

721—26.105(50) Duties of commissioner and commissioner's staff.

26.105(1) *Ballot security.* The county commissioner (or the commissioner's designee) shall be responsible for the security of the ballots and shall supervise their handling. The commissioner shall ensure that the ballots are protected from alteration, damage or loss.

26.105(2) *Optical scan tabulation duties.* In counties with electronically tabulated optical scan ballots, the recount board may request that the ballots be recounted by machine, may count the ballots by hand, or may do both. The county commissioner or members of the commissioner's staff shall operate the tabulation equipment for machine recounts. The same program used on election day shall be used in the recount unless the program is believed or known to be flawed.

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