

**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.