

Senate Study Bill 1034 - Introduced

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

A BILL FOR

- 1 An Act relating to the administration of elections.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 47.4, Code 2023, is amended to read as
2 follows:

3 **47.4 Election filing deadlines.**

4 If the deadline for a filing pertaining to an election
5 falls on a day that the state or county commissioner's office
6 is closed for business, the deadline shall be extended to
7 the next day that the office of state commissioner or county
8 commissioner is open for business to receive the filing. ~~This~~
9 ~~section does not apply to the deadline for voter registration~~
10 ~~under [section 48A.9, subsection 2.](#)~~

11 Sec. 2. Section 48A.9, subsection 2, Code 2023, is amended
12 to read as follows:

13 2. The commissioner's office shall be open from 8:00 a.m.
14 until at least 5:00 p.m. on the day registration closes before
15 each regularly scheduled election. ~~However, if the last day to~~
16 ~~register to vote for a regularly scheduled election falls on~~
17 ~~the day after Thanksgiving, the deadline shall be the following~~
18 ~~Monday.~~

19 Sec. 3. NEW SECTION. **49.76A Electronic election register.**

20 1. The commissioner may use an electronic election register
21 in lieu of a paper register if the electronic election register
22 is a product that has been certified for use in this state by
23 the state commissioner.

24 2. The state commissioner shall adopt rules pursuant to
25 chapter 17A to implement this section.

26 Sec. 4. Section 49.124, subsection 1, Code 2023, is amended
27 to read as follows:

28 1. The commissioner shall conduct, not later than the day
29 before each ~~primary and general~~ election, a training course for
30 all election personnel, ~~and the commissioner may do so before~~
31 ~~any other election the commissioner administers.~~ The personnel
32 shall include all precinct election officials and any other
33 persons who will be employed in or around the polling places
34 on election day. ~~At least two precinct election officials who~~
35 ~~will serve on each precinct election board at the forthcoming~~

1 ~~election shall attend the training course. If the entire board~~
2 ~~does not attend, those members who do attend shall so far as~~
3 ~~possible be persons who have not previously attended a similar~~
4 ~~training course. The state commissioner shall adopt rules~~
5 ~~pursuant to chapter 17A to implement instruction required under~~
6 ~~this subsection.~~

7 Sec. 5. Section 49.128, subsection 1, unnumbered paragraph
8 1, Code 2023, is amended to read as follows:

9 No later than twenty days following a ~~general~~ an election,
10 the commissioner shall place on file in the commissioner's
11 office a certification that the county met the following
12 requirements at the ~~general~~ election:

13 Sec. 6. Section 49.128, subsection 1, Code 2023, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. *f.* The state commissioner may adopt rules
16 pursuant to chapter 17A to require that the commissioner
17 provide and certify additional information.

18 Sec. 7. Section 49.128, subsection 2, paragraph b, Code
19 2023, is amended by striking the paragraph.

20 Sec. 8. Section 50.11, subsection 2, Code 2023, is amended
21 by striking the subsection.

22 Sec. 9. Section 50.15A, Code 2023, is amended to read as
23 follows:

24 **50.15A Unofficial results of voting — ~~general election only.~~**

25 1. In order to provide the public with an early source
26 of election results before the official canvass of votes,
27 the state commissioner of elections, in cooperation with the
28 commissioners of elections, shall conduct an unofficial canvass
29 of election results following the closing of the polls on
30 the day of a regular city election, regular school election,
31 primary election, and general election. The unofficial
32 canvass shall report election results for national offices,
33 statewide offices, the office of state representative, the
34 office of state senator, and other offices or public measures
35 at the discretion of the state commissioner of elections.

1 The unofficial canvass shall also report the total number of
2 ballots cast at the ~~general~~ reported election.

3 2. a. After the polls close on election day, the
4 commissioner of elections shall periodically provide election
5 results to the state commissioner of elections as the precincts
6 in the county report election results to the commissioner
7 pursuant to [section 50.11](#). If the commissioner determines
8 that all precincts will not report election results before
9 the office is closed, the commissioner shall report the most
10 complete results available prior to leaving the office at the
11 time the office is closed as provided in [section 50.11](#). The
12 commissioner shall specify the number of precincts included in
13 the report to the state commissioner of elections and provide
14 an explanation in writing as to why all precincts will not be
15 reported.

16 b. The state commissioner of elections shall tabulate
17 unofficial election results as the results are received from
18 the commissioners of elections and shall periodically make the
19 reports of the results available to the public.

20 3. Before the day of the ~~general~~ reported election, the
21 state commissioner of elections shall provide a form and
22 instructions for reporting unofficial election results pursuant
23 to [this section](#).

24 Sec. 10. Section 50.48, subsection 4, paragraph c, Code
25 2023, is amended to read as follows:

26 c. The ballots shall be resealed by the recount board before
27 adjournment and shall be preserved as required by section
28 50.12. At the conclusion of the recount, the recount board
29 shall make and file with the commissioner a written report of
30 its findings, which shall be signed by at least two members of
31 the recount board. The written report shall include a full
32 tally and accounting of ballots reviewed by the recount board
33 and shall be reported as required by sections 50.24 and 53.20.
34 The written report must allow the commissioner to correct the
35 canvass of voters in the manner required by law, if applicable.

1 The recount board shall complete the recount and file its
2 report not later than the eighteenth day following the county
3 board's canvass of the election in question.

4 Sec. 11. Section 53.17, subsection 4, unnumbered paragraph
5 1, Code 2023, is amended to read as follows:

6 When a person designated by the voter pursuant to section
7 53.33 retrieves a completed absentee ballot from the voter, the
8 designee shall, ~~upon request of the voter,~~ fill out a receipt
9 to be retained by the voter. The state commissioner shall
10 prescribe a form for receipts required by **this subsection**. The
11 receipt shall include all of the following:

12 Sec. 12. Section 53.17, subsection 4, paragraph d, Code
13 2023, is amended by striking the paragraph.

14 Sec. 13. Section 53.17, subsection 4, paragraph f, Code
15 2023, is amended to read as follows:

16 *f.* A statement that the completed absentee ballot will
17 be delivered to the commissioner's office within seventy-two
18 hours of retrieving it from the voter or before the closing of
19 the polls on election day, whichever is earlier, ~~or that the~~
20 ~~completed absentee ballot will be mailed to the commissioner~~
21 ~~within seventy-two hours of retrieving it from the voter.~~

22 Sec. 14. Section 53.20, subsection 2, paragraph b, Code
23 2023, is amended to read as follows:

24 *b.* For the primary election, general election, and for any
25 election in which the commissioner determines in advance of
26 the election to report the results of the special precinct by
27 the resident precincts of the voters who cast absentee and
28 provisional ballots, the commissioner shall prepare a separate
29 absentee ballot style for each precinct in the county and shall
30 program the voting system to produce reports by the resident
31 precincts of the voters.

32 Sec. 15. Section 277.4, subsection 4, Code 2023, is amended
33 to read as follows:

34 4. Any person on whose behalf nomination petitions have been
35 filed under **this section** may withdraw as a candidate by filing

1 a signed statement to that effect with the secretary consistent
2 with [section 44.9, subsection 5](#).

3 Sec. 16. REPEAL. Section 52.41, Code 2023, is repealed.

4 EXPLANATION

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

7 This bill relates to the conduct of elections. The bill
8 changes the filing deadline for voter registration forms that
9 would be due on the day after Thanksgiving from the following
10 Monday to the next day the office of the county commissioner of
11 elections or the state commissioner of elections is open.

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

19 The bill requires a county commissioner of elections to
20 hold training for all election personnel before each election,
21 rather than before each primary and general election. The bill
22 also requires the state commissioner of elections to adopt
23 rules for the implementation of required instruction.

24 The bill requires a county commissioner of elections
25 to place on file a certification that the office of the
26 commissioner met certain requirements within 20 days after
27 each election. Current law requires that such certifications
28 be filed after a general election. The bill allows the state
29 commissioner of elections to adopt rules requiring county
30 commissioners of elections to provide and certify additional
31 information. The bill strikes a provision requiring a county
32 commissioner of elections to include a copy of a certification
33 along with an election canvass summary report when a county is
34 not required to conduct an audit.

35 The bill strikes a provision allowing election officials

1 to electronically transmit results from voting equipment in
2 the county commissioner of elections' office after producing a
3 written report of the election results.

4 The bill requires the state commissioner of elections, in
5 cooperation with county commissioners of elections, to conduct
6 an unofficial canvass of election results following the closing
7 of polls for regular city, regular school, primary, and general
8 elections. Current law requires an unofficial canvass only
9 for general elections. If a county commissioner of elections
10 determines that all precincts will not report results before
11 the office is closed, the bill requires the county commissioner
12 to provide a written explanation as to why.

13 The bill requires a recount board to include in its written
14 report following the conclusion of a recount a full tally
15 and accounting of ballots reviewed by the board. The report
16 must allow the county commissioner of elections to correct the
17 canvass of votes in the manner required by law, if applicable.

18 The bill removes a requirement that a receipt filled out by a
19 person designated to return a voter's completed absentee ballot
20 include a statement regarding the time by which the person
21 will return the ballot and the name of the political party,
22 candidate, or committee for which the designee is acting as an
23 actual or implied agent. Code section 53.33 prohibits such a
24 person from delivering a completed absentee ballot. The bill
25 also removes a provision allowing a voter to request that a
26 person collecting an absentee ballot fill out a receipt. Code
27 section 53.33 makes such receipts mandatory.

28 The bill requires the county commissioner of elections to
29 prepare a separate absentee ballot style for each precinct in
30 the county and program the voting system to produce reports by
31 the resident precincts of the voters for each primary election.

32 The bill updates an internal reference regarding withdrawals
33 of candidates for school district elections.

34 The bill repeals a requirement that the state commissioner
35 of elections adopt by rule standards for the examination and

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1 testing of devices for the electronic transmission of election
2 results with the advice of the board of commissioners and that
3 all voting systems containing such devices comply with those
4 standards.