

Senate Study Bill 1176 - Introduced

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

A BILL FOR

1 An Act relating to the conduct of election recounts, providing
2 penalties, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 43.49, subsection 1, unnumbered paragraph
2 1, Code 2025, is amended to read as follows:

3 On the ~~Monday or~~ Tuesday following the primary election, the
4 board of supervisors shall meet, open, and canvass the returns
5 from each voting precinct in the county, and make abstracts
6 thereof, stating the following:

7 Sec. 2. Section 43.56, subsection 1, paragraphs a, b, and c,
8 Code 2025, are amended to read as follows:

9 a. One person or two designees, according to the population
10 of the county as provided in section 50.48, subsection 3,
11 paragraph "a", chosen by the candidate requesting the recount,
12 who shall be named in the written request when the request is
13 filed.

14 b. One person or two designees, according to the population
15 of the county as provided in section 50.48, subsection 3,
16 paragraph "a", chosen by the candidate who received the highest
17 number of votes for the nomination being recounted at or before
18 the time the board is required to convene. However, if the
19 candidate who requested the recount received more votes than
20 anyone else for the nomination, the candidate who received the
21 second highest number of votes shall ~~designate this person~~ choose
22 the designee or designees, as applicable, to serve on the recount
23 board.

24 c. ~~A third person mutually agreeable to the board members~~
25 ~~designated by the candidates~~ One or three persons, according
26 to the population of the county as provided in section 50.48,
27 subsection 3, paragraph "a", who are precinct election officials
28 selected by the chief judge of the judicial district in which the
29 canvass occurs at or before the time the board is required to
30 convene.

31 Sec. 3. Section 46.24, subsection 1, Code 2025, is amended to
32 read as follows:

33 1. A judge of the supreme court, court of appeals, or
34 district court including a district associate judge, full-time
35 associate juvenile judge, or full-time associate probate judge,

1 or a clerk of the district court must receive more affirmative
2 than negative votes to be retained in office. When the poll
3 is closed, the election judges shall publicly canvass the vote
4 forthwith. The board of supervisors shall canvass the returns
5 on the ~~Monday~~ or Tuesday after the election, and shall promptly
6 certify the number of affirmative and negative votes on each
7 judge or clerk to the state commissioner of elections.

8 Sec. 4. Section 47.1, Code 2025, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 9. The state commissioner may, at the state
11 commissioner's discretion, call for a recount of any election and
12 advise recount boards convened pursuant to chapter 50.

13 Sec. 5. Section 50.12, Code 2025, is amended to read as
14 follows:

15 **50.12 Return and preservation of ballots.**

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

33 Sec. 6. Section 50.21, subsection 1, Code 2025, is amended to
34 read as follows:

35 1. The commissioner shall reconvene the election board of the

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

11 Sec. 7. Section 50.24, subsections 1 and 4, Code 2025, are
12 amended to read as follows:

13 1. The county board of supervisors shall meet to canvass
14 the vote on the first ~~Monday~~ or Tuesday after the day of each
15 election to which this chapter is applicable, unless the law
16 authorizing the election specifies another date for the canvass.
17 If that ~~Monday~~ or Tuesday is a public holiday, section 4.1,
18 subsection 34, controls.

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

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

9 Sec. 8. Section 50.24, subsection 5, paragraph a, Code 2025,
10 is amended to read as follows:

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

1 "scattering".

2 Sec. 9. Section 50.48, subsection 1, Code 2025, is amended to
3 read as follows:

4 1. a. The Except as provided in paragraph "b", the county
5 board of canvassers shall order a recount of the votes cast for
6 a particular office or nomination in one or more all specified
7 election precincts in that county if a written request for a
8 recount is made filed with the commissioner of that county not
9 later than 5:00 p.m. on the ~~third~~ second day following the county
10 board's canvass of the election in question. For a city runoff
11 election held pursuant to section 376.9, the written request must
12 be made filed with the commissioner of that county not later
13 than 5:00 p.m. on the day following the county board's canvass
14 of the city runoff election. ~~The request shall be filed with the~~
15 ~~commissioner of that county and shall be signed by either of the~~
16 following:

17 (1) ~~A candidate for that office or nomination whose name was~~
18 ~~printed on the ballot of the precinct or precincts where the~~
19 ~~recount is requested.~~

20 (2) ~~Any other person who receives votes for that particular~~
21 ~~office or nomination in the precinct or precincts where the~~
22 ~~recount is requested and who is legally qualified to seek and to~~
23 ~~hold the office in question.~~

24 b. The state commissioner shall order a recount of the
25 votes cast for a statewide office, a seat in the United States
26 Congress, or electors for president or vice president, or
27 nominations for such offices, in each county specified in a
28 written request if a written request for a recount is filed with
29 the state commissioner not later than 5:00 p.m. on the second day
30 following the county canvass of the election in question.

31 c. If automatic tabulating equipment was used to tabulate
32 votes in the precinct, a written request for a recount must
33 indicate whether the recount shall be conducted only using
34 automated tabulating equipment or by a hand recount. The same
35 method of recounting must be requested and used in each county

1 in which the candidate requests a recount. The request must be
2 filed with the commissioner of the county where the candidate
3 is requesting a recount and must be signed by either of the
4 following:

5 (1) A candidate for that office or nomination whose name
6 was printed on a ballot of the precinct where the recount is
7 requested.

8 (2) Any other person who receives votes for that particular
9 office or nomination in the precinct where the recount is
10 requested and who is legally qualified to seek and to hold the
11 office in question.

12 b. d. Immediately upon receipt of a request for a recount
13 under paragraph "a", the commissioner shall send a copy of the
14 request to the apparent winner by certified mail and the state
15 commissioner by electronic mail. Immediately upon receipt of a
16 request for a recount under paragraph "b", the state commissioner
17 shall send a copy of the request to the apparent winner by
18 certified mail and the commissioner of each county specified
19 in the request by electronic mail. The commissioner or state
20 commissioner who initially received the request for a recount
21 shall also attempt to contact the apparent winner by telephone.
22 If the apparent winner cannot be reached within ~~four~~ three days,
23 the chairperson of the political party or organization which
24 nominated the apparent winner shall be contacted and shall act
25 on behalf of the apparent winner, if necessary. For candidates
26 for state or federal offices, the chairperson of the state party
27 shall be contacted. For candidates for county offices, the
28 county chairperson of the party shall be contacted.

29 e. Upon completion of an administrative audit, a candidate
30 who submitted a request for a recount may withdraw the request
31 within twenty-four hours.

32 Sec. 10. Section 50.48, subsection 2, Code 2025, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. c. (1) Upon receipt of a written request
35 for a hand recount involving a state office, including a seat

1 in the general assembly, a seat in the United States Congress,
2 or electors for president or vice president, forwarded by the
3 commissioner, the state commissioner shall verify that each
4 request for a recount for that office submitted by that candidate
5 included a request for a hand recount. For each request that did
6 not include a request for a hand recount, the state commissioner
7 shall assess a civil penalty of one hundred dollars against the
8 candidate, to be deposited in the general fund of the state. The
9 civil penalty shall first be deducted from the bond filed by the
10 candidate.

11 (2) Upon verification that a candidate for a state office,
12 including a seat in the general assembly, a seat in the United
13 States Congress, or electors for president or vice president,
14 submitted a written request for a hand recount in at least one
15 but not all counties, the state commissioner shall, within six
16 days following the county canvass of the election, inform each
17 commissioner to which a hand recount was not requested that a
18 hand recount shall be performed pursuant to this section.

19 Sec. 11. Section 50.48, subsections 3 and 4, Code 2025, are
20 amended by striking the subsections and inserting in lieu thereof
21 the following:

22 3. a. The recount shall be conducted by a board which shall
23 consist of one of the following:

24 (1) For a county with a population of fewer than fifteen
25 thousand according to the most recent federal decennial census,
26 all of the following:

27 (a) A designee of the candidate requesting the recount, who
28 shall be named in the written request when the request is filed.

29 (b) A designee of the apparent winning candidate, who shall
30 be named by the candidate at or before the time the board is
31 required to convene.

32 (c) A member who is a precinct election official selected by
33 the chief judge of the judicial district in which the canvass
34 occurs at or before the time the board is required to convene.

35 (2) For a county with a population of at least fifteen

1 thousand but fewer than fifty thousand according to the most
2 recent federal decennial census, all of the following:

3 (a) A designee of the candidate requesting the recount, who
4 shall be named in the written request when the request is filed.

5 (b) A designee of the apparent winning candidate, who shall
6 be named by the candidate at or before the time the board is
7 required to convene.

8 (c) Three members who are precinct election officials
9 selected by the chief judge of the judicial district in which
10 the canvass occurs at or before the time the board is required to
11 convene.

12 (3) For a county with a population of fifty thousand or
13 greater, all of the following:

14 (a) Two designees of the candidate requesting the recount,
15 who shall be named in the written request when the request is
16 filed.

17 (b) Two designees of the apparent winning candidate, who
18 shall be named by the candidate at or before the time the board
19 is required to convene.

20 (c) Three members who are precinct election officials
21 selected by the chief judge of the judicial district in which
22 the canvass occurs at or before the time the board is required to
23 convene.

24 b. Members appointed to the recount board by the chief judge
25 shall be selected consistent with section 49.13, subsection 2,
26 for partisan offices and section 49.12 for nonpartisan offices.

27 c. The commissioner shall convene the persons designated
28 under paragraph "a" not later than 9:00 a.m. on the sixth day
29 following the county board's canvass of the election in question.

30 4. When all members of the recount board have been selected,
31 the board shall undertake and complete the required recount as
32 expeditiously as reasonably possible in the following manner:

33 a. The commissioner shall inform the board whether the
34 candidate has requested a hand recount. The commissioner or the
35 commissioner's designee shall supervise the handling of ballots

1 to ensure that the ballots are protected from alteration or
2 damage.

3 b. The board shall direct the commissioner to retabulate
4 the ballots using the automatic tabulating equipment. The same
5 program used for tabulating the votes on election day shall be
6 used at the recount unless the program is believed or known to be
7 flawed.

8 c. The board shall recount only the ballots which were voted
9 and counted for the office in question, including any disputed
10 ballots returned as required in section 50.5.

11 d. After retabulating the ballots as provided in paragraph
12 "b", the board shall compare the printed results of the
13 tabulation equipment to the abstract prepared pursuant to the
14 county board's canvass. The board shall note any discrepancies
15 between the two results.

16 e. If the candidate's written request included a request
17 for a hand recount, the board shall separate the ballots into
18 piles: one for each candidate, one for write-in votes, and
19 one for ballots considered an over or under count. The board
20 shall review and tabulate the ballots in each pile as provided
21 in section 49.98. The board shall compare the hand recount
22 results to the printed results of the tabulation equipment and
23 the abstract. If there are discrepancies between the three
24 results, then the results of the hand recount shall control.

25 f. The ballots shall be resealed by the recount board before
26 adjournment and shall be preserved as required by section 50.12.

27 Sec. 12. Section 50.48, subsection 5, Code 2025, is amended
28 by adding the following new paragraph:

29 NEW PARAGRAPH. 0b. The recount board shall complete the
30 recount and file its report as follows:

31 (1) For the offices of president and vice president, not
32 later than the seventeenth day following the county board's
33 canvass of the election in question.

34 (2) For a state office, including a seat in the general
35 assembly, or a seat in the United States Congress, not later than

1 the twenty-first day following the county board's canvass of the
2 election in question.

3 (3) For any other office, not later than the thirteenth day
4 following the county board's canvass of the election in question.

5 Sec. 13. Section 50.48, subsection 6, Code 2025, is amended
6 to read as follows:

7 6. a. The commissioner shall promptly notify the state
8 commissioner of any recount of votes for an office to which
9 section 50.30, or section 43.60 in the case of a primary
10 election, is applicable, or any other office elected by the
11 residents of more than one county. If necessary, the state
12 canvass required by section 50.38, or by section 43.63, as the
13 case may be, shall be delayed with respect to the office or
14 the nomination to which the recount pertains. The commissioner
15 shall subsequently inform the state commissioner at the earliest
16 possible time whether any change in the outcome of the election
17 in that county or district resulted from the recount.

18 b. Upon verification that a candidate submitted a written
19 request for a hand recount in at least one but not all counties,
20 the state commissioner shall, within six days following the
21 county canvass of the election, inform each commissioner of a
22 county in which a recount was requested that a hand recount shall
23 be performed pursuant to this section.

24 Sec. 14. Section 50.48, Code 2025, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 9. Before the recount board has issued its
27 final report, the candidate or person who requested the recount
28 may reach an agreement with the apparent winner to accept the
29 results of the original canvass by submitting the agreement in
30 writing to the recount board. Upon receipt of the agreement,
31 the recount board shall cease its work and report to the county
32 commissioner that the results of the original canvass are the
33 official results.

34 Sec. 15. Section 50.49, subsection 1, Code 2025, is amended
35 by striking the subsection and inserting in lieu thereof the

1 following:

2 1. a. A recount for any public measure shall be ordered
3 by the board of canvassers not later than two days after
4 the completion of the canvass of voters for the election
5 if a petition requesting a recount is filed with the county
6 commissioner of a county in which the question appeared on
7 the ballot. The petition for a recount shall indicate whether
8 the recount shall be conducted only using automatic tabulating
9 equipment or by a hand recount following the use of automatic
10 tabulating equipment. If a petition requests a hand recount in
11 one county, the petition shall also request a hand recount in
12 each county in which the petition is filed. A petition must be
13 filed by the person submitting the petition in each county in
14 which the public measure appeared on the ballot. If the petition
15 is not filed by the person submitting the petition in each county
16 in which the public measure appeared on the ballot, a recount
17 shall not be conducted.

18 b. The petition must be signed by the greater of ten eligible
19 electors or a number of eligible electors equaling one percent
20 of the total number of votes cast upon the public measure in the
21 county. Each person signing the petition must be a person who
22 was entitled to vote on the public measure in question or would
23 have been so entitled if registered to vote.

24 c. Immediately upon receipt of a petition for a recount, the
25 commissioner shall send a copy of the petition to the state
26 commissioner by electronic mail. The state commissioner shall
27 confirm that a petition was filed in every county the public
28 measure appeared on the ballot prior to the convening of the
29 recount board. The state commissioner shall also verify whether
30 each petition for a recount included a request for a hand
31 recount. If the state commissioner verifies that a petition
32 included a request for a hand recount in at least one but not all
33 counties, the state commissioner shall, prior to convening of the
34 recount board, inform each commissioner at which a hand recount
35 was not requested that a hand recount shall be performed.

1 Sec. 16. Section 50.49, subsection 2, paragraph b, Code 2025,
2 is amended by striking the paragraph and inserting in lieu
3 thereof the following:

4 b. Two members who are precinct election officials selected
5 by the chief judge of the judicial district in which the canvass
6 occurs at or before the time the board is required to convene.
7 The members shall be selected consistent with section 49.12.

8 Sec. 17. Section 50.49, subsection 2, paragraph c, Code 2025,
9 is amended by striking the paragraph.

10 Sec. 18. Section 50.49, subsection 3, Code 2025, is amended
11 by striking the subsection and inserting in lieu thereof the
12 following:

13 3. The commissioner shall convene the recount board not later
14 than 9:00 a.m. on the sixth day following the county board's
15 canvass of the election in question.

16 Sec. 19. Section 50.50, Code 2025, is amended to read as
17 follows:

18 **50.50 Administrative ~~recounts~~ audits.**

19 1. The commissioner who was responsible for conducting an
20 election may request an administrative ~~recount~~ audit when the
21 commissioner is informed or suspects that voting equipment used
22 in the election malfunctioned or that programming errors may
23 have affected the outcome of the election, or if the precinct
24 election officials report counting errors to the commissioner
25 after the conclusion of the canvass of votes in the precinct.
26 An administrative ~~recount~~ audit shall be conducted by the board
27 of the special precinct established by section 53.23. ~~Bond~~
28 ~~shall not be required for an administrative recount.~~ The state
29 commissioner may adopt rules for administrative ~~recounts~~ audits.

30 2. ~~If the recount board finds that there is an error in the~~
31 ~~programming of any voting equipment which may have affected the~~
32 ~~outcome of the election for any office or public measure on the~~
33 ~~ballot, the recount board shall describe the errors in its report~~
34 ~~to the commissioner. The commissioner shall notify the board of~~
35 ~~supervisors. The supervisors shall determine whether to order an~~

1 ~~administrative recount for any or all of the offices and public~~
2 ~~measures on the ballot. Each political party, as defined in~~
3 ~~section 43.2, may appoint up to five observers to witness an~~
4 ~~audit conducted pursuant to this section. The observers shall be~~
5 ~~appointed by the county chairperson or, if the county chairperson~~
6 ~~fails to make an appointment, by the state chairperson. However,~~
7 ~~if either or both political parties fail to appoint an observer,~~
8 ~~the board may continue with the proceedings.~~

9 Sec. 20. Section 50.51, subsection 3, paragraph a, Code 2025,
10 is amended by striking the paragraph.

11 Sec. 21. Section 60.2, Code 2025, is amended to read as
12 follows:

13 **60.2 Clerk.**

14 The ~~secretary of state~~ clerk of the supreme court shall be
15 the clerk of the court, or, in the ~~secretary of state's~~ clerk of
16 the supreme court's absence or inability to act, the ~~clerk of the~~
17 ~~supreme court~~ secretary of state.

18 Sec. 22. Section 61.2, Code 2025, is amended to read as
19 follows:

20 **61.2 Clerk.**

21 The ~~secretary of state~~ clerk of the supreme court shall be the
22 clerk of this court; ~~but if the person holding that office is a~~
23 ~~party to the contest, the clerk of the supreme court, or, in case~~
24 ~~of that person's absence or inability, the auditor of state shall~~
25 ~~be clerk, or, in the clerk of the supreme court's absence or~~
26 ~~inability to act, the secretary of state. If the person holding~~
27 ~~the office of secretary of state is a party to the contest, the~~
28 ~~auditor of state shall be clerk.~~

29 Sec. 23. Section 260C.15, subsection 5, Code 2025, is amended
30 to read as follows:

31 5. The votes cast in the election shall be canvassed and
32 abstracts of the votes cast shall be certified as required by
33 section 277.20. In each county whose commissioner of elections
34 is the controlling commissioner for a merged area under section
35 47.2, the county board of supervisors shall convene on the second

1 ~~Monday or~~ Tuesday after the day of the election to canvass
2 the abstracts of votes cast from each county in the merged
3 area, and declare the results of the voting. The commissioner
4 shall at once issue certificates of election to each person
5 declared elected, and shall certify to the merged area board in
6 substantially the manner prescribed by section 50.27 the result
7 of the voting on any public question submitted to the voters of
8 the merged area. Members elected to the board of directors of a
9 merged area shall qualify by taking the oath of office prescribed
10 in section 277.28.

11 Sec. 24. EFFECTIVE DATE. This Act, being deemed of immediate
12 importance, takes effect upon enactment.

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 election recounts.

17 The bill changes the composition of recount boards based on
18 the population of the county. For a county of fewer than 15,000,
19 the board shall consist of a designee of the candidate requesting
20 the recount, a designee of the apparent winning candidate, and
21 a person who is a precinct election official selected by the
22 chief judge of the judicial district in which the canvass occurs.
23 For a county with a population between 15,000 and 49,999, the
24 board shall consist of a designee of the candidate requesting
25 the recount, a designee of the apparent winning candidate, and
26 three persons who are precinct election officials selected by the
27 chief judge of the judicial district in which the canvass occurs.
28 For a county with a population of 50,000 or greater, the board
29 shall consist of two designees of the candidate requesting the
30 recount, two designees of the apparent winning candidate, and
31 three persons who are precinct election officials selected by
32 the chief judge of the judicial district in which the canvass
33 occurs. Members appointed by the chief judge for the recount
34 of a partisan election shall not be comprised of more than
35 one-third of persons who are not members of either of the two

1 political parties whose candidates for president received the
2 most or next-most votes at the last general election for a
3 partisan election and not more than a simple majority of members
4 appointed by a chief judge shall be from the same political party
5 or organization.

6 The bill allows the state commissioner of elections to call
7 for a recount of any election and to advise election recount
8 boards.

9 The bill removes the first and second Monday after an election
10 as a possible date for canvassing an election.

11 The bill requires a county board of canvassers to order a
12 recount in all election districts in a county for a particular
13 office or nomination if a request for a recount is filed with
14 the commissioner of that county not later than 5:00 p.m. on
15 the second day following the board's canvass of the election.
16 The bill requires the state commissioner of elections to order
17 a recount of the votes cast for a statewide office, a seat
18 in the United States Congress, or electors for president or
19 vice president, or nominations for such offices, in each county
20 specified in a written request if the request is filed with the
21 state commissioner not later than 5:00 p.m. on the second day
22 following the county canvass of the election in question. If
23 automatic tabulating equipment was used to tabulate ballots in
24 the precinct, a request for a recount shall indicate whether
25 the recount shall be conducted using only automated tabulating
26 equipment or by hand. The bill requires the candidate to
27 request the same method of recounting in all counties in which
28 the candidate requests a recount. The state commissioner
29 of elections shall assess a civil penalty of \$100 against a
30 candidate for each county in which the candidate was required
31 to request a hand recount but did not. The bill requires the
32 penalty to first be deducted from the recount bond paid by the
33 candidate and to be deposited in the general fund of the state.
34 The bill allows a candidate to withdraw a request for a recount
35 within 24 hours of the completion of an administrative audit by a

1 commissioner.

2 The bill requires a recount board to be convened no later
3 than 9:00 a.m. on the sixth day following the canvass of the
4 election. The commissioner shall then inform the board whether
5 the candidate requested a hand recount. The board shall direct
6 the commissioner to retabulate the ballots using the automatic
7 tabulating equipment using the same program as was used to
8 tabulate the votes on election day unless the program is believed
9 or known to be flawed. The board shall recount only the
10 ballots which were voted and counted for the office in question,
11 including disputed ballots. After retabulating, the board shall
12 compare the results to the abstract prepared pursuant to the
13 county board's canvass and note any discrepancies. If the
14 candidate requested a hand recount, the bill requires the ballots
15 to be separated into categories and tabulated. The board shall
16 then compare the results of the tabulation to the results of the
17 canvass and the automatic recount. If there are discrepancies,
18 the results of the hand recount shall control. The bill then
19 requires the board to reseal and preserve the ballots.

20 The bill requires an election recount board to file its
21 report by 17 days after the canvass of an election for the
22 offices of president and vice president, by 21 days after the
23 canvass of an election for a state office or a seat in the
24 United States Congress, and by 13 days after the canvass of any
25 other election. The bill also requires a county commissioner
26 of elections to notify the state commissioner when the county
27 commissioner receives a recount request for any office elected
28 by the residents of more than one county. Upon verification
29 that a candidate requested a hand count in at least one but
30 not all counties where a recount was requested, the bill also
31 requires the state commissioner to inform each commissioner of a
32 county where a recount was requested that a hand recount shall be
33 performed.

34 The bill allows a candidate or person who requested a recount
35 to accept the results of the original canvass of the election,

1 which will cause the election recount board to cease its work.

2 The bill requires a petition for a recount of an election
3 for a public measure to be submitted not later than two days
4 following the canvass of the votes for the measure rather than
5 three days. The bill changes the makeup of the recount board for
6 a public measure by removing a designee named by the commissioner
7 and a person jointly selected by that person and a designee
8 named in the petition requesting the recount and replacing them
9 with two election officials selected by the chief judge of the
10 judicial district where the canvass occurs. The commissioner
11 shall convene the recount board not later than 9:00 a.m. on the
12 sixth day following the county board's canvass of the election in
13 question.

14 Under current law, a county commissioner of elections may
15 conduct an administrative recount if the commissioner suspects
16 that voting equipment used in the election malfunctioned or
17 that programming errors may have affected the outcome of the
18 election, or if the precinct election officials report counting
19 errors to the commissioner. The bill instead allows the county
20 commissioner of elections to conduct an administrative audit if
21 such circumstances exist. The bill allows political parties, as
22 defined in Code, to appoint observers to witness the audit.

23 The bill changes the clerk of a court of contest for
24 presidential electors and congresspersons from the secretary of
25 state to the clerk of the supreme court. If the clerk of
26 the supreme court is absent or unable to act, the secretary of
27 state shall be the clerk of the court. For elections for state
28 officers, the bill changes the clerk of a contest court to the
29 clerk of the supreme court. If the clerk of the supreme court
30 is absent or unable to act, the secretary of state shall be the
31 clerk of the court. However, if the secretary of state is a
32 party to the contest, the auditor of state shall be the clerk of
33 the court.

34 The bill takes effect upon enactment.