

**52.1 Voting systems — definitions.**

1. At all elections conducted under [chapter 49](#), and at any other election unless the commissioner directs otherwise pursuant to [section 49.26](#), votes shall be cast, registered, recorded, and counted by means of optical scan voting systems, in accordance with [this chapter](#).

2. As used in [this chapter](#), unless the context otherwise requires:

a. “*Automatic tabulating equipment*” means apparatus, including but not limited to electronic data processing machines, that are utilized to ascertain the manner in which optical scan ballots have been marked by voters or by electronic ballot marking devices, and count the votes marked on the ballots.

b. “*Ballot*” includes paper ballots designed to be read by automatic tabulating equipment. In appropriate contexts, “*ballot*” also includes conventional paper ballots.

c. “*Ballot marking device*” means a pen, pencil, or similar writing tool, or an electronic device, all designed for use in marking an optical scan ballot, and so designed or fabricated that the mark it leaves may be detected and the vote so cast counted by automatic tabulating equipment.

d. “*Optical scan ballot*” means a printed ballot designed to be marked by a voter with a ballot marking device.

e. “*Optical scan voting system*” means a system employing paper ballots under which votes are cast by voters by marking paper ballots with a ballot marking device and thereafter counted by use of automatic tabulating equipment.

f. “*Program*” means the written record of the set of instructions defining the operations to be performed by a computer in examining, counting, tabulating, and printing votes.

[S13, §1137-a7; C24, 27, 31, 35, 39, §904; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.1] [86 Acts, ch 1224, §17, 18; 2002 Acts, ch 1134, §50, 51, 115; 2004 Acts, ch 1083, §24, 37; 2007 Acts, ch 190, §4, 5; 2009 Acts, ch 57, §46, 47](#)

Referred to in [§49.99](#)