

**DEPARTMENT OF STATE**  
**BUREAU OF ELECTIONS**  
**ELECTRONIC VOTING SYSTEMS**

(By authority conferred on the secretary of state by section 794c of Act No. 116 of the Public Acts of 1954, being S168.794c of the Michigan Compiled Laws)

**R 168.771 Definitions.**

Rule 1. (1) As used in these rules:

(a) "Absent voter ballot card" means a ballot card attached to a backing that aids a voter to punch out the scored positions on the ballot card.

(b) "Accuracy test" means a test conducted to determine that the program and the computer being used to tabulate the results of the election count the votes in the manner prescribed by the act.

(c) "Act" means Act No. 116 of the Public Acts of 1954, as amended, being S168.1 et seq. of the Michigan Compiled Laws, and known as the Michigan election law.

(d) "Approved computer" means a manufacturer model which has been approved by the board of state canvassers to tabulate ballot cards in this state.

(e) "Ballot card" means a data processing card approved by the board of state canvassers.

(f) "Ballot label assembly" means the assembled unit containing ballot labels and mask.

(g) "Certifying board" means a board consisting of not less than 2 members of differing political party preference which certifies the precinct results on election night.

(h) "Chad" means the scored rectangular portion of the ballot card which is punched out of the ballot card by the voter when casting a vote.

(i) "Combination ballot card and write-in ballot" means a ballot card with a separate card attached to it by perforation and which contains instructions and spaces for write-ins. The write-in portion shall be of a size other than that of the ballot card.

(j) "Computer" means 1 or more pieces of automatic tabulating equipment which examines, tabulates, and counts votes recorded on ballot cards or magnetic tapes and prints results.

(k) "Console log" means a listing of the computer responses to program instructions and of instructions to the computer by the operator.

(l) "Correction tape" means a tape designed solely for use in correcting errors on data processing cards.

(m) "Demonstration ballot card" means a ballot card of a distinctive color used to instruct voters on the use of the voting device. The card shall have the word "DEMONSTRATION" printed or stamped on it.

(n) "Demonstrator model" means a voting device on which voters are instructed in the use of the device.

(o) "Duplicate ballot card" means a ballot card on which the word "DUPLICATE" is printed, stamped, or written and which is used to transfer a voter's valid selections from the original ballot card.

(p) "Edit listing" means a listing showing the names, rotation sequence, and ballot position numbers for each candidate and proposal as they appear in the program for each precinct.

(q) "End card" means a data processing card which instructs the computer that all ballots of a precinct have been counted.

(r) "Header card" means a data processing card which contains the necessary data to identify a precinct to the computer. A header card may be an end card for the preceding precinct.

(s) "Mask" means a piece of material with defined areas for each voting position, into which holes are punched corresponding only to the voting positions appearing on the ballot label.

(t) "Overvote" means a combination of votes, including write-in votes, which exceeds the number for which the elector is entitled to vote.

(u) "Program" means the operating instructions for a computer by which it examines, counts, tabulates, and prints the results of the votes cast on a ballot card.

(v) "Receiving board" means a board consisting of not less than 2 members of differing political party preference which receives the sealed transfer case from the precinct election inspectors.

(w) "Receiving station" means a site which is located at a building or place other than where the counting center is located.

(x) "Self-contained voting station" means a unit containing a voting device having curtains on not less than 3 sides and which, when assembled, creates an individual voting station.

(y) "Specialized computer" means automatic tabulating equipment constructed primarily for the purpose of tabulating ballots and printing results.

(z) "Spoiled ballot" means a ballot card which has been returned by a voter and for which a new ballot card has been issued.

(aa) "Template" means a piece of material containing precisely located holes, conical in shape and positioned so that a stylus tip can penetrate only the scored areas of the ballot card.

(bb) "Transfer case" means a metal container used for transporting and storing voted ballot cards. The container shall be capable of being sealed with a metal seal and be approved in the manner ballot boxes are approved pursuant to section 24j of the act.

(cc) "Valid punch" means a punch of a ballot card such that the chad is completely removed or is hanging by 1 or 2 corners.

(2) A term defined in the act has the same meaning when used in these rules.

History: 1979 AC.

## **R 168.772 General provisions.**

Rule 2. (1) The paper ballot procedures in the act shall be applicable in elections in which electronic voting systems are used, except where superseded by specific provisions of the act or these rules.

(2) A precinct in which electronic voting systems are used shall not contain more than the number of registered voters permitted by the act in a precinct using voting machines.

(3) Where the board of county commissioners provides for the purchase and use of an electronic voting system in a county, the county clerk shall have custody of the devices and be responsible for their maintenance, repair, and preparation for elections.

(4) Where the legislative body of a city, township, or village provides for the purchase and use of an electronic voting system, the clerk of the city, township, or village shall have custody of the devices and be responsible for their maintenance, repair, and preparation for elections.

(5) If a county owns the voting devices and the election is an election at which state or county offices or proposals are to be voted upon, or an election at which state, county, and local offices are to be voted upon, the county election commission shall provide programming and computer time and furnish the necessary supplies, including printing.

(6) If a county owns the voting devices and the election is an election at which only local offices and proposals are to be voted upon, the county election commission shall provide programming and computer time and furnish the necessary supplies, including printing, and the local unit shall reimburse the county for the costs of the supplies; or the local unit may agree with the county that the local unit shall perform the functions required by this rule to be performed by the county.

(7) If a city or township owns the voting devices and the election is an election at which state or county offices or proposals are to be voted upon, or an election at which state, county, and local offices and proposals are to be voted upon, the city election commission shall provide the devices, programming, and computer time, and the county election commission shall provide ballot cards, ballot envelopes, and the printing of the ballot labels. A city or township and a county may enter into a mutual agreement that the county shall provide programming or computer time, or both.

(8) If a city or township owns the voting devices and the election is an election at which only local offices and proposals are to be voted upon, the city or township election commission shall provide the devices, programming, computer time, ballot cards, ballot envelopes, and the printing of ballot labels. A city or township and a county may enter into a mutual agreement that the county shall provide programming or computer time, or both.

(9) A village or school district may contract with a city, county, or township for the use of voting devices, programming, and computer time.

(10) Notwithstanding any other provision of these rules, the election commissions of local units of government may enter into a mutual agreement for the joint use of a program and computer. The agreement shall state which local unit has control of the programs and computer. An agreement may be made with the county

election commission stating control of the program and computer shall be vested in the county clerk.

(11) For the purpose of these rules, when a school election is conducted and the school district is supplying the program, the term "election commission" means the secretary and president of the school board and the superintendent of the school district.

History: 1979 AC.

### **R 168.773 Preparation of program.**

Rule 3. (1) A program shall be written so as to accurately tabulate a voter's choices for each candidate, office, and measure for which the voter is lawfully entitled to vote, in conformity with the act and these rules.

(2) A program shall include an instruction requiring that 2 identical header cards precede the deck of ballot cards for each precinct. The program shall provide that if 2 identical header cards do not appear in front of the ballot cards of a precinct, the counting of ballots for that precinct shall not take place. In programs to be used on a specialized computer, 1 header card is required, unless the function of the header card is performed by the program.

(3) An end card shall follow the ballots of each precinct. The program may provide that if a header card contains instructions to the computer that all ballots of the preceding precinct have been counted, a separate end card is not required. In a program to be used in a specialized computer, an end card is not required.

(4) A program may be maintained by a generally accepted method, within the computer industry, of input or output or a combination of methods.

(5) Two edit listings shall be prepared and, not less than 3 days before the preliminary accuracy test, shall be delivered to the election commission responsible for supplying the program.

(6) The election commission responsible for supplying the program shall provide necessary information to the person or company designated to write or prepare the program.

(7) The program for an election and a duplicate copy shall be completed and delivered to the election commission responsible for supplying the program not less than 3 days before the preliminary accuracy test. A duplicate is not required where a specialized computer is used.

(8) If a program is written to be used on a general purpose computer, the person or company providing the program shall, at the time the program is delivered, submit to the election commission a certificate stating that the program was prepared from all relevant input data, describing the

procedures which were used to determine its accuracy, and stating that the program has been written pursuant to the act and these rules.

(9) The person preparing the program shall submit to the election commission responsible for supplying the program instructions containing the information and procedures required to operate the program. The election commission shall make the instructions available to the computer operators.

(10) The vote tabulation portion of the program shall be written:

(a) To reflect the rotation sequence of the candidates' names and ballot position numbers as they appear on the ballot labels in the various precincts.

(b) To count valid votes cast by a voter for candidates for an office.

(c) To count valid votes cast by a voter for or against any question.

(d) So as not to count votes cast by a voter for an office or question if the number of votes cast by a voter exceeds the number which the voter is entitled to vote for on that office or question.

(e) To ignore punches in a ballot card in positions where a candidate's name or questions do not appear on the official ballot. These punches shall not have an effect on the ballot.

(f) So that the partisan, nonpartisan, and proposal sections of the ballot are considered separate sections of the ballot. The action of a voter in 1 section of the ballot shall not affect the voter's action on another section of the ballot.

(11) For a partisan primary election, the vote tabulation section of the program shall be written:

(a) To determine if a voter has cast votes for candidates of more than 1 political party.

(b) To determine if a voter has cast votes for a candidate of 1 or more political parties and a vote in the "party qualification section" of the ballot.

(c) To count the votes when they are recorded by a voter for candidates of

1 political party only where a vote is not recorded in the "party qualification section" of the ballot; or to count the vote when it is recorded by the voter for 1 selection only in the "party qualification section" of the ballot and where a vote is not recorded for 1 or more partisan candidates, as in examples 1, 2, 3, and 4.

Example 1: Count a vote for candidates A and D.

Example 2: Count a vote for candidates F and G.

Example 3: Count a vote for party 4.

Example 4: Count a vote for candidate D.

**Figure for 168.773 (1-2)**

(1)

PRIMARY FOR PARTY 1		
OFFICE 1	CANDIDATE A	<input checked="" type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE B	<input type="checkbox"/>
	CANDIDATE C	<input type="checkbox"/>
OFFICE 2	CANDIDATE D	<input checked="" type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE D	<input checked="" type="checkbox"/>

  

PRIMARY FOR PARTY 2		
OFFICE 1	CANDIDATE E	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE F	<input type="checkbox"/>
	CANDIDATE G	<input type="checkbox"/>
OFFICE 2	CANDIDATE H	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE H	<input type="checkbox"/>

  

PARTY QUALIFICATION SECTION		
VOTE FOR NOT MORE THAN 1 PARTY	PARTY 3	<input type="checkbox"/>
	PARTY 4	<input type="checkbox"/>
	PARTY 5	<input type="checkbox"/>

(2)

PRIMARY FOR PARTY 1		
OFFICE 1	CANDIDATE A	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE B	<input type="checkbox"/>
	CANDIDATE C	<input type="checkbox"/>
OFFICE 2	CANDIDATE D	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE D	<input type="checkbox"/>

  

PRIMARY FOR PARTY 2		
OFFICE 1	CANDIDATE E	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE F	<input checked="" type="checkbox"/>
	CANDIDATE G	<input checked="" type="checkbox"/>
OFFICE 2	CANDIDATE H	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE H	<input type="checkbox"/>

  

PARTY QUALIFICATION SECTION		
VOTE FOR NOT MORE THAN 1 PARTY	PARTY 3	<input type="checkbox"/>
	PARTY 4	<input type="checkbox"/>
	PARTY 5	<input type="checkbox"/>

Figure for 168.773 (3-4)

(3)

PRIMARY FOR PARTY 1		
OFFICE 1	CANDIDATE A	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE B	<input type="checkbox"/>
OFFICE 2	CANDIDATE C	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE D	<input type="checkbox"/>

  

PRIMARY FOR PARTY 2		
OFFICE 1	CANDIDATE E	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE F	<input type="checkbox"/>
OFFICE 2	CANDIDATE G	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE H	<input type="checkbox"/>

  

PARTY QUALIFICATION SECTION		
VOTE FOR NOT MORE THAN 1	PARTY 3	<input type="checkbox"/>
PARTY	PARTY 4	<input checked="" type="checkbox"/>
	PARTY 5	<input type="checkbox"/>

(4)

PRIMARY FOR PARTY 1		
OFFICE 1	CANDIDATE A	<input checked="" type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE B	<input checked="" type="checkbox"/>
OFFICE 2	CANDIDATE C	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE D	<input checked="" type="checkbox"/>

  

PRIMARY FOR PARTY 2		
OFFICE 1	CANDIDATE E	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE F	<input type="checkbox"/>
OFFICE 2	CANDIDATE G	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE H	<input type="checkbox"/>

  

PARTY QUALIFICATION SECTION		
VOTE FOR NOT MORE THAN 1	PARTY 3	<input type="checkbox"/>
PARTY	PARTY 4	<input type="checkbox"/>
	PARTY 5	<input type="checkbox"/>

(d) To reject all votes cast in the partisan section of the ballot and the "party qualification section" of the ballot if votes are cast for candidates of more than 1 political party; or if votes are cast for candidates of 1 or more political parties and 1 or more votes are cast in the "party qualification section" of the ballot; or if more than 1 vote is cast in the "party qualification section" of the ballot, as in examples 5, 6, 7, 8, and 9.

Example 5: Count no votes.

Example 6: Count no votes.

Example 7: Count no votes.

Example 8: Count no votes.

Example 9: Count no votes.

Figure for 168.773 (5-7)

(5)

PRIMARY FOR PARTY 1		
OFFICE 1	CANDIDATE A	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE B	<input checked="" type="checkbox"/>
OFFICE 2	CANDIDATE C	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE D	<input type="checkbox"/>

PRIMARY FOR PARTY 2		
OFFICE 1	CANDIDATE E	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE F	<input type="checkbox"/>
OFFICE 2	CANDIDATE G	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE H	<input checked="" type="checkbox"/>

(6)

PRIMARY FOR PARTY 1		
OFFICE 1	CANDIDATE A	<input checked="" type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE B	<input type="checkbox"/>
OFFICE 2	CANDIDATE C	<input checked="" type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE D	<input type="checkbox"/>

PRIMARY FOR PARTY 2		
OFFICE 1	CANDIDATE E	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE F	<input type="checkbox"/>
OFFICE 2	CANDIDATE G	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE H	<input type="checkbox"/>

(7)

PRIMARY FOR PARTY 1		
OFFICE 1	CANDIDATE A	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE B	<input type="checkbox"/>
OFFICE 2	CANDIDATE C	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE D	<input type="checkbox"/>

PRIMARY FOR PARTY 2		
OFFICE 1	CANDIDATE E	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE F	<input type="checkbox"/>
OFFICE 2	CANDIDATE G	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE H	<input type="checkbox"/>

PARTY QUALIFICATION SECTION		
VOTE FOR NOT MORE THAN 1	PARTY 3	<input checked="" type="checkbox"/>
1	PARTY 4	<input checked="" type="checkbox"/>
PARTY	PARTY 5	<input type="checkbox"/>



**Figure for 168.773 (8-9)**

**(8)**

PRIMARY FOR PARTY 1		
OFFICE 1	CANDIDATE A	<input checked="" type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE B	<input checked="" type="checkbox"/>
OFFICE 2	CANDIDATE C	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE D	<input type="checkbox"/>

  

PRIMARY FOR PARTY 2		
OFFICE 1	CANDIDATE E	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE F	<input type="checkbox"/>
OFFICE 2	CANDIDATE G	<input checked="" type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE H	<input type="checkbox"/>

  

PARTY QUALIFICATION SECTION		
VOTE FOR NOT MORE THAN 1	PARTY 3	<input type="checkbox"/>
	PARTY 4	<input type="checkbox"/>
	PARTY 5	<input type="checkbox"/>

**(9)**

PRIMARY FOR PARTY 1		
OFFICE 1	CANDIDATE A	<input checked="" type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE B	<input type="checkbox"/>
OFFICE 2	CANDIDATE C	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE D	<input type="checkbox"/>

  

PRIMARY FOR PARTY 2		
OFFICE 1	CANDIDATE E	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE F	<input type="checkbox"/>
OFFICE 2	CANDIDATE G	<input type="checkbox"/>
VOTE FOR NOT MORE THAN 1	CANDIDATE H	<input type="checkbox"/>

  

PARTY QUALIFICATION SECTION		
VOTE FOR NOT MORE THAN 1	PARTY 3	<input checked="" type="checkbox"/>
	PARTY 4	<input checked="" type="checkbox"/>
	PARTY 5	<input type="checkbox"/>

(12) For a partisan general election, the vote tabulation section of the program shall be written as follows:

(a) A vote shall be counted for each candidate of the political party indicated by the voter's straight ticket vote, if any other vote does not appear on the partisan portion of the ballot, as in example 10.

**Figure for 168.773 (10-11)**

**(10)**

STRAIGHT PARTY TICKET		
VOTE FOR NOT MORE THAN 1	PARTY 1	<input checked="" type="checkbox"/>
	PARTY 2	<input type="checkbox"/>
	PARTY 3	<input type="checkbox"/>

  

OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE A	<input type="checkbox"/>
	PARTY 2 - CANDIDATE B	<input type="checkbox"/>
	PARTY 3 - CANDIDATE C	<input type="checkbox"/>
OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE D	<input type="checkbox"/>
	PARTY 2 - CANDIDATE E	<input type="checkbox"/>
	PARTY 3 - CANDIDATE F	<input type="checkbox"/>

**(11)**

STRAIGHT PARTY TICKET		
VOTE FOR NOT MORE THAN 1	PARTY 1	<input checked="" type="checkbox"/>
	PARTY 2	<input checked="" type="checkbox"/>
	PARTY 3	<input type="checkbox"/>

  

OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE A	<input type="checkbox"/>
	PARTY 2 - CANDIDATE B	<input type="checkbox"/>
	PARTY 3 - CANDIDATE C	<input type="checkbox"/>
OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE D	<input type="checkbox"/>
	PARTY 2 - CANDIDATE E	<input type="checkbox"/>
	PARTY 3 - CANDIDATE F	<input type="checkbox"/>

Example 10: Count a vote for candidates A and D.

(b) A vote shall not be counted if the voter has voted more than 1 straight ticket vote and another vote does not appear on the partisan section of the ballot, as in example 11.

Example 11: Do not count a vote for candidates of any party.

(c) When only 1 candidate is to be elected to an office and the voter has voted a straight party ticket and voted for individual candidates, a vote shall be counted for each of the individual candidates voted for, and for each candidate of the party for which the straight party vote was voted and individual votes for candidates of other parties were not voted, as in examples 12 and 13.

Example 12: Count a vote for candidates B and E.

Example 13: Count a vote for candidates B and D.

**Figure for 168.773 (12-13)**

(12)		(13)	
STRAIGHT PARTY TICKET			
VOTE FOR NOT MORE THAN 1	PARTY 1	<input type="checkbox"/>	
	PARTY 2	<input checked="" type="checkbox"/>	
	PARTY 3	<input type="checkbox"/>	
STRAIGHT PARTY TICKET			
VOTE FOR NOT MORE THAN 1	PARTY 1	<input checked="" type="checkbox"/>	
	PARTY 2	<input type="checkbox"/>	
	PARTY 3	<input type="checkbox"/>	
STRAIGHT PARTY TICKET			
OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE A	<input type="checkbox"/>	
	PARTY 2 - CANDIDATE B	<input checked="" type="checkbox"/>	
	PARTY 3 - CANDIDATE C	<input type="checkbox"/>	
OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE D	<input type="checkbox"/>	
	PARTY 2 - CANDIDATE E	<input checked="" type="checkbox"/>	
	PARTY 3 - CANDIDATE F	<input type="checkbox"/>	
STRAIGHT PARTY TICKET			
OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE A	<input type="checkbox"/>	
	PARTY 2 - CANDIDATE B	<input checked="" type="checkbox"/>	
	PARTY 3 - CANDIDATE C	<input type="checkbox"/>	
OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE D	<input type="checkbox"/>	
	PARTY 2 - CANDIDATE E	<input type="checkbox"/>	
	PARTY 3 - CANDIDATE F	<input type="checkbox"/>	

(d) When 1 or more candidates are to be elected to an office and the voter has voted 2 or more straight party tickets and the individual votes for partisan candidates, a vote shall be counted for each individual candidate voted for when the number of votes for that office does not exceed the number for which the voter is entitled to vote, as in examples 14, 15, and 16.

Example 14: Count a vote for candidates A and D.

Example 15: Do not count a vote for candidates of any party.

Example 16: Count a vote for candidate F.

**Figure for 168.773 (14-16)**

**(14)**

STRAIGHT PARTY TICKET		
VOTE FOR NOT MORE THAN 1	PARTY 1	<input checked="" type="checkbox"/>
	PARTY 2	<input type="checkbox"/>
	PARTY 3	<input checked="" type="checkbox"/>

OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE A	<input checked="" type="checkbox"/>
	PARTY 2 - CANDIDATE B	<input type="checkbox"/>
	PARTY 3 - CANDIDATE C	<input type="checkbox"/>
OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE D	<input checked="" type="checkbox"/>
	PARTY 2 - CANDIDATE E	<input type="checkbox"/>
	PARTY 3 - CANDIDATE F	<input type="checkbox"/>

**(15)**

STRAIGHT PARTY TICKET		
VOTE FOR NOT MORE THAN 1	PARTY 1	<input checked="" type="checkbox"/>
	PARTY 2	<input checked="" type="checkbox"/>
	PARTY 3	<input type="checkbox"/>

OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE A	<input checked="" type="checkbox"/>
	PARTY 2 - CANDIDATE B	<input checked="" type="checkbox"/>
	PARTY 3 - CANDIDATE C	<input type="checkbox"/>
OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE D	<input checked="" type="checkbox"/>
	PARTY 2 - CANDIDATE E	<input checked="" type="checkbox"/>
	PARTY 3 - CANDIDATE F	<input type="checkbox"/>

**(16)**

STRAIGHT PARTY TICKET		
VOTE FOR NOT MORE THAN 1	PARTY 1	<input type="checkbox"/>
	PARTY 2	<input checked="" type="checkbox"/>
	PARTY 3	<input checked="" type="checkbox"/>

OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE A	<input type="checkbox"/>
	PARTY 2 - CANDIDATE B	<input checked="" type="checkbox"/>
	PARTY 3 - CANDIDATE C	<input checked="" type="checkbox"/>
OFFICE VOTE FOR NOT MORE THAN 1	PARTY 1 - CANDIDATE D	<input type="checkbox"/>
	PARTY 2 - CANDIDATE E	<input type="checkbox"/>
	PARTY 3 - CANDIDATE F	<input checked="" type="checkbox"/>

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(e) When 2 partisan candidates are to be elected to the same office and the voter has voted a straight party ticket for 1 political party and has voted individually for 2 candidates of a different political party for that office, a vote shall be counted for each of the candidates for whom the individual votes were voted, but votes shall not be counted for the candidates of the party indicated by the voter's straight party selection for that office, as in examples 17, 18, and 19.

Example 17: Count a vote for candidates A, B, H, and I.

Example 18: Count a vote for candidates D, E, F, and G.

Example 19: Count a vote for candidates C, D, I, and J.

**Figure for 168.773 (17-18)**

(17)

STRAIGHT PARTY TICKET		
VOTE FOR NOT	PARTY 1	<input checked="" type="checkbox"/>
MORE THAN 1	PARTY 2	<input type="checkbox"/>
	PARTY 3	<input type="checkbox"/>

OFFICE	PARTY 1 - CANDIDATE A	<input type="checkbox"/>
	PARTY 1 - CANDIDATE B	<input type="checkbox"/>
VOTE FOR NOT	PARTY 2 - CANDIDATE C	<input type="checkbox"/>
MORE THAN 2	PARTY 2 - CANDIDATE D	<input type="checkbox"/>
	PARTY 3 - CANDIDATE E	<input type="checkbox"/>
OFFICE	PARTY 1 - CANDIDATE F	<input type="checkbox"/>
	PARTY 1 - CANDIDATE G	<input type="checkbox"/>
VOTE FOR NOT	PARTY 2 - CANDIDATE H	<input checked="" type="checkbox"/>
MORE THAN 2	PARTY 2 - CANDIDATE I	<input checked="" type="checkbox"/>
	PARTY 3 - CANDIDATE J	<input type="checkbox"/>

(18)

STRAIGHT PARTY TICKET		
VOTE FOR NOT	PARTY 1	<input checked="" type="checkbox"/>
MORE THAN 1	PARTY 2	<input type="checkbox"/>
	PARTY 3	<input type="checkbox"/>

OFFICE	PARTY 1 - CANDIDATE A	<input type="checkbox"/>
	PARTY 1 - CANDIDATE B	<input type="checkbox"/>
VOTE FOR NOT	PARTY 2 - CANDIDATE C	<input type="checkbox"/>
MORE THAN 2	PARTY 2 - CANDIDATE D	<input checked="" type="checkbox"/>
	PARTY 3 - CANDIDATE E	<input checked="" type="checkbox"/>
OFFICE	PARTY 1 - CANDIDATE F	<input type="checkbox"/>
	PARTY 1 - CANDIDATE G	<input type="checkbox"/>
VOTE FOR NOT	PARTY 2 - CANDIDATE H	<input type="checkbox"/>
MORE THAN 2	PARTY 2 - CANDIDATE I	<input type="checkbox"/>
	PARTY 3 - CANDIDATE J	<input type="checkbox"/>

Figure for 168.773 (19)

STRAIGHT PARTY TICKET		
VOTE FOR NOT	PARTY 1	<input checked="" type="checkbox"/>
MORE THAN 1	PARTY 2	<input type="checkbox"/>
	PARTY 3	<input type="checkbox"/>

OFFICE	PARTY 1 - CANDIDATE A	<input type="checkbox"/>
	PARTY 1 - CANDIDATE B	<input type="checkbox"/>
VOTE FOR NOT	PARTY 2 - CANDIDATE C	<input checked="" type="checkbox"/>
MORE THAN 2	PARTY 2 - CANDIDATE D	<input checked="" type="checkbox"/>
	PARTY 3 - CANDIDATE E	<input type="checkbox"/>
OFFICE	PARTY 1 - CANDIDATE F	<input type="checkbox"/>
	PARTY 1 - CANDIDATE G	<input type="checkbox"/>
VOTE FOR NOT	PARTY 2 - CANDIDATE H	<input type="checkbox"/>
MORE THAN 2	PARTY 2 - CANDIDATE I	<input checked="" type="checkbox"/>
	PARTY 3 - CANDIDATE J	<input checked="" type="checkbox"/>

(f) When 2 partisan candidates are to be elected to the same office and the voter has voted a straight party ticket for 1 political party and that party has 2 candidates for that office, and the voter has voted an individual vote for 1 candidate for that office in a different political party, a vote shall be counted only for the candidate for whom the individual vote was made. Under these conditions, a vote shall not be counted for a candidate for that office by virtue of the voter's straight party selection, as in examples 20, 21, 22, and 23.

Example 20: Count a vote for candidate C only.

Example 21: Count a vote for candidates A and B.

Example 22: Count a vote for candidates B and C.

Example 23: Count a vote for candidate E only.

**Figure for 168.773 (20-23)**

**(20)**

STRAIGHT PARTY TICKET		
VOTE FOR NOT	PARTY 1	<input checked="" type="checkbox"/>
MORE THAN 1	PARTY 2	<input type="checkbox"/>
	PARTY 3	<input type="checkbox"/>

OFFICE	PARTY 1 - CANDIDATE A	<input type="checkbox"/>
	PARTY 1 - CANDIDATE B	<input type="checkbox"/>
VOTE FOR NOT	PARTY 2 - CANDIDATE C	<input checked="" type="checkbox"/>
MORE THAN 2	PARTY 2 - CANDIDATE D	<input type="checkbox"/>
	PARTY 3 - CANDIDATE E	<input type="checkbox"/>

**(22)**

STRAIGHT PARTY TICKET		
VOTE FOR NOT	PARTY 1	<input checked="" type="checkbox"/>
MORE THAN 1	PARTY 2	<input type="checkbox"/>
	PARTY 3	<input type="checkbox"/>

OFFICE	PARTY 1 - CANDIDATE A	<input type="checkbox"/>
	PARTY 1 - CANDIDATE B	<input checked="" type="checkbox"/>
VOTE FOR NOT	PARTY 2 - CANDIDATE C	<input checked="" type="checkbox"/>
MORE THAN 2	PARTY 2 - CANDIDATE D	<input type="checkbox"/>
	PARTY 3 - CANDIDATE E	<input type="checkbox"/>

**(21)**

STRAIGHT PARTY TICKET		
VOTE FOR NOT	PARTY 1	<input checked="" type="checkbox"/>
MORE THAN 1	PARTY 2	<input type="checkbox"/>
	PARTY 3	<input type="checkbox"/>

OFFICE	PARTY 1 - CANDIDATE A	<input type="checkbox"/>
	PARTY 1 - CANDIDATE B	<input checked="" type="checkbox"/>
VOTE FOR NOT	PARTY 2 - CANDIDATE C	<input type="checkbox"/>
MORE THAN 2	PARTY 2 - CANDIDATE D	<input type="checkbox"/>
	PARTY 3 - CANDIDATE E	<input type="checkbox"/>

**(23)**

STRAIGHT PARTY TICKET		
VOTE FOR NOT	PARTY 1	<input checked="" type="checkbox"/>
MORE THAN 1	PARTY 2	<input type="checkbox"/>
	PARTY 3	<input type="checkbox"/>

OFFICE	PARTY 1 - CANDIDATE A	<input type="checkbox"/>
	PARTY 1 - CANDIDATE B	<input type="checkbox"/>
VOTE FOR NOT	PARTY 2 - CANDIDATE C	<input type="checkbox"/>
MORE THAN 2	PARTY 2 - CANDIDATE D	<input type="checkbox"/>
	PARTY 3 - CANDIDATE E	<input checked="" type="checkbox"/>



(g) When 2 partisan candidates are to be elected to the same office and the voter has voted a straight party ticket for 1 political party and that party has only 1 candidate for that office, a vote shall be counted for the party candidate for that office as in example 24, and if the voter has voted for a candidate of a different political party for that office, that vote shall be counted, as in example 25.

Example 24: Count a vote for candidate E.

Example 25: Count a vote for candidates B and E.

p>

**Figure for 168.773 (24-25)**

	(24)	(25)																										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><th colspan="3" style="text-align: center;">STRAIGHT PARTY TICKET</th></tr> <tr> <td style="width: 20%;">VOTE FOR NOT</td> <td style="width: 60%;">PARTY 1</td> <td style="width: 20%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td rowspan="2" style="vertical-align: middle;">MORE THAN 1</td> <td>PARTY 2</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>PARTY 3</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	STRAIGHT PARTY TICKET			VOTE FOR NOT	PARTY 1	<input type="checkbox"/>	MORE THAN 1	PARTY 2	<input type="checkbox"/>	PARTY 3	<input checked="" type="checkbox"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><th colspan="3" style="text-align: center;">STRAIGHT PARTY TICKET</th></tr> <tr> <td style="width: 20%;">VOTE FOR NOT</td> <td style="width: 60%;">PARTY 1</td> <td style="width: 20%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td rowspan="2" style="vertical-align: middle;">MORE THAN 1</td> <td>PARTY 2</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>PARTY 3</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	STRAIGHT PARTY TICKET			VOTE FOR NOT	PARTY 1	<input type="checkbox"/>	MORE THAN 1	PARTY 2	<input type="checkbox"/>	PARTY 3	<input checked="" type="checkbox"/>				
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	PARTY 1 - CANDIDATE A		<input type="checkbox"/>																									
	PARTY 1 - CANDIDATE B	<input type="checkbox"/>																										
VOTE FOR NOT	PARTY 2 - CANDIDATE C	<input type="checkbox"/>																										
MORE THAN 2	PARTY 2 - CANDIDATE D	<input type="checkbox"/>																										
	PARTY 3 - CANDIDATE E	<input type="checkbox"/>																										
	PARTY 1 - CANDIDATE A	<input type="checkbox"/>																										
	PARTY 1 - CANDIDATE B	<input checked="" type="checkbox"/>																										
VOTE FOR NOT	PARTY 2 - CANDIDATE C	<input type="checkbox"/>																										
MORE THAN 2	PARTY 2 - CANDIDATE D	<input type="checkbox"/>																										
	PARTY 3 - CANDIDATE E	<input type="checkbox"/>																										

(h) When a voter has voted a straight party ticket for a political party and has voted individual votes for members of that party only, a vote shall be counted for each candidate of that party. These conditions do not constitute an overvote, as in example 26.

Example 26: Count a vote for B and E.

**Figure for 168.773 (26)**

(26)

STRAIGHT PARTY TICKET		
VOTE FOR NOT	PARTY 1	<input type="checkbox"/>
MORE THAN 1	PARTY 2	<input checked="" type="checkbox"/>
	PARTY 3	<input type="checkbox"/>

  

OFFICE	PARTY 1 - CANDIDATE A	<input type="checkbox"/>
VOTE FOR NOT	PARTY 2 - CANDIDATE B	<input checked="" type="checkbox"/>
MORE THAN 1	PARTY 3 - CANDIDATE C	<input type="checkbox"/>
OFFICE	PARTY 1 - CANDIDATE D	<input type="checkbox"/>
VOTE FOR NOT	PARTY 2 - CANDIDATE E	<input type="checkbox"/>
MORE THAN 1	PARTY 3 - CANDIDATE F	<input type="checkbox"/>

History: 1979 AC.

**R 168.774 Preparation of ballots and ballot labels.**

Rule 4. (1) On a ballot card used after the effective date of these rules, the words "OFFICIAL BALLOT CARD" shall be printed on the face of the detachable stub. The ballot card shall have a corner cut on 1 corner.

(2) The following statement shall be printed or stamped on the back of the stub on official ballot cards in boldface capital letters:

STOP  
WRONG SIDE  
TURN CARD OVER

(3) The precinct or absent voter counting board number shall be printed, stamped, written, or punched on each ballot card used in an election to designate the precinct or county board from which it originated.

(4) A combination ballot card and write-in ballot to be used in an election shall be approved by the board of state canvassers.

(5) A ballot envelope to be used in an election shall be approved by the board of state canvassers and shall satisfy all of the following requirements:

(a) Be made of paper of a sufficient size, weight, and design to preserve the secrecy of the ballot card.

(b) Have an inner pocket into which the ballot card may be inserted.

(c) Display printed instructions as to the method of inserting the ballot card after voting, and if the ballot envelope is to be used for write-ins, shall display instructions and space for casting a write-in vote.

(6) The number of ballot cards and envelopes required to be printed and distributed to each precinct shall:

(a) For the general election, be a number equal to the number of registered voters as of the close of registration.

(b) For a primary election, be not less than a number equal to the total number of votes cast in the most recent corresponding primary election plus 25%.

(c) For a special or local election, be a number determined by the local clerk.

(7) A question, proposal, or proposition shall be placed last on the ballot label following the names of candidates and shall be placed in the following order: state, county, local. An exemption from this requirement may be obtained prior to the election from the secretary of state in writing.

(8) For a general election, the name of the party which a candidate represents shall be printed along with the name of the candidate.

(9) The names of candidates on ballot labels shall be rotated as follows:

(a) For a primary election, the names under each office shall be rotated when there are more names than there are candidates to be nominated for office.

(b) For a general election, the names of partisan candidates under the title of each office shall not be rotated.

(c) In any election, the names of nonpartisan candidates shall be rotated when there are more names than there are candidates to be elected for the office.

(d) Rotation shall be by precinct in the manner provided by law for voting machines.

(e) Rotation shall be throughout the local unit of government preparing the labels.

(f) When absent voter ballots are to be processed in the precinct, the rotation shall be the same as in that precinct.

(g) When absent voter ballot cards are to be processed by an absent voter counting board, the rotation may be either by precinct using each absent voter counting board as a separate precinct, or by individual ballot in the same manner as paper ballots. In the latter instance, the punch number assigned to a candidate which corresponds to the respective position number on the ballot card shall be rotated with the candidate's name.

(10) Voting instructions shall be printed on the first page of the ballot label. The ballot label shall contain instructions as to where the voter is to continue voting. Additional instructions which conform with the act may be printed on the ballot label.

(11) Absent voter instruction ballots which are used in conjunction with a ballot card shall be printed in plain, clear type and contain instructions for voting. There

shall be printed in boldface type alongside each candidate's name and the choice for each measure, a number which corresponds to the respective position number on the ballot card. The words "ABSENT VOTER INSTRUCTION BALLOT" shall appear at the head of the absent voter instruction ballot. An absent voter instruction ballot may be a facsimile of the ballot label used in the absent voter's precinct. Arrows placed on the ballot labels may be omitted from the absent voter instruction ballot.

(12) When a state office or question appears on the ballot, the county election commission shall forward to the secretary of state for approval 2 copies of an instruction ballot or ballot label, 2 copies of an absent voter instruction ballot including all instructions forwarded to absent voters, 2 copies of a ballot card, and 2 copies of a ballot envelope.

History: 1979 AC.

### **R 168.775 Preparation of voting device.**

Rule 5. (1) The clerk or an authorized assistant shall prepare each voting device pursuant to the provisions of the act and these rules.

(2) A voting device shall be identified with the precinct number in which it shall be used.

(3) A ballot label page used in the voting device shall be firmly attached for insertion and positioning in the ballot frame. A person shall not attach a ballot label by tape to a rod, or place a ballot label into a clear plastic envelope through which a rod is inserted.

(4) The ballot label assembly shall be inserted and sealed into each voting device so that the ballot label assembly cannot be removed without breaking the seal. Seals approved by the board of state canvassers shall be used for this purpose.

(5) The ballot label of each voting device of a precinct shall be compared against the edit listing and instruction ballot for the precinct to ascertain that the offices, candidates' names, and ballot position numbers are the same and appear in the same position.

(6) The ballot labels of each device shall be examined to ascertain that holes in the mask appear directly opposite each arrow, that other holes do not appear in the mask, and that the ballot labels are in proper sequence.

(7) An assembled voting device shall be tested to determine if it is operating properly.

(8) The identifying number of the voting device and the seal number used to seal the ballot label assembly to the device shall be recorded on the certificate in the poll book for the precinct in which the device is to be used. The clerk or an authorized assistant who sealed the device shall sign the certificate.

(9) When a voting device has been prepared for the election, the election commission, the clerk, or an authorized assistant shall execute a certificate in writing, which shall be filed with the election commission of the jurisdiction in which they are authorized to act. The certificate shall contain the precinct number, the identifying number of the device, and the number of the seal or seals used to seal the device, and state that the ballot labels have been compared against the edit list for that precinct

and that the candidates' names and ballot numbers agree and appear in the same position and that the device has been properly prepared and tested. If the certificate is signed by other than the election commission, the election commission or its authorized assistant shall be offered an opportunity to inspect the voting devices to determine whether they are properly prepared. In an election when state and county officers or measures are to be voted for, a duplicate certificate shall be filed with the county clerk.

History: 1979 AC.

**R 168.776 Preparation of official test deck.**

Rule 6. (1) The election commission providing the program or its authorized assistant shall prepare a test deck with predetermined results.

(2) The test deck shall consist of ballot cards of the same type to be used in the election with the word "TEST" stamped, printed, or written on each card.

(3) A document, record, chart, or listing shall be prepared indicating the punches recorded in the test ballot card. This documentation shall indicate each valid or invalid vote.

(4) In addition to other requirements of the act, a ballot card for use in the test deck for a partisan general election shall be prepared:

(a) So that each political party receives not less than 2 straight ticket votes and so that any 2 parties do not receive the same number of straight ticket votes.

(b) So that 2 or more parties receive straight ticket votes on 1 ballot.

(c) So that at least 1 of the ballots with a straight ticket vote for a party shall be individual punches for candidates of the same party, candidates of a different party, candidates for the same office of different parties, and nonpartisan candidates and proposals.

(d) In which punches appear in positions other than those used for candidates, proposals, or to indicate straight party voting.

(e) In which a punch does not appear.

(f) In which a punch appears in each position where a candidate or proposal appears on the ballot label.

(5) In addition to other requirements of the act, a ballot card for use in the test deck for a partisan primary shall be prepared:

(a) So that punches appear on the same ballot card for candidates of different political parties, along with candidates for nonpartisan offices and votes for proposals.

(b) So that punches appear on the same ballot card for candidates of 1 or more political party and a punch made in the "party qualification section" of the ballot, and shall include punches for nonpartisan offices and for proposals.

(c) So that more than 1 punch appears in the "party qualification section" of the ballot.

(6) When 2 or more valid punch positions exist in the combination of numbers listed below, each of the valid punch positions shall be punched into 1 or more ballot cards:

1-77-153	20-96-172	39-115-191	58-134-210
2-78-154	21-97-173	40-116-192	59-135-211
3-79-155	22-98-174	41-117-193	60-136-212
4-80-156	23-99-175	42-118-194	61-137-213
5-81-157	24-100-176	43-119-195	62-138-214
6-82-158	25-101-177	44-120-196	63-139-215
7-83-159	26-102-178	45-121-197	64-140-216
8-84-160	27-103-179	46-122-198	65-141-217
9-85-161	28-104-180	47-123-199	66-142-218
10-86-162	29-105-181	48-124-200	67-143-219
11-87-163	30-106-182	49-125-201	68-144-220
12-88-164	31-107-183	50-126-202	69-145-221
13-89-165	32-108-184	51-127-203	70-146-222
14-90-166	33-109-185	52-128-204	71-147-223
15-91-167	34-110-186	53-129-205	72-148-224
16-92-168	35-111-187	54-130-206	73-149-225
17-93-169	36-112-188	55-131-207	74-150-226
18-94-170	37-113-189	56-132-208	75-151-227
19-95-171	38-114-190	57-133-209	76-152-228

### 235 Position Ballot Card

21-78	40-117	1-97-136-156-176-196-216	22-79
41-118	2-98-137-157-177-197-217	23-80	42-119
3-99-138-158-178-198-218	24-81	43-120	
4-100-139-159-179-199-219	25-82	44-121	
5-101-140-160-180-200-220	26-83	45-122	
6-102-141-161-181-201-221	27-84	46-123	
7-103-142-162-182-202-222	28-85	47-124	
8-104-143-163-183-203-223	29-86	48-125	
9-105-144-164-184-204-224	30-87	49-126	
10-106-145-165-185-205-225	31-88	50-127	
11-107-146-166-186-206-226	32-89	51-128	
12-108-147-167-187-207-227	33-90	52-129	
13-109-148-168-188-208-228	34-91	53-130	
14-110-149-169-189-209-229	35-92	54-131	
15-111-150-170-190-210-230	36-93	55-132	
16-112-151-171-191-211-231	37-94	56-133	
17-113-152-172-192-212-232	38-95	57-134	
18-114-153-173-193-213-233	39-96	58-135	
19-115-154-174-194-214-234			
20-116-155-175-195-215-235			

(7) A duplicate of the test deck shall be prepared. The duplicate of the test deck may consist of standard data processing cards.

History: 1979 AC.

**R 168.777 Preliminary accuracy test.**

Rule 7. (1) The election commission providing the program or its authorized assistant shall conduct a preliminary accuracy test of the computers and programs for all precincts prior to the accuracy test.

(2) The preliminary accuracy test shall be conducted using the test decks prepared under the direction of the commission. For the purpose of this test, the test deck may be reproduced onto standard data processing cards.

(3) When an errorless count has been made for all precincts, the commission or its authorized assistant providing the program shall do all of the following:

(a) Secure the programs, test decks, and predetermined results in a metal container, which shall be sealed with a metal seal.

(b) Certify that all precincts have been tested using the test deck prepared under the direction of the commission and that the results agree with the predetermined results of the test deck. The certificate shall contain the number of the seal which was used to secure the program.

(c) Deliver programs, test decks, predetermined results, and the certificate to the clerk of the unit of government providing the program.

History: 1979 AC.

**R 168.778 Accuracy test.**

Rule 8. (1) The commission providing the program shall designate a time and place for an accuracy test, which shall be held not less than 5 days before the election.

(2) The accuracy test shall be conducted by an accuracy board, which shall be the election commission supplying the program. A member of the commission may designate a person to serve in his or her place on the accuracy board. A member of the commission who so designates a person to serve at the accuracy test shall notify the clerk before the test. The clerk of the commission or the designated representative of the clerk shall be chairperson.

(3) Members of the accuracy board shall be present at the accuracy test.

(4) The clerk in charge of the program may limit the number of persons who may be in the computer room and the duration of their stay in the computer room.

(5) The initial testing of the computers and programs shall be with the test deck prepared under the direction of the commission. The number of precincts to be tested shall be determined by the accuracy board. The members of the accuracy board may prepare or cause to have prepared additional ballot cards to be included in the test deck.

(6) Each program and test deck shall be tested on the computer on which it is to be used for the election.

(7) After demonstrating the accuracy of the programs and computers, the following persons may prepare test ballot cards for testing:

(a) A member of a board of canvassers which shall certify all or part of the election or a designated representative.

(b) The county chairperson of each political party appearing on the ballot or a designated representative.

(c) A candidate whose name appears on the ballot or a designated representative.

(d) A representative from each group interested in a proposal or measure who has informed the commission in writing of that person's intent to participate in the testing procedure. The number of cards each eligible person is allowed to prepare shall be determined by the accuracy board, except that an eligible person shall not be limited to less than 10 cards.

(8) The commission supplying the program shall provide the following items at the accuracy test:

(a) An edit listing.

(b) Test ballot cards.

(c) At least 1 set of ballot labels or sample ballots for each precinct.

(9) If an error is detected in the testing, the cause shall be ascertained, the error shall be corrected, and an errorless count shall be made for all precincts. If determined by the accuracy board, the meeting may be adjourned to a time and date certain.

(10) The secretary of state or a designated representative may provide a test deck for a program. If so, it shall be delivered at the accuracy test. At the discretion of the secretary of state, it may be used in place of, or in addition to, the test deck prepared by the commission.

(11) The accuracy board shall certify the accuracy of the test. The certification may be attached to, or written on, the computer results of the accuracy test.

(12) The accuracy board shall secure all programs, test decks, certified computer results of the test, and the predetermined results in a metal container, which shall be sealed with a metal seal in a manner so that the container cannot be opened without breaking the seal. Attached to or inside the container shall be a certificate describing its contents and on which the number of the seal has been recorded. The certificate shall be signed by the members of the accuracy board and, if attached to the container in a plastic envelope, it shall be attached in such a manner that it cannot be removed without breaking the seal.

(13) The accuracy board shall immediately deliver to the clerk in charge of the election the metal case containing the programs and test decks. The clerk shall retain and secure the programs.

History: 1979 AC.

### **R 168.779 Preparation and delivery of election supplies.**

Rule 9. (1) The clerk of the unit of government providing the voting devices or an authorized assistant shall place into a transfer case the ballot cards for each precinct. The transfer case shall be secured with a metal seal and contain a certificate



signed by the clerk or an authorized assistant setting forth the number of ballots in the case and that the ballots were counted and sealed by the clerk or by an authorized assistant. Ballot cards not issued to a precinct or assigned for absentee voting shall be secured and accounted for by the clerk. The clerk shall maintain a record of the number of ballot cards and serial numbers issued to each precinct. The ballot cards shall be delivered to the chairperson or a member of the board of inspectors of the proper precinct.

(2) Precinct supplies shall include the following items:

(a) An edit listing for the precinct.

(b) A pencil for each voting device.

(c) A set of instructions for operating the precinct on election day.

(d) An envelope labeled "SPOILED BALLOT CARDS".

(e) An envelope labeled "ORIGINAL BALLOT CARDS FOR WHICH DUPLICATES HAVE

BEEN MADE FOR ANY REASON" if the duplication is to be done at the precinct.

(3) If the precinct header card is sent to the precinct, it shall be contained in an envelope for that purpose and included in the transfer case for the precinct.

(4) The voting devices, demonstration voting devices, voting booths, ballot cards, ballot envelopes, transfer case, and all other necessary supplies shall be delivered to the precinct not later than 6:30 a.m. on election day.

(5) A ballot box shall be provided to each precinct for the deposit of voted ballot cards. The ballot box shall be capable of being locked or sealed during election day.

History: 1979 AC.

### **R 168.780 Election inspectors; duties prior to opening of polls.**

Rule 10. (1) Voting devices shall be used in voting booths or in self-contained voting stations.

(2) If voting devices are used in self-contained voting stations, the stations shall be arranged so that the secrecy of the ballot is not violated.

(3) The election inspectors shall do all of the following:

(a) Compare the seal number and identifying numbers on the devices with the numbers recorded in the poll book.

(b) Compare the names, proposals, and ballot position numbers printed on the ballot labels, edit listing, and precinct instruction ballot to ascertain that the offices, proposals, and candidate names are the same and appear in the same order on each.

(c) Verify that the ballot label pages are in the proper order.

(d) Check the mask to see that holes only appear directly opposite each arrow and that the arrow points directly to the hole opposite it.

(e) Place a demonstration card into each device and make a punch for each candidate and proposal on the ballot. The inspector shall examine the card to see that each candidate and proposition received a proper punch.

(f) Verify that there is a pencil provided for each device.

(g) Check each stylus to see that it is not broken.

(h) Determine that there is adequate lighting.

(4) In the event of a discrepancy, the election inspectors shall notify the clerk immediately and the voting device shall not be used until the discrepancy is resolved.

(5) The demonstration voting device shall be placed so as to afford each voter an opportunity to use it prior to voting.

History: 1979 AC.

**R 168.781 Conduct of election and manner of voting.**

Rule 11. (1) The election inspector having charge of the ballots shall deliver to the voter an official ballot card and envelope. The ballot card number shall be entered onto the application to vote at the time the card is issued. The name of the voter and ballot card number issued shall then be entered into the poll book and the voter number entered upon the application to vote.

(2) Upon being issued a ballot card and envelope, the voter shall enter a voting station and record his or her selections on the ballot card. Before leaving the booth, the voter shall insert the ballot card in the ballot envelope with the detachable stub on the outside and so that any part of the face of the voting portion of the ballot card is not exposed.

(3) The election inspector designated to receive the ballot from the voter shall ascertain by comparing the number on the ballot card with the number recorded on the poll list whether the ballot given to the inspector is the same ballot furnished to the voter. If it is the same ballot, the inspector shall remove the detachable stub and in the presence of the voter, deposit the ballot into the ballot box. If the ballot received is not the same ballot furnished to the voter, the ballot shall not be counted and the voter shall not be permitted to vote at the election. The ballot shall be marked void with the reason therefor and inserted in an envelope and placed in the transfer case. In any event, the ballot shall not be deposited with the valid voted ballots.

(4) If a voter is challenged, the election inspector shall do all of the following:

(a) Record the ballot number appearing on the stub onto the back of the ballot envelope.

(b) Cover the number with a slip of paper so as to conceal the number.

(c) Issue a ballot to the challenged voter who will vote and cast the ballot in the usual manner. If a combination ballot card and write-in ballot is used, the ballot number shall be recorded on the back of the write-in portion of the ballot and covered in the same manner as described in this rule.

(5) It shall not be necessary to identify the ballot of an assisted voter in the same manner as that of a challenged voter.

(6) The election inspectors shall frequently check the seals and ballot label pages of the voting devices to ensure that none have been altered or defaced. If the board finds that the ballot pages of a device have been altered, mutilated, or damaged in such a manner that the board cannot correct them without doing damage to the offices, names, and proposals appearing on the pages, the device shall not be used until the condition is corrected. A note of the occurrence shall be made in the remarks section of the poll book.

(7) A ballot card found in a booth or device shall be marked with the words "FOUND IN BOOTH." The card shall be placed in an envelope which shall be

placed in the transfer case. A note of the occurrence shall be made in the remarks section of the poll book.

History: 1979 AC.

**R 168.782 Election inspectors; duties after polls are closed.**

Rule 12.

(1) The ballot labels and seals of each voting device shall be inspected to ensure that they have not been altered and are intact and that seal numbers agree with the numbers as verified at the opening of the polls. A discrepancy shall be noted in the remarks section of the poll book.

(2) The election inspectors shall open the ballot box and remove the ballots. Prior to removing the ballots from their envelopes, they shall be counted to determine the total number. The inspector shall compare the total number counted with the number of names recorded in the poll book. If the ballots are in excess of the number of voters according to the poll lists and it is impossible to reconcile the number, 1 of the inspectors shall publicly remove as many ballots as shall be equal to the excess. The removed ballots, while still in their envelopes, shall be marked "EXCESS," placed in an envelope, and sealed. The board shall note on the outside of the envelope its contents and place it in the transfer case. A notation of the pertinent facts shall be made in the remarks section of the poll book. If the number of ballots counted is less than the number of voters according to the poll lists, the reason for the discrepancy shall be noted in the remarks section of the poll book. If the inspectors are unable to explain the discrepancy, they shall so state in the remarks section of the poll book. The inspectors' determination shall constitute conclusive and sufficient explanation for purposes of a recount.

(3) At an election where a candidate appears on the ballot, the election inspectors shall identify each ballot card and its corresponding official ballot envelope by utilizing a method of unique identification with each. Combination ballot card and write-in ballots shall be identified in a like manner.

(4) At the discretion of the clerk in charge of the election, the examination of ballot cards for damage, hanging chads, distinguishing marks made by the voter, and for indications of write-in votes may be done at the precinct or at the counting center.

(5) Any distinguished ballot shall be placed in an envelope on which the words "DISTINGUISHED BALLOT" shall appear. The envelope shall be placed in the transfer case. A notation of this occurrence shall be made in the remarks section of the poll book.

(6) When the ballot cards have been processed and checked, the inspectors shall determine that the number of ballot cards which they are submitting to the counting center for tabulation agrees with the number of names recorded on the poll lists less discrepancies for which notations have been made in the poll book. The number of ballot cards which are being submitted for tabulation shall be entered in the appropriate place on the certificate prepared by the election inspectors.

(7) The election inspectors shall prepare a certificate indicating the number of ballot cards issued to the precinct, number of ballot cards issued to voters, number of

spoiled ballot cards, and the number of unused ballot cards. The certificate shall be placed in the transfer case or included in the poll book.

(8) The election inspectors shall place into the transfer case for delivery, as directed, all of the following:

(a) Voted ballot cards.

(b) Ballot envelopes used in the election, unless they are placed and sealed in a separate metal container at which time they may be delivered to a place other than the counting center at the direction of the clerk.

(c) An envelope marked "ORIGINAL BALLOT CARDS FOR WHICH DUPLICATES HAVE BEEN MADE FOR ANY REASON" and containing those ballots, if used.

(d) An envelope containing spoiled ballot cards.

(e) Envelopes, with notations and contents, containing any other issued ballot cards which are not to be counted.

(f) A certificate signed by the inspectors indicating the number of ballot cards issued, spoiled, and unused, unless included in the poll book pursuant to subrule (7).

(g) The write-in tally return sheet, unless included in the poll book.

(h) Unused ballot cards, unless sealed in a separate container.

(9) The election inspectors shall sign a certificate of election inspectors in the poll book. The certificate shall state all of the following:

(a) The number of voters who voted as shown by the poll list.

(b) That the challenged and disabled voter list is correct.

(c) That prior to opening the polls, each device was examined and found to be sealed with metal seals bearing the same numbers as certified by the election commission.

(d) That the ballot labels were in their proper places and conformed to the instruction ballots.

(e) That the position of candidate names and ballot numbers on the ballot labels was the same and appeared in the same position as indicated on the edit listing.

(f) That at the close of the polls, each device was examined and found to be sealed with the same numbers as verified at the opening of the polls and that the ballot labels were in their correct position.

(g) That the poll lists were compared, that the mistakes found in the lists were corrected, and that the poll lists are corrected and agree with each other or that exceptions are noted in the remarks section of the poll book.

(h) The number of ballot cards submitted for tabulation.

(i) That if the number of ballots being submitted for tabulation does not agree with the number of voters as indicated by the poll list, the discrepancy is noted in the remarks section of the pole book.

(j) That ballot cards have been identified to their corresponding ballot envelopes.

(k) That ballot cards required to be duplicated by the election inspectors have been properly duplicated.

(l) That write-in votes counted at the precinct have been properly recorded, that ballot cards, duplicated cards, and ballot envelopes used in the election have been placed in the transfer case and that the case was securely sealed with an official metal

seal in such a manner as to render it impossible to open the case without breaking the seal.

(m) The number of the seal used to seal the transfer case.

(10) The election inspector shall do either of the following:

(a) Place the poll book in the envelope, seal it with a red paper seal, and deliver it with or in the transfer case.

(b) Insert the poll book into the transfer case for delivery.

(11) If the space in 1 transfer case is inadequate, a second transfer case or metal container of a type approved by the board of county canvassers for the storage of ballots shall be used and the sealing and security handled in the same manner as the transfer case.

(12) The transfer case shall be sealed with a metal seal in a manner as to render it impossible to open the case or insert or remove ballots without breaking the seal. Attached to the transfer case by the seal shall be a transfer case identification tag indicating the date of election, the jurisdiction, the precinct, and the number of the metal seal used to seal the case. The seal number shall be recorded in the certificate of election inspectors in the poll book.

(13) The poll book and the transfer case containing the required items shall be delivered by 2 election inspectors to the location designated by the clerk.

History: 1979 AC.

### **R 168.783 Hanging chads.**

Rule 13. (1) A ballot card with a hanging chad shall be processed by not less than 2 election inspectors of differing political party preference.

(2) A ballot card with a hanging chad shall be processed as follows:

(a) When a chad is found attached to the card by 1 or 2 corners, the chad shall be removed by the inspector and the ballot card placed with the other ballot cards to be tabulated.

(b) When a chad is found attached to the card by 3 corners, the number not punched shall be circled on the original card. The original ballot card shall then be placed in the envelope for "ORIGINAL BALLOT CARDS FOR WHICH DUPLICATES HAVE BEEN MADE FOR ANY REASON" and the duplicated ballot card, if made, placed with the other ballot cards to be tabulated. A chad hanging by 3 corners may be covered with a piece of correction tape instead of being duplicated. The original ballot card, after being corrected, shall be placed with the other ballot cards to be tabulated.

History: 1979 AC.

### **R 168.784 Processing write-in ballots.**

Rule 14. (1) Write-in ballots shall be processed by not less than 2 election inspectors of differing political party preference.

(2) In processing write-in ballots, the election inspectors shall first determine if a voter has recorded a write-in vote on the designated place for write-in votes. A write-in

vote placed in any other space shall not be processed further, except that if there are more write-in votes than designated spaces, the voter may place additional write-in votes on the ballot envelope or on the combination ballot card and write-in ballot.

(3) The election inspectors shall next determine if the voter has recorded the following information for a write-in vote:

(a) The name of an office to be voted on at that election.

(b) The name of a candidate for that office.

(c) If a partisan primary, the name of a party appearing on the primary ballot.

(4) Write-in votes which do not state an appropriate office, a candidate's name, or for which the name of a party in a partisan primary is omitted shall not be processed further.

(5) The election inspectors shall next determine if the write-in vote has caused an overvote. A straight party ticket vote and a write-in vote for a partisan office is not an overvote. An individual punch for an office and a write-in for that office shall be considered an overvote, if the total exceeds the number of permitted choices for that office.

(6) Where a write-in vote is determined to meet the qualifications set forth in subrules (2) and (3) and an overvote does not exist, the election inspectors shall enter the candidate's name, the office, and if a partisan primary, the name of the party on the write-in tally return. The ballot card shall be placed with the other ballot cards for tabulation and the envelope containing the write-in vote shall be placed with the other envelopes used in the election.

(7) When a write-in vote is determined to meet the qualifications set forth in subrules (2) and (3) and an overvote exists, the election inspectors shall duplicate the original ballot card, omitting the punches for the office for which the write-in caused an overvote. A duplicate ballot card shall be placed with the original ballot cards to be tabulated. In place of duplication, correction tape may be used to cover up holes for an office for which the write-in caused an overvote. If correction tape is used, the original ballot card after being corrected shall be placed with the other ballot cards to be tabulated. The envelopes containing the write-in shall be placed with the other envelopes used in the election and a write-in shall not be recorded for the office which was overvoted.

(8) In a partisan general election, if the voter has voted a straight party ticket and has voted a write-in vote for a partisan office, the election inspectors shall duplicate the ballot card by omitting the straight party ticket punch and by punching a vote for every candidate of that party except for the office where a write-in vote was made. Correction tape shall not be used for this purpose. An alternate procedure may be used to count write-in votes when a straight ticket has been voted if the alternate system is presented to the secretary of state detailing the procedure and the secretary of state approves the procedure. The procedure shall only be approved for use in the units of government requesting use of the procedure. The secretary of state may rescind approval if at a later date it is determined that the procedure is not affording voters proper protection.

History: 1979 AC.

**R 168.785 Duplication of ballot cards.**

Rule 15. (1) When a ballot card is duplicated, the duplication process shall be performed by not less than 2 election inspectors of differing political party preference.

(2) A duplicate ballot card shall be marked "DUPLICATE # \_\_\_\_\_." The number to be recorded on the duplicate card shall be the same identifying number recorded on the original card by the precinct inspector. The precinct number shall be recorded on the duplicate card.

(3) A duplicate ballot card shall be compared against the original ballot card to ensure that it has been accurately duplicated.

(4) An original ballot card which required duplication shall be placed in the envelope marked "ORIGINAL BALLOT CARDS FOR WHICH DUPLICATES HAVE BEEN MADE FOR ANY REASON" and shall be placed in the transfer case for that precinct. The duplicated ballot cards shall be placed with the ballot cards to be tabulated.

History: 1979 AC.

**R 168.786 Absentee ballots; issuance, processing, and tabulation.**

Rule 16. (1) In a community in which electronic voting devices are used and absentee votes are cast on regular paper ballots, the absentee ballots shall be counted by absent voter counting boards as paper ballots.

(2) In a community in which electronic voting devices are used and absentee votes are cast on absent voter ballot cards, the absentee ballots may be sent to the proper precinct to be tabulated with the precinct ballot cards or to an absent voter counting board to be processed and tabulated as separate precincts.

(3) In a community using voting machines, absentee votes may be cast on absent voter ballot cards. The absentee ballots shall be sent to absent voter counting boards to be processed and tabulated as separate precincts.

(4) If the voter is to vote by means of an absent voter ballot card, the clerk shall prepare and issue an absent voter ballot packet consisting of the following:

(a) Absent voter ballot card.

(b) Punching tool.

(c) Absent voter instruction ballot.

(d) Ballot envelope for the voter to insert the voted portion of the ballot card after voting.

(e) Return envelope as required in section 761 of the act.

(f) A copy of section 758 of the act.

(g) Absent voting instructions prescribed by the secretary of state.

(5) If absent voter ballot cards are used and the voter fails to return a ballot card envelope, the inspectors shall place the ballot card into a ballot envelope in a manner as to preserve the secrecy of the ballot.

(6) If absent voter counting boards are used, certifications which are not relevant to the operation of an absent voter counting board may be omitted from the certificate of election inspectors in the poll book.

History: 1979 AC.

**R 168.787 Delegate to county convention.**

Rule 17. (1) When 1 or more cities or townships uses electronic voting devices, the board of county election commissioners may provide for the election of delegates to the county convention by means of electronic voting devices.

(2) In communities using electronic voting devices, when the names of candidates for the office of delegate have been printed on the ballot label, the following shall apply:

(a) The precinct inspectors and, when applicable, the absent voter counting board inspectors shall certify and forward the counting center certifying board the write-in votes received for the office of delegate to the county convention, the party for which each vote was cast, the registration status, and street address of each write-in for delegate.

(b) The clerk in charge of the election shall provide to the certifying board the street addresses of those candidates for delegates whose names are printed on the ballot label and, upon request, the registration status of a candidate receiving write-in votes for the office of delegate to the county convention.

(c) The counting center certifying board shall certify the election of delegates to the county convention from the computer results and the write-in certifications. The members of the counting center certifying board shall be deemed to be precinct inspectors of the various election precincts for this purpose.

(3) In communities using electronic voting devices and when the names of delegates have been printed on the ballot labels and absent voters vote for delegates by absent voter ballot card, the absent voter ballot cards may be sent for processing to absent voter counting boards. Absent voter ballots shall be processed and counted as follows:

(a) Absent voter ballot cards shall be identified as to precinct.

(b) Absent voter counting boards shall process the ballots by precinct.

(c) Absent voter counting board shall maintain and certify a separate poll list for each precinct which shall be transported to the counting center.

(d) The ballot cards shall be transported to the counting center in sealed transfer cases in the same manner provided for precinct ballot cards. A transfer case may contain the absent voter ballot cards for more than 1 precinct.

(e) At the counting center, the absent voter ballot cards of a precinct shall be placed with the ballot cards of its corresponding precinct and shall be tabulated and certified together.

(f) The absent voter precinct poll book shall be attached and become part of the precinct poll book.

(g) The transfer case containing the ballot cards may be delivered to the counting center by 2 inspectors appointed by the clerk.

History: 1979 AC.



**R 168.788 Receiving station.**

Rule 18. (1) At the option of the clerk in charge of the election, a transfer case may be delivered by the precinct inspectors to a receiving station instead of directly to the counting center. If a receiving station is used, the clerk shall appoint at least 1 receiving board.

(2) The clerk in charge of the election shall determine the number of precincts which may be received by a receiving station.

(3) Upon receipt of the transfer case from the precinct inspectors, the receiving board shall verify that the seal number on the transfer case is the same as that recorded by the election inspectors. The case shall then be opened and the receiving board shall determine whether it contains the ballot cards and other required items. A discrepancy in the seal number or contents shall be noted and explained in the poll book by the precinct inspectors delivering the transfer case.

(4) The receiving board shall issue a receipt for the transfer case to the election inspectors delivering the case. The receipt shall indicate in general terms the contents of the transfer case and be made in duplicate. The original copy shall be given to the inspectors delivering the transfer case and the duplicate retained for delivery to the clerk in charge of the election.

(5) The receiving board shall place the metal seal with which the case was originally sealed inside the transfer case and reseal the transfer case with an official metal seal. The number of the seal used to reseal the transfer case shall be recorded on the transfer case identification tag and the receiving station certificate portion of the poll book.

(6) The transfer case upon resealing shall contain the items required by these rules. Resealing shall be done in a manner as to render it impossible to open the case or remove or insert ballots without breaking the seal. The transfer case identification tag shall be attached to the transfer case by the seal.

(7) The receiving station certificate section of the poll book shall read substantially as follows:

RECEIVING STATION CERTIFICATE

We hereby certify that the transfer case, properly sealed, containing ballots for this precinct was received by the receiving board. The seal number agreed with the number recorded in the poll book.

We further certify that after examining the transfer case as to the contents, the original seal was placed inside the transfer case. The transfer case was then resealed with seal number \_\_\_\_\_.

(8) The receiving board shall complete and sign the certificate.

(9) Not less than 2 election inspectors of differing political party preference shall transport the transfer cases to the counting center.

History: 1979 AC.

**R 168.789 Counting center election inspectors; appointment.**

Rule 19. (1) If a counting center is used, the election commission of a local unit of government using that counting center shall appoint not less than 1 receiving board and 1 certifying board.

(2) If the county owns the devices and supplies the program, and when more than 1 local unit of government shares a computer center and a mutual agreement exists with the county as provided in R 168.772(10), the county election commission shall appoint not less than 1 receiving board and 1

certifying board. In this case, the county clerk shall be in charge of the counting center.

(3) An election commission may appoint a separate board for the purpose of examining, processing, and duplicating ballot cards. The board shall consist of not less than 2 members of differing political party preference.

(4) An election commission in charge of the computer counting center may appoint the same persons to the receiving, certifying, and other boards.

(5) The election commission supplying the program shall appoint a person knowledgeable and capable of operating the computer on which the ballots shall be tabulated. They may, in addition, appoint another person to observe the operation of the computer. These persons shall be considered election officials. When more than 1 local unit of government shares a computer and an agreement has been made with the county as provided in R 168.772(10), the election commission of the county shall make the appointments.

(6) The person who operates the computer used for tabulation of ballots shall not be the same person who prepared the computer program. This shall not preclude the clerk or the clerk's authorized assistant who prepares precinct control cards for use with a specialized computer from operating the computer.

(7) A member of a board of canvassers which certifies all or part of the election shall not serve on any board established under this rule.\

History: 1979 AC.

**R 168.790 Counting center; receiving, tabulating, and certifying ballots.**

Rule 20. (1) The certifying board shall determine that the seal number on the container containing the programs, official test deck, and predetermined results agree with those recorded in the certificate of the accuracy board.

(2) The certifying board shall test the program and computer as to accuracy prior to the tabulation of ballots and again after the last precinct has been counted, and shall certify the results. The accuracy test shall be conducted using the official test deck prepared under the direction of the election commission and certified by the accuracy board. The certifying board shall use the same test as was conducted by the accuracy board. The certifying board shall ascertain that their results agree with the results as certified by the accuracy board. The computer results of the certifying board accuracy test shall be identified as to date and time they were conducted. The certifying board shall certify that the required tests have been performed. This certificate shall be placed under seal with the program, test deck results, and other required materials and shall be delivered to the clerk in charge of the election.

(3) The certifying board may periodically during the tabulation of ballots test the program and computer, using the official test deck.

(4) A console log of the ballot tabulation shall be maintained and, at the completion of the count and accuracy test, certified by the computer operator and any observer appointed by the election commission. The console log shall be delivered to the clerk in charge of the election. If the computer used to tabulate the ballots is not capable of generating a console log, then a manual log of any abnormal events shall be maintained.

(5) Upon receipt of the transfer case from the inspectors, the receiving board shall verify that the seal number on the transfer case is the same as that recorded by the election inspectors. The case shall then be opened and the computer center receiving board shall determine whether it contains ballot cards and other required items. A discrepancy in the seal number or contents shall be noted and explained in the remarks section of the poll book by the election inspectors delivering the transfer case.

(6) The computer center receiving board shall issue a receipt for the transfer case to the election inspectors delivering the case. The receipt shall indicate in general terms the contents of the transfer case and shall be made in duplicate. The original copy shall be given to the inspectors delivering the transfer case and the duplicate retained for delivery to the clerk in charge of the election.

(7) The computer center receiving board shall place the metal seal with which the case was sealed inside the transfer case. The receiving board shall complete the certificate in the poll book, which shall read substantially as follows:

#### RECEIVING BOARD CERTIFICATE

We hereby certify that the transfer case, properly sealed, containing the ballot cards for this precinct was received by the counting center receiving board. The seal number agreed with the number recorded on the transfer case identification tag and in the poll book.

(8) The clerk in charge of the election, the designated representatives of the clerk, the observer appointed by the election commission, computer personnel, data processing installation employees, authorized challengers, and the certifying board shall be allowed in the immediate area of the computer. The immediate area of the computer shall be defined by the clerk, but the clerk shall provide the public with a means of observing the computer.

(9) The clerk in charge of the election or the designated representative of the clerk shall be present in the computer room until the count is completed and all items required to be sealed have been sealed.

(10) The certifying board shall determine if the number of ballot cards tabulated by the computer agrees with the number of ballot cards submitted by the inspectors as indicated by the poll book. If a discrepancy exists, the board shall endeavor to correct it. If the discrepancy cannot be resolved, a notation of the pertinent facts shall be made in the remarks section of the poll book.

(11) The certifying board shall complete and certify a statement of returns in duplicate. The certificate of the statement of returns shall read substantially as follows:

#### STATEMENT OF RETURNS CERTIFICATE

We hereby certify that this is a statement of votes cast in this precinct as indicated by the tabulating equipment and that upon completion of the count, all ballots were placed in the transfer case, and that the case was sealed with seal number \_\_\_\_\_, and that the seal number was recorded in the poll book.

(12) Precinct inspectors may serve as members of the certifying board at the discretion of the clerk in charge of the election.

(13) Upon the completion of the count of a precinct, the ballot cards shall be returned to the transfer case. The transfer case shall be sealed with a metal seal in a manner as to render it impossible to open the case or insert or remove ballots without breaking the seal. If the transfer case is identified as to political unit and precinct, the transfer case identification tag shall be placed in the transfer case. If not, the transfer case identification tag shall be attached to the transfer case by means of a seal.

(14) The seal number used to seal the transfer case shall be recorded on the certificate in the poll book and on the statement of returns.

(15) The precinct statement of returns and poll books shall be delivered to the persons authorized by statute to receive them. If permitted by the clerk of the board of canvassers, precinct statements of returns from 1 or more precincts and poll books may be included in a single envelope or package.

(16) The secretary of state or the clerk in charge of the counting center may require that a manual count of 1 or more offices or proposals in a precinct be conducted by the certifying board prior to certification of the computer-tabulated results for that precinct. If the manual count and the computer-tabulated results do not agree, the certifying board shall not certify the results until the discrepancy has been reconciled.

(17) After the last precinct has been counted and the final accuracy test has been conducted, the certifying board shall secure all programs, test decks, certified results of accuracy tests, and other related material in a metal container, which shall be sealed with a flat metal seal in a manner so that the container cannot be opened without breaking the seal. Attached to the container shall be a certificate describing the contents and on which the number of the seal has been recorded. The certificate shall be signed by the members of the certifying board.

(18) The clerk in charge of the election shall secure the container containing the programs, test deck, accuracy test results, and other related materials, and the original edit listing until 30 days following the certification of the election if a recount has not been requested or until a date prescribed by the secretary of state.

(19) Ballots used at an election may be destroyed after 30 days following the final determination of the board of canvassers with respect to the election, unless their destruction has been stayed by an order of a court or the secretary of state. Ballots

shall not be released for examination, review, or research unless prior approval is obtained by the board of state canvassers.

History: 1979 AC.

**R 168.791 Challengers at counting center.**

Rule 21. Challengers designated pursuant to section 730 of the act may be at the counting center and a receiving station, including 1 challenger for each separate receiving, ballot inspection, duplicating, and certifying board and for each computer being used to tabulate the ballots.

History: 1979 AC.

**R 168.792 Canvass.**

Rule 22. (1) A board of canvassers may, for reasonable cause, require the person who prepared the program to appear before the board, to bring documents pertinent to the program, and to answer questions relevant to the program.

(2) A board of canvassers may, for reasonable cause, require the person having the custody of the program to appear with the program before the board. A board of canvassers may conduct a test to determine the accuracy of the program.

(3) After testing, if it is found that the program which was used to tabulate the ballots produced incorrect returns, a board of canvassers may require the person who prepared and supplied the program to correct the portions of the program found to be in error and submit to it a corrected program to be used to retabulate the ballots. In that event, an accuracy test shall be held under the direction of the board of canvassers at which time the corrected program shall be tested and certified as provided in these rules. The ballots of the precincts shall be retabulated using the corrected program in the same manner as prescribed in R 168.790. A board of canvassers may summon the certifying board which originally certified the returns to retabulate the ballots and make correct returns. The board of canvassers shall canvass the votes from the corrected returns.

(4) When an examination of documents or programs is completed or the ballots have been counted or retabulated, they shall be returned to the transfer case or containers and shall be sealed and delivered to their legal custodian. The number of the seal shall be recorded on a certificate to be filed with the clerk of the board of canvassers.

(5) When an election of a local unit of government is held at the same time as a county or state election and is to be certified by a local board of canvassers, that board shall not proceed under this rule until obtaining approval from the board of county canvassers.

History: 1979 AC.

**R 168.793 Recount.**

Rule 23. (1) In a recount of a precinct using an electronic voting system, rules promulgated by the board of state canvassers for use in recounts shall apply except where superseded by these rules.

(2) The ballots of a precinct shall be recountable unless any of the following conditions occur:

(a) The seal on the transfer case is broken or bears a different number than that recorded on the poll book, the breaking or discrepancy is unexplained, and security has not been preserved.

(b) The number of ballot cards and the number of voters shown on the poll list do not conform, and the difference cannot be explained to the satisfaction of the board of canvassers conducting the recount.

(c) The seal used to seal the ballot label assembly to a voting device in the precinct is broken or bears a different number than recorded, and the ballot labels or rotation of candidate names is different than that shown by the other devices in the precinct and records of the election commission.

(3) If a board of canvassers determines that the ballots of a precinct are not recountable, the original return of the votes for that precinct shall be taken as correct.

(4) A board of canvassers may conduct a recount by:

(a) A manual tally of ballot cards.

(b) A tabulation of the ballot cards on a computer using a program designated specifically to count only the offices or proposals being recounted.

(c) A tabulation of the ballot cards on a computer using the same program used on election day.

(d) A combination of subrule (4)(a), (b), and (c).

(5) If a computer is used in a recount, a board of canvassers shall test the program by use of a test deck to determine that the program accurately counts the votes for the offices or proposals being recounted.

History: 1979 AC.