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STATE GOVERNMENT

SENATE FILE 327

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Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to voting machines, including by requiring that  
2 direct recording electronic voting machines used in the state  
3 produce paper records to be verified by voters.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 327

STATE GOVERNMENT

TLSB 2981XS 81

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1 Section 1. Section 52.7, Code 2005, is amended by striking  
2 the section and inserting in lieu thereof the following:

3 52.7 CONSTRUCTION OF MACHINE APPROVED -- REQUIREMENTS.

4 1. A voting machine approved by the state board of  
5 examiners for voting machines and electronic voting systems  
6 shall meet all of the following requirements:

7 a. Provide facilities for voting for the candidates of at  
8 least seven different political parties or nonparty political  
9 organizations.

10 b. Permit a voter to vote for any person for any office,  
11 although not nominated as a candidate by any party or  
12 organization.

13 c. Permit voting in absolute secrecy.

14 d. Prevent voting for more than one person for the same  
15 office, except where a voter is lawfully entitled to vote for  
16 more than one person for that office.

17 e. Afford a voter an opportunity to vote for any or all  
18 persons for that office as the voter is by law entitled to  
19 vote for and no more, at the same time preventing a voter from  
20 voting for the same person twice.

21 f. Provide a voter with an opportunity to change a vote  
22 before the ballot is recorded and counted.

23 g. Present together the names of each team of candidates  
24 for president and vice president and for governor and  
25 lieutenant governor. The votes for a team shall be counted as  
26 a vote for both candidates of the team.

27 h. Provide a voter with a method for casting write-in  
28 votes for paired offices so that the voter can specify one  
29 person as a candidate for president or for governor and one  
30 person as a candidate for vice president or for lieutenant  
31 governor.

32 i. Accurately account for every vote cast upon it.

33 j. Remove information from the ballot identifying the  
34 voter before the ballot is recorded and counted.

35 2. In addition to the requirements in subsection 1, a

1 voting machine that is a direct recording electronic device  
2 approved by the state board of examiners for voting machines  
3 and electronic voting systems shall meet all of the following  
4 requirements:

5 a. Permit straight party voting, pursuant to section  
6 49.94, for all political parties and nonparty political  
7 organizations on the ballot.

8 b. Store an electronic image of each ballot cast separate  
9 from the ballot tabulation function, which ballot image may be  
10 reproduced on paper and considered as evidence in the case of  
11 a recount, manual audit, or machine malfunction.

12 c. Provide an individual paper record as provided in  
13 section 52.7A.

14 Sec. 2. NEW SECTION. 52.7A DIRECT RECORDING ELECTRONIC  
15 DEVICES -- PAPER RECORD REQUIRED.

16 1. A voting machine that is a direct recording electronic  
17 device shall be capable of producing an individual paper  
18 record that the voter may review before the voter casts the  
19 voter's ballot. The paper record shall meet all of the  
20 following requirements:

21 a. Be printed on paper separate from all other individual  
22 paper records.

23 b. Be readable by the voter without the use of an  
24 electronic device. It may also be machine-readable by an  
25 electronic voting system as described in section 52.26.

26 c. Not contain any information that will identify the  
27 person who cast the ballot.

28 d. Be stored at the polling place in a secure container.  
29 A voter shall not be permitted to remove the individual paper  
30 record from the polling place.

31 2. After the polls close, the precinct election officials  
32 shall seal all individual paper records in the manner  
33 prescribed in section 50.12. The county commissioner of  
34 elections shall preserve the sealed individual paper records  
35 for twenty-two months following federal elections and for six

1 months after all other elections.

2 3. The paper record produced pursuant to this section may  
3 be considered as evidence in the event of a recount, manual  
4 audit, or machine malfunction.

5 4. Until voting systems performance and test standards  
6 relating to paper records required in subsection 1 are adopted  
7 by the federal elections assistance commission, the board of  
8 examiners shall contract with a testing authority to examine  
9 any direct recording electronic device that is capable of  
10 producing a paper record when the board receives a request for  
11 examination of such a device pursuant to section 52.5. The  
12 fees of the testing authority shall be paid by the person who  
13 requested the certification.

14 EXPLANATION

15 This bill rewrites the Code section relating to  
16 requirements for voting machines in use in the state by  
17 listing the requirements for voting machines generally and  
18 listing the requirements that apply specifically to direct  
19 recording electronic devices.

20 The bill also requires that a voting machine that is a  
21 direct recording electronic device shall be capable of  
22 producing an individual paper record for review by the voter  
23 before the voter's ballot is cast. The bill provides that the  
24 individual paper records are to be preserved by the county  
25 commissioner of elections for 22 months following federal  
26 elections and for six months following all other elections and  
27 shall be considered as evidence in cases of a recount, manual  
28 audit, or machine malfunction. The bill also provides that,  
29 until the federal elections assistance commission adopts  
30 standards for direct recording electronic devices that are  
31 capable of producing paper records, the state board of  
32 examiners for voting machines and electronic voting systems  
33 shall contract with a testing authority to examine the  
34 machines for purposes of certification for use in the state.

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