

House File 169 - Introduced

HOUSE FILE 169
BY GOLDING

A BILL FOR

- 1 An Act relating to the use of automatic tabulating equipment and
- 2 optical scan voting systems.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 49.26, subsection 2, Code 2025, is amended
2 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 similar
9 elections and factors considered likely to affect voter turnout
10 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 under~~
24 ~~this paragraph must be received by the commissioner not later~~
25 ~~than 5:00 p.m. on the forty-second day before the election.~~

26 Sec. 2. Section 52.1, subsection 1, Code 2025, is amended to
27 read as follows:

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

33 Sec. 3. Section 52.2, Code 2025, is amended to read as
34 follows:

35 **52.2 Optical scan voting system ~~required~~ allowed.**

1 Notwithstanding any provision to the contrary, for elections
2 held on or after ~~November 4, 2008~~ July 1, 2025, a county shall
3 may use an optical scan voting system ~~only~~. The requirements
4 of the federal Help America Vote Act, Pub. L. No. 107-252, 116
5 Stat. 1666, relating to disabled voters ~~shall~~ may be met by a
6 county through the use of electronic ballot marking devices that
7 are compatible with an optical scan voting system.

8 EXPLANATION

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

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