

**721—21.25(50) Administrative recounts.** When the commissioner suspects that voting equipment used in the election malfunctioned or that programming errors may have affected the outcome of the election, the commissioner may request an administrative recount after the day of the election but not later than three days after the canvass of votes. The request shall be made in writing to the board of supervisors explaining the nature of the problem and listing the precincts to be recounted and which offices and questions shall be included in the administrative recount.

The recount shall be conducted by members of the special precinct board following the provisions of Iowa Code section 50.48 as amended by 2007 Iowa Acts, Senate File 369, section 3, Iowa Code section 50.49 and 721—Chapter 26. The recount board may use a computer program board which was not used in the election to compare with the suspected defective one.

If direct recording electronic voting machines were used in the election, the paper record required by 2007 Iowa Acts, Senate File 369, section 7, subsection 2, shall be used in 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. In addition to the external paper record, the internal audit log required by 2007 Iowa Acts, Senate File 369, section 7, subsection 1, paragraph “k,” shall be available for use in the recount and shall be used if the paper record has been compromised.

This rule is intended to implement Iowa Code section 50.48 as amended by 2007 Iowa Acts, Senate File 369, section 3, and Iowa Code section 50.49.