

FILED MAR 10 2005

SENATE FILE 351
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 327)

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 351

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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Fiscal Services Division
Legislative Services Agency
Fiscal Note

SF 351 - Voter Verified Audit Trail (LSB 2981 SV.1)
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Fiscal Note Version – SV.1

Description

Senate File 351 rewrites the Code of Iowa Section relating to requirements for voting machines used in the State. The Bill requires that direct recording electronic voting machines used in the State produce paper records to be verified by voters, before the ballot is cast.

Assumptions

The Secretary of State is required to certify all voting machines used in the 99 Iowa counties. The Bill provides that only machines capable of producing paper copies will be certified. The counties will be required to purchase the certified machines.

Fiscal Impact

There is no fiscal impact to the State for SF 351. There will be an impact to local governments. The estimated costs associated with adding the capability to produce paper copies to a machine not already capable of producing a paper copy will range from \$350.00 to \$700.00 each. The number of voting machines affected by this change and the number of vendors willing to adapt to this requirement is not known.

Source

Secretary of State

/s/ Holly M. Lyons

March 16, 2005

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8. The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
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