

Senate File 540 - Introduced

SENATE FILE 540
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1175)

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:

unofficial

1 Section 1. Section 39A.7, Code 2025, is amended to read as
2 follows:

3 **39A.7 Election misconduct — investigation.**

4 1. The attorney general county sheriff, or other law
5 enforcement agency with jurisdiction, shall investigate
6 allegations of election misconduct reported to the attorney
7 general. Election misconduct by an election official shall also
8 be investigated for prosecution under chapter 721.
9 2. Upon the completion of an investigation required by this
10 section, the attorney general county sheriff, or other law
11 enforcement agency with jurisdiction, shall submit the results of
12 the investigation, including the report from the law enforcement
13 agency, to the attorney general and the state commissioner, and
14 the attorney general shall explain whether the attorney general
15 will pursue charges. Any information that is requested by or
16 in the possession of the state commissioner pursuant to this
17 chapter remains a confidential record pursuant to section 22.7,
18 subsection 5.

19 Sec. 2. Section 43.18, subsection 9, Code 2025, is amended to
20 read as follows:

21 9. A statement that the candidate is aware that the candidate
22 is disqualified from holding office if the candidate has been
23 convicted of a felony or other infamous crime and the candidate's
24 rights have not been restored by the governor or by the president
25 of the United States. This subsection does not apply to
26 candidates for federal office. The state commissioner shall
27 prescribe a separate affidavit of candidacy for candidates for
28 federal office.

29 Sec. 3. Section 43.67, subsection 2, paragraph i, Code 2025,
30 is amended to read as follows:

31 i. A statement that the candidate is aware that the candidate
32 is disqualified from holding office if the candidate has been
33 convicted of a felony or other infamous crime and the candidate's
34 rights have not been restored by the governor or by the
35 president of the United States. This paragraph does not apply

1 to candidates for federal office. The state commissioner shall
2 prescribe a separate affidavit of candidacy for candidates for
3 federal office.

4 Sec. 4. Section 44.3, subsection 2, paragraph i, Code 2025,
5 is amended to read as follows:

6 i. A statement that the candidate is aware that the candidate
7 is disqualified from holding office if the candidate has been
8 convicted of a felony or other infamous crime and the candidate's
9 rights have not been restored by the governor or by the
10 president of the United States. This paragraph does not apply
11 to candidates for federal office. The state commissioner shall
12 prescribe a separate affidavit of candidacy for candidates for
13 federal office.

14 Sec. 5. Section 45.3, subsection 9, Code 2025, is amended to
15 read as follows:

16 9. A statement that the candidate is aware that the candidate
17 is disqualified from holding office if the candidate has been
18 convicted of a felony or other infamous crime and the candidate's
19 rights have not been restored by the governor or by the president
20 of the United States. This subsection does not apply to
21 candidates for federal office. The state commissioner shall
22 prescribe a separate affidavit of candidacy for candidates for
23 federal office.

24 Sec. 6. Section 47.1, subsections 1, 6, 7, and 8, Code 2025,
25 are amended to read as follows:

26 1. The secretary of state is designated as the state
27 commissioner of elections and shall supervise the activities of
28 the county commissioners of elections. There is established
29 within the office of the secretary of state a division of
30 elections which shall be under the direction of the state
31 commissioner of elections. The state commissioner of elections
32 may appoint a person to be in charge of the division of
33 elections who shall perform the duties assigned by the state
34 commissioner of elections. The state commissioner of elections
35 shall prescribe uniform election practices and procedures, shall

1 prescribe the necessary forms required for the conduct of
2 elections, shall assign a number to each proposed constitutional
3 amendment and statewide public measure for identification
4 purposes, and shall adopt rules, pursuant to chapter 17A, to
5 carry out this section. The state commissioner of elections may
6 issue guidance and directives that ~~is~~ are not subject to the
7 rulemaking process to clarify election laws and rules.

8 6. The state commissioner may, at the state commissioner's
9 discretion, examine the records of a commissioner to evaluate
10 complaints and to ensure compliance with the provisions of
11 chapters 39 through 53. This examination shall include but not
12 be limited to assessments conducted or authorized by private or
13 government entities to evaluate a county's security readiness
14 for elections-related technology or physical facilities. The
15 state commissioner shall adopt rules pursuant to chapter 17A to
16 require a commissioner to provide written explanations related
17 to examinations conducted pursuant to this subsection. Any
18 information that is requested by or in the possession of the
19 state commissioner pursuant to this chapter shall not lose its
20 confidential status pursuant to section 22.7, ~~subsection 50~~.

21 7. The state commissioner may share information a county
22 provides to an appropriate government agency to safeguard against
23 cybersecurity or physical threats. A county commissioner of
24 elections shall notify the state commissioner when the county
25 commissioner's office is involved in physical or cybersecurity
26 assessments performed by a federal or state agency or other
27 entity.

28 8. The state commissioner may adopt rules pursuant to chapter
29 17A to create minimum security protocols applicable to county
30 commissioners of elections and vendors utilized by the state
31 commissioner and county commissioners of elections. If a county
32 fails to adhere to these protocols, the state commissioner may
33 limit access to the statewide voter registration system. If a
34 vendor fails to adhere to these protocols, the state commissioner
35 may limit access to election infrastructure.

1 Sec. 7. Section 47.2, subsection 1, Code 2025, is amended to
2 read as follows:

3 1. The county auditor of each county is designated as
4 the county commissioner of elections in each county. The
5 county commissioner of elections shall conduct voter registration
6 pursuant to chapter 48A and conduct all elections within the
7 county. The county commissioner of elections does not possess
8 home rule powers with respect to the exercise of powers or duties
9 related to the conduct of elections prescribed by statute or
10 rule, or guidance or directives issued pursuant to section 47.1.

11 Sec. 8. Section 49.25, subsection 1, Code 2025, is amended to
12 read as follows:

13 1. ~~The commissioner shall determine pursuant to section~~
14 ~~49.26, subsection 2, in advance of an election whether ballots~~
15 ~~voted in that election shall be counted by automatic tabulating~~
16 ~~equipment or by precinct election officials. If automatic~~
17 ~~tabulating equipment will be used, the commissioner shall furnish~~
18 ~~voting equipment for use by voters with disabilities.~~

19 Sec. 9. Section 49.26, Code 2025, is amended to read as
20 follows:

21 **49.26 Commissioner to decide method Methods of voting —**
22 **~~counting of ballots.~~**

23 ~~1.~~ In all elections regulated by this chapter, the voting
24 shall be by paper ballots printed and distributed as provided by
25 law, or by voting systems meeting the requirements of chapter 52.

26 ~~2. a.~~ ~~The commissioner shall determine in advance of each~~
27 ~~election conducted for a city of three thousand five hundred or~~
28 ~~less population or for any school district whether the ballots~~
29 ~~will be counted by automatic tabulating equipment or by the~~
30 ~~precinct election officials. In making such a determination,~~
31 ~~the commissioner shall consider voter turnout for recent similar~~
32 ~~elections and factors considered likely to affect voter turnout~~
33 ~~for the forthcoming election.~~

34 ~~b.~~ ~~If the commissioner concludes, pursuant to paragraph "a",~~
35 ~~that voting will probably be so light as to make counting of~~

~~1 ballots by the precinct election officials less expensive than
2 preparation and use of automatic tabulating equipment, paper
3 ballots may be used, subject to paragraph "c". If paper ballots
4 are used, the commissioner shall use ballots and instructions
5 similar to those used when the ballots are counted by automatic
6 tabulating equipment.~~

~~7 e. Notwithstanding a determination by the commissioner
8 pursuant to paragraph "b", upon receipt of a petition signed by
9 not less than one hundred eligible electors, the commissioner
10 shall count the ballots at an election described in paragraph
11 "a" using automatic tabulating equipment. A petition filed under
12 this paragraph must be received by the commissioner not later
13 than 5:00 p.m. on the forty-second day before the election.~~

14 Sec. 10. NEW SECTION. **49.29 Electronic election register**
15 **and poll book.**

16 1. The commissioner may use an electronic election register
17 or election poll book in lieu of a paper register or poll book
18 if the electronic election register or poll book is a product
19 that has been certified for use in this state by the state
20 commissioner.

21 2. The state commissioner shall adopt rules pursuant to
22 chapter 17A for certification standards for electronic election
23 registers and election poll books. The certification standards
24 must include operational and security standards.

25 Sec. 11. Section 50.24, subsection 3, Code 2025, is amended
26 to read as follows:

27 3. The board shall certify an election canvass summary report
28 prepared by the commissioner. The election canvass summary
29 report shall include the results of the election, including
30 scatterings, overvotes, and undervotes, by precinct for each
31 contest and public measure that appeared on the ballot of the
32 election being canvassed. However, ~~if paper ballots are used
33 pursuant to section 49.26, the election canvass summary report
34 shall not include overvotes and undervotes.~~

35 Sec. 12. Section 50.50, Code 2025, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 3. The state commissioner may, at the state
3 commissioner's discretion, call for a recount of any election and
4 advise recount boards convened pursuant to this chapter.

5 Sec. 13. Section 52.1, subsection 1, Code 2025, is amended to
6 read as follows:

7 1. At all elections conducted under chapter 49, ~~and at any~~
8 ~~other election unless the commissioner directs otherwise pursuant~~
9 ~~to section 49.26,~~ votes shall be cast, registered, recorded, and
10 counted by means of optical scan voting systems, in accordance
11 with this chapter.

12 Sec. 14. Section 54.5, Code 2025, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 5. An objection to a nomination made under
15 this section on any grounds other than the legal sufficiency
16 of the certificate of nomination shall not be sustained. The
17 certificate of nomination shall be presumed valid.

18 EXPLANATION

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

21 This bill relates to the administration of elections. The
22 bill assigns responsibility for investigating election misconduct
23 reported to the attorney general to the county sheriff or other
24 law enforcement agency with jurisdiction. Upon completion of
25 the investigation, the bill requires the law enforcement agency
26 to report the results of the investigation to the attorney
27 general, in addition to the state commissioner of elections as
28 required under current law. Information in the possession of or
29 requested by the state commissioner of elections as part of an
30 investigation remains a confidential record.

31 The bill specifies that candidates for federal office are
32 not required to affirm on an affidavit of candidacy that the
33 candidate is aware that the candidate is disqualified from
34 holding office if the candidate has been convicted of a felony
35 or other infamous crime and the candidate's rights have not

1 been restored by the governor or by the president of the United
2 States. The bill directs the state commissioner of elections to
3 create new forms to be used by candidates for federal office.

4 The bill allows the state commissioner of elections to
5 issue directives that are not subject to the administrative
6 rulemaking process to clarify election laws and rules. The bill
7 broadens the scope of records held by a county commissioner of
8 elections that the state commissioner of elections may examine
9 to ensure compliance with requirements relating to the conduct of
10 elections. The bill requires a county commissioner of elections
11 to inform the state commissioner of elections if the county
12 commissioner's office is involved in physical or cybersecurity
13 assessments performed by a federal or state agency or other
14 entity. The bill allows commissioners of elections to adopt
15 minimum security protocols that must be complied with by vendors
16 utilized by the commissioners of elections and to limit access
17 to election infrastructure if a vendor does not comply with the
18 security protocols.

19 The bill strikes a provision allowing a county commissioner of
20 elections to choose whether to use automatic tabulating equipment
21 in certain elections and makes conforming changes.

22 The bill allows a county commissioner of elections to use an
23 electronic election register or poll book in lieu of a paper
24 register or poll book if the electronic election register or poll
25 book is a product that has been certified for use in the state by
26 the state commissioner of elections. The bill directs the state
27 commissioner of elections to adopt rules regarding electronic
28 election registers and poll books, which must include operational
29 and security standards.

30 The bill allows the state commissioner of elections to call
31 for a recount of any election and advise recount boards.

32 The bill limits objections that may be made to the validity of
33 presidential nominees to the legal sufficiency of the certificate
34 of nomination. Certificates of nomination shall be presumed
35 valid.