

CHAPTER 22  
VOTING SYSTEMS

[Prior to 7/13/88, see Secretary of State[750] Ch 10]

TESTING AND EXAMINATION OF VOTING EQUIPMENT

**721—22.1(52) Definitions for certification of voting equipment.**

*“Accredited independent test authority”* means a person or agency that was formally recognized by the National Association of State Election Directors as competent to design and perform qualification tests for voting system hardware and software. *“Accredited independent test authority”* also includes voting system test laboratories accredited by the Election Assistance Commission to test voting systems for compliance with federal voting system standards and guidelines, as required by the Help America Vote Act, Section 231.

*“Audio ballot”* means the presentation of the contents of a ballot on a direct recording electronic voting machine in a recorded format, played to the voter over headphones. An audio ballot is used to make voting accessible to persons with visual disabilities.

*“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.

*“Ballot”* means the official document that includes all of the offices or public measures to be voted upon at a single election, whether they appear on one or more paper ballots. The term includes paper ballots designed to be read by automatic tabulating equipment. In appropriate contexts, *“ballot”* also includes conventional paper ballots.

*“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.

*“Certification”* means formal approval of voting machines or optical scan voting systems for use in Iowa pursuant to Iowa Code sections 52.5 and 52.26 and 2007 Iowa Acts, Senate File 369, section 7.

*“Early voting”* means the process of receiving ballots from voters before election day without using absentee voting procedures. Iowa law does not authorize this process.

*“Electronic ballot marking device”* means a component of an optical scan voting system designed to assist voters with disabilities by displaying audio and visual ballot information to the voter, providing accessible methods for the voter to make selections, and then printing the voter’s choices on an optical scan ballot.

*“Electronic transmission”* means using hardware and software components to send data over distances both within and external to the polling place and to receive an accurate copy of the transmission.

*“Examiners”* means the board of examiners for voting systems described in Iowa Code section 52.4 as amended by 2007 Iowa Acts, Senate File 369, section 28.

*“Optical scan ballot”* means a printed ballot designed to be marked by a voter with a ballot marking device and to be counted by use of automatic tabulating equipment.

*“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.

*“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.

*“Qualification test”* means the examination and testing of a voting system by an independent test authority using the voting system standards required by Iowa Code section 52.5 and rule 721—22.2(52) to determine whether the system complies with those standards.

*“Vendor”* means a person or representative of a person owning or being interested in a voting machine or optical scan voting system seeking certification of the equipment for use in elections in Iowa.

“*Voting booth*” means an enclosure designed to be used by a voter while marking a conventional paper ballot, optical scan ballot or ballot card.

“*Voting equipment*” means voting machines and optical scan voting systems which are required by Iowa Code sections 52.5 and 52.26 and 2007 Iowa Acts, Senate File 369, section 7, to be approved for use by the examiners.

“*Voting machine*” means a direct recording electronic device meeting the requirements of 2007 Iowa Acts, Senate File 369, section 7, subsections 1 and 2, and designated for use in casting, registering, recording, and counting votes at an election.

“*Voting system*” means the total combination of mechanical, electromechanical or electronic equipment (including the software, firmware and documentation required to program, control and support the equipment that is used to define ballots, to cast and count votes, to report or display election results and to maintain and produce any audit trail information). “Voting system” also includes the practices and associated documentation used to identify system components and versions of such components, to test the system during its development and maintenance, to maintain records of system errors and defects, to determine specific system changes to be made to a system after the initial qualification of the system and to make available any materials to the voter such as notices, instructions, forms or paper ballots. (See Section 301(b) of HAVA.)

**721—22.2(52) Voting system standards.** All electronic voting systems and machines approved for use by the Board of Examiners after April 9, 2003, shall meet Voting Systems Performance and Test Standards, as adopted by the Federal Election Commission April 30, 2002. The report of an accredited independent test authority certifying that the system is in compliance with these standards shall be submitted with the application for examination.

This rule is intended to implement Iowa Code section 52.5.

**721—22.3(52) Examiners.** The examiners annually shall elect a chairperson. All three examiners must be present for any formal action. Approval by two of the three examiners is required to approve any action to be taken by the examiners.

**22.3(1)** Notice of the time and place of any meeting by the board of examiners must be published pursuant to Iowa Code section 21.4.

**22.3(2)** Meetings of the examiners are open to the public, except that closed meetings may be held as permitted by Iowa Code section 21.5.

**22.3(3)** Correspondence and materials required to be filed with the board of examiners shall be addressed to the examiners in care of the Elections Division, Office of the Secretary of State, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319.

**721—22.4(52) Fees and expenses paid to the examiners.**

**22.4(1)** The examiners shall be reimbursed for travel to and from the meeting place at the rate specified in Iowa Code section 70A.9. The examiners shall also be reimbursed for actual expenses for meals and lodging, if necessary.

*a.* If the meeting was called for the purpose of examining, reexamining, testing, or discussing the certification of voting equipment offered by a vendor, the examiners’ expenses shall be paid by the vendor within seven days following the completion of the examination and testing of the voting equipment.

*b.* If the meeting was called for the purpose of advising the secretary of state regarding administrative rules for the examiners, or to hear complaints or requests for decertification of voting equipment, or any other business of interest to the examiners, the expenses shall be paid by the secretary of state.

**22.4(2)** The vendor shall pay the examiners the amount of compensation specified in Iowa Code section 52.6 at the beginning of each meeting for which compensation is required to be provided to the examiners. The fee shall be paid as follows:

*a.* For each meeting or series of meetings held for the purpose of certifying a voting machine, electronic voting system or voting booth.

*b.* For each meeting or series of meetings for reconsideration of a voting machine, electronic voting system or voting booth after denial of certification.

*c.* If the examiners schedule examinations of voting booths offered by more than one vendor at a single meeting, the fee shall be divided equally among the vendors.

*d.* The examiners shall waive the examination fee if a voting booth is submitted for examination by a county commissioner of elections pursuant to rule 22.19(52).

This rule is intended to implement Iowa Code sections 17A.19, 49.25(3), 52.5, 52.6, and 52.26.

**721—22.5(52) Examination of voting equipment—application.** Any vendor who wishes to apply for certification of voting equipment for use in the state of Iowa shall apply to the secretary of state for an appointment with the examiners. The application shall include five copies of each of the following:

**22.5(1)** History of the equipment to be examined. This history shall include a complete description of the equipment to be examined, descriptions of any previous models of the equipment, the date the system to be examined went into production, and a complete list of jurisdictions which have used the equipment. The user list shall include jurisdictions which used the equipment experimentally without purchasing it, jurisdictions which purchased earlier versions of the equipment to be examined, and jurisdictions which purchased the current version of the equipment to be examined.

**22.5(2)** Copies of all manuals developed for use with the system including, but not limited to, technical manuals for repair and maintenance of the equipment, operations manuals for election officials, printer's manuals for ballot production, and any other written documents prepared by the vendor that describe the operation, use, and maintenance of the machine.

**22.5(3)** Report of an accredited independent test authority certifying that the system is in compliance with the voting systems standards required by rule 721—22.2(52). Copies of these reports are confidential records as defined by Iowa Code section 22.7 and Iowa Code chapter 550. Independent test authority reports shall be available to the secretary of state, deputy secretary of state, director of elections, members of the board of examiners, and any other person designated by the secretary of state to have a bona fide need to review the report. No other person shall have access to the reports, and no copies shall be made. All independent test authority reports shall be marked "CONFIDENTIAL" and shall also be accompanied by a list of those persons who are authorized to examine the report. The reports shall be kept in a locked cabinet.

**22.5(4)** Copies of the reports of any test authority who has examined the equipment in conjunction with certification requirements of other states.

**22.5(5)** Reports of the certifying authorities of any other states that have examined the equipment, whether or not the equipment was approved for use.

**22.5(6)** Brochures, photographs and advertising material used to encourage sales of the equipment.

**22.5(7)** Manuals for the use and maintenance of any components of the equipment that are not manufactured by the vendor.

**22.5(8)** Descriptions of the equipment including the methods used to comply with the requirements of 2007 Iowa Acts, Senate File 369, section 7, if the equipment to be examined is a voting machine, or Iowa Code section 52.26 if it is an optical scan voting system. This description shall include an acknowledgment of the following requirements:

*a.* On or after July 1, 2007, a county whose voting system primarily utilizes voting machines, as defined in Iowa Code section 52.1 as amended by 2007 Iowa Acts, Senate File 369, section 5, shall, when seeking to replace the voting system, replace the voting system with an optical scan voting system only. A county shall meet the requirements of the federal Help America Vote Act relating to disabled voters through the use of electronic ballot marking devices that are compatible with an optical scan voting system.

*b.* On or after July 1, 2007, a county that utilizes a voting machine, as defined in Iowa Code section 52.1 as amended by 2007 Iowa Acts, Senate File 369, section 5, and an optical scan voting system concurrently at the same precinct shall, when seeking to replace the voting machine, replace the voting machine with an electronic ballot marking device that is compatible with an optical scan voting

system in order to ensure that each precinct in the county shall have at least one electronic ballot marking device.

**22.5(9)** Reserved.

**22.5(10)** The form prescribed by the state commissioner of elections to request examination and testing of voting systems.

**721—22.6(52) Review of application by examiners.** Upon receipt of the application, the secretary of state shall immediately forward copies of the application to each of the examiners. The examiners shall review the application and within seven days a date shall be set for the examiners to meet and examine the equipment. If additional information is needed by the examiners, they may delay setting a date for the examination pending the submission of the requested materials.

**721—22.7(52) Consultant.** If the examiners determine that a consultant is necessary to determine whether a system meets the requirements of Iowa law, they shall notify the vendor of the decision. The vendor may suggest the names of reliable independent test authorities to the examiners and may decline to submit the equipment to the examination of an individual for good reason.

A consultant shall be employed if no other state has certified the equipment for use. The examiners may require a consultant if the equipment has been modified following certification by other states, or if the examiners believe it to be necessary.

If a test authority has been determined to be necessary by the examiners and a suitable consultant cannot be agreed upon by the examiners and the vendor, the equipment shall not be approved for use.

**721—22.8(52) Contact other users.** The examiners shall contact a representative sample of the users of the equipment to determine the nature of the experience of other users.

**721—22.9(52) Testing the equipment.** The vendor shall provide to the examiners one, or more, if deemed necessary by the examiners, production models of the equipment submitted for certification. The equipment shall be prepared by the examiners with the aid of the vendor to be tested at two sample elections: a sample partisan primary election, and a sample general election.

**22.9(1)** Test county for absentee voting. Voting equipment which is designed to be used for tabulation of absentee ballots shall be tested using a model county consisting of 155 precincts, with 180,000 registered voters. The county shall include one U.S. congressional district, five state senate districts, 11 state house of representatives districts, and 30 townships. Each township shall include both rural voters (who are eligible to vote for township officers) and city voters (who are not eligible to vote for township officers).

**22.9(2)** Test county for absentee systems. Voting equipment which is designed to be used for tabulation of absentee ballots only shall be tested using a model county consisting of 155 precincts, with 180,000 registered voters. The county shall include one U.S. Congressional District, five state senate districts, 11 state house of representatives districts, and 30 townships. Each township shall include both rural voters (who are eligible to vote for township officers) and city voters (who are not eligible to vote for township officers).

**22.9(3)** Test precinct for precinct count systems. The test precinct shall include both rural voters (who are eligible to vote for township officers) and city voters (who are not eligible to vote for township officers).

**22.9(4)** All requirements for preparation and printing of test ballots shall be met in the preparation of ballots for the test elections including, but not limited to, rotation of candidates' names and the provision of space for write-in votes.

**22.9(5)** Test ballots provided by vendor. The vendor shall provide the ballots to be used in the testing of the equipment. A total of at least 2000 ballots shall be printed for each of the two test elections. One thousand ballots for each test election shall be marked and manually tabulated by the vendor to use as a test of the ability to tabulate results accurately. The balance of the ballots shall be delivered to the

examiners before the date set for the examination. The examiners shall mark and manually tabulate an additional set of at least 300 test ballots.

**721—22.10(52) Test primary election for three political parties.**

**22.10(1) *Closed primary election.*** Voters may only cast votes for the candidates of one of the parties.

**22.10(2) *Offices.*** The following offices shall each have two candidates for each party. Candidate names shall be rotated as required by Iowa Code section 43.28.

- a. U.S. Senator
- b. U.S. Representative
- c. Governor
- d. Secretary of State
- e. Auditor of State
- f. Treasurer of State
- g. Secretary of Agriculture
- h. Attorney General
- i. State Senator
- j. State Representative
- k. County Supervisor (vote for no more than three of six candidates)
- l. County Treasurer
- m. County Recorder
- n. County Attorney
- o. and p. Rescinded IAB 8/1/07, effective 7/13/07.

**22.10(3) *Write-in votes.*** Spaces for write-in votes shall be provided for each office on the ballot. The number of spaces shall equal the number of persons to be elected to the office.

**721—22.11(52) Test general election.** The ballots for the test general election shall include the following:

**22.11(1) *Offices.*** In the test general election all of the above offices shall be included with the addition of candidates for lieutenant governor to be voted for jointly with each candidate for governor. Each political party and nonparty political organization shall have one candidate for each office that appeared on the primary ballot, except county supervisor, which shall have three candidates for each party and nonparty political organization. Names of candidates for county supervisor shall be rotated as required by Iowa Code section 49.31, subsection 2.

The following nonpartisan offices shall also be included on the ballot with the heading “Nominated by Petition”:

- a. Township Trustee
- b. Township Clerk
- c. County Public Hospital Trustee
- d. Soil and Water Conservation District Commissioners
- e. Agricultural Extension Council

**22.11(2) *Judicial ballot.*** Portions of the judicial ballot may be printed separately if necessary.

- a. Supreme Court (five justices)
- b. Appeals (four judges)
- c. District Court (six judges)
- d. District Associate Judges (three judges)

**22.11(3) *Public measures.***

- a. Constitutional Amendments (two)
- b. Local public measures (three)

**22.11(4) *Straight party voting for three political parties and five nonparty political organizations.***

**22.11(5) *Write-in votes.*** Spaces for write-in votes shall be provided for each office on the ballot. The number of spaces shall equal the number of persons to be elected to the office. This does not include judges standing for retention.

**721—22.12(52) Report of findings.** The examiners shall complete a report showing their findings. The report shall include a checklist containing all statutory requirements for voting systems and shall indicate whether each requirement applies to the voting system being examined and whether the voting system is compliant or not compliant. The checklist must indicate that all applicable items are compliant with statutory requirements in order for the examiners to find that the voting system may be approved for use.

**22.12(1) Approval permits use.** If the report states that the voting system has been approved for use, the voting system may be adopted for use at elections.

**22.12(2) Report filed with the secretary of state.** The report shall be filed with the secretary of state. The secretary of state shall retain the vendor's application and other documents submitted pertaining to the certification as long as the voting system remains certified.

**721—22.13(52) Notification.** The examiners shall promptly notify the vendor of their decision and shall provide the vendor with a copy of their report.

**721—22.14(52) Denial of certification.** If the examiners find that the equipment does not meet the requirements prescribed by the Code of Iowa and the Iowa Administrative Code, the examiners shall deny certification to the equipment. The report of the board shall specify the reasons for the denial, as well as all areas in which the equipment complied with the requirements of the law. Certification may be denied for any of the following reasons:

**22.14(1)** The absence of any feature required by Iowa Code section 52.5 or 52.7 for voting machines, or section 52.26 for electronic voting systems.

**22.14(2)** Failure to pay the examiners' fees and expenses, or the fees of any consultant mutually agreed upon by the examiners and the vendor.

**22.14(3)** Failure to provide the examiners with a complete application as required by rule 22.5(52).

**22.14(4)** Failure of the equipment to produce accurate results in one or both of the test elections. The test groups of ballots shall be tabulated manually to determine the expected outcome of each test election. If the equipment fails to reproduce exactly the results of the manual tabulation, the system shall not be approved for use, unless it can be demonstrated that the manual tabulation was in error and the machine tabulation was accurate.

**721—22.15(52) Application for reconsideration.** Following denial of certification a vendor may make the necessary modifications to the system and apply for reconsideration. Aspects of the equipment which were approved in the initial application do not need to be reexamined unless the examiners find that the modifications may have affected the ability of the equipment to comply in other areas. If certification was denied for the reasons cited in 22.14(1) or 22.14(4), both test elections must be completed satisfactorily, or approval shall not be granted.

**721—22.16(52) Appeal.** If the vendor believes the denial of certification is in error, the vendor must file written exceptions with the examiners within 30 days after issuance of the report. The examiners will issue a response to the exceptions within 30 days after filing of the exceptions. A vendor who is aggrieved or adversely affected by a denial after a ruling on exceptions may seek judicial review pursuant to Iowa Code section 17A.19.

**721—22.17(52) Reexamination following changes in equipment.** The vendor shall notify the examiners of any changes in the equipment including changes in tabulation software, firmware, and hardware. The vendor shall provide to the examiners the following information when requesting recertification:

**22.17(1)** Description of the changes made.

**22.17(2)** Reports of test results conducted for other states following the modifications to the equipment.

**22.17(3)** Copies of manuals, instructions, advertisements and other documents required to be included with the application that have been modified since the original application was submitted.

**22.17(4)** A new request for examination and test as required by subrule 22.5(10).

**721—22.18(52) Rescinding certification.**

**22.18(1) *Grounds for rescinding certification.*** Certification may be rescinded if it is found that:

- a. The equipment does not produce accurate results and reports as required for an election.
- b. Material changes have been made in the equipment that do not comply with requirements for certification.
- c. Equipment which has been certified for use has not been adopted by any county in Iowa, or is no longer used by any county in Iowa, and is no longer available for purchase from the manufacturer. The examiners may rescind certification of such voting equipment without a complaint or contested case proceedings.
- d. Equipment that has been certified for use no longer complies with the requirements of Iowa law.
- e. Any other grounds that may materially affect delivery or performance of the equipment.

**22.18(2) *Procedure for rescinding certification.*** Complaints regarding voting equipment certified for use in Iowa shall be filed with the secretary of state. The examiners shall review all complaints and may initiate a contested case to rescind certification on any ground listed above. The contested case may be conducted before the examiners or before an administrative law judge. A contested case for rescinding certification shall be conducted, to the extent applicable, in accordance with the procedural rules specified in 481—Chapter 10, Iowa Administrative Code.

**22.18(3) *Suspension of certification.*** If the administrative law judge hearing the contested case, or the examiners, as the case may be, find that the voting equipment can be modified to correct the deficiency, certification may be suspended until the deficiency is corrected. If it is found that the deficiency is limited to a specific flaw not present in all models of the equipment, the suspension may be limited to the deficient models. While certification is suspended, the equipment may not be used for any election.

After the required modifications have been made the vendor may apply for reexamination of the equipment following the procedure described in rule 22.17(52).

**22.18(4) *Further use prohibited.*** If certification of voting equipment is rescinded without qualification, no further use shall be permitted by any county.

These rules are intended to implement Iowa Code sections 17A.12, 21.4, 21.5, 52.4, 52.5, 52.6, 52.7, 52.26, and 70A.9.

**721—22.19(52) Examination of voting booths—application.** Any vendor who wishes to apply for approval of a voting booth for use in the state of Iowa shall apply to the secretary of state for an appointment with the examiners. The application shall include five copies of each of the following:

**22.19(1)** History of the voting booth to be examined. This history shall include a complete description of the voting booth to be examined, descriptions of any previous models of the voting booth, the date the voting booth to be examined went into production, and a list of jurisdictions which have used the voting booth.

**22.19(2)** Copies of all manuals developed for use with the voting booth including, but not limited to, technical manuals for repair and maintenance of the voting booth, assembly manuals for election officials, and any other written documents prepared by the vendor that describe the operation, use and maintenance of the voting booth.

**22.19(3)** Copies of the reports of any test authority who has examined the voting booth in conjunction with certification requirements of other states.

**22.19(4)** Reports of the certifying authorities of any other states who have examined the voting booth, whether or not the voting booth was approved for use.

**22.19(5)** Brochures, photographs and advertising material used to encourage sales of the voting booth.

**22.19(6)** Manuals for the use and maintenance of any components of the voting booth that are not manufactured by the vendor.

**22.19(7)** A list of jurisdictions using the booth.

**22.19(8)** Request for examination. The following form shall be filed with the materials required above:



STATE OF IOWA  
REQUEST FOR EXAMINATION OF VOTING BOOTH  
BY THE BOARD OF EXAMINERS FOR VOTING MACHINES  
AND ELECTRONIC VOTING SYSTEMS

Name of model(s) to be examined: \_\_\_\_\_  
Vendor or Commissioner: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Person to contact: \_\_\_\_\_

I request that the Iowa Board of Examiners for Voting Machines and Electronic Voting Systems examine the voting booth(s) described above and in the attached documents for the purpose of determining whether this voting booth will be approved for use in the State of Iowa. If required to do so, I will pay the costs of this examination, including the examiners' fees and expenses. I understand that the examiners' fee of one hundred fifty dollars (\$150) each is to be paid before the examination begins. If more than one vendor presents booths to be examined, I understand that the examiners' fees will be divided equally among the vendors. (Fees shall be waived for examination of voting booths for county commissioners.)

I understand that a production model of the voting booth submitted for certification shall be made available to the examiners.

I agree to submit subsequent models of this voting booth for further examination if any changes are made following its approval for use. I understand that certification will be denied or rescinded if the examiners determine that this voting booth does not meet the requirements of the Code of Iowa and Iowa Administrative Code.

I understand that voting booths that have not been approved by the examiners cannot be used at any election in the State of Iowa.

Signed: \_\_\_\_\_  
Title: \_\_\_\_\_

State of \_\_\_\_\_  
County of \_\_\_\_\_

Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date)  
by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC (or title of other officer  
authorized to perform notarial acts)

**721—22.20(52) Review of application by examiners.** Upon receipt of the application, the secretary of state shall immediately forward copies of the application to each of the examiners. The examiners shall review the application and within seven days a date shall be set for the examiners to meet and examine the voting booth. If additional information is needed by the examiners, they may delay setting a date for the examination pending the submission of the requested materials.

**721—22.21(52) Contact other users.** The examiners shall contact a representative sample of the users of the voting booth to determine the nature of the experience of other users.

**721—22.22(52) Criteria for approval.** Voting booths must meet the following criteria:

1. Voting booths must provide for voting in secrecy.
2. Voting booths must be sturdy.
3. Voting booths must have a light, or be adaptable to having lighting attached if needed.
4. Handicapped accessible booths must accommodate voters seated either in wheelchairs or in chairs provided at the precinct.

**721—22.23(52) Report.** The examiners shall prepare a report clearly stating whether the voting booth has been approved or denied approval for use in Iowa.

**22.23(1) Approval permits use.** If the report states that the voting booth has been approved for use, it may be adopted for use at elections.

**22.23(2) Copy filed with the secretary of state.** A copy of the report shall be filed with the secretary of state. A copy of the application of the vendor and all other documents submitted by the vendor shall be filed with the report and retained by the secretary of state.

**721—22.24(52) Notification.** The examiners shall promptly notify the vendor of their decision and shall provide the vendor with a copy of their report.

**721—22.25(52) Denial of certification.** If the examiners find that the voting booth does not meet the requirements prescribed by the Code of Iowa and the Iowa Administrative Code, the examiners shall deny certification to the voting booth. The report of the board shall specify the reasons for the denial, as well as all areas in which the voting booth complied with the requirements of the law. Certification may be denied for any of the following reasons:

**22.25(1)** Failure to meet criteria established by rule 22.22(52).

**22.25(2)** Failure to pay the examiners' fees and expenses, if required.

**22.25(3)** Failure to provide the examiners with a sufficient application as required by rule 22.19(52).

**721—22.26(52) Application for reconsideration.** Following denial of certification a vendor may make the necessary modifications to the voting booth and apply for reconsideration. Aspects of the voting booth which were approved in the initial application do not need to be reexamined unless the examiners find that the modifications may have affected the ability of the voting booth to comply in other areas.

**721—22.27(52) Appeal.** If the vendor believes the denial of certification is in error, the vendor must file written exceptions with the examiners within 30 days after issuance of the report. The examiners will issue a response to the exceptions within 30 days after filing of the exceptions. A vendor who is aggrieved or adversely affected by a denial after a ruling on exceptions may seek judicial review pursuant to Iowa Code section 17A.19.

**721—22.28(52) Reexamination following changes in voting booth.** The vendor shall notify the examiners of any changes in the voting booth and shall provide to the examiners the following information when requesting recertification:

**22.28(1)** Description of the changes made.

**22.28(2)** Reports of test results conducted for other states following the modifications to the voting booth.

**22.28(3)** Copies of manuals, instructions, advertisements and other documents required to be included with the application that have been modified since the original application was submitted.

**22.28(4)** A new request for examination as required by subrule 22.19(8).

**721—22.29(52) Rescinding certification.**

**22.29(1) Grounds for rescinding certification.** Certification may be rescinded if it is found that:

*a.* The voting booth does not meet the criteria for approval established in rule 22.22(52).

*b.* Material changes have been made in the voting booth that do not comply with criteria for approval.

*c.* A voting booth which has been certified for use has not been purchased by any county in Iowa, or is no longer used by any county in Iowa, is no longer available for purchase from the manufacturer. The examiners may rescind certification of such voting booths without a complaint or contested case proceedings.

**22.29(2) Procedure for rescinding certification.** Complaints regarding voting booths certified for use in Iowa should be filed with the examiners. The examiners shall review all complaints and may initiate a contested case to rescind approval on any ground listed above. The contested case may be

conducted before the examiners or before an administrative law judge. A contested case for rescinding approval shall be conducted, to the extent applicable, in accordance with the procedural rules specified in 481—Chapter 10, Iowa Administrative Code.

**22.29(3) *Suspension of certification.*** If the administrative law judge hearing the contested case, or the examiners, as the case may be, find that the voting booth can be modified to correct the deficiency, certification may be suspended until the deficiency is corrected. If it is found that the deficiency is limited to a specific flaw not present in all models of the voting booth, the suspension may be limited to the deficient models. While certification is suspended, the voting booth may not be used for any election.

After the required modifications have been made, the vendor may apply for reexamination of the voting booth following the procedure described in rule 22.28(52).

**22.29(4) *Further use prohibited.*** If certification of voting booth is rescinded without qualification, no further use shall be permitted by any county.

Rules 22.19(52) to 22.29(52) are intended to implement Iowa Code sections 17A.19, 49.25(3), 52.5, 52.6, and 52.26.

#### **721—22.30(50,52) Electronic transmission of election results.**

**22.30(1) *Certification of equipment.*** On or after December 17, 2003, new components for transmission of election results by any electronic means may be used in elections in Iowa only if the components are approved by the board of examiners for use with a certified voting system. Existing systems containing electronic transmission components in use before December 17, 2003, may continue to be used until January 1, 2006, when the Help America Vote Act voting system requirements become effective.

The examiners shall review the qualification test report submitted with the application for examination and testing of the voting system. If the test report for the voting system under examination shows that the electronic transmission components have met the voting system standards and the examiners concur, the electronic transmission components may be used in conjunction with the voting system. If the qualification test report or the examiners conclude that the electronic transmission components do not meet the voting system standards, or if this feature is not mentioned in the report, purchasers of the voting system may not transmit election results electronically.

**22.30(2) *Procedures on election day.*** The election results may be transmitted electronically from voting equipment to the county commissioner of elections' office only after the precinct election officials have produced a written report of the election results as required by Iowa Code section 50.11. All election officials of the precinct shall sign the printed report of the election results. The signed copy shall be the official tabulation from that precinct.

**22.30(3) *Procedures after election day.*** Before the canvass by the board of supervisors, the county commissioner of elections shall compare the signed, printed report from each precinct with the results transmitted electronically from the precinct on election night. The commissioner shall report any discrepancies between the two sets of election results to the board of supervisors. The signed, printed results produced pursuant to Iowa Code section 50.11 shall be considered the correct results.

This rule is intended to implement Iowa Code sections 50.11 and 52.41.

**721—22.31(52) Acceptance testing.** When the commissioner receives voting equipment from a vendor, the commissioner shall carefully examine and test the equipment to:

**22.31(1)** Verify that the system delivered is certified for use in Iowa. The commissioner shall compare the voting system version numbers with the list of certified voting equipment provided by the state commissioner;

**22.31(2)** Verify that everything in the contract has been delivered by:

- a. Comparing a copy of the purchase contract with the items received;
- b. Making certain that all components, such as power cords, casters, and keys, are included;
- c. Reviewing instruction and maintenance manuals to be sure that the correct version of each manual was provided; and

**22.31(3)** Verify that everything delivered actually works. The commissioner shall run a simulated election to confirm that each part of the system and the system as a whole function properly.

**721—22.32(52) Optical scan voting system purchase program.** The secretary of state shall negotiate with the voting system vendors who serve Iowa counties for a uniform price for each vendor's optical scan voting system components. Counties currently using all direct recording electronic (DRE) voting machines shall purchase one optical scan tabulator and one ballot-marking device for use in each general election voting precinct. Counties currently using an optical scan tabulator with a DRE voting machine as the accessible component in each precinct shall purchase one ballot-marking device for each precinct used in general elections to replace the DRE voting machine. Allocation agreements setting forth the amount of funding each county in need of optical scan voting equipment will be allocated shall be prepared by the secretary of state. The secretary of state, the vendor, and each county shall sign the allocation agreements.

**22.32(1) Contractual agreements.** Contracts for purchase shall be between the vendor and the county.

**22.32(2) Distribution of equipment.** The appropriate vendor shall deliver the equipment to each county with which the vendor has a contract for purchasing voting equipment.

**22.32(3) Acceptance testing.** Upon receipt of the voting equipment, the commissioner shall conduct acceptance testing pursuant to rule 721—22.31(52).

**22.32(4) Documentation.** The commissioner shall provide the following information to the secretary of state:

*a.* A report showing that the county has subjected all equipment to acceptance testing and that the equipment is acceptable.

*b.* A copy of the invoice showing the date the county received the equipment and the total cost of the equipment.

*c.* Counties currently using the AccuVote TSX DRE shall provide an affidavit showing that the AccuVote TSX DRE was returned to the vendor.

**22.32(5) Payment.** Upon receipt of the required information, the secretary of state shall pay the vendor the amount agreed to in the county allocation agreement.

This rule is intended to implement 2008 Iowa Acts, Senate File 2347.

**721—22.33 to 22.38** Reserved.

**721—22.39(52) Public testing for direct recording electronic voting machines.** Before each election in which direct recording electronic (DRE) voting machines are used, the commissioner shall conduct public testing.

**22.39(1) Automatic testing.** Some vendors provide an automatically generated test program for DRE voting machines. Although these tests provide the user with information about the internal integrity of the machine, the automatic test is not an adequate test; it does not include testing to show that the programming for the current election is correctly done; and it does not test the voter-operated functions of the machine.

**22.39(2) Testing personnel.** DRE voting machine testing shall be conducted by authorized employees of the commissioner, who may work in two-person teams. The process and results of the test shall be carefully documented and shall be available for inspection.

**22.39(3) Test process.** Each two-person team shall follow a written plan, with one person operating the DRE voting machine and another person observing and verifying that the correct actions were taken. The tests shall be conducted as follows for each machine:

*a.* *Automated test.* Run the automated test on each machine and record the results.

*b.* *Visual test.* Verify that the correct visual ballot (and audio ballot, if any) is installed for each machine to be used in the election.

*c. Testing in election mode.* If the voting system provides for both a test mode and an election mode, the following portions of the public test shall be conducted with the DRE voting machine in election mode.

- (1) Before beginning the test, print a zero totals report.
- (2) Touch test. As each visual ballot (and audio ballot, if any) is reviewed, select and then deselect each candidate to verify that the candidate can be selected as a choice.
- (3) Accuracy test. Use each voting method (visual, audio, etc.) available to conduct the accuracy test. Prepare a written test plan to guide the entry of votes into the machine. This test shall be conducted as follows:
  1. Record votes for each candidate for an office, including offices to which more than one person will be elected, with each candidate receiving a different number of votes. For example, the first candidate may receive one vote; the second candidate may receive two votes; the third candidate may receive three votes; and so on.
  2. For offices to which more than one candidate will be elected, test each combination of candidates in addition to the test in numbered paragraph "1," above.
  3. For each public measure and judge on the ballot, the "YES" position shall receive one vote and the "NO" position shall receive two votes, or vice versa.
  4. Test every write-in position by selecting it at least once. Enter at least ten letters of the alphabet in the appropriate place. In the test, use all of the letters to make sure they function correctly. For offices with more than one person to be elected, test all of the write-in positions at the same time.
  5. Attempt to overvote every office on the ballot.
  6. For primary elections, verify that the voter may cast votes for the candidates of only one political party.
  7. For general elections, test each straight party voting option separately from the tests listed in numbered paragraphs "1" through "5," above. Prepare a written plan to test the straight party voting option as follows:
    - Assign a specific number of votes to each straight party option, such as one vote to the first straight party option, two votes to the second, and so on.
    - For each straight party choice, select the straight party option, then, for each affected office, select the write-in option and write the name of the straight party choice being changed.
    - Mark no other votes on this set of test ballots.
  8. Print the results of the machine tabulation and compare the results with the written test plan. If there are differences, the cause of the discrepancy shall be determined. If the cause of the discrepancy cannot be determined and corrected, the program or equipment shall not be used at the election.

*d. Electronic transmission.* If the results will be transmitted electronically from the precincts on election night, the commissioner shall test each modem before election day by transmitting test results to the election reporting software. It is not necessary to perform this test at the polling places. However, before election day the commissioner should also determine the location and suitability of the telephone connections in polling places.

*e. Compilation of results.* The commissioner shall compile the results of all tests using the voting system's election reporting programs to demonstrate that the election reporting function will function correctly on election night and for the canvass of votes.

**22.39(4) Public participation.** The commissioner shall provide notice of public testing of DRE voting machines to the chairpersons of the political parties and to the public as required by Iowa Code section 52.9. The commissioner shall allow a reasonable amount of time for public participation. Members of the public, working with a person designated by the commissioner, may also provide a written test plan and test the operation of the DRE voting machines. Each person present at the test must sign a certificate of test, as required by Iowa Code section 52.9.

**22.39(5) Concluding the test.** Testing must be completed not less than 12 hours before the polls open on election day. Following the test, the commissioner shall print a zero totals report, apply all required locks and seals to each DRE voting machine, and record the seal numbers on the appropriate documents.

This rule is intended to implement Iowa Code section 52.9.

**721—22.40(52) Public testing of lever voting machines.** Rescinded IAB 8/1/07, effective 7/13/07.

**721—22.41(52) Testing of optical scan systems.** As a part of preparation for use for each election, the commissioner shall thoroughly test all automatic tabulating equipment (including equipment that will be used for counting absentee ballots) as required by Iowa Code section 52.35. The process and results of the test shall be carefully documented and shall be available for inspection.

**22.41(1)** Each automatic tabulating device (including equipment that will be used for counting absentee ballots) shall be tested to determine the following:

*a.* The device and its programs will accurately tabulate votes for each candidate and question on the ballot.

*b.* Votes cast for more candidates for any office than the number to be elected will result in the rejection of all votes cast for that office on that ballot. Votes properly cast for other offices on the same ballot shall be counted.

*c.* The tabulating equipment records all votes cast and no others. A written tally of the test votes shall be prepared before the test. The results of the test voting shall be recorded. The results of the machine tabulation shall be printed and compared with the test plan.

*d.* The voter may cast as many write-in votes for each office on the ballot as there are positions to be filled, and the write-in votes are reported correctly.

*e.* For primary elections, the tabulating equipment accurately records votes cast for all political parties.

*f.* For general elections:

(1) A ballot marked with only a straight party vote is recorded with one vote for each candidate of the designated political party, and no other votes are recorded for partisan offices;

(2) The voter may override a straight party vote for any office by voting for any candidate not associated with that political party; and

(3) For offices to which more than one person will be elected, if a voter has chosen to override a straight party vote, only the candidates whose names are marked shall receive a vote.

**22.41(2)** Conducting the test.

*a.* The commissioner shall follow the process described in rule 721—22.42(52) for preparing test decks.

*b.* If, during the test, there are differences between the test plan and the results produced by the optical scan device, the cause of the discrepancy shall be determined. If the cause of the discrepancy cannot be determined and corrected, the faulty program or equipment shall not be used in the election.

*c.* The test decks, the preparer's tally, and the printed results of the test shall be kept with the records of the election and preserved as required by Iowa Code section 50.19.

**721—22.42(52) Preparing test decks.** The commissioner shall prepare test decks from all ballots printed for use in the election, including those for use at the polling places and for absentee balloting. Test ballots for optical scan voting equipment shall test the reporting of votes for every office and public measure on the ballot at the election. Each of the following test decks shall be prepared for every precinct and ballot style in the election. Commissioners may use additional test methods to supplement the process described in this rule.

**22.42(1)** *Requirements for all test decks prepared by the commissioner and used in public testing.*

*a.* The commissioner shall:

(1) Never erase errors and never use correction fluid or correction tape to cover errors. Replace the ballot instead.

(2) Fill in each oval completely using the recommended pen or pencil.

(3) Mark each ballot "Test Ballot" and label each ballot to indicate whether it is from the systematic test deck, the overvote and blank ballot test deck or the straight party test deck.

*b.* In counties where the AutoMARK VAT is used, the commissioner may prepare some test ballots using the AutoMARK VAT.

c. Hand-marked ballots that include folds, erasures, marginal or extra marks shall not be used in the test decks described in this rule. An additional set of test ballots may be prepared to test election-day conditions, particularly for folded absentee ballots.

**22.42(2) Test method.** The commissioner shall:

a. Prepare a test plan showing the planned number of votes, including undervotes and overvotes for each oval on the ballot. This plan includes ovals associated with candidates, write-in lines, judges and public measures and straight party voting. Follow the instructions in subrules 22.42(3) through 22.42(6) in preparing the test decks.

b. Mark the test ballots according to the test plan.

c. Print a zero totals report from the optical scan tabulator before inserting any ballots.

d. Insert the ballots into the optical scan tabulator and print a report showing the number of votes recorded for all offices, questions and judges, including undervotes and overvotes.

e. Compare the printed report with the test plan to ensure that the correct number of votes was counted for each oval.

f. If the commissioner finds errors, the commissioner shall identify and correct them. The commissioner shall repeat the testing process until the printed results from the tabulator match the test plan. If the commissioner cannot produce an errorless test, the equipment shall not be used in the election.

**22.42(3) Systematic test deck.** The commissioner shall use this deck to test each oval on the ballot. The commissioner shall determine a unique number of votes for each candidate in each office, such as one vote for each write-in oval for the office, two votes for the first candidate listed (or “NO” votes on public measures and judges), three votes for the second candidate, etc. It is not necessary to have a different number of votes for each write-in oval for offices for which the voter may select more than one candidate. However, the write-in oval shall have a different number of votes marked than any candidate for the office. The commissioner shall:

a. On general election ballots, leave the straight party choice blank.

b. For offices without candidates, mark all of the write-in ovals for that office.

c. For offices in which the voter may vote for more than one candidate, vote for the maximum allowed on at least one ballot.

d. On a ballot that contains at least one valid vote, overvote one other office or question.

**22.42(4) System-specific testing requirements.** Separate tests are prescribed for each certified voting system.

a. *Election Systems & Software—overvote and blank ballot test.* For an overvote and blank ballot test, the commissioner shall:

(1) Overvote all offices and questions (including judges) on one ballot, by marking one more vote than permitted. Do not mark the write-in ovals for any offices for which there are no candidates' names on the ballot.

(2) If the test is for ballots that will be used in a general election, mark two straight party votes on one ballot. Do not mark any other ovals. In the test plan, this ballot should be tallied to show that the straight party selection was overvoted, and to show undervotes for all other offices and questions on the ballot.

(3) When the overvoted ballots are rejected by the optical scan tabulator, override the rejection and include the ballot in the tally. Add to the manual tally the number of overvotes in this test. The tally for this part of the test deck will show no votes for any candidate.

(4) Insert a blank ballot. This is a very important test of the accuracy of ballot printing. Printing errors sometimes put readable marks in the voting target area.

(5) Orientation test. Mark the maximum number of choices for each office and question on one ballot.

Scan this ballot in each of the four possible orientations:

- Face up, head first.
- Face down, head first.
- Face up, feet first.

- Face down, feet first.
- b. *Diebold Election Systems.*
  - (1) Blank and fully voted test. The commissioner shall use two ballots for this test.
    1. Leave one ballot completely blank.
    2. On the second ballot, mark every oval on both sides of the ballot.
    3. Select “Test Blank Ballots” and insert the blank ballot in all four orientations:
      - Face up, head first.
      - Face down, head first.
      - Face up, feet first.
      - Face down, feet first.
    4. Select “Test Fully Voted Ballots” and insert the second ballot in each of the four orientations listed in numbered paragraph “3” above.
    5. Reinsert the blank ballot and the fully voted ballot and override the rejection feature.
  - (2) Overvote. Overvote all offices and questions (including judges) on one ballot, by marking one more vote than permitted. Do not mark the write-in ovals for any offices for which there are no candidates’ names on the ballot.
 

**22.42(5) *Straight party test for general elections.*** For a straight party test, the commissioner shall:

    - a. For each set of ballots:
      - (1) Mark straight party votes in a pattern, such as one vote for the first straight party choice, two votes for the second, and so on, and tally the expected results. Do not mark anything else on this group of ballots.
      - (2) On a second set of ballots containing as many ballots as there are straight party choices, mark the straight party option and, for each office affected by the straight party vote, mark the write-in oval, and tally the expected results.
      - (3) If the election includes an at-large county supervisor race with more than one person to be elected, mark a ballot with only a straight party vote and then vote for one candidate from the same political party as the straight party vote. Only this separately marked candidate should receive a vote.
    - b. Compile the results of the straight party test deck.
  - 22.42(6) *Combining test decks.*** The commissioner may tabulate the combined test decks after separately testing each one.

**721—22.43(52) Public testing of optical scan systems.** All automatic tabulating equipment (including equipment used to tabulate absentee ballots) shall be tested before use at any election, as required by Iowa Code section 52.35.

**22.43(1)** The equipment shall be inspected to determine whether it has been prepared properly for the election at which it will be used. The following information shall be verified:

- a. The correct program cartridge or memory card is in place for the election and the precinct or precincts in which it will be used.
- b. The appropriate ballots are available for the test of each automatic tabulating device to be used in the election.
- c. All counters are set at zero before the test is begun.

**22.43(2)** Each automatic tabulating device shall be tested to determine that the device and its programs will accurately tabulate votes for each candidate and question on the ballot.

**22.43(3)** The commissioner shall conclude the test not later than 12 hours before the polls open on election day. Following the test, the tabulating equipment shall be inspected to determine that:

- a. All counters have been returned to zero.
- b. All required locks or seals are in place.
- c. The automatic tabulating equipment is ready for operation at the election.

The results tape from each scanner produced during the public test shall be signed by the person conducting the test and by any observers present at the test. The signers shall write their signatures at the end of the tape where it will be detached from the machine. The tape shall be torn or cut across the signatures, so that a portion of the signature is on the tape remaining on the tabulating device. The test



results tape, including a part of the tester's signature, shall be retained with the appropriate test deck for the period of time required by Iowa Code section 50.19.

**22.43(4)** Test deck submitted by observers. Any person who is present at the public test may mark ballots to be used to test the voting equipment. The following conditions apply:

- a. Not more than ten ballots may be submitted by any person.
- b. Only official ballots provided by the commissioner at the test shall be used. The commissioner shall provide sample ballots or photocopies of sample ballots to anyone upon request.
- c. The preparer shall provide a written tally of the test deck.
- d. The results of the machine tabulation shall be printed and compared with the preparer's tally. If there are differences, the cause of the discrepancy shall be determined. If the cause of the discrepancy cannot be determined and corrected, the program or equipment shall not be used at the election.
- e. The test decks, the preparer's tally, and the printed results of the test shall be kept with the records of the election and preserved as required by Iowa Code section 50.19.

Rules 22.41(52) through 22.43(52) are intended to implement Iowa Code section 52.35.

**721—22.44 to 22.49** Reserved.

**721—22.50(52) Voting system security.** Each county shall have a written security policy. The policy shall include detailed plans to protect the election equipment and data from unauthorized access. The policy shall describe the methods to be used to preserve the integrity of the election and to document the election process.

**22.50(1) Staff access.** The security policy shall describe who shall have access to the voting equipment.

**22.50(2) Computers.** For security purposes, computers used in the commissioner's office to prepare ballots and voting equipment programs or to compile and report election results should not be used for any other function and should not be linked to any computer network or to the Internet.

a. If the election computers are linked to a network or to the Internet, the commissioner shall use a firewall to filter network traffic. Data transmissions over the Internet shall be encrypted and password-protected. Information posted to a Web site shall not be considered transmission of data over the Internet.

b. Access shall be limited to persons specified by the commissioner in the written security policy. The level of access shall be included in a written security policy.

(1) Uniqueness. Every ID and password shall be unique. The creation of generic or shared user IDs is specifically prohibited. Each user shall have exactly one user ID and password, except where job requirements necessitate the creation of multiple IDs to access different business functions.

(2) Authority. Each user shall be granted only the level of access specifically required by the user's job. Use of "Administrator," "Super User," "Security Administrator," or "SA" levels of authority shall be severely restricted.

(3) Generic user IDs. Staff members with generic user IDs are not allowed to sign on to voting systems.

(4) Password standards.

Account Policy	Recommended Setting
Maximum Password Age	90 days
Minimum Password Age	2 days
Minimum Password Length	8 characters
Enforced Password History	6 passwords (last 6 cannot be used)
Account Lockout (number of unsuccessful log-on attempts)	3 bad attempts
Account Lockout Duration	6 hours
Reset Account Lockout Counter After	6 hours

**22.50(3) Evacuation.** If it is necessary to evacuate the election office, a satellite absentee voting station or a polling place, the precinct election staff or the election officials shall immediately attempt to notify the commissioner and take the following actions:

*a. Keep people safe.* The officials shall make sure that all voters and other persons are safely out of the polling place.

*b. Protect critical election documents and materials.* After the safety of the voters and others has been secured, the officials shall remove or secure the following:

- (1) The ballot box or electronic voting device containing voted ballots.
- (2) The keys to the voting equipment and any memory cards, cartridges or other data storage devices containing the election information.
- (3) All unvoted ballots.
- (4) The precinct election register.
- (5) Signed declarations of eligibility.
- (6) The tabulating device.

**721—22.51(52) Memory cards.** A memory card is a small, removable device containing data files of the election definition programmed for use in voting equipment for each election. For all voting equipment, the following security measures are required:

**22.51(1) Serial number.** Each memory card shall have a serial number printed on a readily visible permanent label. The label shall include the name of the county.

**22.51(2) Inventory.** Memory cards owned by the county and retained in the custody of the county commissioner shall be maintained under perpetual inventory, with a record of inventory activity. The commissioner shall maintain a similar record of relevant actions if the memory cards are acquired from a vendor for each election. The record of inventory activity shall reflect:

- a.* The date each memory card was acquired;
- b.* Each use of each memory card in an election;
- c.* Each maintenance activity to a memory card, such as changing the battery;
- d.* Any problems or errors detected while using the memory card during its life;
- e.* Records of the disposal of any memory cards at the end of their useful life or upon return to the vendor for maintenance or warranty claims.

**22.51(3) Custody.**

*a.* In counties where the commissioner has the necessary software and equipment to program the memory cards locally, the commissioner shall maintain a memory card log for each election as required in subrule 22.51(4) during the period when the memory cards are removed from storage, prepared for an election, and until they are sealed into a voting device. Only county employees and precinct election officials, as applicable, authorized by the county's security policy shall be permitted to handle the memory cards. No one individual should be alone with the unsecured memory cards at any time. If a person who is not authorized by the security policy to have access to the memory cards transports them to another location, such as a warehouse, the memory cards shall be enclosed in a transport container with a tamper-evident seal.

*b.* In counties where the commissioner purchases programming services from a vendor, the memory cards shall be shipped to and from the vendor by a shipping service that employs tracking numbers. The memory cards shall be enclosed in a package sealed with a numbered, tamper-evident seal. Programmed memory cards shall be shipped in a package sealed with a numbered, tamper-evident seal from the vendor to the commissioner. If the seal is not intact upon arrival, the commissioner shall immediately contact the vendor for replacement cards. Only county employees authorized by the county's security policy (and precinct election officials, as applicable) shall be permitted to handle the memory cards. No one individual should be alone with the unsecured memory cards at any time.

**22.51(4) Memory card log.** For each election, the commissioner shall create a log to record the serial numbers of each memory card, the voting device into which the memory card was installed, the serial number of the seal, the ballot style and the precinct to which the machine is assigned. The log shall be in substantially the same form as Form A or Form B, as applicable:





Form B (cont'd)

**Memory Card Shipping Record for \_\_\_\_\_ County**

**Shipped for programming:**

**Record each card number before packing to ship, and check out each card number on the chain of custody record. Enclose a photocopy of the Memory Card Record with the cards.**

Shipped by: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_ Time: \_\_\_:\_\_\_ a.m./p.m.  
Print name Signature

Shipped to: \_\_\_\_\_ Shipped via: \_\_\_\_\_  
\_\_\_\_\_ Tracking number: \_\_\_\_\_  
\_\_\_\_\_

**Instructions to vendor:**

**Check in each card number on the enclosed chain of custody record when unpacking cards.**

By: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_ Time: \_\_\_:\_\_\_ a.m./p.m.  
Print name Signature

- If memory cards are removed from this inventory for any reason, make a notation of which card(s) on the Memory Card Record.
- Replacement card(s) if issued should be added to the bottom of the Memory Card Record as a new card. A serial number will be assigned later by the receiving county.

Shipped via: \_\_\_\_\_ Date: \_\_\_\_\_ Tracking number: \_\_\_\_\_

**Received by County Election Department** on Date: \_\_\_/\_\_\_/\_\_\_

Was the package sealed? \_\_\_\_\_ Was the seal intact? \_\_\_\_\_ Notes: \_\_\_\_\_

Keep the memory cards in secure storage after they are received and until they are installed in the voting equipment.

**22.51(5) Preparation and installation.** When memory cards are installed, they shall be sealed immediately into the machine using a numbered, tamper-evident seal. Appropriate log entries shall be completed.

**22.51(6) Replacing seals or memory cards.** If a seal is accidentally broken or a memory card is replaced for any reason, the issuance of a new seal and the entry into the log shall be witnessed by more than one person. The facts of the incident and the names of the individuals who detected and resolved it shall be recorded.

**22.51(7) Opening the polls.** Immediately before the polls open on election day, the precinct election officials shall turn on the voting equipment and print the report showing that all counters are set at zero.

**22.51(8) Verification log.** The commissioner shall provide to each precinct a precinct verification log with the ballot record and receipt. The verification log shall provide places for precinct election officials to record or check the following information before the polls open and again before leaving the polling place at the end of the day:

- Seal numbers from the voting equipment;
- Keys provided for the voting equipment; and
- Condition of seals on ballot containers.

**22.51(9) Election day.**

a. Before the polls are opened, the precinct election officials shall verify the required information in the verification log and sign the log.

b. After the polls are closed, the precinct election officials shall verify the required information in the verification log and sign the log before leaving the polling place.

c. If the precinct election officials remove the memory cards from the voting equipment, the officials shall first print the results report from the voting equipment.

**22.51(10) Return of memory cards.** If the precinct election officials remove the memory cards from the voting equipment on election night, they shall return to the commissioner the memory cards and the seals used to secure them in a sealed envelope or other container. All officials of the precinct shall witness the statement on the envelope or other container. The label on the envelope or other container shall be in substantially the following form:

## Memory Cards

Election Date: \_\_\_\_\_

Precinct: \_\_\_\_\_

This envelope contains Memory Cards and memory card access seals from this precinct.

Machine Number	Memory Card #	Memory Card Seal #

Signatures of all precinct election officials:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**22.51(11) Storage.** If the memory cards are returned inside the voting equipment to the commissioner, the machine serial numbers and the seal numbers shall be verified against the verification log described in subrule 22.51(8). The memory card audit log shall be printed before the memory cards are removed. When the memory cards are removed, their serial numbers shall also be verified against the verification log. The memory card audit log shall be retained for the time period required by Iowa Code section 50.19.

**22.51(12) Results verified.** Before the conclusion of the canvass of votes, the individual results reports from the precincts, as signed by the precinct election officials at the polls on election night, shall be compared to the election results compiled for the canvass (either manually or electronically) to verify that transmitted and accumulated totals match the results witnessed by the election officials. Any discrepancies in these totals shall be reconciled before the supervisors conclude the canvass.

**22.51(13) Retention of programmed memory cards.** The election information on all memory cards used for an election shall be retained on the memory cards until after the time to file requests for recounts and election contests has passed. If a contest is pending, the memory cards shall be retained until the contest is resolved. Before the memory cards are permanently erased, the commissioner shall print the memory card audit log from each card.

**22.51(14) Retention of program information.** The commissioner shall retain all instructions and other written records of the process for programming the memory cards and the memory card audit logs for the period required by Iowa Code section 50.19. The contents of memory cards and other electronic

records of the election process shall be collected and retained in an electronic or other medium and stored with the other election records for the time period required by Iowa Code section 50.19.

**721—22.52(52) Voting equipment malfunction at the polls.** The precinct election officials shall immediately cease using any malfunctioning voting equipment and report the problem to the commissioner. Only a person who is authorized in writing by the commissioner to do so shall be permitted to attempt to repair malfunctioning voting equipment. The person shall show identification to the precinct election official. The commissioner shall keep a written record of all known malfunctions and their resolution. The precinct election officials shall return the voting equipment to service only if the malfunction is corrected.

**22.52(1) Routine resolution.** Some problems may be easily resolved by following simple instructions. If the commissioner and the precinct election officials are able to resolve a problem without replacing the equipment, the officials shall document the problem, the time it occurred, how it was resolved, and by whom.

**22.52(2) Repair or replacement.** Repairs to voting equipment at the polls on election day shall be limited. If the problem cannot be easily resolved, a person who is authorized to do so by the commissioner shall replace the equipment as soon as possible. Two election officials, one from each political party, shall witness repair or replacement of any voting equipment, including memory cards. The authorized person making the repair or replacement and the two election officials shall sign a report of the incident.

**721—22.53 to 22.99** Reserved.

#### OPTICAL SCAN VOTING SYSTEMS

**721—22.100(52) Optical scan ballots, automatic tabulating equipment, and absentee voting.** The board of supervisors of any county may authorize, purchase and order the use of optical scan ballots and automatic tabulating equipment for voting at any or all of the polling places or for absentee voting within a county at any election.

**721—22.101(52) Definitions.** The definitions established by this rule shall apply whenever the terms defined appear in relation to an optical scan system used with the type of ballot defined in this rule.

*“Ballot”* means the official document that includes all of the offices or public measures to be voted upon at a single election, whether they appear on one or more optical scan ballots.

*“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.

*“Overvote”* means to vote for more than the permitted number of choices for any office or question on a ballot.

*“Secrecy envelope”* means a reusable envelope of sufficient construction that when the optical scan ballot is inserted in it all portions indicating voting marks are hidden from view.

*“Tabulating device”* means the portable apparatus which removes the optical scan ballot from the secrecy envelope, examines and counts the votes recorded on the optical scan ballot, and produces a paper printout of the results of the voting.

*“Ticket”* means each list of candidates nominated by a political party or group of petitioners.

*“Undervote”* means to vote for fewer than the permitted number of choices for any office or question on a ballot.

*“Voting system”* means the total combination of mechanical, electromechanical or electronic equipment (including the software, firmware and documentation required to program, control and support the equipment that is used to define ballots, to cast and count votes, to report or display election results and to maintain and produce any audit trail information). “Voting system” also includes the practices and associated documentation used to identify system components and versions of such components, to test the system during its development and maintenance, to maintain records of system errors and defects, to determine specific system changes to be made to a system after the initial

qualification of the system and to make available any materials to the voter such as notices, instructions, forms or paper ballots. (See Section 301(b) of HAVA.)

“*Voting target*” means the space on an optical scan ballot which the voter marks to cast a vote for a candidate, judge or question. This target shall be printed according to the requirements of the voting system to be used to read the ballots.

**721—22.102(52) Optical scan ballots.** The optical scan ballots shall be printed pursuant to Iowa Code chapters 43 and 49 and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the physical characteristics of the system.

**22.102(1)** The optical scan ballots may be printed on both sides of a sheet of paper. If both sides are used, the words “Turn the ballot over” shall be clearly printed in at least 24-point type (¼” high) on the front and the back of the optical scan ballot, at the bottom.

**22.102(2)** Printed at the top of the front side of the optical scan ballot shall be the name and date of the election; the words “Official Ballot”; a designation of the ballot rotation, if any; and a facsimile of the commissioner’s signature.

**22.102(3)** The voting target shall be printed opposite each candidate’s name and write-in line on the optical scan ballot, and opposite the “yes” and “no” for each public measure and judge. Wherever possible, the voting target shall be printed on the left side of the name or “yes” and “no”. The voting target shall be an oval unless the voting system requires a target with a different shape.

**22.102(4)** For partisan primary elections, the names of candidates representing each political party shall be printed on separate optical scan ballots. The ballots shall be uniform in quality, texture and size. The name of the political party shall be printed in at least 24-point type (¼” high) at the top of the ballot.

**22.102(5)** There shall be printed on the ballot a line to accommodate the initials of the precinct election official who endorses the ballot as provided in Iowa Code sections 43.36 and 49.82.

**22.102(6)** It is not necessary for public measures to be printed on colored paper.

**22.102(7)** Ballots shall be coded as necessary to allow the tabulation program to identify the appropriate ballots for the precinct. Ballots shall be coded so the tabulating device can identify by precinct the votes cast for each office and question on the ballot by precinct. The votes from the absentee and special voters precinct shall be reported as a single precinct. Identical ballots shall not be coded to identify groups of voters within a precinct.

**22.102(8)** No office, including a judicial office, or public measure on any ballot shall be divided to appear in more than one column or on more than one page of a ballot. If the full text of a public measure will not fit on a single column of the ballot, the commissioner shall prepare a summary for the ballot and post the full text in the voting booth as required by Iowa Code section 52.25.

**22.102(9)** Ballots shall be stored in a locked room or storage area. Access to the storage area shall be restricted to those persons identified in the election security plan. Throughout the election process, the commissioner shall keep accurate records of the number of each type of ballot or ballot style printed for the election. This record shall include the number of ballots:

- a. Ordered from the printer.
- b. Printed and delivered by the printer to the commissioner. The commissioner may store sealed, unopened packages of ballots without verifying the number of ballots in the package.
- c. Used for testing as required by Iowa Code sections 52.9 and 52.35 and rule 721—22.41(52).
- d. Held in reserve for emergencies as required by Iowa Code section 49.66.
- e. Delivered to and returned from the polling places as required by Iowa Code sections 49.65 and 50.10.
- f. Used for absentee voting, including any spoiled ballots.
- g. Issued as sample ballots to the public as permitted by Iowa Code section 43.30.
- h. Photocopied ballots used pursuant to Iowa Code section 49.67.
- i. Printed by the commissioner using any voting system program, such as Election Systems & Software’s Ballot on Demand program.

**721—22.103 to 22.199** Reserved.



## PRECINCT COUNT SYSTEMS

**721—22.200(52) Security.**

**22.200(1)** At least one tabulating device shall be provided at each precinct polling place for an election. If the tabulating device is delivered to the polling place before election day, it shall be secured against tampering or kept in a locked room.

**22.200(2)** The maintenance key or keys used to gain access to the internal parts of the tabulating device shall be kept in a secure place and in a secure manner, in the custody of the commissioner. On election day, the key used to obtain the paper printout shall be kept by the chairperson of the precinct election officials in a secure manner. Small electronic devices, such as memory cards, cartridges or other data storage devices used to activate tabulation equipment or to store election information, shall be in the custody of the precinct chairperson when the devices are not installed on the voting equipment.

**22.200(3)** If a password is needed for precinct election officials to have routine access to the tabulating device during election day, the password shall be changed for every election. The commissioner shall restrict access to the password in the written security policy.

**721—22.201(52) Programming and testing the tabulating devices for precinct count systems.**

**22.201(1)** All programming of tabulating devices shall be performed under the supervision of the commissioner. The devices shall be programmed to ensure that all votes will be counted in accordance with the laws of Iowa. Tabulating devices shall be programmed to return to the voter any ballots:

- a. That are not coded to be used in the precinct.
- b. That are read as blank.
- c. That have one or more overvoted offices or public measures.

**22.201(2)** Rescinded IAB 10/25/06, effective 10/4/06.

**721—22.202 to 22.220** Reserved.

**721—22.221(52) Sample ballots and instructions to voters.** Sample special paper ballots and printed instructions for casting votes on special paper ballots shall be prominently displayed in each polling place. Instructions shall also be displayed inside each voting booth. Each special paper ballot shall also include an example of the method of marking the ballot recommended by the manufacturer of the tabulating device. Further instructions shall be provided to any voter who requests assistance in accordance with Iowa Code section 49.90.

**721—22.222 to 22.230** Reserved.

**721—22.231(52) Emergency ballot box or bin.** Each precinct shall be furnished with an emergency ballot box or bin that is suitably equipped with a lock and key or numbered, tamperproof seal. In the event of power failure or malfunction of the tabulating device, voted ballots shall be deposited in the locked or sealed emergency ballot box or bin. A precinct election official shall put the ballot into the emergency ballot box or bin for the voter. The voted ballots so deposited may be removed from the locked emergency ballot box or bin and tabulated before the polls close whenever a properly functioning tabulating device becomes available, or the voted ballots so deposited may be removed and counted electronically or manually immediately after the polls are closed. If the ballots are counted manually, the precinct election officials shall follow the requirements of 721—Chapter 26.

**721—22.232(52) Manner of voting.** After the precinct election official has endorsed a ballot, the official shall instruct the voter to use only the marker provided. The ballot shall be inserted in a secrecy folder and given to the person who is entitled to receive the ballot in accordance with the provisions of Iowa Code section 49.77.

**22.232(1)** The precinct officials shall provide each voter with a secrecy folder. The commissioner may print basic ballot marking instructions on the secrecy folder. It is not necessary to print information on secrecy folders that will limit the usefulness of the secrecy folder to one or more elections or election

types. Upon receipt of the ballot in the secrecy folder, the voter shall retire alone to a voting booth and without delay mark the ballot.

**22.232(2)** The voter shall vote upon the ballot by marking the appropriate voting target with an appropriate pen or pencil in the manner described in the instructions printed on the ballot.

When a write-in vote has been cast, the ballot must also be marked in the corresponding voting target in order to be counted.

**22.232(3)** After marking the ballot, the voter shall replace it in the secrecy folder and leave the voting booth at once.

**22.232(4)** The voter shall at once deposit the ballot, still enclosed in the secrecy folder, in the tabulating device so that the ballot is automatically removed from the secrecy folder, the votes tabulated, and the ballot deposited in the ballot box.

**22.232(5)** If the tabulating device is equipped with a mechanism that will not permit more than one ballot to be inserted at one time, the voter may insert the ballot into the tabulating device. If the tabulating device cannot detect and reject multiple ballots, the voter shall be required to hand the ballot in the secrecy folder to the precinct election official without revealing any of the marks on the ballot. The precinct election official shall at once deposit the ballot in the manner described in subrule 22.232(4).

**22.232(6)** If the tabulating device returns a ballot, the precinct official attending the device shall ask the voter to wait. Without examining the ballot, the official shall enclose the returned ballot in a secrecy folder. If necessary, the official shall read to the voter the information provided by the device about the reason the ballot was returned. The official shall offer the voter the opportunity to correct the ballot. The precinct official shall mark the returned ballot “spoiled” and shall also tear or mark the ballot so that the tabulating device cannot count it. The voter may use the spoiled ballot as a guide for marking the corrected ballot. After the voter has marked the corrected ballot, the precinct officials shall collect the spoiled ballot and keep it with other spoiled ballots.

**22.232(7)** If the voter who cast the returned ballot is not available, or declines to correct the ballot, the precinct official shall not mark the ballot “spoiled.” Either the voter or the official shall reset the tabulating device to accept the ballot. The voter, or the official if the voter has gone, shall insert the ballot into the precinct counter without further examination.

**721—22.233 to 22.239** Reserved.

**721—22.240(52) Results.** After the polls are closed and the tabulating device has processed all of the ballots, including any ballots from the emergency ballot box or bin, the precinct election officials shall:

**22.240(1)** Unlock the tabulating device and obtain a paper printout showing the votes cast for each candidate and public measure.

**22.240(2)** Fasten the paper printout to the official tally sheet.

**22.240(3)** Unlock or remove the seal on the ballot box or bin containing ballots with write-in votes and open it. The precinct officials shall remove the ballots and manually count the write-in votes as required by 721—Chapter 26. The officials shall record the write-in votes in the tally list. A single tally list is sufficient for use when tabulating write-in votes.

**22.240(4)** Seal all ballots in a transfer case to be returned to the commissioner in accordance with Iowa Code section 50.12.

**22.240(5)** It is not necessary for the precinct officials to separate primary election ballots by political party.

**721—22.241(52) Electronic transmission of election results.** If the equipment includes a modem for the electronic transmission of election results, the precinct officials may transmit the results after a printed copy has been made. If the voting system includes a data card, cartridge or other small device that contains an electronic copy of the election results, the precinct chairperson shall secure the device and ensure its safe delivery to the commissioner.

**721—22.242 to 22.249** Reserved.

**721—22.250(52) Absentee voting instructions.** Printed instructions shall be included with the ballot or ballots given to or mailed to each absentee voter. Written instructions to the voter shall be sent with every absentee ballot. For federal elections, the commissioner shall use only the instructions provided by the state commissioner.

**721—22.251(52) Absentee voting instructions.** Rescinded IAB 11/23/05, effective 12/28/05.

**721—22.252 to 22.259** Reserved.

**721—22.260(52) Specific precinct count systems.** Additional rules are provided for the following systems approved for use in Iowa. Rule 721—22.261(52) applies only to the voting system indicated and is in addition to the general provisions set forth in rules 22.200(52) through 22.250(52).

**721—22.261(52) Election Systems & Software Model 100—preparation and use in elections.**

**22.261(1) Security.** The commissioner shall have a written security plan for the voting system. Access to equipment, programs and passwords shall be limited to those persons authorized in writing by the commissioner. The security plan shall be reviewed at least annually.

*a.* Passwords used at the polling places on election day shall be changed for each election.

*b.* The control key for the Model 100 shall be in the possession of the precinct chairperson during election day.

**22.261(2) Configuration choices.** The following selections are mandatory for all elections:

*a.* Maximum number of votes. The following description for each office shall be used: “Vote for no more than xx.” Do not include “vote for” language for public measures or judges.

*b.* Ballot format. The voting target shall be printed on the left side of the candidate’s name and on the left side of each “yes” and “no” choice for public measures and judges. The voting target shape shall be an oval.

*c.* Ballot control. In an official election, the commissioner shall never program the Model 100 for unconditional acceptance of all ballots; shall not divert blank ballots to the write-in bin; and shall always accept undervoted ballots. The system shall be programmed to query the voter in each of the following situations:

(1) Overvoted ballot.

(2) Blank ballot.

(3) Unreadable ballot.

*d.* Unit control. The commissioner shall not select automatic transmission of election results by modem. The precinct officials must print the official results at the polling place before transmitting them.

*e.* Reports. The following are required reports:

(1) Opening the polls. Print the Zero Certification report.

(2) Closing the polls. Print the poll report before transmitting the election results by modem. The poll report is the official record of the votes cast in the precinct on election day.

(3) Certification text to appear at the end of the poll report:

We, the undersigned Precinct Election Officials of this precinct, hereby attest that this tape shows the results of all ballots cast and counted by the M100 Optical Scan tabulation device at this election. This is [not] the complete record of the ballots in the precinct. [Another set of results from the iVotronic direct recording electronic voting machine device must be added to these results for the complete results of this precinct.]

[print lines for each of the officials to sign]

Precinct Election Officials Date: \_\_\_\_\_ Time: \_\_\_\_\_

*f.* Reopen polls. The commissioner shall enable this option, but protect it against unauthorized use. If it is necessary to reopen the polls, the chairperson of the precinct board shall contact the commissioner for the password.

*g.* The commissioner shall not authorize automatic transmission of the election results immediately after closing the polls. The results shall be printed first.

**22.261(3) Ballot printing.** The voting target shall be an oval printed on the left side of the candidate's name and the "yes" and "no" choices for judges and public measures.

*a. Format.* The office title, instructions about the maximum number of choices the voter can make for the office, the candidate names and all write-in lines associated with each office on the ballot shall be printed in a single column on the same side of the ballot. All text and the "yes" and "no" choices for each public measure and for each individual judge on a ballot shall be printed in a single column on the same side of the ballot. No office or public measure or judicial office on any ballot shall be divided to appear in more than one column or on more than one page of a ballot.

*b. Instructions for voters.* The following instructions shall be printed on ballots:

(1) Voting mark. To vote, fill in the oval next to your choice.

 CANDIDATE NAME

 CANDIDATE NAME

(2) Straight party voting. To vote for all candidates from a single party, fill in the oval in front of the party name. Not all parties have nominated candidates for all offices. Marking a straight party vote does not include votes for nonpartisan offices, judges or questions.

(3) Public measures.

Notice to voters. To vote to approve any question on this ballot, fill in the oval in front of the word "Yes". To vote against a question, fill in the oval in front of the word "No".

**22.261(4) System error messages.** Precinct election officials shall be provided with the following list of system error messages and the appropriate responses. The officials shall be instructed to contact the commissioner or the commissioner's designee for all other messages.

**Overvoted ballot returned.** Ask voter to reinsert ballot. If the ballot is returned again, do not look at the voter's ballot. Put it in a secrecy folder. Tell the voter that for one or more offices the scanner read more votes than the maximum number of votes allowed. To correct the error, the voter must mark a new ballot and may copy votes from the original ballot. Only if the voter agrees to mark a new ballot, write "spoiled" on the original ballot and tear off one corner to prevent it from being accepted by the scanner. Advise the voter to return to the booth and mark the new ballot. Be sure to collect the spoiled ballot before the voter leaves.

**Overvoted ballot accepted.** This message will appear when the scanner accepts an overvoted ballot.

**Unidentified mark—check your ballot.** One or more marks on the ballot are not dark enough to be seen as a vote. Do not look at the voter's ballot. Put it in a secrecy folder and return the ballot to the voter. Ask the voter to review the ballot and to darken the marks. Then the voter may put the ballot back into the scanner.

If any of the following messages appear more than twice for the same ballot, call the auditor's office to report the problem:

100—MISSED ORIENTATION MARKS/Turn Ballot Over and Try Again.

101—MISSED TIMING MARKS/Turn Ballot Over and Try Again.

102—NO DATA FOUND/Please Reinsert Ballot After Beeps.

104—ORIENTATION SKIP ERROR.

106—MISSED TIMING MARKS/Turn Ballot Over and Try Again.

If any of the following messages appear, ask the voter to remove the ballot and reinsert it. If the same message appears more than twice for the same ballot, call the auditor's office to report the problem.

107—BALLOT ERROR: INVALID CC SEQUENCE.

108—BALLOT ERROR: INVALID CC TYPE.

109—BALLOT ERROR: INVALID CC SPLIT.

115—MISSED BACK ORIENTATION MARK/Turn Ballot Over and Try Again.

119—MULTIPLE BALLOTS DETECTED/Please Reinsert Ballot After Beeps. Did the voter actually try to put an extra ballot in? Is the ballot folded?

123—UNABLE TO READ TIMING BAND/Turn Ballot Over and Try Again.

124—BALLOT DRAGGED/Turn Ballot Over and Try Again.

126—BLACK CHECK: FACE DOWN HEAD EDGE/Turn Ballot Over and Try Again.

127—BLACK CHECK: FACE DOWN TAIL EDGE/Turn Ballot Over and Try Again.

128—BLACK CHECK: FACE UP HEAD EDGE/Turn Ballot Over and Try Again.

129—BLACK CHECK: FACE UP TAIL EDGE/Turn Ballot Over and Try Again.

130—POSSIBLE FOLDED BALLOT/Turn Ballot Over and Try Again.

**22.261(5) Preelection testing.** The voting equipment shall be tested as part of the preparation for each election.

*a.* Test decks generated by the Ballot on Demand test deck program are not sufficient. These decks do not include tests for straight party voting or handling overvotes.

*b.* Ballots of every ballot style printed for the election shall be tested to ensure that they are correctly printed and can be read by the scanner.

*c.* Each Model 100 shall be tested publicly before use in any election following the requirements of rules 22.41(52) and 22.42(52).

**22.261(6) Record retention.** The Model 100 uses a thermal printer. The maximum anticipated life span of the results from each Model 100 is only five years. In order to preserve the permanent record of the precinct results required by Iowa Code section 50.19, the commissioner shall print a copy of the results of each precinct on permanent paper and store these copies with the tally lists from precincts where the Model 100 was used.

**22.261(7) Using iVotronic and Model 100 in the same polling place.** The officials shall print the vote totals from each machine after all ballots have been entered. The results from the two devices shall be added together at the polls on election night. The officials shall put each tape in the tally list. The officials may send the results from each device separately if the commissioner has authorized electronic transmission of the results.

**22.261(8) to 22.261(19) Reserved.**

**22.261(20) AutoMARK Voter Assist Terminal (VAT).** AutoMARK VAT is an electronic vote-marking device certified for use only with the Election Systems & Software Unity 2.5 voting system, including the M100 precinct count optical scanner and the Model 650 central count optical scanner. It shall not be used with any other version of an Election Systems & Software voting system or with any another voting system.

*a.* Acceptance testing. Upon receipt of the equipment from the vendor, the commissioner shall subject each AutoMARK VAT to a thorough acceptance test. The test shall be in addition to any testing provided by the vendor and shall include a demonstration of all functionalities of the device.

*b.* Audio ballot preparation. Each candidate shall have the opportunity to provide a record of the proper pronunciation of the candidate's name. The same voice shall be used for the entire ballot including instructions, office titles, candidate names and the full text of all public measures.

*c.* Preelection testing. Each AutoMARK VAT shall be tested thoroughly before each election in which it will be used. The commissioner may use the AutoMARK VAT to prepare some ballots for test decks required by 721—22.42(52). In addition, the commissioner shall:

(1) Perform the test ballot print, then review the ballot to be sure that all ovals are darkened and the appropriate names are printed on each line.

(2) Calibrate the touchscreen.

(3) Test all functions and select, then deselect each voting position in each race.

(4) Verify that overvote and undervote functions are programmed correctly.

(5) Test the write-in function for each office on one ballot, and test all of the letters in the alphabet.

(6) Using the audio ballot function, use each function to mark one ballot.

(7) Tabulate the marked ballots from this test on the appropriate Model 100 or Model 650.

(8) Ensure that the AutoMARK VAT is available for demonstration at public tests.

*d.* Compact flash memory cartridge or memory card. The compact flash memory cartridge is programmed for each election and holds the offices, candidates and other information necessary to provide the correct ballot for each voter who will be using the AutoMARK VAT. The compact flash memory cartridge shall be installed before the AutoMARK VAT is locked, sealed and shipped to the polling place for election day. In addition to locking the memory cartridge access door, the commissioner shall seal the door with a numbered seal, record the seal number, and provide the number to the precinct election officials as required by 721—22.51(52). Between delivery to the polling place

and the time the precinct officials arrive, the AutoMARK VAT shall be stored securely to prevent tampering. On election day, the precinct election officials shall inspect the seal and verify that the original numbered seal is present and undamaged. The commissioner shall not provide the election officials with keys to the memory cartridge access door.

*e.* Print cartridge. For primary and general elections, the commissioner shall install a new print cartridge in each AutoMARK VAT. For all other elections, the commissioner shall determine whether a previously used cartridge has been in storage longer than the manufacturer's recommendation and that the cartridge contains enough ink to last all day. The commissioner shall consider the number of votes that may be cast on each ballot, the number of registered voters in each precinct where the AutoMARK VAT will be used, and the anticipated voter turnout for that precinct. The compartment containing the print cartridge shall be sealed following installation of the print cartridge. The precinct election officials shall be provided with the seal number and shall verify on election morning that the seal is present and undamaged.

*f.* Calibration testing. The commissioner shall provide for printer and screen calibration to be tested after delivery of the AutoMARK VAT to the polling place. The delivery staff shall complete the test before the polls open on election day. The delivery staff shall keep a log for each AutoMARK VAT and record the machine serial number, the precinct name or number, date and time of the test, the name of the person performing the test and the lifetime printer counter number at the completion of the test. The ballot to be used in the calibration test shall be provided to the tester. It shall be labeled with the precinct name and election date. The completed calibration test ballot shall be returned to the commissioner and kept with the election records.

*g.* AutoMARK VAT keys. The mode switch key is used to turn on the AutoMARK VAT and to enable the device for voting. Each key for the AutoMARK VAT shall be labeled. Possession of the keys shall be restricted to precinct election officials and authorized members of the commissioner's staff. Possession of the keys shall be monitored. The precinct election official shall sign a receipt when the official receives the key. The commissioner shall sign a receipt when the official returns the key. The receipts shall be kept with the official records of the election. The commissioner shall maintain a log of the keys in the possession of the commissioner's staff members.

*h.* Table. The table used to support the AutoMARK VAT shall meet the following requirements: The table shall be sturdy enough to hold the 40-pound AutoMARK VAT safely without wobbling. Knee clearance shall be at least 27 in (685 mm) high, 30 in (760 mm) wide, and 26 in (660 mm) deep. The top of the table shall be from 28 in to 34 in (710 mm to 865 mm) above the floor.

*i.* Privacy shield. The commissioner shall provide each AutoMARK VAT with a privacy shield to protect the secrecy of each voter's ballot. The commissioner shall instruct the precinct election officials to position the AutoMARK VAT to provide maximum access for voters (especially voters who use wheelchairs), as well as privacy.

*j.* If a voter or precinct election official discovers that a voter has left the AutoMARK VAT without printing the voter's ballot, the two election officials designated to assist voters shall print the ballot without reviewing the ballot or making any changes, enclose the ballot in a secrecy folder and immediately deposit the ballot in the ballot reader.

#### **721—22.262(52) Diebold Election Systems' AccuVote-OS precinct count device.**

**22.262(1) Security.** The commissioner shall have a written security plan for the voting system. Access to voting equipment, programs and passwords shall be limited to those persons authorized in writing by the commissioner. The security plan shall be reviewed at least annually.

*a.* Passwords used at polling places shall be changed for each election.

*b.* For each election, the precinct chairperson shall be responsible for the custody and security of the control card and ballot box keys and the security of the voting system.

**22.262(2) Configuration choices.** The following selections are mandatory for all elections:

*a.* Reject settings shall be configured as follows:

(1) Return to voters ballots that include one or more overvoted races and blank-voted ballots. Include on the override log the number of times the override option was used for overvoted and blank-voted ballots.

(2) Divert to the write-in ballot bin only ballots with write-in votes.

(3) Do not include reject settings for blank voted races, undervoted races, straight party overvotes, multiparty overvotes or duplicate votes.

*b.* Tally settings shall be as follows:

(1) The straight party shall be “Exclusive.”

(2) The write-in setting shall be “Combined.”

**22.262(3)** *Zero totals reports.*

*a.* Long form zero totals reports showing all counters at zero shall be printed following memory card programming, before counting ballots in the Pre-Election Mode and as the ballot reader is opened on election day.

*b.* The election day zero totals report shall be printed twice. The first copy shall be posted in the polling place for public inspection as required by 721—subrule 22.201(2). The second copy shall remain inside the ballot scanner and form a continuous record of the election with the election results report.

**22.262(4)** *Ballot printing.* Although the Diebold Election Systems’ GEMS voting system software includes choices for variations in ballot layout, all ballots shall be prepared according to the requirements of Iowa Code sections 43.26 through 43.29 and 49.30 through 49.48. For all elections the voting target shall be an oval printed on the left side of each choice on the ballot.

**22.262(5)** *Preelection testing.* All voting equipment shall be tested pursuant to the provisions of Iowa Code section 52.30 and rule 721—22.42(52) and 721—subrule 22.201(2). At the commissioner’s discretion, the commissioner may conduct additional tests.

**22.262(6)** *Using AccuVote-OS and AccuVote TSX DRE in the same polling place.* After the polls are closed and all ballots have been inserted into the AccuVote-OS scanner, the precinct election officials shall print the results from both devices before transmitting the results by modem. The officials may add the results together and include the combined totals in the tally list.

**721—22.263 to 22.339** Reserved.

#### OPTICAL SCAN VOTING SYSTEM USED FOR ABSENTEE AND SPECIAL VOTERS PRECINCT

**721—22.340(52) Processing.** All scanners used to tabulate absentee and provisional ballots shall be configured to sort blank ballots and ballots containing marks in write-in vote targets for review by the resolution board. The scanners shall not be configured to sort ballots with overvotes. However, if it is not possible to configure the scanners used to count absentee ballots differently from those used at the polling places, the person operating the scanner shall override the scanner and accept overvoted ballots as they are processed. The resolution board shall follow the requirements of 721—subrule 26.2(2). The commissioner shall provide the resolution board with a copy of 721—Chapter 26, “Counting Votes.”

This rule is intended to implement Iowa Code section 52.33 as amended by 2007 Iowa Acts, Senate File 369, section 9.

**721—22.341(52) Reporting results from absentee ballots and provisional ballots.** Absentee and provisional ballot results shall be reported as a single precinct as required by subrule 22.102(7).

**721—22.342(52) Tally list for absentee and special voters precinct.**

**22.342(1)** Write-in votes shall be reported on a separate tally sheet which provides a column for the names of offices, a column for the names of persons receiving votes, space to tally the votes received, and a column in which to report the total number of votes cast for each person. In tally lists provided for primary elections, separate pages shall be provided to tally the write-in votes for each political party. Each member of the board who participated in the count shall attest to each tally sheet for write-in votes.

**22.342(2)** The officials shall certify the procedures followed. The certification shall be in substantially the following form:

## Absentee and Special Voters Tally Certificate

\_\_\_\_\_ County

We, the undersigned officials of the Absentee and Special Voters Precinct for this county, do hereby certify that all ballots delivered to the Board for this election were tabulated as shown in the attached report.

We further certify that a record of any write-in votes or other votes manually counted pursuant to Iowa Code chapter 52 is included in this Tally List, and that the numbers entered in the column headed "Total Votes" are the correct totals of all votes manually counted by us.

Signed at \_\_\_\_\_ on \_\_\_\_/\_\_\_\_/\_\_\_\_, \_\_\_\_:\_\_\_\_ a.m./p.m.

[signatures of officials] 1. \_\_\_\_\_  
2. \_\_\_\_\_ (etc.)

**22.342(3)** The record generated by the tabulating equipment shall be attached to or enclosed with the tally list and shall constitute the official return of the precinct.

This rule is intended to implement Iowa Code section 52.33 as amended by 2007 Iowa Acts, Senate File 369, section 9.

**721—22.343 to 22.349** Reserved.

**721—22.350(52) Election Systems & Software models.**

**22.350(1) Model 650.** The following ballot preparation selections are mandatory for all elections:

*a. Maximum number of votes.* The following description for each office shall be used: "Vote for no more than xx." Do not include "vote for" language for public measures or judges.

*b. Ballot format.* The voting target shall be printed on the left side of the candidate's name and on the left side of each "yes" and "no" choice for public measures and judges. The voting target shape shall be an oval.

**22.350(2) Model 100.** The Model 100 precinct count tabulating device may be used to count absentee ballots and provisional ballots.

**721—22.351(52) Diebold Election Systems' AccuVote-OS central count process.**

**22.351(1) Ballot preparation.** The commissioner shall follow the ballot preparation procedures in 721—subrule 22.262(3) prescribed for the system's precinct count device.

**22.351(2)** Reserved.

**721—22.352 to 22.430** Reserved.

## VOTING MACHINES

**721—22.431(52) Temporary use of printed ballots in voting machine precincts.** The county commissioner of elections shall furnish a supply of printed ballots to each precinct where direct recording electronic (DRE) voting machines are to be used for any election.

**22.431(1)** Conditions under which paper ballots shall be used. In any precinct in which voting machines are designated as the only method of voting for an election, a paper ballot shall be furnished to any person offering to vote under the provisions of Iowa Code sections 49.81 and 49.90 or to any person offering to vote if any of the following apply:

*a.* A power failure prevents use of the voting machines.

*b.* A malfunction occurs which prevents the use of one or more voting machines. If one or more additional DRE voting machines are available and functioning properly, they may be used in lieu of the paper ballot at the voter's option.

*c.* A malfunction occurs preventing one or more voting machines from producing the paper record required in 2007 Iowa Acts, Senate File 369, section 7, subsection 2. If one or more additional DRE voting machines are available and functioning properly, they may be used in lieu of the paper ballot at the voter's option.



*d.* A voter reports that the paper record shows different votes from those shown on the electronic screen. If this occurs, the precinct officials shall immediately shut down the DRE voting machine and contact the commissioner.

*e.* Any other condition exists due to a fault of the voting machine or machines which prevents the person or persons offering to vote at that precinct from casting their votes.

**22.431(2)** The ballots to be furnished by the county commissioner of elections shall be the same as the ballots used in carrying out the provisions of Iowa Code sections 49.81 and 49.90, and voting shall be in accordance with the provisions of the Code relating to paper ballots.

**22.431(3)** In the event any paper ballots are cast as provided in this rule, the chairperson and one other precinct election official, one of whom shall represent each of the political parties, shall place the folded, voted ballots in a closed container to be kept in a secure manner in a secure place.

**22.431(4)** Counting the ballots.

*a.* If the problem is corrected and the voting machine or machines are found to be usable before the voting machine is closed, the two precinct election officials responsible for the security of the paper ballots voted under these rules may open the closed container and record the votes which have been cast on the paper ballots on the voting machine or machines.

*b.* If it is not possible to record on the voting machine the votes on the printed ballots and the polling place does not have a precinct count optical scan device, the precinct election officials shall manually count the paper ballots in the manner provided in Iowa Code chapter 50 and as required by rule 721—26.61(49).

This rule is intended to implement Iowa Code section 49.28 as amended by 2007 Iowa Acts, Senate File 369, section 1.

**721—22.432(52) Abandoned ballots.** If a voter leaves the voting booth without casting the ballot, the precinct election officials shall cast the ballot without examining the face of the machine. This rule applies to all voting machines listed in 721—subrule 26.2(4).

**721—22.433(52) Prohibited uses for direct recording electronic voting machines.** No direct recording electronic voting machine shall be used for any of the following purposes:

**22.433(1)** In-person absentee voting pursuant to Iowa Code section 53.10 or 53.11.

**22.433(2)** Provisional voting pursuant to Iowa Code section 49.81.

**22.433(3)** Curbside voting pursuant to Iowa Code section 49.90.

**721—22.434(52) Audio ballot preparation.** The commissioner shall provide a nonvisual ballot for each election.

**22.434(1)** Each candidate shall have the opportunity to provide a record of the proper pronunciation of the candidate's name.

**22.434(2)** The same voice shall be used to present office titles, candidate names and public measures on the ballot. Instructions to the voter may be recorded using a different voice.

**721—22.435 to 22.460** Reserved.

**721—22.461(52) MicroVote Absentee Voting System.** Rescinded IAB 8/1/07, effective 7/13/07.

**721—22.462(52) Fidlar & Chambers' Absentee Voting System.** Rescinded IAB 10/30/02, effective 1/1/03.

**721—22.463(52) Election Systems & Software iVotronic.**

**22.463(1) Programming.**

*a.* The version of the iVotronic certified for use in Iowa does not include the voter-reviewable ballot record printing option. The commissioner shall not enable this option.

*b.* At least one iVotronic used in each polling place shall be prepared for audio ballot use.

**22.463(2)** *Instructions for write-in votes for paired offices.* The following instructions shall be included:

*a.* To write in a vote for President and Vice President, print the name of your choice for President first, followed by the name of your choice for Vice President.

*b.* To write in a vote for Governor and Lieutenant Governor, print the name of your choice for Governor first, followed by the name of your choice for Lieutenant Governor.

**22.463(3)** *Automated tests insufficient.* Automated tests included in the iVotronic system are not sufficient for preelection testing. The testing procedure prescribed in rule 22.39(52) shall be used in place of or in addition to the automated logic and accuracy test.

**22.463(4)** *Real time audit log (RTAL).* In counties where the RTAL is available, the commissioner shall use this feature in every election in which the iVotronic is used. The RTAL ballot records are the official ballots to be used in any recount of votes received on the iVotronic.

**721—22.464(52) Diebold Election Systems AccuVote TSX DRE.**

**22.464(1)** *Voter access cards.*

*a. Devices available.* There are three devices available to program the access cards necessary for voters to use the AccuVote TSX DRE.

(1) Voter Card Encoder is a small device designed for use at polling places. The Voter Card Encoder shall be attached to a lanyard and shall be worn at all times during the hours the polls are open by the precinct election official responsible for issuing voter access cards.

(2) VC Programmer is best suited for early voting, a process not authorized in Iowa law.

(3) The Electronic Pollbook has been approved for use in Iowa as a voter access card-encoding feature. It has not been tested with the Iowa voter registration system. The precinct election register features do not necessarily conform to Iowa law.

*b. Security.* Only the precinct election official assigned to issue voter access cards shall operate the access card-encoding device.

(1) The precinct election official shall receive a declaration of eligibility from the voter before issuing a voter access card.

(2) The precinct official shall program a voter access card when the voter who will use it is ready to vote and a voting machine is available.

(3) The official shall not program a voter access card before a voter is ready to use it.

**22.464(2)** *Ballots.* The AccuVote TSX DRE is designed to provide both visual and nonvisual ballots.

*a. Visual.* The commissioner shall prepare each AccuVote TSX DRE so that the voter does not need to view more than one screen to see all of the information and choices for any office or public measure. More than one office or public measure may be included on the same screen.

*b.* The Visually Impaired Ballot Station (VIBS) audio ballot feature of the AccuVote TSX DRE shall be prepared for each election.

**22.464(3)** *Machine preparation options.* The following settings shall be made for each election in which the AccuVote TSX DRE is used.

*a.* The commissioner shall not enable the following options:

(1) One Click Vote. When this option is enabled, the AccuVote TSX DRE automatically cancels all of the choices made by a voter for an office if the voter selects more than the maximum number of candidates permitted.

(2) Hide Instruction Page. When this option is enabled, the AccuVote TSX DRE does not display instructions for voting.

(3) Hide Summary Page. When this option is enabled, the AccuVote TSX DRE does not display the summary of the voter's choices after the voter has marked the last item on the ballot.

(4) Hide Jump Buttons. When this option is enabled, the AccuVote TSX DRE does not display the selection buttons that permit the voter to view instructions and the summary of choices made.

(5) VIBS Play All Candidates. When this option is enabled, the AccuVote TSX DRE audio ballot feature plays all of the choices for each office before the voter may select another office.

(6) Pollworker Audio. When this option is enabled, the AccuVote TSX DRE plays a tone to alert precinct election officials when the device is ready for a voter to make choices and again when the voter has completed voting and cast the ballot.

*b.* The commissioner shall enable the following options:

(1) Confirm Ballot. When this option is enabled, the AccuVote TSX DRE prompts the voter to review choices before casting the ballot.

(2) VIBS Race Keys. When this option is enabled, the voter may move to the next race or the previous one without hearing all choices for the race currently displayed.

(3) Warn Undervotes. When this option is enabled, the AccuVote TSX DRE warns the audio ballot user when the voter has made fewer than the maximum number of choices permitted for an office.

**22.464(4) *AccuView Printer Module (AVPM)*.** In counties where the AVPM is available, the commissioner shall use this feature. For elections held on or after November 4, 2008, Iowa law requires its use. The commissioner shall provide to a recount board any information stored in the AVPM canisters as provided in subrule 26.104(1).

*a.* The commissioner shall not enable the following options:

(1) Print Candidate IDs. When this option is enabled, the AVPM record will include identification numbers assigned to candidates in the ballot preparation process.

(2) Print Bar Codes. When this option is enabled, the AVPM ballot image tape will include bar codes for each choice made by the voter.

(3) Bar Code with Write-Ins. When this option is enabled, the AVPM ballot image tape will include bar codes for write-in votes.

*b.* The AVPM ballot image tape shall be printed separately from the official record of the zero totals report and the official election results. The official reports shall document the date and time when the report is printed and the serial number of the tabulating machine.

*c.* AccuView ballot images are not official ballots. They shall not be used in a recount.

*d.* Label.

(1) The commissioner shall provide a removable label for the AVPM canister. The label shall conform to substantially the following form:

Canister \_\_\_\_ of \_\_\_\_ [numbers to be entered after polls close]  
 AVPM Roll Canister for \_\_\_\_\_ Election held on \_\_\_\_\_  
 in \_\_\_\_\_ Precinct in \_\_\_\_\_ County, Iowa  
 Installed by: \_\_\_\_\_  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Removed by:  
 (D) \_\_\_\_\_  
 (R) \_\_\_\_\_  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Canister serial #: \_\_\_\_\_ Lock/Seal #: \_\_\_\_\_  
 Number of voters: \_\_\_\_\_

(2) If it is necessary to replace the paper in the AVPM during the hours the polls are open on election day, two election officials, one from each party, shall replace the paper. They shall not examine the tape. The label showing when the depleted paper tape was installed shall be removed from the canister and shall be used to mark the envelope or other container used to store the paper roll. This container shall be sealed. A new label shall be applied to the canister showing who installed the new paper roll and the date and time. Each official shall sign the new label on the canister.

*e.* After the polls close on election day, the precinct election officials shall remove the paper roll from each canister containing ballot images recorded during the election by following the procedure described in paragraph “*d*,” above. The sealed paper rolls shall be stored for 22 months after federal elections and for 6 months after all other elections. After the retention period has passed, the tapes shall

be destroyed without opening the envelope or other container, unless there is a recount or an election contest that requires a recount.

**721—22.465 to 22.499** Reserved.

**721—22.500(52) Blended systems.** When the commissioner orders the use of precinct count optical scan and direct recording electronic voting machines in the same precinct, both components of the blended system shall be certified as part of the same voting system.

**22.500(1) Accessible device.** At least one of the two components shall be accessible to persons with disabilities. However, any voter may use the accessible device whether or not the person is disabled.

**22.500(2) Encouraged use.** Precinct election officials shall encourage the use of both components to protect the secrecy of all ballots. A single ballot cast on a voting device is not a secret ballot.

**22.500(3) Combining totals.** If the two devices cannot produce a single, combined report of the results of the precinct, the precinct officials shall add the totals from both devices together at the polls on election night. Precinct officials may transmit the totals electronically in a separate report for each device. The commissioner shall combine the totals for each precinct before releasing any unofficial reports.

These rules are intended to implement Iowa Code chapter 52.

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