

**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.