Analysis, p. 1

# **SECRETARY OF STATE**[721]

#### DIVISION I ADMINISTRATION

#### CHAPTER 1

## DESCRIPTION OF ORGANIZATION

- 1.1(17A) Central organization
- 1.2(17A) Corporations
- 1.3(17A) Uniform Commercial Code
- 1.4(17A) Elections
- 1.5(17A) Land office
- 1.6(17A) Notaries public
- 1.7(17A) Legislative division—enrolled bills
- 1.8(17A) Process agent
- 1.9(17A) Oaths and bonds
- 1.10(17A) Joint governmental agreements
- 1.11 Reserved
- 1.12(17A) Judiciary

## CHAPTER 2

### RULES OF PRACTICE

- 2.1(17A) Forms used
- 2.2(17A) Filing complaints
- 2.3(9,631) Payment for services
- 2.4(17A) Examination and preservation of records
- 2.5(17A) Telecopier service

## CHAPTER 3

#### ADMINISTRATIVE HEARINGS

## 3.1(17A) Scope

- 3.2(17A) Definitions
- 3.3(17A) General information
- 3.4(17A) Commencing the contested case
- 3.5(17A) Notice of hearing
- 3.6(17A) Contested case hearing procedures
- 3.7(17A) Presiding officer
- 3.8(17A) Decisions
- 3.9(17A) Request for rehearing
- 3.10(17A) Judicial review

#### **CHAPTER 4**

#### FORMS

- 4.1(17A) Forms and instructions
- 4.2(17A) Business entity forms
- 4.3(17A) Election forms
- 4.4(554,17A) Uniform Commercial Code forms
- 4.5(572,17A) Mechanics' notice and lien registry (MNLR) forms

#### **CHAPTER 5**

## PUBLIC RECORDS AND

## FAIR INFORMATION PRACTICES

(Uniform Rules)

5.1(17A,22)Definitions5.3(17A,22)Requests for access to records

- 5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
  5.9(17A,22) Disclosures without the consent of the subject
  5.10(17A,22) Routine use
  5.11(17A,22) Consensual disclosure of confidential records
  5.12(17A,22) Release to subject
  5.13(17A,22) Availability of records
  5.14(17A,22) Personally identifiable information
- 5.15(17A,22) Personnel files
- 5.16(17A,22) Other groups of records

#### CHAPTER 6

#### SAFE AT HOME PROGRAM

6.1(9E)	Definitions
---------	-------------

- 6.2(9E) Failure to notify secretary of changes in information; cancellation
- 6.3(9E) Renewal of certification; recertification
- 6.4(9E) Cancellation of voter registration in the statewide voter registration database
- 6.5(9E) Change of voter registration through the program
- 6.6(9E) Cancellation of absentee ballot voting through the program

#### CHAPTER 7

### AGENCY PROCEDURE FOR RULE MAKING

- 7.1(17A) Applicability
- 7.2(17A) Advice on possible rules before notice of proposed rule adoption
- 7.3(17A) Public rule-making docket
- 7.4(17A) Notice of proposed rule making
- 7.5(17A) Public participation
- 7.6(17A) Regulatory analysis
- 7.7(17A,25B) Fiscal impact statement
- 7.8(17A) Time and manner of rule adoption
- 7.9(17A) Variance between adopted rule and published notice of proposed rule adoption
- 7.10(17A) Exemptions from public rule-making procedures
- 7.11(17A) Concise statement of reasons
- 7.12(17A) Contents, style, and form of rule
- 7.13(17A) Agency rule-making record
- 7.14(17A) Filing of rules
- 7.15(17A) Effectiveness of rules prior to publication
- 7.16(17A) General statements of policy
- 7.17(17A) Review by agency of rules

#### CHAPTER 8

#### PETITIONS FOR RULE MAKING

- 8.1(17A) Petition for rule making
- 8.2(17A) Briefs
- 8.3(17A) Inquiries
- 8.4(17A) Agency consideration

#### CHAPTER 9

### DECLARATORY ORDERS

- 9.1(17A) Petition for declaratory order
- 9.2(17A) Notice of petition
- 9.3(17A) Intervention
- 9.4(17A) Briefs

9.5(17A)	Inquiries
9.6(17A)	Service and filing of petitions and other papers
9.7(17A)	Consideration
9.8(17A)	Action on petition
9.9(17A)	Refusal to issue order
9.10(17A)	Contents of declaratory order-effective date
9.11(17A)	Copies of orders

9.12(17A) Effect of a declaratory order

# CHAPTER 10

# WAIVER RULES

10.1(17A)	Definition
10.2(17A)	Scope of chapter
10.3(17A)	Applicability
10.4(17A)	Criteria for waiver
10.5(17A)	Filing of petition
10.6(17A)	Content of petition
10.7(17A)	Additional information
10.8(17A)	Notice
10.9(17A)	Hearing procedures
10.10(17A)	Ruling
10.11(17A)	Public availability
10.12(17A)	Cancellation of a waiver
10.13(17A)	Violations
10.14(17A)	Defense
10.15(17A)	Judicial review

## CHAPTER 11

#### Reserved

## CHAPTER 12

# DISASTER RECOVERY FOR OUT-OF-STATE ENTITIES

- 12.1(29C)Definitions12.2(29C)Notification and insurance verification12.2(29C)Transition of the state of the
- 12.3(29C) Transmittal of notification

# CHAPTERS 13 to 19

# Reserved

#### DIVISION II ELECTIONS

#### CHAPTER 20

## DEPUTY COMMISSIONERS OF ELECTIONS

- 20.1(47) Deputy secretary of state and deputy county auditor to act
- 20.2(47) County commissioner of elections may appoint special deputies

#### CHAPTER 21

#### ELECTION FORMS AND INSTRUCTIONS

DIVISION I GENERAL ADMINISTRATIV

# GENERAL ADMINISTRATIVE PROCEDURES

- 21.1(47) Emergency election procedures
- 21.2(47) Electronic submission of absentee ballot applications and affidavits of candidacy
- 21.3(49,48A) Voter identification documents

21.4(49)	Changes of address at the polls		
21.5(49)	Eligibility declarations in the election register		
21.6	Reserved		
21.7(48A)	Election day registration		
21.8(48A)	Notice to election day registrant		
21.9(49)	"Vote here" signs		
21.10(43)	Application for status as a political party		
21.11(49)	Statement to provisional voter		
21.12(47,53)	Absentee ballot receipt deadline when the United States post office is closed on the		
	deadline for receipt of absentee ballots		
21.13(47,50)	Canvass date adjustment when the United States post office is closed on the		
	deadline for receipt of absentee ballots		
21.14(53)	Intelligent Mail barcode (IMb) Tracing		
21.15(49)	Proof of residence or identification after casting provisional ballot		
21.16 to 21.19	Reserved		
21.20(62)	Election contest costs		
21.21(62)	Limitations		
21.22(49)	Photocopied ballot procedures		
21.23 and 21.24	Reserved		
21.25(50)	Administrative recounts		
21.26 to 21.29	Reserved		
21.30(49)	Inclusion of annexed territory in city reprecincting and redistricting plans		
21.31(275)	School director district maximum allowable deviation between director districts		
21.32(372)	City ward maximum allowable deviation between city wards		
21.33(49)	Redistricting special election blackout period		
21.34 to 21.49	Reserved		
21.50(49)	Polling place accessibility standards		
21.51	Reserved		
21.52(48A)	Request for new voter identification card		
21.53 to 21.74	Reserved		
21.75(49)	Voting centers for certain elections		
21.76(48A)	Electronic poll book training for poll workers		
21.77(49)	Photographing ballots		
21.78 to 21.99	Reserved		
21.100(39A)	Issuance of technical infractions		
21.101(47)	State commissioner's review of complaints		
21.102(49)	Commissioner's filings and notifications to state commissioner		
21.103(39A)	Election misconduct—investigation		
21.104 to 21.199	Reserved		
DIVISION II			
	BALLOT PREPARATION		
21.200(49)	Constitutional amendments and public measures		
21.201(44)	Competing nominations by nonparty political organizations		
21.202(43,52)	Form of primary election ballot		
21.203(49,52)	Form of general election ballot		
21.204(260C)	Tabulating election results by school district for merged area special elections		
21.205 to 21.299	Reserved		
	DIVISION III		
	ABSENTEE VOTING		
21.300(53)	Satellite absentee voting stations		
21.301(53)	Absentee ballot requests from voters whose registration records are "inactive"		
21.302(48A)	In-person absentee registration		

21.303(53)	Mailing absentee ballots
21.304(53)	Absentee ballot requests from voters whose registration records are "pending"
21.305(53)	Confirming commissioner's receipt of an absentee ballot on election day
21.306(53)	Incomplete absentee ballot applications
21.307(53)	Absentee ballot drop boxes
21.308 to 21.319	Reserved
21.320(53)	Absentee voting by UOCAVA voters
21.321 to 21.350	Reserved
21.351(53)	Receiving absentee ballots
21.352(53)	Review of returned envelopes marked with affidavits
21.353(53)	Opening the return carrier envelopes that are not marked with voters' affidavits
21.354(53)	Review process
21.355(53)	Notice to voter
21.356 to 21.358	Reserved
21.359(53)	Processing absentee ballots before election day
21.360	Reserved
21.361(53)	Rejection of absentee ballot
21.362 to 21.399	Reserved
	DIVISION IV
	INSTRUCTIONS FOR SPECIFIC ELECTIONS
21.400(376)	Signature requirements for certain cities
21.401(376)	Signature requirements in cities with primary or runoff election provisions
21.402(372)	Filing deadline for charter commission appointment petition
21.403(372)	Special elections to fill vacancies in elective city offices for cities that may be required to conduct primary elections
21.404(372)	Special elections to fill vacancies in elective city offices for cities without primary
	election requirements
21.405(69)	Special elections to fill a vacancy in the office of representative in Congress
21.406 to 21.499	Reserved
21.500(277)	Signature requirements for school director candidates
21.501 to 21.600	Reserved
21.601(43)	Plan III supervisor district candidate signatures after a change in the number of
21(02 + 21700)	supervisors or method of election
21.602 to 21.799	Reserved Local sales and services tax elections
21.800(423B)	
21.801(423B)	Form of ballot for local option tax elections Local vehicle tax elections
21.802(423B)	
21.803(423F)	Revenue purpose statement ballots
21.804(423B) 21.805 to 21.809	Local option sales and services tax elections in qualified counties Reserved
21.810(34A)	Referendum on enhanced 911 emergency telephone communication system funding
21.811 to 21.819	Reserved
21.820(99F)	Gambling elections
21.821 to 21.829	Reserved
21.830(357E)	Benefited recreational lake district elections
	CHAPTER 22

# VOTING SYSTEMS AND ELECTRONIC POLL BOOKS

	TESTING AND EXAMINATION OF VOTING EQUIPMENT
22.1(52)	Definitions for certification of voting equipment
22.2(52)	Voting system standards

22.3(52)	Examiners
22.4(52)	Fees and expenses paid to the examiners
22.5(52)	Examination of voting equipment—application
22.6(52)	Review of application by examiners
22.7(52)	Consultant
22.8(52)	Contact other users
22.9(52)	Testing the equipment
22.10(52)	Test primary election for three political parties
22.11(52)	Test general election
22.12(52)	Report of findings
22.13(52)	Notification
22.14(52)	Denial of certification
22.15(52)	Application for reconsideration
22.16(52)	Appeal
22.17(52)	Changes to certified voting systems
22.18(52)	Rescinding certification
22.19 to 22.29	Reserved
22.30(50,52)	Electronic transmission of election results
22.31(52)	Acceptance testing
22.32 to 22.40	Reserved
22.41(52)	Public testing of optical scan systems
22.42(52)	Preparing test decks
22.43(52)	Conducting the public test
22.44 to 22.49	Reserved
22.50(52)	Voting system security
22.51(52)	Memory storage devices
22.52(52)	Voting equipment malfunction at the polls
22.52(52) 22.53 to 22.99	Reserved
22.55 10 22.77	
22 100	OPTICAL SCAN VOTING SYSTEMS
22.100	Reserved
22.101(52)	Definitions
22.102(52)	Optical scan ballots
22.103 to 22.199	Reserved
	PRECINCT COUNT SYSTEMS
22.200(52)	Security
22.201(52)	Programming and testing the tabulating devices for precinct count systems
22.202(50)	Unique race and candidate ID numbers for election night results reporting
22.203(50)	Reporting election night results electronically
22.204 to 22.220	Reserved
22.221(52)	Sample ballots and instructions to voters
22.222 to 22.230	Reserved
22.231(52)	Emergency ballot box or bin
22.232(52)	Manner of voting
22.233 to 22.239	Reserved
22.240(52)	Results
22.241(52)	Electronic transmission of election results
22.242 to 22.249	Reserved
22.250(52)	Absentee voting instructions
22.251 to 22.259	Reserved
22.260(52)	Specific precinct count systems
22.261(52)	Election Systems & Software Voting Systems-preparation and use in elections

22.262(52)	Premier Election Solutions' AccuVote OS and AccuVote OSX precinct count
	devices
22.263(52)	AutoMARK Voter Assist Terminal (VAT)
22.264(52)	Unisyn OpenElect OVO unit-preparation and use in elections
22.265(52)	Unisyn OpenElect OVI unit
22.266(52)	Dominion Democracy Suite Voting Systems—preparation and use in elections
22.267 to 22.339	Reserved
	L SCAN VOTING SYSTEM USED FOR ABSENTEE AND SPECIAL VOTERS PRECINCT
22.340(52)	Processing
22.341(52)	Reporting results from absentee ballots and provisional ballots
22.342(52)	Tally list for absentee and special voters precinct
22.343(39A,53)	Counting absentee ballots on the day before the general election
22.344 to 22.599	Reserved
	E-POLL BOOKS
22.600(47)	Revolving loan fund
22.601(47)	Operational features of e-poll books
22.602(47)	Security features of e-poll books
22.002(47)	Security features of e-poil books
	CHAPTER 23
	VOTER REGISTRATION IN STATE AGENCIES
23.1(48A)	Definitions
23.2(48A)	Registration forms
23.3(48A)	Declination forms
23.4(48A)	Electronic declination records
23.5(48A)	Retention and storage of declination forms
23.6(48A)	Distribution of voter registration forms
23.7(48A)	Applications, recertifications, renewals and changes of address received from
	applicant representatives
23.8(48A)	Recertification and renewal applications
23.9(48A)	Change of address notices
23.10(48A)	Ineligible applicants
23.11(48A)	Other voter registration agencies
25.11(10/1)	Other voter registration agenetes
	CHAPTER 24
	UNOFFICIAL CANVASS OF VOTES
24.1(47)	Unofficial canvass
24.2(47)	Duties of the county commissioner of elections
24.3(47)	Duties of the state commissioner of elections
	CHAPTER 25
	ADMINISTRATION—ADMINISTRATIVE COMPLAINT PROCEDURE
	General provisions
	Form of complaint
	Filing, service, and initial review of complaint
	Notice of proceedings
25.5(17A,39A,47)	
25.6(17A,39A,47)	
25.7(17A,39A,47)	•
25.8(17A,39A,47)	
25.9(17A,39A,47)	Written decisions, available remedies
25.10(17A,39A,47	) Hearings
25.11(17A,39A,47)	) Time requirements

25.12(17A,39A,47)	Waiver of procedures
25.13(17A,39A,47)	1
25.14(17A,39A,47)	
25.15(17A,39A,47)	1
25.16(17A,39A,47)	
25.17(17A)	Discovery
. ,	2
25.18(17A)	Issuance of subpoenas in a complaint proceeding
	Motions
	Continuances
25.21(17A)	Withdrawals
25.22(17A)	Intervention
25.23(17A)	Hearing procedures
25.24(17A)	Evidence
25.25(17A)	Default
25.26(17A)	Ex parte communication
25.27(17A)	Recording costs
25.28(17A)	Final decisions, publication and party notification
25.29(17A)	Interlocutory appeals
25.30(17A)	Appeals and review
25.31(17A)	Applications for rehearing
25.32(17A)	Stays of orders
25.33(17A)	No factual dispute complaint proceedings
25.34(17A)	Alternate dispute resolution

25.35(17A) Judicial review

## CHAPTER 26

# COUNTING VOTES

#### PART I—GENERAL PROVISIONS

26.1(49)	Definitions
26.2(49)	Counting votes on election day
26.3(50)	Reporting overvotes and undervotes
26.4(50)	Absentee and special voters precinct
26.5 to 26.9	Reserved

#### PART II—OPTICAL SCAN VOTING SYSTEMS

26.10(50)	Systems affected
26.11(50)	Examples used
26.12(50)	Wrong ballots
26.13(50)	Ballot properly marked by the voter
26.14(50)	Ballots with identifying marks
26.15(49)	Voter's choice
26.16(49)	Determination of voter's choice
26.17(49)	Marks not counted
26.18(49)	Acceptable marks
26.19	Reserved
26.20(49)	Write-in votes
26.21(49)	Corrections by voter
26.22 to 26.49	Reserved
	PART III—PAPER BALLOTS
2(50(40))	C4

26.50(49)	Standards
26.51(49)	Write-in votes
26.52 to 26.59	Reserved

	PART IV—VOTING MACHINES
26.60 to 26.99	Reserved
	PART V—RECOUNTS
26.100(50)	Requester
26.101(50)	Recounts for candidates who run as a team
26.102(50)	Bond
26.103(50)	Recount board
26.104(50)	Responsibilities of the recount board
26.105(50)	Duties of commissioner and commissioner's staff
26.106(50)	Access to meeting
26.107(50)	Report of the recount board
26.108 to 26.199	Reserved
	PART VI—POST-ELECTION AUDIT
26 200(50)	Provinct coloction

26.200(50)	Precinct selection
26.201(50)	State commissioner duties
26.202(50)	Post-election audit time frame
26.203(50)	Audit board and audit procedure

#### CHAPTER 27

## HELP AMERICA VOTE ACT GRANTS

- 27.1(47,80GA,SF2298) Purpose
- 27.2(47,80GA,SF2298) Definitions
- 27.3(47,80GA,SF2298) Eligibility and requirements
- 27.4(47,80GA,SF2298) Application process
- 27.5(47,80GA,SF2298) Application contents
- 27.6(47,80GA,SF2298) Application review
- 27.7(47,80GA,SF2298) Award process
- 27.8(47,80GA,SF2298) Reports
- 27.9(47,80GA,SF2298) Access to records

## CHAPTER 28

## VOTER REGISTRATION FILE (I-VOTERS) MANAGEMENT

- 28.1(47,48A) State registrar's responsibility
- 28.2(48A) Access and fees
- 28.3(48A) Duplicate and multiple voter registration record deletion process
- 28.4(48A) Cancellations and restorations of voter registration due to felony conviction
- 28.5(47,48A) Noncitizen registered voter identification and removal process
- 28.6(48A) Cancellations and restorations of voter registration due to jury declination
- 28.7(48A) Voter list maintenance reports

#### CHAPTER 29

#### ELECTIONS TECHNOLOGY SECURITY

- 29.1(47) Definitions
- 29.2(47) Cybersecurity training
- 29.3(47) Cybersecurity incident or breach
- 29.4(47) Election security by the commissioners
- 29.5(47) Emergency or incident response plans
- 29.6(47) Social media accounts

#### DIVISION III UNIFORM COMMERCIAL CODE

#### CHAPTER 30 UNIFORM COMMERCIAL CODE

- 30.1(554) General provisions
- 30.2(554) Acceptance and refusal of documents
- 30.3(554) UCC information management system
- 30.4(554) Filing and data entry procedures
- 30.5(554) Search requests and reports
- 30.6(554) Other notices of liens

## CHAPTERS 31 to 39

#### Reserved

#### DIVISION IV CORPORATIONS

#### CHAPTER 40

### CORPORATIONS

40.1(9,490,504) Filing of documents

- 40.2(486A,488,489,490,496C,499,501,501A,504) Names distinguishable upon corporate records
- 40.3(489,491,496C,499,501,501A,504) Payment and refund of fees
- 40.4(486A,488,489,490,499,501,501A,504) Document to county recorder
- 40.5(548) Registration and protection of marks
- 40.6(504) Revised nonprofit corporation Act fees
- 40.7(488,489,490) Biennial reports
- 40.8(488,489,490,504) Online filing requirements

#### CHAPTER 41

#### Reserved

#### CHAPTER 42

#### ATHLETE AGENT REGISTRATION

42.1(9A,17A) Fees 42.2(9A,17A) General information

#### CHAPTER 43

### NOTARIAL ACTS

- 43.1(9B) Certificate of notarial acts
- 43.2(9B) Short form certificates
- 43.3(9B) Jurisdiction
- 43.4(9B) Conflict of interest
- 43.5(9B) Commission as notary public
- 43.6(9B) Performance of notarial act on electronic record
- 43.7(9B) Protection of recording and personally identifiable information
- 43.8(9B) Notary public sanctions
- 43.9(9B) Standards for communication technology and identity proofing for notarial acts performed for remotely located individuals
- 43.10(9B) Providers of communication technology
- 43.11(9B) Registration of provider of communication technology and approval of communication technology

#### CHAPTER 44 Reserved

### CHAPTER 45 MECHANICS' NOTICE AND LIEN REGISTRY

45.1(572)	General provisions
45.2(572)	Creation of mechanics' notice and lien registry
45.3(572)	Administrator identification
45.4(572)	Posting of notice of commencement of work
45.5(572)	Posting of preliminary notice
45.6(572)	Posting of mechanics' lien
45.7(572)	Forfeiture and cancellation of mechanics' liens
45.8(572)	Discharge of mechanic's lien by submission of a bond
45.9(572)	Action against general contractor or owner-builder to recover amount due

- 45.9(572)
- 45.10(572) Delay by administrator
- Nondisclosure of MNLR information 45.11(572)
- 45.12(572) Obligation to update information
- 45.13(572) Fees and services
- 45.14(572) Grounds for refusal of a posting or submission
- 45.15(572) Posting of a filing office statement, correction statement, or withdrawal statement
- 45.16(572) Assignment of date and time stamp and MNLR number
- Penalties 45.17(572)
- 45.18(572) Preservation and access by the public