

Senate File 2079 - Introduced

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BY SALMON

A BILL FOR

1 An Act relating to the use of automatic tabulating equipment
2 and optical scan voting systems.

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

1 Section 1. Section 49.26, subsection 2, Code 2024, is
2 amended to read as follows:

3 2. ~~a.~~ The commissioner shall determine in advance of each
4 election ~~conducted for a city of three thousand five hundred or~~
5 ~~less population or for any school district~~ whether the ballots
6 will be counted by automatic tabulating equipment or by the
7 precinct election officials. In making such a determination,
8 the commissioner shall consider voter turnout for recent
9 similar elections and factors considered likely to affect voter
10 turnout for the forthcoming election.

11 ~~b.~~ ~~If the commissioner concludes, pursuant to paragraph "a",~~
12 ~~that voting will probably be so light as to make counting of~~
13 ~~ballots by the precinct election officials less expensive than~~
14 ~~preparation and use of automatic tabulating equipment, paper~~
15 ~~ballots may be used, subject to paragraph "c".~~ If paper ballots
16 are used, the commissioner shall use ballots and instructions
17 similar to those used when the ballots are counted by automatic
18 tabulating equipment.

19 ~~c.~~ ~~Notwithstanding a determination by the commissioner~~
20 ~~pursuant to paragraph "b", upon receipt of a petition signed by~~
21 ~~not less than one hundred eligible electors, the commissioner~~
22 ~~shall count the ballots at an election described in paragraph~~
23 ~~"a" using automatic tabulating equipment. A petition filed~~
24 ~~under this paragraph must be received by the commissioner~~
25 ~~not later than 5:00 p.m. on the forty-second day before the~~
26 ~~election.~~

27 Sec. 2. Section 52.1, subsection 1, Code 2024, is amended
28 to read as follows:

29 1. At all elections conducted under [chapter 49](#), and at
30 any other election unless the commissioner directs otherwise
31 pursuant to [section 49.26](#), votes shall may be cast, registered,
32 recorded, and counted by means of optical scan voting systems,
33 in accordance with [this chapter](#).

34 Sec. 3. Section 52.2, Code 2024, is amended to read as
35 follows:

1 **52.2 Optical scan voting system ~~required~~ allowed.**

2 Notwithstanding any provision to the contrary, for elections
3 held on or after ~~November 4, 2008~~ July 1, 2024, a county ~~shall~~
4 may use an optical scan voting system ~~only~~. The requirements
5 of the federal Help America Vote Act, Pub. L. No. 107-252, 116
6 Stat. 1666, relating to disabled voters ~~shall~~ may be met by a
7 county through the use of electronic ballot marking devices
8 that are compatible with an optical scan voting system.

9

EXPLANATION

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

12 This bill relates to the use of automatic tabulating
13 equipment and optical scan voting systems in elections. The
14 bill strikes provisions requiring the use of optical scan
15 voting systems in all elections and the use of automatic
16 tabulating equipment in certain elections.