

**Senate File 342 - Introduced**

SENATE FILE 342

BY SALMON

**A BILL FOR**

1 An Act relating to the conduct of elections, including the  
2 casting of provisional ballots by persons registering to  
3 vote on election day or when casting an in-person absentee  
4 ballot, and the use of automatic tabulating equipment and  
5 optical scan voting systems.

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

1 Section 1. Section 48A.7A, subsection 5, Code 2023, is  
2 amended to read as follows:

3 5. ~~a.~~ If a person registers to vote under ~~this section~~ at  
4 a polling place that has access to an electronic poll book,  
5 the precinct election official shall verify against a database  
6 maintained by the state commissioner that the person has not  
7 been convicted of a felony or, if the person has been convicted  
8 of a felony, the person has had the person's voting rights  
9 restored. If the precinct election official determines that  
10 the person has not been convicted of a felony or has been  
11 convicted of a felony but the person's voting rights have been  
12 restored, the precinct election official shall furnish a ballot  
13 to the voter. If the database indicates that the person has  
14 been convicted of a felony and that the person's voting rights  
15 have not been restored, the precinct election official shall  
16 challenge the person under ~~section 49.79~~.

17 b. If a A person who registers to vote under ~~this section~~  
18 at a polling place that does not have access to an electronic  
19 poll book, the person shall be permitted to cast a provisional  
20 ballot under ~~section 49.81~~, and the absentee and special voters  
21 precinct board, appointed pursuant to ~~section 53.23~~, shall  
22 verify against a database maintained by the state commissioner  
23 that the person has not been convicted of a felony or, if the  
24 person has been convicted of a felony, the person's voting  
25 rights have been restored. If information in the database  
26 indicates that the person has not been convicted of a felony  
27 or, if the person has been convicted of a felony, the person's  
28 voting rights have been restored, the voter's provisional  
29 ballot shall be counted. If the database indicates that the  
30 person has been convicted of a felony and the person's voting  
31 rights have not been restored, the voter's provisional ballot  
32 shall be rejected.

33 Sec. 2. Section 49.26, subsection 2, Code 2023, is amended  
34 to read as follows:

35 2. ~~a.~~ The commissioner shall determine in advance of each

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

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

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

24 Sec. 3. Section 52.1, subsection 1, Code 2023, is amended  
25 to read as follows:

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

31 Sec. 4. Section 52.2, Code 2023, is amended to read as  
32 follows:

33 **52.2 Optical scan voting system ~~required~~ allowed.**

34 Notwithstanding any provision to the contrary, for elections  
35 held on or after ~~November 4, 2008~~ July 1, 2023, a county shall

1 may use an optical scan voting system ~~only~~. The requirements  
2 of the federal Help America Vote Act, Pub. L. No. 107-252, 116  
3 Stat. 1666, relating to disabled voters ~~shall~~ may be met by a  
4 county through the use of electronic ballot marking devices  
5 that are compatible with an optical scan voting system.

6 EXPLANATION

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

9 This bill relates to the conduct of elections.

10 The bill requires a person registering to vote on election  
11 day or when casting an in-person absentee ballot to cast a  
12 provisional ballot. The absentee and special voters precinct  
13 board shall then count the provisional ballot only if the board  
14 determines that the voter was eligible to vote. Under current  
15 law, a person registering to vote on election day or when  
16 casting an in-person absentee ballot may cast a regular ballot  
17 if the polling place can verify the voter's eligibility to vote  
18 using an electronic poll book.

19 The bill strikes provisions requiring the use of optical  
20 scan voting systems in all elections and the use of automatic  
21 tabulating equipment in certain elections.