

Senate File 271 - Introduced

SENATE FILE 271

BY JOCHUM

A BILL FOR

1 An Act relating to the conduct of elections, including the
2 recounting of ballots, the mailing of absentee ballots, and
3 in-person absentee voting.

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

1 Section 1. Section 50.48, subsection 3, Code 2023, is
2 amended to read as follows:

3 3. a. The recount shall be conducted or overseen by a board
4 which shall consist of one of the following:

5 (1) For a county with a population of fewer than twenty-five
6 thousand:

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

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

13 ~~(3)~~ (c) A person chosen jointly by the members designated
14 under subparagraphs ~~(1)~~ subparagraph divisions (a) and ~~(2)~~ (b).

15 (2) For a county with a population of at least twenty-five
16 thousand but less than ninety thousand:

17 (a) Three designees of the candidate requesting the
18 recount, who shall be named in the written request when it is
19 filed.

20 (b) Three designees of the apparent winning candidate, who
21 shall be named by that candidate at or before the time the
22 board is required to convene.

23 (c) A person chosen jointly by the members designated under
24 subparagraph divisions (a) and (b).

25 (3) For a county with a population of ninety thousand or
26 greater:

27 (a) Three designees of the candidate requesting the
28 recount, who shall be named in the written request when it is
29 filed.

30 (b) Three designees of the apparent winning candidate, who
31 shall be named by that candidate at or before the time the
32 board is required to convene.

33 (c) Three persons chosen jointly by the members designated
34 under subparagraph divisions (a) and (b).

35 b. The commissioner shall convene the persons designated

1 under paragraph "a", ~~subparagraphs~~ subparagraph (1) and,
 2 subparagraph divisions (a) and (b), paragraph "a", subparagraph
 3 (2), subparagraph divisions (a) and (b), or paragraph "a",
 4 subparagraph (3), subparagraph divisions (a) and (b), not later
 5 than 9:00 a.m. on the seventh day following the county board's
 6 canvass of the election in question. If those ~~two~~ members
 7 cannot agree on the ~~third~~ additional member or members by
 8 8:00 a.m. on the ninth day following the canvass, they shall
 9 immediately so notify the chief judge of the judicial district
 10 in which the canvass is occurring, who shall appoint the ~~third~~
 11 additional member or members not later than 5:00 p.m. on the
 12 eleventh day following the canvass.

13 Sec. 2. Section 50.48, subsection 4, paragraphs a and c,
 14 Code 2023, are amended to read as follows:

15 a. When all members of the recount board have been selected,
 16 the board shall undertake and complete the required recount
 17 as expeditiously as reasonably possible. The recount board
 18 may conduct the recount or may direct the county commissioner
 19 and the county commissioner's staff to conduct the recount.
 20 The recount board shall oversee any recount conducted by the
 21 county commissioner and the county commissioner's staff. The
 22 commissioner or the commissioner's designee shall supervise the
 23 handling of ballots to ensure that the ballots are protected
 24 from alteration or damage. The board or county commissioner
 25 shall open only the sealed ballot containers from the precincts
 26 specified to be recounted in the request or by the recount
 27 board. The board or county commissioner shall recount only
 28 the ballots which were voted and counted for the office in
 29 question, including any disputed ballots returned as required
 30 in [section 50.5](#). ~~If automatic tabulating equipment was used~~
 31 ~~to count the ballots, the~~ The recount board may request the
 32 commissioner to retabulate the ballots using the automatic
 33 tabulating equipment on a per precinct basis, and the recount
 34 board shall visually examine each ballot that the automatic
 35 tabulating equipment identifies as containing an undervote, an

1 overvote, or a write-in vote to determine voter intent. The
2 same program used for tabulating the votes on election day
3 shall be used at the recount unless the program is believed or
4 known to be flawed.

5 c. The ballots shall be resealed by the recount board
6 or county commissioner before adjournment and shall be
7 preserved as required by [section 50.12](#). At the conclusion of
8 the recount, the recount board shall make and file with the
9 commissioner a written report of its findings, which shall be
10 signed by at least ~~two~~ two-thirds of the members of the recount
11 board. The recount board shall complete the recount and file
12 its report not later than the eighteenth day following the
13 county board's canvass of the election in question.

14 Sec. 3. Section 53.8, subsection 1, paragraph a, unnumbered
15 paragraph 1, Code 2023, is amended to read as follows:

16 Upon receipt of an application for an absentee ballot and
17 immediately after the absentee ballots are printed, but not
18 more than ~~twenty~~ forty-five days before the election, the
19 commissioner shall mail an absentee ballot to the applicant
20 within twenty-four hours, except as otherwise provided in
21 subsection 3. The absentee ballot shall be sent to the
22 registered voter by one of the following methods:

23 Sec. 4. Section 53.10, subsection 1, Code 2023, is amended
24 to read as follows:

25 1. Not more than ~~twenty~~ forty-five days before the date of
26 the primary election or the general election, the commissioner
27 shall provide facilities for absentee voting in person at the
28 commissioner's office. This service shall also be provided
29 for other elections as soon as the ballots are ready, but in
30 no case shall absentee ballots be available under [this section](#)
31 more than ~~twenty~~ forty-five days before an election.

32 Sec. 5. Section 53.11, subsection 1, paragraph a, Code 2023,
33 is amended to read as follows:

34 a. Not more than ~~twenty~~ forty-five days before the date
35 of an election, satellite absentee voting stations shall be

1 established upon receipt of a petition signed by not less than
2 one hundred eligible electors requesting that a satellite
3 absentee voting station be established at a location to be
4 described on the petition. However, if a special election is
5 scheduled in the county on a date that falls between the date
6 of the regular city election and the date of the city runoff
7 election, the commissioner is not required to establish a
8 satellite absentee voting station for the city runoff election.

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 conduct of elections, including the
13 recounting of ballots, the mailing of absentee ballots, and
14 in-person absentee voting.

15 The ballot changes the size of a recount board based on the
16 population of the county. For a county with a population of
17 fewer than 25,000, the bill requires a recount board to consist
18 of two designees of each contestant and one person agreed upon
19 by the designees. For a county with a population of at least
20 25,000 but less than 90,000, the bill requires a recount board
21 to consist of three designees of each contestant and one person
22 agreed upon by the designees. For a county with a population
23 of 90,000 or greater, the bill requires a recount board to
24 consist of three designees of each contestant and three persons
25 agreed upon by the designees. The bill requires a report of a
26 recount board to be signed by two-thirds of the members of the
27 board.

28 The bill allows the recount board to direct the county
29 commissioner or the county commissioner's staff to conduct a
30 recount. The board requires the recount board to oversee any
31 recount conducted by the county commissioner or the county
32 commissioner's staff.

33 The bill allows a recount to be conducted on a per precinct
34 basis using automatic tabulating equipment. The bill requires
35 the recount board to visually examine each ballot that the

1 equipment identifies as containing an undervote, an overvote,
2 or a write-in vote to determine voter intent.

3 The bill allows a county commissioner of elections to begin
4 the mailing of absentee ballots starting 45 days before an
5 election. The bill also allows in-person absentee voting at
6 a county commissioner's office or at a satellite location to
7 begin 45 days before an election.