Rules of
Elected Officials
Division 30—Secretary of State
Chapter 10—Voting Machines (Electronic)

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 10—Voting Machines
(Electronic)

15 CSR 30-10.010 Definitions

PURPOSE: This rule provides definitions of terms in addition to those found in Chapter 115, RSMo for the conduct of elections.

(1) Election authority shall mean the county clerk or board of election commissioners. The election authority shall be the chief custodian of the electronic voting system and its components and shall be responsible for the proper maintenance and all necessary preparation for elections. The election authority is authorized to appoint as many custodians as deemed necessary and is permitted by law.

(2) Electronic voting system is a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or electronic data processing equipment.

(3) Automatic tabulating equipment shall mean a system consisting of a mechanical or photoelectric ballot card reader, or both, an electronic central processing unit and visually readable tabulated results of the voters' markings on the ballot card. Integral to the system is a capacity to determine the number of ballots processed and the votes cast on each candidate and each ballot question by precinct, jurisdiction total and any other needed total such as ward or township. Absentee totals shall be determinable.

(4) Program shall mean the preprepared election computer program or the section of the computer program that contains the information for the particular election being tabulated. Additionally the term shall extend to all programs in the system including, but not limited to, system software, utilities software and compilers, which may be used during the operation of the application software which tabulates the ballots. The program may be stored on cards, tapes, discs, integrated circuits or other electronic, magnetic, optical or paper storage media.

(5) Ballot card is a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment. All types of automatic or electronic system ballots shall be known as ballot cards regardless of size or stock thickness.

(6) Ballot label is the card, paper, booklet, page or other material containing the names of all offices, candidates and questions to be voted on.

(7) Systems which use a single unit for the ballot card and the ballot label shall conform to the rules for both.

Auth: section 115.225, RSMo (1986).* Original rule filed March 31, 1972, effective April 14, 1972. Emergency rescission filed Oct. 5, 1982, effective Nov. 2, 1982. Emergency rule filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983. Amended: Filed Dec. 15, 1986, effective Feb. 28, 1987.

*Original authority 1977.

15 CSR 30-10.020 Certification Statements for New or Modified Electronic Voting Systems

PURPOSE: This rule provides that voting machine manufacturers file an initial affidavit stating that the voting machine complies with all applicable rules and laws and a second affidavit stating that when any changes are made in the system the voting machines ability to continue to comply with the applicable rules and laws will not be affected.

(1) As a prerequisite to approval from the secretary of state, each manufacturer or supplier of electronic voting systems or equipment shall have completed and submitted to the secretary of state a certification statement in substantially the same form as contained in section (4).

(2) If any modification, deletion or improvement to approved voting or tabulating equipment, procedures or systems is made, the manufacturer, programmer or supplier shall notify the secretary of state and a certification amendment statement shall be submitted.
   (A) No certification need be submitted if one (1) of the following conditions are met:
      1. The equipment is not a device which—
         A. Converts the intent of the voter into a data string, as an example, a card reader or scanner;
         B. Changes, interprets, converts, modifies or records the data string being transmitted from the ballot counter; or
         C. Manipulates data or the results of any data conversion into a report exclusive of the printer; or

      2. The software only monitors system operation.
   (B) Certificates from the software supplier or programmer shall always be submitted in the following cases when the additions could be used during the tabulating process:
      1. Installation of a new release of system software, utilities software, or both;
      2. Installation of new or expanded central processing units;
      3. Installation of additional random access or read only memory (RAM or ROM); and
      4. Installation of additional magnetic, electronic or optical data storage units.
   (C) All systems installed as of January 1, 1987 are approved in the configuration that existed as of that date.

(3) Manufacturer's certification statement shall be completed substantially as follows:

MANUFACTURER'S CERTIFICATION STATEMENT

I, _____ president of (electronic voting systems company) do hereby certify to Judith K. Moriarty, Secretary of State of Missouri, that the (*name of equipment*) electronic voting system will permit in accordance with section 115.225, RSMo:
   1. Voting in absolute secrecy;
   2. Each elector to vote at any election for all persons and offices for whom and for which s/he is lawfully entitled to vote;
   3. The automatic tabulating equipment to be set to reject all votes for any office or on any measure except write-in votes when the number of votes exceeds the number the voter is entitled to cast;
   4. Each elector to vote for as many persons for an office as s/he is entitled to vote for;
   5. Each elector to vote for or against any questions upon which s/he is entitled to vote; and to vote, by means of a single device, where applicable, for all candidates of one (1) party or to vote a split ticket as s/he desires.
   6. Each elector, at presidential elections, by one (1) punch or mark, to vote for the candidate of that party for president, vice-president and their presidential electors;
   7. The _____ electronic voting system complies with all other requirements of the election laws of the state of Missouri where they are applicable.

(Briefly describe the type of electronic voting system provided by _____, the means by which it meets the requirements of provisions 1.—6. and list the areas in which the system is in use.)

I do hereby certify that the above information is true and accurate this _____ day of _____ , 19 _____ .

_____
(President)

_____
(Name of Company)

The above signator _____ appeared before this _____ day of _____, 19 _____, and did personally sign this affidavit.

_____

My commission expires _____

(4) Compliance with this certification statement will assist this office when approval is requested for use of electronic voting systems in this state. After receiving this information, the secretary of state will schedule a meeting with the election official making the request to use electronic equipment and representatives of the voting equipment company to discuss approval of its use in Missouri.

(5) The certification amendment statement shall be completed substantially as follows:

AMENDMENT TO CERTIFICATION
STATEMENT

I, _____,
(Name)
_____
(Office)
_____ of
(Company) , do hereby certify to Judity K. Moriarty, Secretary of State of Missouri that the change outlined here will not affect the accuracy or legal operational requirements as outlined in section 115.225, RSMo   of
_____(Product)_____ .

(Briefly describe the change.)

_____

The above signator _____

appeared before me this _____

day of _____,

9 ____ and did personally sign this affidavit;

_____
(Name)

My commission expires _____

(6) No change in system software, utilities software, or both, may be made within thirty (30) days prior to an election in which the automated tabulating equipment will be used for the tabulating of ballots. In the event that system software, utilities software, or both, is to be changed within thirty (30) days after any election in which the automated tabulating equipment is used for the tabulating of ballots, the election authority shall have copies made of the original system software, utilities software, or both, and those copies shall be stored in the same manner as the ballots counted in that election.

Auth: section 115.225, RSMo (1986).* Original rule filed March 31, 1972, effective April 10, 1972. Amended: Filed April 7, 1978, effective July 13, 1978. Emergency amendment filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Amended: Filed Oct. 5, 1982, effective Feb. 11, 1983. Amended: Filed Dec. 15, 1986, effective Feb. 28, 1987.

*Original authority 1977.

15 CSR 30-10.025 Election Authority's Certification Statement

PURPOSE: This rule provides a method by which the election authority and the secretary of state are assured that the systems being purchased are approved for use in Missouri.

(1) No election authority shall authorize payment for software or hardware used for the tabulation of ballots unless the following actions have been taken:
  (A) They shall have on file in their office a copy of the letter of authorization from the secretary of state to the manufacturer of the equipment, software, or both, being purchased which states that the equipment, software, or both, is approved for use in Missouri; and
  (B) They shall have filed with the elections division of the Secretary of State's office a sworn statement that they do have the letter referenced in section (S) in their file and they believe that the software, equipment, or both, purchased is the same as that approved by the secretary of state.

Auth: section 115.225, RSMo (1986).* Original rule filed Dec. 15, 1986, effective Feb. 28, 1987.

*Original authority 1977.

15 CSR 30-10.030 Voter Education and Voting Device Preparation

PURPOSE: This rule provides for the conduct of voter education and voting device preparation.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Before elections in which an electronic voting system is to be used for the first time, the election authority shall conduct a public information program to acquaint voters who will be using the system with the manner in which ballots are voted and counted.

(2) Vote Recording Preparation—Polling Place. In addition to those supplies required for the conduct of elections generally, the election authority shall cause to have prepared and delivered to each polling place using the electronic voting system no later than forty-five (45) minutes prior to the opening of the polls, a sufficient quantity of the following:
  (A) Each polling place in a primary or general election shall be provided with at least one (1) voting device for each one hundred fifty (150) registered voters. A sufficient number of machines shall be provided for other elections. There shall always be one (1) extra specimen voting device per polling place for use in the instruction of voters. Exceptions to this regulation for specific elections may be granted upon application therefor to the secretary of state. In primary elections there shall be at least one (1) voting device for each eligible political party or ticket. The voting devices shall be put in order, set, adjusted and ready for voting when delivered to the polling places;
  (B) Ballot label assemblies for use on voting devices requiring ballot labels, in the format approved by the secretary of state, properly sequenced, mounted in each voting device supplied. The type of election and the date of election shall be plainly marked on the front cover of each ballot label assembly. In preparing a voting device for an election, it shall be arranged so that it will in every particular case meet the requirements for voting and counting at that election;
  (C) Ballot cards in the form required for processing by the electronic data processing equipment. The number of ballot cards supplied shall be sufficient to comply with section 115.247, RSMo;

1. The ballot card shall be in the format approved by the secretary of state. In the case of ballot cards of the 5081 size, the ballot stub and the ballot card shall not contain any common identifying mark, number or symbol which would permit them to be matched after having been detached in the voting process. Systems using larger sheets for ballot cards shall likewise be void of matching marks.

2. All arrows on the ballot label indicating where a voter may mark to designate his/her vote shall point to the center of the appropriate hole in the mask or the proper area for marking. All play in the ballot label of the 5081 size cards shall be limited so that the point of the arrow always points to the hole.

3. Demonstration ballot cards of a distinctive color, clearly marked for demonstration for use in the instruction voting device to educate the voter in the use of the system shall be supplied in such number as may be determined by the election authority.

4. Sample ballots, demonstration ballot cards or ballot labels which shall be exact copies of the official ballots except for wording indicating the sample status of the sheet.

5. All ballot cards shall be delivered to the polling places in a sealed package or container;

(D) Envelopes, sufficient in size to cover the voting area of the ballot card, if ballot cards of the 5081 format are used, made of stiff paper into which the ballot card is inserted by the voter after voting. The envelope shall cover the voting area of the ballot card and shall be of sufficient width to prevent insertion into a voting device. Ballot envelopes shall contain space so that the voter may cast write-in votes, if allowable for that election. The number of ballot envelopes shall equal the number of ballot cards supplied. Envelopes shall not be required in systems where the voter inserts the ballot card into the electronic counting device him/herself;

(E) Paper ballots, if any part of the election is to be voted on paper ballots;

(F) Ballot boxes as required by general election law;

(G) A transfer case sufficiently large to hold, transfer to the counting location from the polling place and store the ballot cards which have been voted in a polling place and the spoiled ballots envelope. The transfer case shall be constructed of metal and sealed with a numbered nonreusable seal;

(H) Envelopes and containers in which to enclose voted paper ballots, if used; spoiled ballot cards; envelopes; unused paper ballots; and unused ballot cards;

(I) A ballot card certificate, in the form set out with this rule, together with an envelope addressed to the election authority;

(J) Two (2) sample ballots of each ballot type to be voted on in the polling place;

(K) Pencils, seals and any other supplies and forms deemed necessary; and

(L) *Instruction Guide for Election Judges and Clerks* issued by the secretary of state.

Auth: section 115.225, RSMo (1986).* Original rule filed March 31, 1972, effective April 10, 1972. Amended: Filed Sept. 15, 1972, effective Sept. 25, 1972. Emergency rescission filed Oct. 5, 1982, effective Nov. 2, 1982. Emergency rule filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983.

*Original authority 1977.

STATE OF MISSOURI

BALLOT CARD CERTIFICATION

This section to be completed BEFORE Polls open.

We hereby certify at the _____Election held in _____, Missouri,

on _____, 19 _____ in _____ Township and _____ Predcinct(s) that the

following information is correct.

_____

                    (*Initials of Judges*)

Rep. _____ Dem. _____

Rep. _____ Dem. _____   **BALLOT SERIAL NUMBERS**

Rep. _____ Dem. _____

_____

Color _____ Beginning No. _____   Ending No. _____   Total _____

Color _____ Beginning No. _____   Ending No. _____   Total _____

                                                        Total Ballots
                                                        Received

                                                        _____

This section to be completed AFTER Polls close.

Total number of spoiled ballots   _____

Total number of unused ballots (all colors)   _____

Total number of ballots removed from ballot box after polls close   _____

                                                        Total of
                                                        3 lines
                                                        above   _____

Total number of signed ID cards (must equal total ballots from box)   _____

Total number of envelopes containing write-in votes   _____

SIGNATURES OF ELECTION JUDGES

Rep. _____   Dem. _____

Rep. _____   Dem. _____

Rep. _____   Dem. _____

                              Transfer Case Seal Number _____

Transfer Case has been received at the counting location and the contents have been checked in.

_____   _____   _____

        (*Dem.*)   (*Rep.*)   (*Time*)