall be contacted. For
30 candidates for county offices, the county chairperson of the
31 party shall be contacted.

32 e. Upon completion of an administrative audit, a candidate
33 who submitted a request for a recount may withdraw the request
34 within twenty-four hours.

35 Sec. 6. Section 50.48, subsection 2, Code 2024, is amended

1 by adding the following new paragraph:

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

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

22 Sec. 7. Section 50.48, subsections 3 and 4, Code 2024,
23 are amended by striking the subsections and inserting in lieu
24 thereof the following:

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

27 (1) For a county with a population of fewer than fifteen
28 thousand according to the most recent federal decennial census,
29 all of the following:

30 (a) A designee of the candidate requesting the recount,
31 who shall be named in the written request when the request is
32 filed.

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

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

4 (2) For a county with a population of at least fifteen
5 thousand but fewer than fifty thousand according to the most
6 recent federal decennial census, all of the following:

7 (a) A designee of the candidate requesting the recount,
8 who shall be named in the written request when the request is
9 filed.

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

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

17 (3) For a county with a population of fifty thousand or
18 greater, all of the following:

19 (a) Two designees of the candidate requesting the recount,
20 who shall be named in the written request when the request is
21 filed.

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

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

29 *b.* Members appointed to the recount board by the chief judge
30 shall be selected consistent with section 49.13, subsection 2,
31 for partisan offices and section 49.12 for nonpartisan offices.

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

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

4 a. The commissioner shall inform the board whether the
5 candidate has requested a hand recount. The commissioner
6 or the commissioner's designee shall supervise the handling
7 of ballots to ensure that the ballots are protected from
8 alteration or damage.

9 b. The board shall direct the commissioner to retabulate
10 the ballots using the automatic tabulating equipment. The same
11 program used for tabulating the votes on election day shall be
12 used at the recount unless the program is believed or known to
13 be flawed.

14 c. The board shall recount only the ballots which were voted
15 and counted for the office in question, including any disputed
16 ballots returned as required in section 50.5.

17 d. After retabulating the ballots as provided in paragraph
18 "b", the board shall compare the printed results of the
19 tabulation equipment to the abstract prepared pursuant to the
20 county board's canvass. The board shall note any discrepancies
21 between the two results.

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

31 f. The ballots shall be resealed by the recount board before
32 adjournment and shall be preserved as required by section
33 50.12.

34 Sec. 8. Section 50.48, subsections 5 and 6, Code 2024, are
35 amended to read as follows:

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

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

20 c. The recount board shall complete the recount and file its
21 report as follows:

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

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

29 (3) For any other office, not later than the thirteenth
30 day following the county board's canvass of the election in
31 question.

32 6. a. The commissioner shall promptly notify the state
33 commissioner of any recount of votes for an office to which
34 section 50.30, or section 43.60 in the case of a primary
35 election, is applicable, or any other office elected by the

1 residents of more than one county. If necessary, the state
2 canvass required by [section 50.38](#), or by [section 43.63](#), as the
3 case may be, shall be delayed with respect to the office or the
4 nomination to which the recount pertains. The commissioner
5 shall subsequently inform the state commissioner at the
6 earliest possible time whether any change in the outcome of the
7 election in that county or district resulted from the recount.

8 b. Upon verification that a candidate submitted a
9 written request for a hand recount in at least one but not
10 all counties, the state commissioner shall, within six days
11 following the county canvass of the election, inform each
12 commissioner of a county in which a recount was requested that
13 a hand recount shall be performed pursuant to this section.

14 Sec. 9. Section 50.49, subsection 1, Code 2024, is amended
15 by striking the subsection and inserting in lieu thereof the
16 following:

17 1. a. A recount for any public measure shall be ordered
18 by the board of canvassers not later than two days after
19 the completion of the canvass of voters for the election if
20 a petition requesting a recount is filed with the county
21 commissioner of a county in which the question appeared on the
22 ballot. The petition for a recount shall indicate whether the
23 recount shall be conducted only using automatic tabulating
24 equipment or by a hand recount following the use of automatic
25 tabulating equipment. If a petition requests a hand recount
26 in one county, the petition shall also request a hand recount
27 in each county in which the petition is filed. A petition must
28 be filed by the person submitting the petition in each county
29 in which the public measure appeared on the ballot. If the
30 petition is not filed by the person submitting the petition in
31 each county in which the public measure appeared on the ballot,
32 a recount shall not be conducted.

33 b. The petition must be signed by the greater of ten
34 eligible electors or a number of eligible electors equaling
35 one percent of the total number of votes cast upon the public

1 measure in the county. Each person signing the petition must
2 be a person who was entitled to vote on the public measure in
3 question or would have been so entitled if registered to vote.

4 *c.* Immediately upon receipt of a petition for a recount,
5 the commissioner shall send a copy of the petition to the
6 state commissioner by electronic mail. The state commissioner
7 shall confirm that a petition was filed in every county the
8 public measure appeared on the ballot prior to the convening of
9 the recount board. The state commissioner shall also verify
10 whether each petition for a recount included a request for
11 a hand recount. If the state commissioner verifies that a
12 petition included a request for a hand recount in at least one
13 but not all counties, the state commissioner shall, prior to
14 convening of the recount board, inform each commissioner at
15 which a hand recount was not requested that a hand recount
16 shall be performed.

17 Sec. 10. Section 50.49, subsection 2, paragraph b, Code
18 2024, is amended by striking the paragraph and inserting in
19 lieu thereof the following:

20 *b.* Two members who are precinct election officials selected
21 by the chief judge of the judicial district in which the
22 canvass occurs at or before the time the board is required to
23 convene. The members shall be selected consistent with section
24 49.12.

25 Sec. 11. Section 50.49, subsection 2, paragraph c, Code
26 2024, is amended by striking the paragraph.

27 Sec. 12. Section 50.49, subsection 3, Code 2024, is amended
28 by striking the subsection and inserting in lieu thereof the
29 following:

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

33 Sec. 13. Section 50.50, Code 2024, is amended to read as
34 follows:

35 **50.50 Administrative ~~recounts~~ audits.**

1 1. The commissioner who was responsible for conducting an
2 election may request an administrative ~~recount~~ audit when the
3 commissioner is informed or suspects that voting equipment used
4 in the election malfunctioned or that programming errors may
5 have affected the outcome of the election, or if the precinct
6 election officials report counting errors to the commissioner
7 after the conclusion of the canvass of votes in the precinct.
8 An administrative ~~recount~~ audit shall be conducted by the board
9 of the special precinct established by section 53.23. ~~Bond~~
10 ~~shall not be required for an administrative recount.~~ The
11 state commissioner may adopt rules for administrative ~~recounts~~
12 audits.

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

28 Sec. 14. Section 50.51, subsection 3, paragraph a, Code
29 2024, is amended by striking the paragraph.

30 Sec. 15. Section 60.2, Code 2024, is amended to read as
31 follows:

32 **60.2 Clerk.**

33 ~~The secretary of state~~ clerk of the supreme court shall be
34 the clerk of the court, or, in the ~~secretary of state's~~ clerk
35 of the supreme court's absence or inability to act, the ~~clerk~~

1 ~~of the supreme court~~ secretary of state.

2 Sec. 16. Section 61.2, Code 2024, is amended to read as
3 follows:

4 **61.2 Clerk.**

5 The ~~secretary of state~~ clerk of the supreme court shall be
6 the clerk of this court; ~~but if the person holding that office~~
7 ~~is a party to the contest, the clerk of the supreme court, or,~~
8 ~~in case of that person's absence or inability, the auditor of~~
9 ~~state shall be clerk, or, in the clerk of the supreme court's~~
10 absence or inability to act, the secretary of state. If the
11 person holding the office of secretary of state is a party to
12 the contest, the auditor of state shall be clerk.

13 Sec. 17. Section 260C.15, subsection 5, Code 2024, is
14 amended to read as follows:

15 5. The votes cast in the election shall be canvassed and
16 abstracts of the votes cast shall be certified as required by
17 section 277.20. In each county whose commissioner of elections
18 is the controlling commissioner for a merged area under section
19 47.2, the county board of supervisors shall convene on the
20 second ~~Monday~~ or Tuesday after the day of the election to
21 canvass the abstracts of votes cast from each county in the
22 merged area, and declare the results of the voting. The
23 commissioner shall at once issue certificates of election to
24 each person declared elected, and shall certify to the merged
25 area board in substantially the manner prescribed by section
26 50.27 the result of the voting on any public question submitted
27 to the voters of the merged area. Members elected to the board
28 of directors of a merged area shall qualify by taking the oath
29 of office prescribed in [section 277.28](#).

30 Sec. 18. EFFECTIVE DATE. This Act, being deemed of
31 immediate importance, takes effect upon enactment.

32 **EXPLANATION**

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

35 This bill relates to the conduct of election recounts.

1 The bill changes the composition of recount boards based
2 on the population of the county. For a county of fewer than
3 15,000, the board shall consist of a designee of the candidate
4 requesting the recount, a designee of the apparent winning
5 candidate, and a person who is a precinct election official
6 selected by the chief judge of the judicial district in which
7 the canvass occurs. For a county with a population between
8 15,000 and 49,999, the board shall consist of a designee of the
9 candidate requesting the recount, a designee of the apparent
10 winning candidate, and three persons who are precinct election
11 officials selected by the chief judge of the judicial district
12 in which the canvass occurs. For a county with a population
13 of 50,000 or greater, the board shall consist of two designees
14 of the candidate requesting the recount, two designees of the
15 apparent winning candidate, and three persons who are precinct
16 election officials selected by the chief judge of the judicial
17 district in which the canvass occurs. Members appointed by
18 the chief judge for the recount of a partisan election shall
19 not be comprised of more than one-third of persons who are not
20 members of either of the two political parties whose candidates
21 for president received the most or next-most votes at the last
22 general election for a partisan election and not more than a
23 simple majority of members appointed by a chief judge shall be
24 from the same political party or organization.

25 The bill removes the first and second Monday after an
26 election as a possible date for canvassing an election.

27 The bill requires a county board of canvassers to order a
28 recount in all election districts in a county for a particular
29 office or nomination if a request for a recount is filed with
30 the commissioner of that county not later than 5:00 p.m. on the
31 second day following the board's canvass of the election. The
32 bill requires the state commissioner of elections to order a
33 recount of the votes cast for a statewide office, a seat in
34 the United States Congress, or electors for president or vice
35 president, or nominations for such offices, in each county

1 specified in a written request if the request is filed with the
2 state commissioner not later than 5:00 p.m. on the second day
3 following the county canvass of the election in question. If
4 automatic tabulating equipment was used to tabulate ballots in
5 the precinct, a request for a recount shall indicate whether
6 the recount shall be conducted using only automated tabulating
7 equipment or by hand. The bill requires the candidate to
8 request the same method of recounting in all counties in which
9 the candidate requests a recount. The state commissioner
10 of elections shall assess a civil penalty of \$100 against a
11 candidate for each county in which the candidate was required
12 to request a hand recount but did not. The bill requires the
13 penalty to first be deducted from the recount bond paid by the
14 candidate and to be deposited in the general fund of the state.
15 The bill allows a candidate to withdraw a request for a recount
16 within 24 hours of the completion of an administrative audit
17 by a commissioner.

18 The bill requires a recount board to be convened no later
19 than 9:00 a.m. on the sixth day following the canvass of
20 the election. The commissioner shall then inform the board
21 whether the candidate requested a hand recount. The board
22 shall direct the commissioner to retabulate the ballots using
23 the automatic tabulating equipment using the same program as
24 was used to tabulate the votes on election day unless the
25 program is believed or known to be flawed. The board shall
26 recount only the ballots which were voted and counted for
27 the office in question, including disputed ballots. After
28 retabulating, the board shall compare the results to the
29 abstract prepared pursuant to the county board's canvass and
30 note any discrepancies. If the candidate requested a hand
31 recount, the bill requires the ballots to be separated into
32 categories and tabulated. The board shall then compare the
33 results of the tabulation to the results of the canvass and the
34 automatic recount. If there are discrepancies, the results of
35 the hand recount shall control. The bill then requires the

1 board to reseal and preserve the ballots.

2 At the conclusion of the recount, the bill requires the board
3 to make and file with the county commissioner of elections a
4 report of its findings, signed by a majority of the board.
5 The bill requires a recount board to include in its written
6 report following the conclusion of a recount a full tally
7 and accounting of ballots reviewed by the board. The report
8 must allow the county commissioner of elections to correct the
9 canvass of votes in the manner required by law, if applicable.
10 The board shall file its report by 17 days after the canvass of
11 an election for the offices of president and vice president,
12 by 21 days after the canvass of an election for a state office
13 or a seat in the United States Congress, and by 13 days after
14 the canvass of any other election. The bill also requires
15 the county board of elections to reconvene no later than 27
16 days following a presidential election to correct any errors
17 identified by the recount board.

18 The bill requires a county commissioner of elections to
19 notify the state commissioner when the county commissioner
20 receives a recount request for any office elected by the
21 residents of more than one county. Upon verification that a
22 candidate requested a hand count in at least one but not all
23 counties where a recount was requested, the bill also requires
24 the state commissioner to inform each commissioner of a county
25 where a recount was requested that a hand recount shall be
26 performed.

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

1 The commissioner shall convene the recount board not later than
2 9:00 a.m. on the sixth day following the county board's canvass
3 of the election in question.

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

13 The bill changes the clerk of a court of contest for
14 presidential electors and congresspersons from the secretary
15 of state to the clerk of the supreme court. If the clerk of
16 the supreme court is absent or unable to act, the secretary of
17 state shall be the clerk of the court. For elections for state
18 officers, the bill changes the clerk of a contest court to the
19 clerk of the supreme court. If the clerk of the supreme court
20 is absent or unable to act, the secretary of state shall be the
21 clerk of the court. However, if the secretary of state is a
22 party to the contest, the auditor of state shall be the clerk
23 of the court.

24 The bill takes effect upon enactment.