

721—26.104(50) Responsibilities of the recount board. Recount boards do not resolve procedural or legal questions about the conduct of the election or the qualifications of voters. The responsibility of a recount board is to tabulate all votes for the office in question on ballots that were counted by the precinct election officials at the election.

26.104(1) *Ballots to be recounted.* All ballots that were accepted for counting shall be recounted.

a. This includes disputed ballots returned separately pursuant to Iowa Code section 50.5.

b. This does not include spoiled ballots.

c. This does not include absentee or provisional ballots that were rejected before the ballot envelope was opened.

d. For direct recording electronic voting systems, the paper record required by 2007 Iowa Acts, Senate File 369, section 7, subsection 2, shall constitute the ballots for purposes of the recount. However, if the commissioner believes or knows that the paper records produced from a machine have been compromised due to damage, mischief, malfunction, or other cause, the printed ballot images produced from the internal audit log for that machine shall be the official record used in the recount.

26.104(2) *Ballot packages.* The recount board shall open only the sealed ballot containers from the precincts specified in the request to be recounted or from the precincts specified by the recount board. Ballots from precincts that are not included in the recount shall be kept sealed or kept separate from those being recounted.

26.104(3) *Standards.* A voter's definite choices shall be counted even if the recount board determines that the voter's choices differ from the votes as counted by the tabulating device. The recount board shall follow the standards for counting votes as prescribed by Iowa Code sections 49.92 to 49.99 and this chapter.

26.104(4) *Sealing ballot packages.* When the recount is completed, the ballots must be sealed in the same manner that ballots are required to be sealed on election night. The envelope or container must have across its opening a seal that is signed by all members of the recount board. The seal shall be applied so that the ballot package cannot be opened without breaking the seal.