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STATE GOVERNMENT

HOUSE FILE 548
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HUSER, DAVITT, and GASKILL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the requirements for voting machines used in
2 the state.

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

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HF 548

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 in the case of a recount, manual audit, or
11 machine malfunction. This printed ballot image shall be the
12 official record for use in a recount.

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

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

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

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

24 b. Be readable by the voter without the use of an
25 electronic device.

26 c. Be machine-readable by an electronic voting system as
27 described in section 52.26.

28 d. Not contain any information that will identify the
29 person who cast the ballot.

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

33 2. After the polls close, the precinct election officials
34 shall seal all individual paper records in the manner
35 prescribed in section 50.12. The county commissioner of

1 elections shall preserve the sealed individual paper records
2 for twelve months following the election, unless a longer
3 period of time is required, by rule, by the state commissioner
4 of elections.

5 3. 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 12 months following the election
26 unless the state commissioner of elections requires, by rule,
27 that they be preserved for a longer period of time. The bill
28 also provides that, until the federal elections assistance
29 commission adopts standards for direct recording electronic
30 devices that are capable of producing paper records, the state
31 board of examiners for voting machines and electronic voting
32 systems shall contract with a testing authority to examine the
33 machines for purposes of certification for use in the state.

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