

Senate File 2287 - Introduced

SENATE FILE 2287

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3078)

A BILL FOR

1 An Act relating to the conduct of elections.

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

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DIVISION I

ELECTION MISCONDUCT — INVESTIGATION

Section 1. Section 39A.1, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. For purposes of this chapter, "election day" includes any day on which voting takes place in person, including pursuant to section 53.10 or 53.11.

Sec. 2. NEW SECTION. **39A.8 Investigation of election officials — notification.**

A law enforcement agency or other entity of the state or a political subdivision of the state that conducts an investigation of an election, the actions of election officials, or election misconduct shall immediately notify the state commissioner, except that the governor shall immediately be notified of an investigation of the state commissioner.

DIVISION II

CANCELLATION OF VOTER REGISTRATION

Sec. 3. Section 48A.30, subsection 1, Code 2026, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. The registration has been designated as incomplete, pending, or unconfirmed pursuant to section 48A.37, subsection 2, for ninety days, and the commissioner has been unable to contact the registrant, or the registrant has failed to submit sufficient information to complete, verify, or correct the defect in the registration following contact by the commissioner.

DIVISION III

ELECTION RECOUNTS — PUBLIC MEASURES

Sec. 4. Section 50.49, subsections 1 and 2, Code 2026, are amended to read as follows:

1. A recount for any public measure shall be ordered by the board of canvassers if a petition requesting a recount is filed with the state commissioner for a public measure voted on by the electors of the entire state, or the county commissioner for all other public measures, not later than three days after the completion of the canvass of votes for the election at which

1 the question appeared on the ballot and the abstracts prepared
 2 pursuant to section 50.24 indicate that the difference between
 3 the affirmative and negative votes cast on the public measure
 4 is less than fifteen hundredths of one percent for a public
 5 measure voted on by the electors of the entire state, or less
 6 than either one percent or fifty votes, whichever is lesser, for
 7 all other public measures. For a public measure that is not
 8 voted on by the electors of the entire state and that requires
 9 the affirmative vote of at least sixty percent of the votes
 10 cast on the public measure, the abstracts prepared pursuant to
 11 section 50.24 must indicate that the difference between passage
 12 and defeat of the public measure is less than either one percent
 13 or fifty votes, whichever is lesser. The petition shall be
 14 signed by the greater of not less than ten eligible electors or
 15 a number of eligible electors equaling one percent of the total
 16 number of votes cast upon the public measure. Each petitioner
 17 must be a person who was entitled to vote on the public measure
 18 in question or would have been so entitled if registered to vote.

19 2. The recount shall be conducted by a board which shall
 20 consist of+ the commissioner and the commissioner's staff, which
 21 may include persons employed by the commissioner to tally ballots
 22 during the election.

23 ~~a. A designee named in the petition requesting the recount.~~

24 ~~b. A designee named by the commissioner at or before the time~~
 25 ~~the board is required to convene.~~

26 ~~c. A person chosen jointly by the members designated under~~
 27 ~~paragraphs "a" and "b".~~

28 Sec. 5. Section 50.49, subsection 3, Code 2026, is amended to
 29 read as follows:

30 3. The commissioner shall convene the persons designated
 31 under subsection 2, ~~paragraphs "a" and "b",~~ not later than 9:00
 32 a.m. on the seventh day following the canvass of the election
 33 in question. ~~If those two members cannot agree on the third~~
 34 ~~member by 8:00 a.m. on the ninth day following the canvass, they~~
 35 ~~shall immediately notify the chief judge of the judicial district~~

1 ~~in which the canvass is occurring, who shall appoint the third~~
2 ~~member not later than 5:00 p.m. on the eleventh day following the~~
3 ~~canvass.~~

4 DIVISION IV

5 ELECTION SECURITY

6 Sec. 6. Section 52.5, subsection 2, Code 2026, is amended to
7 read as follows:

8 2. The state commissioner shall formulate, with the advice
9 and assistance of the examiners, and adopt rules governing the
10 testing and examination of any optical scan voting system by the
11 board of examiners. The rules shall prescribe the method to
12 be used in determining whether the system is suitable for use
13 within the state and performance standards for voting equipment
14 in use within the state. The rules shall provide that all
15 optical scan voting systems approved for use by the examiners
16 after April 9, 2003, shall meet voting systems performance and
17 test standards, as adopted by the ~~federal~~ United States election
18 assistance commission ~~on April 30, 2002,~~ and as deemed adopted by
19 the federal Help America Vote Act, Pub. L. No. 107-252, §222 116
20 Stat. 1666. The rules shall include standards for determining
21 when recertification is necessary following modifications to the
22 equipment or to the programs used in tabulating votes, and a
23 procedure for rescinding certification if a system is found
24 not to comply with performance standards adopted by the state
25 commissioner.

26 Sec. 7. NEW SECTION. **52.39 Election equipment — physical**
27 **security.**

28 Election equipment, including election equipment not currently
29 in use, shall be secured by a tamper-evident seal at all times.

30 DIVISION V

31 SPECIAL PRECINCT ELECTION BOARD

32 Sec. 8. Section 53.23, subsection 3, paragraph a, Code 2026,
33 is amended to read as follows:

34 a. The commissioner shall set a convening time for the board
35 of no later than 9:00 a.m. on election day for a general election

1 or a statewide special election, allowing a reasonable amount of
2 time to complete counting all absentee ballots by 10:00 p.m. on
3 election day.

4 DIVISION VI

5 LOCAL ELECTION FILINGS

6 Sec. 9. Section 44.8, subsection 1, Code 2026, is amended to
7 read as follows:

8 1. Objections filed with the ~~city clerk~~ commissioner pursuant
9 to section 277.5 or 362.4 ~~or with the commissioner~~ for an
10 elective city office shall be considered ~~by the mayor and clerk~~
11 ~~and one member of the council chosen by the council by ballot,~~
12 ~~and a majority decision shall be final~~ as provided in section
13 44.7, except as otherwise provided in this section. However,
14 ~~if the objection is to the certificate of nomination of either~~
15 ~~of those city officials, that official shall not pass upon the~~
16 ~~objection, but the official's place shall be filled by a member~~
17 ~~of the council against whom no such objection exists, chosen as~~
18 ~~above provided.~~

19 Sec. 10. Section 44.9, subsections 2, 3, and 5, Code 2026,
20 are amended to read as follows:

21 2. In the office of the appropriate commissioner, at least
22 seventy-four days before the date of the election, except as
23 otherwise provided in subsection 3, 5, or 6.

24 3. In the office of the appropriate ~~school board secretary~~
25 commissioner in case of a regularly scheduled school election,
26 at least forty-two days before the day of a ~~regularly scheduled~~
27 ~~school~~ election.

28 5. In the office of the appropriate commissioner ~~or school~~
29 ~~board secretary~~ in case of a special election to fill vacancies,
30 at least twenty-five days before the day of election.

31 Sec. 11. Section 44.11, Code 2026, is amended to read as
32 follows:

33 **44.11 Vacancies filled.**

34 If a candidate named under this chapter withdraws or dies
35 before the deadline established in section 44.9, declines

1 a nomination, or if a certificate of nomination is held
 2 insufficient or inoperative by the officer with whom it is
 3 required to be filed, or in case any objection made to a
 4 certificate of nomination, or to the eligibility of any candidate
 5 named in the certificate, is sustained by the board appointed
 6 to determine such questions, the vacancy or vacancies may be
 7 filled by the convention, or caucus, or in such manner as such
 8 convention or caucus has previously provided. The vacancy or
 9 vacancies shall be filled not less than seventy-six days before
 10 the election in the case of nominations required to be filed
 11 with the state commissioner, not less than sixty-nine days before
 12 the election in the case of nominations required to be filed
 13 with the commissioner, not less than forty-two days before the
 14 election in the case of nominations required to be filed ~~in the~~
 15 ~~office of the school board secretary~~ with the commissioner for
 16 school elections, and not less than forty-two days before the
 17 election in the case of nominations required to be filed with the
 18 commissioner for city elections.

19 Sec. 12. Section 275.25, subsection 1, paragraph b, Code
 20 2026, is amended to read as follows:

21 b. The election shall be conducted as provided in section
 22 277.3, and nomination petitions shall be filed pursuant to
 23 section 277.4, except as otherwise provided in this subsection.
 24 Nomination petitions shall be filed with the ~~secretary of the~~
 25 ~~board of the existing school district in which the candidate~~
 26 ~~resides~~ county commissioner of elections described in paragraph
 27 "a" not less than twenty-eight days before the date set for
 28 the special school election. The ~~secretary of the board~~ county
 29 commissioner of elections, or the ~~secretary's~~ commissioner's
 30 designee, shall be present in the ~~secretary's~~ commissioner's
 31 office until 5:00 p.m. on the final day to file the nomination
 32 papers. ~~The nomination papers shall be delivered to the~~
 33 ~~commissioner no later than 5:00 p.m. on the twenty-seventh day~~
 34 ~~before the election.~~

35 Sec. 13. Section 277.4, subsections 1, 3, and 4, Code 2026,

1 are amended to read as follows:

2 1. Nomination papers for all candidates for election to
3 office in each school district shall be filed with the ~~secretary~~
4 ~~of the school board~~ county commissioner of elections not more
5 than seventy-one days nor less than forty-seven days before the
6 election. Nomination petitions shall be filed not later than
7 5:00 p.m. on the last day for filing. ~~If the school board~~
8 ~~secretary is not readily available during normal office hours,~~
9 ~~the secretary may designate a full-time employee of the school~~
10 ~~district who is ordinarily available to accept nomination papers~~
11 ~~under this section.~~ On the final date for filing nomination
12 papers, the office of the ~~school secretary~~ county commissioner of
13 elections shall remain open until 5:00 p.m.

14 3. ~~The secretary of the school board~~ county commissioner of
15 elections shall accept the petition for filing if on its face
16 it appears to have the requisite number of signatures and if
17 it is timely filed. ~~The secretary of the school board~~ county
18 commissioner of elections shall note upon each petition and
19 affidavit accepted for filing the date and time that the petition
20 was filed. The secretary of the school board shall deliver
21 ~~all nomination petitions, together with the complete text of any~~
22 ~~public measure being submitted by the board to the electorate,~~
23 ~~to the county commissioner of elections on the day following the~~
24 ~~last day on which nomination petitions can be filed, and not~~
25 ~~later than 12:00 noon on that day.~~

26 4. Any person on whose behalf nomination petitions have been
27 filed under this section may withdraw as a candidate by filing
28 a signed statement to that effect with the ~~secretary~~ county
29 commissioner of elections consistent with section 44.9.

30 Sec. 14. Section 277.5, Code 2026, is amended to read as
31 follows:

32 **277.5 Objections to nominations.**

33 1. Objections to the legal sufficiency of a nomination
34 petition or to the eligibility of a candidate may be filed by
35 any person who would have the right to vote for a candidate for

1 the office in question. The objection must be filed with the
 2 ~~secretary of the school board~~ county commissioner of elections
 3 at least forty-two days before the day of the school election.
 4 When objections are filed, notice shall forthwith be given to
 5 the candidate affected, addressed to the candidate's place of
 6 residence as given on the candidate's affidavit, stating that
 7 objections have been made to the legal sufficiency of the
 8 petition or to the eligibility of the candidate, and also stating
 9 the time and place the objections will be considered.

10 2. Objections shall be considered not later than two working
 11 days following the receipt of the objections ~~by the president~~
 12 ~~of the school board, the secretary of the school board, and~~
 13 ~~one additional member of the school board chosen by ballot.~~ If
 14 objections have been filed to the nominations of either of those
 15 school officials, that official shall not pass on the objection.
 16 ~~The official's place shall be filled by a member of the school~~
 17 ~~board against whom no objection exists. The replacement shall be~~
 18 ~~chosen by ballot~~ as provided in section 44.7.

19 Sec. 15. Section 279.6, subsection 1, paragraph b,
 20 subparagraph (1), Code 2026, is amended to read as follows:

21 (1) If within fourteen days after publication of a notice
 22 required pursuant to paragraph "a" for a vacancy that occurs
 23 more than one hundred eighty days before the next regular
 24 school election, or after the filing period closes pursuant
 25 to section 277.4, subsection 1, for the next regular school
 26 election, there is filed with the ~~secretary of the school board~~
 27 county commissioner of elections a petition requesting a special
 28 election to fill the vacancy, an appointment to fill the vacancy
 29 is temporary until a successor is elected and qualified, and the
 30 board shall call a special election pursuant to section 279.7, to
 31 fill the vacancy for the remaining balance of the unexpired term.

32 Sec. 16. Section 279.6, subsection 2, Code 2026, is amended
 33 to read as follows:

34 2. A vacancy shall be filled at the next regular school
 35 election if a member of a school board resigns from the board not

1 later than forty-five days before the election and the notice of
2 resignation specifies an effective date at the beginning of the
3 next term of office for elective school officials. The president
4 of the board shall declare the office vacant as of the date
5 of the next organizational meeting. Nomination papers shall be
6 ~~received~~ filed with the county commissioner of elections for the
7 unexpired term of the resigning member. The person elected at
8 the next regular school election to fill the vacancy shall take
9 office at the same time and place as the other elected school
10 board members.

11 Sec. 17. Section 362.4, subsection 3, Code 2026, is amended
12 to read as follows:

13 3. Petitions which have been accepted for filing are valid
14 unless written objections are filed with the ~~city clerk~~
15 commissioner within five working days after the petition is
16 received. The objection process in section 44.8 shall be
17 followed.

18 Sec. 18. Section 376.4, subsections 1, 3, 4, 5, and 6, Code
19 2026, are amended to read as follows:

20 1. a. An eligible elector of a city may become a candidate
21 for an elective city office by filing with the county
22 commissioner of elections responsible under section 47.2 for
23 conducting elections held for the city a valid petition
24 requesting that the elector's name be placed on the ballot for
25 that office, ~~or by filing a valid petition with the designated~~
26 ~~city clerk~~. The petition must be filed not more than seventy-one
27 days and not less than forty-seven days before the date of the
28 election, and must be signed by eligible electors equal in number
29 to at least two percent of those who voted to fill the same
30 office at the last regular city election, but not less than ten
31 persons. However, for those cities which may be required to hold
32 a primary election, the petition must be filed not more than
33 eighty-five days and not less than sixty-eight days before the
34 date of the regular city election. Nomination petitions shall be
35 filed not later than 5:00 p.m. on the last day for filing.

1 b. The petitioners for an individual seeking election from a
2 ward must be residents of the ward at the time of signing the
3 petition. An individual is not eligible for election from a ward
4 unless the individual is a resident of the ward at the time the
5 individual files the petition and at the time of election.

6 ~~c. The county commissioner may designate the city clerk of a
7 city to receive nomination papers for elective city offices. If
8 so designated, the city clerk shall have all the duties of the
9 county commissioner provided in this section.~~

10 3. On the final date for filing nomination papers the office
11 of the county commissioner ~~and the office of the city clerk~~
12 ~~designated pursuant to subsection 1~~ shall remain open until 5:00
13 p.m.

14 4. The county commissioner ~~or the city clerk designated~~
15 ~~pursuant to subsection 1~~ shall review each petition and affidavit
16 of candidacy for completeness following the standards in section
17 45.5 and shall accept the petition for filing if on its face
18 it appears to have the requisite number of signatures and if
19 it is timely filed. The county commissioner ~~or the designated~~
20 ~~city clerk~~ shall note upon each petition and affidavit accepted
21 for filing the date and time that they were filed. The county
22 commissioner ~~or the designated city clerk~~ shall return any
23 rejected nomination papers to the person on whose behalf the
24 nomination papers were filed.

25 5. Nomination papers filed with the county commissioner ~~or~~
26 ~~the city clerk designated pursuant to subsection 1~~ shall be
27 available for public inspection.

28 6. The city clerk shall deliver the text of any public
29 measure being submitted by the city council to the electorate to
30 the county commissioner of elections. ~~If the county commissioner~~
31 ~~has designated the city clerk to receive nomination papers for~~
32 ~~elective city offices pursuant to subsection 1, the city clerk~~
33 ~~shall deliver the nomination papers accepted for filing to~~
34 ~~the county commissioner.~~ The text of any public measure and
35 nomination papers required to be delivered under this subsection

1 shall be delivered no later than the day after the last day on
2 which nomination petitions can be filed, and not later than 12:00
3 noon on that day.

4 Sec. 19. Section 376.10, Code 2026, is amended to read as
5 follows:

6 **376.10 Contest.**

7 A nomination or election to a city office may be contested
8 in the manner provided in chapter 62 for contesting elections to
9 county offices, except that a statement of intent to contest must
10 be filed with the ~~city clerk~~ county commissioner of elections
11 within ten days after the nomination or election.

12 Sec. 20. Section 376.11, subsections 1 and 2, Code 2026, are
13 amended to read as follows:

14 1. Write-in votes are permitted to be cast in all elections
15 for city offices. A person who receives a sufficient number of
16 write-in votes to be elected to a city office shall be declared
17 the winner of the election. If the result is a tie vote,
18 lots shall be drawn pursuant to section 50.44. If a person
19 who was elected by write-in votes chooses not to serve in that
20 office, the person shall submit a resignation in writing to the
21 ~~city clerk~~ county commissioner of elections not later than 5:00
22 p.m. on the tenth day following the canvass of the election. If
23 a person who was elected by write-in votes resigns at a later
24 time, the office shall be considered vacant at the end of the
25 term and the council shall fill the vacancy pursuant to the
26 provisions of section 372.13, subsection 2.

27 2. Except in cities where the council has chosen a runoff
28 election in lieu of a primary, following the resignation of a
29 person who was elected by write-in votes, the city clerk shall
30 notify the person who received the next highest number of votes
31 cast for the office that the person may assume the office. If
32 there is more than one person who received the next highest
33 number of votes cast for the office, lots shall be drawn pursuant
34 to section 50.44 to determine the person who received the next
35 highest number of votes. If the person accepts the position,

1 the person shall be considered the duly elected officer unless,
 2 within ten days after the ~~elerk~~ county commissioner of elections
 3 has given notice, a petition requesting a special election is
 4 filed by eligible electors of the city equal in number to
 5 twenty-five percent of the number of persons who voted for the
 6 office at the election. If the person declines, the person
 7 shall do so in writing to the ~~city elerk~~ county commissioner
 8 of elections within ten days and the office shall be considered
 9 vacant at the end of the term. The vacancy shall be filled
 10 pursuant to the provisions of section 372.13, subsection 2.
 11 If the council chooses to appoint, the appointment may be made
 12 before the end of the current term.

13 EXPLANATION

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

16 This bill relates to the conduct of elections.

17 DIVISION I — ELECTION MISCONDUCT — INVESTIGATION. The bill
 18 defines "election day" for the purposes of election misconduct
 19 to include any day on which voting takes place in person,
 20 including absentee voting at the offices of a county commissioner
 21 of elections or at a satellite absentee voting station. The
 22 bill requires a law enforcement agency or other entity of a
 23 state or political subdivision of the state that is investigating
 24 an election, the actions of election officials, or election
 25 misconduct to immediately notify the state commissioner of
 26 elections, or the governor if the state commissioner of elections
 27 is under investigation.

28 DIVISION II — CANCELLATION OF VOTER REGISTRATION. The bill
 29 requires a voter registration that has been designated as
 30 incomplete, pending, or unconfirmed for 90 days to be canceled if
 31 the county commissioner of elections has been unable to contact
 32 the registrant or the registrant has failed to submit sufficient
 33 information to complete, verify, or correct the defect in the
 34 registration.

35 DIVISION III — ELECTION RECOUNTS — PUBLIC MEASURES. The

1 bill changes the minimum threshold for conducting a recount of
2 a public measure that is not voted on by the electors of the
3 entire state and that requires an affirmative vote of at least
4 60 percent of the votes cast on the measure to be a difference
5 between passage and defeat of at least 1 percent or 50 votes,
6 whichever is lesser. The bill changes the makeup of a recount
7 board for a public measure to consist of the county commissioner
8 of elections and the commissioner's staff, which may include
9 persons employed by the commissioner to tally ballots, instead of
10 a designee of the petitioner requesting the recount, a designee
11 selected by the commissioner, and a third person chosen jointly
12 by the other designees.

13 DIVISION IV — ELECTION SECURITY. The bill updates references
14 to the United States election assistance commission and the
15 federal Help America Vote Act. The bill requires all election
16 equipment, including election equipment that is not currently in
17 use, to be secured with a tamper-evident seal at all times.

18 DIVISION V — SPECIAL PRECINCT ELECTION BOARD. The bill
19 requires a county commissioner of elections to set a convening
20 time for the election board of the absentee ballot and special
21 voters precinct of no later than 9:00 a.m. on election day for
22 general and statewide special elections. Under current law,
23 election boards of absentee ballot and special voters precincts
24 must be convened by 9:00 a.m. on election day for all elections.

25 DIVISION VI — LOCAL ELECTION FILINGS. The bill requires all
26 filings for city and school elections to be made with the county
27 commissioner of elections and removes the authority of a county
28 commissioner of elections to designate a city clerk to accept
29 election filings. The bill also requires objections to petitions
30 in city elections to be heard by the county auditor, county
31 treasurer, and county attorney.