

Senate Study Bill 1130 - 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:

unofficial

1 Section 1. Section 9E.6, subsection 3, paragraph b,
2 subparagraph (1), Code 2025, is amended to read as follows:

3 (1) The state commissioner of elections shall, upon the
4 written request of a party to the contest, certify the
5 eligibility of a program participant to vote or the validity
6 of a program participant's absentee ballot. A written request
7 submitted under this paragraph "b" must contain the ~~voter~~ voter's
8 four-digit personal identification number affixed to the program
9 participant's absentee ballot.

10 Sec. 2. Section 39.2, subsection 1, paragraph a, Code 2025,
11 is amended to read as follows:

12 a. All special elections which are authorized or required by
13 law, unless the applicable law otherwise requires, shall be held
14 on Tuesday. A special election shall not be held on the first,
15 second, third, and fourth Tuesdays preceding and following the
16 primary and the general elections or on the first, second, and
17 third Tuesdays preceding and following a city or school election.

18 Sec. 3. Section 43.49, subsection 1, unnumbered paragraph 1,
19 Code 2025, is amended to read as follows:

20 On the ~~Monday~~ or Tuesday following the primary election, the
21 board of supervisors shall meet, open, and canvass the returns
22 from each voting precinct in the county, and make abstracts
23 thereof, stating the following:

24 Sec. 4. Section 46.24, subsection 1, Code 2025, is amended to
25 read as follows:

26 1. A judge of the supreme court, court of appeals, or
27 district court including a district associate judge, full-time
28 associate juvenile judge, or full-time associate probate judge,
29 or a clerk of the district court must receive more affirmative
30 than negative votes to be retained in office. When the poll
31 is closed, the election judges shall publicly canvass the vote
32 forthwith. The board of supervisors shall canvass the returns
33 on the ~~Monday~~ or Tuesday after the election, and shall promptly
34 certify the number of affirmative and negative votes on each
35 judge or clerk to the state commissioner of elections.

1 Sec. 5. Section 48A.26A, subsection 2, Code 2025, is amended
2 to read as follows:

3 2. If the acknowledgment is returned as undeliverable by
4 the postal service, the commissioner shall attempt to contact
5 the voter by forwardable mail. If a response is not received
6 from the voter within fourteen days after the notice is mailed,
7 the commissioner shall change the status of the registration to
8 inactive status and shall immediately notify the state registrar
9 of voters, the county sheriff, and the county attorney.

10 Sec. 6. Section 48A.37, subsection 1, Code 2025, is amended
11 to read as follows:

12 1. Voter registration records, including voter registration
13 forms, shall be maintained in an electronic medium on the
14 statewide voter registration system. A history of local election
15 participation shall be maintained as part of the electronic
16 record for at least two general, primary, school, and city
17 elections. Absentee voting shall be recorded for the previous
18 two general and primary elections. After each election, the
19 county commissioner shall update telephone numbers provided by
20 registered voters pursuant to section 49.77.

21 Sec. 7. Section 50.9, Code 2025, is amended to read as
22 follows:

23 **50.9 Return of ballots not voted.**

24 Ballots not voted, or spoiled by voters while attempting
25 to vote, shall be returned by the precinct election officials
26 to the commissioner, and a receipt taken for the ballots.
27 The spoiled ballots shall be preserved for twenty-two months
28 following elections ~~for federal offices and for six months~~
29 ~~following elections for all other offices.~~ The commissioner
30 shall record the number of ballots sent to the polling places
31 but not voted. The ballots not voted shall be destroyed after
32 the end of the period for contesting the election. However, if
33 a contest is requested, the ballots not voted shall be preserved
34 until the election contest is concluded.

35 Sec. 8. Section 50.11, subsection 2, Code 2025, is amended by

1 striking the subsection.

2 Sec. 9. Section 50.12, Code 2025, is amended to read as
3 follows:

4 **50.12 Return and preservation of ballots.**

5 Immediately after making the proclamation, and before
6 separating, the board members of each precinct in which votes
7 have been received by paper ballot shall enclose in an envelope
8 or other container all ballots which have been counted by them,
9 except those endorsed "Rejected as double", "Defective", or
10 "Objected to", and securely seal the envelope. The signatures
11 of all board members of the precinct shall be placed across the
12 seal or the opening of the container so that it cannot be opened
13 without breaking the seal. The precinct election officials shall
14 return all the ballots to the commissioner, who shall carefully
15 preserve them for ~~six~~ twenty-two months. ~~Ballots from elections~~
16 ~~for federal offices shall be preserved for twenty-two months.~~
17 The sealed packages containing voted ballots shall be opened
18 only for an official recount authorized by section 50.48, 50.49,
19 or 50.50, for an election contest held pursuant to chapters 57
20 through 62, to conduct an audit pursuant to section 50.51, or to
21 destroy the ballots pursuant to section 50.19.

22 Sec. 10. Section 50.19, subsection 1, Code 2025, is amended
23 to read as follows:

24 1. The commissioner may destroy precinct election registers,
25 the declarations of eligibility signed by voters, and other
26 material pertaining to any election in which federal offices
27 are not on the ballot, except the tally lists and abstracts of
28 votes which have not been electronically recorded, ~~six~~ twenty-two
29 months after the election if a contest is not pending. If a
30 contest is pending, all election materials shall be preserved
31 until final determination of the contest or until twenty-two
32 months after the election, whichever is later. Before destroying
33 the election registers and declarations of eligibility, the
34 commissioner shall prepare records as necessary to permit
35 compliance with chapter 48A, subchapter V. ~~Nomination papers for~~

1 ~~primary election candidates for state and county offices shall be~~
2 ~~destroyed ten days before the general election, if a contest is~~
3 ~~not pending.~~

4 Sec. 11. Section 50.21, subsection 1, Code 2025, is amended
5 to read as follows:

6 1. The commissioner shall reconvene the election board of the
7 special precinct established by section 53.20 not earlier than
8 noon on the second day following each election which is required
9 by law to be canvassed on the ~~Monday~~ or Tuesday following the
10 election. If the second day following such an election is a
11 legal holiday the special precinct election board may be convened
12 at noon on the day following the election, and if the canvass of
13 the election is scheduled at any time earlier than the ~~Monday~~
14 Tuesday following the election, the special precinct election
15 board shall be reconvened at noon on the day following the
16 election.

17 Sec. 12. Section 50.24, subsections 1 and 4, Code 2025, are
18 amended to read as follows:

19 1. The county board of supervisors shall meet to canvass
20 the vote on the first ~~Monday~~ or Tuesday after the day of each
21 election to which this chapter is applicable, unless the law
22 authorizing the election specifies another date for the canvass.
23 If that ~~Monday~~ or Tuesday is a public holiday, section 4.1,
24 subsection 34, controls.

25 4. For a regular or special city election or a city runoff
26 election, if the city is located in more than one county,
27 the controlling commissioner for that city under section 47.2
28 shall conduct a second canvass on the second ~~Monday~~ or Tuesday
29 after the day of the election. However, if a recount is
30 requested pursuant to section 50.48, the controlling commissioner
31 shall conduct the second canvass within two business days after
32 the conclusion of the recount proceedings. Each commissioner
33 conducting a canvass for the city pursuant to subsection 1 shall
34 transmit abstracts for the offices and public measures of that
35 city to the controlling commissioner for that city, along with

1 individual tallies for each write-in candidate. At the second
2 canvass, the county board of supervisors of the county of the
3 controlling commissioner shall canvass the abstracts received
4 pursuant to this subsection and shall prepare a combined city
5 abstract stating the number of votes cast in the city for each
6 office and on each question on the ballot for the city election.
7 The combined city abstract shall further indicate the name of
8 each person who received votes for each office on the ballot, the
9 number of votes each person named received for that office, and
10 the number of votes for and against each question submitted to
11 the voters at the election. The votes of all write-in candidates
12 who each received less than five percent of the total votes cast
13 in the city for an office shall be reported collectively under
14 the heading "scattering".

15 Sec. 13. Section 50.24, subsection 5, paragraph a, Code 2025,
16 is amended to read as follows:

17 a. For a regular or special school election, if the school
18 district is located in more than one county, the controlling
19 commissioner for that school district under section 47.2 shall
20 conduct a second canvass on the second ~~Monday~~ or Tuesday after
21 the day of election. However, if a recount is requested pursuant
22 to section 50.48, the controlling commissioner shall conduct the
23 second canvass within two business days after the conclusion
24 of the recount proceedings. Each commissioner conducting a
25 canvass for the school district pursuant to subsection 1 shall
26 transmit abstracts for the offices and public measures of
27 that school district to the controlling commissioner for that
28 school district, along with individual tallies for each write-in
29 candidate. At the second canvass the county board of supervisors
30 of the controlling county shall canvass the abstracts received
31 pursuant to this subsection and shall prepare a combined school
32 district abstract stating the number of votes cast in the school
33 district for each office and on each question on the ballot
34 for the school election. The combined school district abstract
35 shall further indicate the name of each person who received votes

1 for each office on the ballot, the number of votes each person
2 named received for that office, and the number of votes for and
3 against each question submitted to the voters at the election.
4 The votes of all write-in candidates who each received less than
5 five percent of the total votes cast in the school district
6 for an office shall be reported collectively under the heading
7 "scattering".

8 Sec. 14. Section 53.2, subsection 4, paragraph c, Code 2025,
9 is amended to read as follows:

10 c. For purposes of this subsection, "voter verification
11 number" means the registered voter's driver's license number or
12 nonoperator's identification card number assigned to the voter
13 by the department of transportation or the registered voter's
14 four-digit personal identification number assigned to the voter
15 by the state commissioner pursuant to section 47.7 48A.10A,
16 subsection 2 1.

17 Sec. 15. Section 53.10, subsection 2, paragraph b, Code 2025,
18 is amended to read as follows:

19 b. For purposes of this subsection, "voter verification
20 number" means the registered voter's driver's license number or
21 nonoperator's identification card number assigned to the voter
22 by the department of transportation or the registered voter's
23 four-digit personal identification number assigned to the voter
24 by the state commissioner pursuant to section 47.7 48A.10A,
25 subsection 2 1.

26 Sec. 16. Section 53.23, subsection 3, paragraph a, Code 2025,
27 is amended to read as follows:

28 a. The commissioner shall set ~~the~~ a convening time for the
29 board of no later than 9:00 a.m. on election day, allowing a
30 reasonable amount of time to complete counting all absentee
31 ballots by 10:00 p.m. on election day.

32 Sec. 17. Section 54.5, subsection 3, Code 2025, is amended to
33 read as follows:

34 3. Each elector nominee and alternate elector nominee of
35 a political party or group of petitioners shall execute the

1 following pledge on a form prescribed by the state commissioner,
2 which shall accompany the submission of the corresponding names
3 to the state commissioner:

4 If selected for the position of elector, I agree to serve and to
5 mark my ballots for president and vice president for the nominees
6 for those offices of the party (or group of petitioners) that
7 nominated me.

8 Sec. 18. Section 260C.15, subsection 5, Code 2025, is amended
9 to read as follows:

10 5. The votes cast in the election shall be canvassed and
11 abstracts of the votes cast shall be certified as required by
12 section 277.20. In each county whose commissioner of elections
13 is the controlling commissioner for a merged area under section
14 47.2, the county board of supervisors shall convene on the second
15 ~~Monday or~~ Tuesday after the day of the election to canvass
16 the abstracts of votes cast from each county in the merged
17 area, and declare the results of the voting. The commissioner
18 shall at once issue certificates of election to each person
19 declared elected, and shall certify to the merged area board in
20 substantially the manner prescribed by section 50.27 the result
21 of the voting on any public question submitted to the voters of
22 the merged area. Members elected to the board of directors of a
23 merged area shall qualify by taking the oath of office prescribed
24 in section 277.28.

25 Sec. 19. Section 384.19, subsection 1, Code 2025, is amended
26 to read as follows:

27 1. Within a period of ten days after the final date that a
28 budget or amended budget may be certified to the county auditor,
29 persons affected by the budget may file a written protest with
30 the county auditor specifying their objections to the budget or
31 any part of it. A protest must be signed by registered voters
32 equal in number to one-fourth of one percent of the ~~votes cast~~
33 ~~for governor in the last preceding general election in the city,~~
34 ~~but the number shall not be less than ten persons and the number~~
35 ~~need not be more than one hundred persons~~ population of the city

1 according to the most recent federal decennial census or special
2 census, whichever is later.

3 Sec. 20. REPEAL. Section 52.41, Code 2025, 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 administration of elections.
8 The bill requires absentee ballot materials to include the
9 voter's four-digit personal identification number instead of
10 the voter's voter identification number. The bill prohibits
11 special elections from being held on the first, second, or third
12 Tuesdays preceding and following city or school elections. The
13 bill requires a county commissioner of elections to inform the
14 county sheriff if an acknowledgment of election day and in-person
15 absentee registration form sent by the commissioner does not
16 receive a response from the voter. The bill also requires voter
17 registration records, including voter registration forms, to be
18 maintained on the statewide voter registration system.

19 The bill strikes a provision allowing election officials
20 to electronically transmit results from voting equipment to
21 the county commissioner of elections' office after producing
22 a written report of the election results, including provisions
23 relating to the approval of associated devices and the adoption
24 of administrative rules for associated procedures.

25 The bill changes the length of time that a county commissioner
26 of elections must maintain election records for elections in
27 which federal offices are not on the ballot from 6 months
28 to 22 months or until the completion of an election contest,
29 whichever is later. Material pertaining to elections for federal
30 offices is maintained for 22 months under current law. The bill
31 strikes a requirement that nomination papers for primary election
32 candidates for state and county offices be destroyed 10 days
33 before the general election if a contest is not pending.

34 The bill removes the first and second Monday following an
35 election as a possible day for conducting a first or second

1 canvass of an election, respectively.

2 The bill requires the special precinct election board to
3 convene no later than 9:00 a.m. on election day for the counting
4 of absentee ballots.

5 The bill requires the state commissioner of elections to
6 prescribe the form of the pledge signed by presidential elector
7 nominees and alternate elector nominees.

8 The bill changes the signature requirement for a written
9 protest of a city budget from a number of registered voters
10 equal to one-fourth of 1 percent of the votes cast for governor
11 in the last preceding general election in the city to a number
12 of registered voters equal to one-fourth of 1 percent of the
13 population of the city according to the most recent federal
14 decennial census or special census, whichever is later. The bill
15 also strikes an alternative minimum number of signatures and an
16 alternative maximum number of signatures.

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