

CHAPTER 1073

ELECTIONS — MISCONDUCT INVESTIGATIONS, CONDITIONS FOR REGISTRATION CANCELLATION, PUBLIC MEASURE RECOUNTS, VOTING SYSTEM STANDARDS, AND LOCAL ELECTION FILINGS — MISCELLANEOUS PROVISIONS

H.F. 2501

AN ACT relating to the conduct of elections.

Be It Enacted by the General Assembly of the State of Iowa:

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

2. The recount shall be conducted by a board which shall consist of: the commissioner and the commissioner’s staff, which may include persons employed by the commissioner

to tally ballots during the election.

- ~~a. A designee named in the petition requesting the recount.~~
- ~~b. A designee named by the commissioner at or before the time the board is required to convene.~~
- ~~c. A person chosen jointly by the members designated under paragraphs "a" and "b".~~

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

~~3. The commissioner shall convene the persons designated under subsection 2, paragraphs "a" and "b", not later than 9:00 a.m. on the seventh day following the canvass of the election in question. If those two members cannot agree on the third member by 8:00 a.m. on the ninth day following the canvass, they shall immediately notify the chief judge of the judicial district in which the canvass is occurring, who shall appoint the third member not later than 5:00 p.m. on the eleventh day following the canvass.~~

DIVISION IV ELECTION SECURITY

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

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

Sec. 7. NEW SECTION. 52.39 Election equipment — physical security.

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

DIVISION V SPECIAL PRECINCT ELECTION BOARD

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

a. The commissioner shall set a convening time for the board of no later than 9:00 a.m. on election day for a general election or a statewide special election, allowing a reasonable amount of time to complete counting all absentee ballots by 10:00 p.m. on election day.

DIVISION VI LOCAL ELECTION FILINGS

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

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

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

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

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

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

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

44.11 Vacancies filled.

If a candidate named under this chapter withdraws or dies before the deadline established in section 44.9, declines a nomination, or if a certificate of nomination is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to a certificate of nomination, or to the eligibility of any candidate named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than seventy-six days before the election in the case of nominations required to be filed with the state commissioner, not less than sixty-nine days before the election in the case of nominations required to be filed with the commissioner, not less than forty-two days before the election in the case of nominations required to be filed ~~in the office of the school board secretary~~ with the commissioner for school elections, and not less than forty-two days before the election in the case of nominations required to be filed with the commissioner for city elections.

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

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

Sec. 13. Section 277.4, subsections 1, 3, and 4, Code 2026, are amended to read as follows:

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

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

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

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

277.5 Objections to nominations.

1. Objections to the legal sufficiency of a nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. The objection must be filed with the ~~secretary of the school board~~ county commissioner of elections at least forty-two days before the day of the school election. When objections are filed, notice shall forthwith be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered.

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

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

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

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

2. A vacancy shall be filled at the next regular school election if a member of a school board resigns from the board not later than forty-five days before the election and the notice of resignation specifies an effective date at the beginning of the next term of office for elective school officials. The president of the board shall declare the office vacant as of the date of the next organizational meeting. Nomination papers shall be ~~received~~ filed with the county commissioner of elections for the unexpired term of the resigning member. The person elected at the next regular school election to fill the vacancy shall take office at the same time and place as the other elected school board members.

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

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

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

1. a. An eligible elector of a city may become a candidate for an elective city office by filing with the county commissioner of elections responsible under section 47.2 for conducting elections held for the city a valid petition requesting that the elector's name be placed on the ballot for that office, ~~or by filing a valid petition with the designated city clerk.~~ The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the

last regular city election, but not less than ten persons. However, for those cities which may be required to hold a primary election, the petition must be filed not more than eighty-five days and not less than sixty-eight days before the date of the regular city election. Nomination petitions shall be filed not later than 5:00 p.m. on the last day for filing.

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

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

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

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

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

6. The city clerk shall deliver the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections. ~~If the county commissioner has designated the city clerk to receive nomination papers for elective city offices pursuant to subsection 1, the city clerk shall deliver the nomination papers accepted for filing to the county commissioner.~~ The text of any public measure and nomination papers required to be delivered under this subsection shall be delivered no later than the day after the last day on which nomination petitions can be filed, and not later than 12:00 noon on that day.

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

376.10 Contest.

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

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

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

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

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

DIVISION VII
VOTER IDENTIFICATION — ATTESTATION OF ANOTHER

Sec. 21. Section 49.78, subsections 4 and 5, Code 2026, are amended by striking the subsections.

Sec. 22. Section 49.78, subsection 6, Code 2026, is amended to read as follows:

6. A voter who is not otherwise disqualified from voting and who has established identity under subsection 2, or 3, ~~or 4~~ shall be furnished a ballot and be allowed to vote under section 49.77.

Sec. 23. Section 49.81, subsection 2, Code 2026, is amended to read as follows:

2. A prospective voter who is unable to establish identity under section 49.78, subsection 2, paragraph “a”, or section 49.78, subsection 3 ~~or 4~~, shall be notified by the appropriate precinct election official that the voter may cast a provisional ballot. The voter shall mark the ballot and immediately seal it in an envelope of the type prescribed by subsection 5. The voter shall deliver the sealed envelope to a precinct election official who shall deposit it in an envelope marked “provisional ballots”. The ballot shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.

DIVISION VIII
HOSPITAL BOARD OF TRUSTEES ELECTIONS

Sec. 24. HOSPITAL BOARD OF TRUSTEES ELECTIONS. Notwithstanding section 347.9, for elections held pursuant to section 347.9 in 2026, if there are seven trustees on the board and five trustees are to be elected, the four elected who receive the highest number of votes are elected for four-year terms. The remaining trustee is elected for a two-year term. In case of a tie, the county auditor shall determine by lot which of the trustees with the lowest number of winning votes shall serve the two-year term and thereafter their successor shall be elected for regular terms as provided in section 347.9.

Approved May 2, 2026