

# Senate Study Bill 1256

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON STATE  
GOVERNMENT BILL BY  
CHAIRPERSON CONNOLLY)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to publishing notice of examination and testing  
2 of voting machines and voting system tabulating devices.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1852SC 82  
5 sc/es/88

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1 1 Section 1. Section 49.53, unnumbered paragraph 1, Code  
1 2 2007, is amended to read as follows:  
1 3 The commissioner shall not less than four nor more than  
1 4 twenty days before the day of each election, except those for  
1 5 which different publication requirements are prescribed by  
1 6 law, publish notice of the election. The notice shall contain  
1 7 a facsimile of the portion of the ballot containing the first  
1 8 rotation as prescribed by section 49.31, subsection 2, and  
1 9 shall show the names of all candidates or nominees and the  
1 10 office each seeks, and all public questions, to be voted upon  
1 11 at the election. The sample ballot published as a part of the  
1 12 notice may at the discretion of the commissioner be reduced in  
1 13 size relative to the actual ballot but such reduction shall  
1 14 not cause upper case letters appearing in candidates' names or  
1 15 in summaries of public measures on the published sample ballot  
1 16 to be less than ninety percent of the size of such upper case  
1 17 letters appearing on the actual ballot. The notice shall also  
1 18 state the date of the election, the hours the polls will be  
1 19 open, the location of each polling place at which voting is to  
1 20 occur in the election, the location of the polling places  
1 21 designated as early ballot pick-up sites, and the names of the  
1 22 precincts voting at each polling place, but the statement need  
1 23 not set forth any fact which is apparent from the portion of  
1 24 the ballot appearing as a part of the same notice. The notice  
1 25 shall include the full text of all public measures to be voted  
1 26 upon at the election. ~~The notice shall also include notice of~~  
~~1 27 testing required pursuant to sections 52.9, 52.35, and 52.38.~~

1 28 Sec. 2. Section 52.9, unnumbered paragraph 2, Code 2007,  
1 29 is amended to read as follows:

1 30 It shall be the duty of the commissioner or the  
1 31 commissioner's duly authorized agents to examine and test the  
1 32 voting machines to be used at any election, after the machines  
1 33 have been prepared for the election and not less than twelve  
1 34 hours before the opening of the polls on the morning of the  
1 35 election. For any election to fill a partisan office, the  
2 1 county chairperson of each political party referred to in  
2 2 section 49.13 shall be notified in writing of the date, time  
2 3 ~~said, and place~~ and place the machines shall be examined and tested so  
2 4 that they may be present, or have a representative present.  
2 5 For every election, the commissioner shall ~~include the publish~~  
2 6 notice of the date, time, and place the examination and  
~~2 7 testing will be conducted. The commissioner may include such~~  
2 8 notice in the notice of the election published ~~as required by~~  
2 9 pursuant to section 49.53. Those present for the examination  
2 10 and testing shall sign a certificate which shall read  
2 11 substantially as follows:

2 12 Sec. 3. Section 52.35, subsection 1, Code 2007, is amended  
2 13 to read as follows:

2 14 1. For any election to fill a partisan office, the county  
2 15 chairperson of each political party shall be notified in  
2 16 writing of the date, time, and place the test will be  
2 17 conducted, so that they may be present or have a  
2 18 representative present. For every election, the commissioner

2 19 shall include such publish notice of the date, time, and place  
2 20 the test will be conducted. The commissioner may include such  
2 21 notice in the notice of the election published ~~as required by~~  
2 22 pursuant to section 49.53. The test shall be open to the  
2 23 public.

2 24 Sec. 4. Section 52.38, unnumbered paragraph 1, Code 2007,  
2 25 is amended to read as follows:

2 26 All portable tabulating devices shall be tested before any  
2 27 election in which they are to be used following the procedure  
2 28 in section 52.35, subsection 2. Testing shall be completed  
2 29 not later than twelve hours before the opening of the polls on  
2 30 the morning of the election. For any election to fill a  
2 31 partisan office, the chairperson of each political party shall  
2 32 be notified in writing of the date, time, and place the  
2 33 devices will be tested so that the chairperson or a  
2 34 representative may be present. For every election, the  
2 35 commissioner shall ~~include the~~ publish notice of the date,

3 1 time, and place the test will be conducted. The commissioner  
3 2 may include such notice in the notice of the election  
3 3 published ~~as required by~~ pursuant to section 49.53. Those  
3 4 present for the test shall sign a certificate which shall read  
3 5 substantially as follows:

3 6 EXPLANATION

3 7 This bill strikes the requirement that notice of testing of  
3 8 voting machines and voting system tabulating devices be  
3 9 included with the notice of the election. The bill provides  
3 10 that notice of testing may be published separately or may be  
3 11 published with the notice of the election.

3 12 LSB 1852SC 82

3 13 sc:nh/es/88