

March 25, 2025

House Committee on State Government
Iowa House of Representatives
1007 East Grand Avenue
Des Moines, Iowa 50319
via email

Dear Chair Bloomingdale and Committee Members:

On behalf of Verified Voting, I offer these informational comments on Iowa's House File 928, the successor bill to H.F. 596, which reduces access to election recounts. Verified Voting is a national non-partisan, non-profit organization founded by computer scientists in 2004. Our mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. In particular, we support the use of voter-verified paper ballots that are tabulated by scanners, then used in routine tabulation audits and, when appropriate, recounts to check the results. We host comprehensive databases of state tabulation audit and recount laws, and we consider how audits and recounts work together to confirm or correct election outcomes. In this connection, we comment on two elements of H.F. 928 and suggest possible adjustments.

H.F. 928 makes two major changes to recounts. First, it reduces the margin above which candidates must post bonds to obtain recounts. The current margin threshold is 1% of votes cast, or fifty votes, whichever is larger. H.F. 928 sets the threshold at 0.1% of votes cast. Second, it limits recounts—even at candidate expense—to contests with margins under 1%. These changes both seem to reflect a reasonable desire to avoid needless and burdensome recounts.

The filed amendment H-1155 would instead eliminate candidate-funded recounts: recounts would take place automatically when the margin is 0.15% for a statewide or federal office and less than either 1% or fifty votes in other contests. In the filed amendment, recounts could be requested, but only when the margin is 1% of votes cast or fifty votes, whichever is smaller.

A threshold for automatic recounts of 0.1% or 0.15% is broadly consistent with the results of *statewide* election recounts from 2000 through 2022. The nonprofit organization FairVote found that in this time period, there were 36 statewide recounts nationwide, of which only three changed the originally reported outcome. Of these three,

the largest originally reported margin was 0.06%.¹ These results suggest that in ordinary circumstances, recounts—at least in statewide contests—are unlikely to change outcomes with reported margins over 0.1%. It may be desirable to set a higher threshold for smaller contests, akin to the fifty-vote threshold in current law, as is proposed in the filed amendment H-1155.

The restriction in access to campaign-funded recounts is more problematic. Although large miscounts are not ordinary, they are known to occur. Large errors often are detected and corrected administratively, but some have been found during audits. In Floyd County, Georgia in November 2020, over 2,000 ballots were initially excluded from the vote totals certified by the county, and 75 ballots were double-counted; these errors were found by the statewide risk-limiting audit of the presidential contest. And in Palm Beach County, Florida in 2012, a random tabulation audit found that two village election outcomes were wrong due to a configuration error.² Given that most election races in Iowa are unlikely to be audited, we see a strong case for allowing competitive candidates to request partial or full recounts at their own expense.

Other states' recount laws offer partial models for how campaign-funded recounts can supplement routine audits (as well as administrative recounts) while avoiding needless full recounts. Minnesota allows campaigns to pay for manual recounts and further allows them to choose up to three precincts to recount first. A campaign can choose to waive the remainder of the recount depending on the counts for those precincts. (A more restrictive variant of this approach would allow the recount to continue only if material errors were found in the initially selected precincts.) In Minnesota, if a full recount finds material errors, the campaign does not pay the recount expenses. While Minnesota does not limit access to campaign-funded recounts, other states do. For instance, New Hampshire allows recounts in state elections only when the reported margin is under 20%. This limitation is akin to, but far less restrictive than, H.F. 928's 1% limit.

Recount laws are intricate, and we hope that these comments inform your consideration of the bill.

Respectfully submitted,

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Deputy Director of Legislative Affairs

¹ Deb Otis and Sabrina Laverty, *An Analysis of Statewide Election Recounts, 2000-2022*, hosted by FairVote at <https://fairvote.org/report/election-recounts-2022/>.

² George Barnett, "Recount shows wrong winners declared in two Wellington election races," *Palm Beach Post*, March 19, 2012, archived at <https://web.archive.org/web/20210418033950/https://www.palmbeachpost.com/article/20120319/NEWS/812037658>.