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

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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 prepared 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.

AUTHORITY: 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: 115.225, RSMo 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 machine's 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 (3), and shall have received certification from an independent testing authority approved by the secretary of state.

(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 the example which follows:

MANUFACTURER'S CERTIFICATION STATEMENT

I, _____, president of

(electronic voting systems company)

do hereby certify to _____,
 Secretary of State of Missouri that the
 _____ electronic voting

(name of equipment)

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; and

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 _____, 20__.

(President)

(Name of Company)

The above signator appeared before this _____ day of _____, 20__, and did personally sign this affidavit.

(Notary)

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 the example which follows:

AMENDMENT TO CERTIFICATION STATEMENT

I, _____
(Name)
_____, of
(Office)
_____, do hereby certify
(Company)

to _____, 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 Name and Version)

(Briefly describe the change.)

(Signature)

The above signator appeared before me this _____ day of _____, 20__ and did personally sign this affidavit;

(Name)

(Name of Company)

(Notary)

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.

AUTHORITY: section 115.225, RSMo 2000.* 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. Rescinded and readopted: Filed Aug. 8, 2001, effective March 1, 2002.

*Original authority: 115.225, RSMo 1977, amended 1993, 1995.

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.

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

*Original authority: 115.225, RSMo 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.

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency’s headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(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.

AUTHORITY: 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: 115.225, RSMo 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 _____ Precinct(s) that the
following information is correct.

(Initials of Judges)

Rep. _____ Dem. _____
Rep. _____ Dem. _____
Rep. _____ Dem. _____

BALLOT SERIAL NUMBERS

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)

15 CSR 30-10.040 Electronic Ballot Tabulation—Counting Preparation

PURPOSE: This rule provides for procedures in connection with the preparation for vote recording and tabulation including appointment of judges, equipment and program preparation and pre-election testing.

(1) The election authority shall be responsible for insuring that the electronic tabulating system s/he chooses to use accurately records, and/or counts, all proper votes cast and complies with all applicable state statutes and rules.

(2) The election authority shall be responsible that all steps have been taken to insure that the electronic tabulating equipment operates properly at the time of the pre-election public logic and accuracy test and during the tabulation of ballots on election night.

(3) The election authority shall be responsible for making necessary arrangements for a backup ballot tabulating system.

(4) The election authority shall be responsible for providing a duplicate of the counting program for the computer system on which the ballot tabulation is to be done, regardless of the backup counting system used.

(5) Prior to each election day, the election authority shall be responsible for appointing one (1) or more bipartisan teams composed of equal numbers of members from the two (2) major parties to carry out the functions of—certifying the accuracy of the electronic tabulating equipment, receiving election materials from the polls, duplicating damaged or defective ballots, processing ballots through the electronic tabulating system and preparing election materials for final storage. Each person so appointed shall have the qualifications of and take the oath of office prescribed for election judges in section 115.091, RSMo. These persons will be selected from lists compiled as outlined in section (6) except where an election authority is a board of election commissioners, the election authority may designate persons of its own choosing.

(6) Beginning in 1987, not less than sixty (60) days prior to the first election date of each calendar year, each election authority, except as noted in section (5), shall notify by mail, the chairpersons of the two (2) major political parties within their jurisdiction of the number of persons from their parties needed for the bipartisan teams used in processing and counting ballots. Each chairper-

son shall have thirty (30) days to provide a list to the election authority, in writing, of twice as many persons meeting the qualifications of section 115.091, RSMo, as the election authority has indicated are necessary. If the chairpersons cannot respond in that thirty (30)-day period with the list of names or enough persons to fill all positions, the election authority shall select persons from that party to fulfill those functions. Nothing contained in this rule shall prohibit an election authority from requesting a new list of names for the bipartisan teams for each election provided that the lists are requested sixty (60) days prior to the election and that the chairpersons have thirty (30) days for response. For elections in 1986, the election authority shall select members of the bipartisan teams in a manner consistent with the way in which s/he has previously selected these personnel. If the election authority has not previously utilized automated tabulating equipment, it shall follow the same schedule as will be used in succeeding years except that the chairpersons shall be notified not later than sixty (60) days prior to the August primary.

(7) Prior to election day the election authority shall supervise a public logic and accuracy test of the electronic tabulating equipment conducted by the accuracy certification team.

(A) The logic and accuracy test shall be open to any member of the public; and the election authority, by some appropriate method, shall notify the public of the time and date of the test.

(B) Persons, other than candidates and other individuals required to be notified under section 115.233, RSMo, wishing to participate in the testing process shall file a written request with the election authority at least twenty-four (24) hours prior to the publicized beginning of the logic and accuracy test.

(C) The election authority shall prepare an appropriate logic and accuracy test deck which will include the following conditions:

1. Each ballot position must be tested;
2. No two (2) candidates for the same office may receive the same number of votes, but each candidate must receive one (1) vote;
3. No ballot question may receive the same number of votes for and against;
4. In situations where a voter can legally vote for more than one (1) person for an office, at least one (1) card shall be voted for the maximum number of allowable candidates;

5. One (1) card shall be marked to have one (1) more vote for each candidate or question than is allowable;

6. One (1) card shall have no votes recorded on it;

7. In general partisan elections, each party shall receive at least one (1) straight party vote. Additionally each party shall receive at least one (1) straight party vote where a candidate of another party receives a vote on the ballot;

8. Ballots should be punched or marked to test all name rotations, if used; and

9. One (1) card (if possible) shall contain a vote for a candidate for whom persons using that ballot format are not entitled to vote.

(D) The accuracy certification team may run the test deck as provided by the election authority again, making as many additions, subtractions or changes in the ballot cards as they desire.

(E) The public logic and accuracy team shall compare the results of the electronic test to those from a manual count of the test ballots. If the results are incorrect, then changes and/or corrections will be made until an errorless count is made. An electronic ballot tabulation machine shall not be used on election day until an errorless count is made on that machine.

(F) After the team is satisfied that the equipment is tabulating the ballots properly, each candidate on the ballot or any representative of a group which has notified the election authority pursuant to subsection (7)(B) may inspect and manually recount the test deck.

(G) If the results match with the manual count, the team shall certify that the system is accurate and properly counting ballots. All logic and accuracy test materials including the deck shall be sealed in a tamperproof container and sealed with a numbered seal. All team members shall verify, by signature or initials, the seal number on a certificate placed on the outside of the container.

(H) The election authority shall have custody of the logic and accuracy test materials including the program until called for by the accuracy certification team.

AUTHORITY: section 115.225, RSMo 2000. Original rule filed March 31, 1972, effective April 10, 1972. Amended: Filed April 7, 1978, effective July 13, 1978. Emergency rescission and rule filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983. Emergency rescission and rule filed May 12, 1986, effective Aug. 1, 1986, expired Nov. 7, 1986. Emergency rescission and rule filed April 17, 1987, effective April 27, 1987, expired Aug. 14, 1987. Rescinded and readopted: Filed April*

17, 1987, effective June 25, 1987. Rescinded and readopted: Filed Aug. 8, 2001, effective March 1, 2002.

**Original authority: 115.225, RSMo 1977, amended 1993, 1995.*

15 CSR 30-10.050 Election Procedures

PURPOSE: This rule provides for the appointment and instruction of election judges.

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency’s headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The election authority shall appoint a minimum of four (4) judges for each polling place to be used in the election according to sections 115.079, 115.081 and 115.083, RSMo.

(2) All persons not previously trained in the use of the type of voting equipment being used, prior to entering into the performance of their duties as judges at the election, shall attend a course of instruction for judges in the use and operation of the electronic voting system, conducted under the authorization and supervision of the election authority. In addition to the normal duties of the judges of election, the instruction shall cover the proper use and procedures for use of the voting devices, ballot cards, marking of the ballot cards, procedures for write-in votes (when applicable), replacing spoiled ballots and procedures for safeguarding and transfer of ballot cards and other materials.

(3) The voting and marking devices, registration books, identification cards, ballots and other necessary supplies shall be delivered to the polling places prior to 5:30 a.m. on election day.

(4) Instructions to Election Judges. The election authority shall provide the *Instruction Guide for Election Judges* issued by the sec-

retary of state to be given to election judges in each polling place. All election procedures outlined in the instruction guide will be performed by judges in polling places having electronic voting systems.

*AUTHORITY: 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, expired Feb. 2, 1983. Emergency rule filed Oct. 5, 1982, effective Nov. 2, 1982. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983.*

**Original authority: 115.225, RSMo 1977.*

15 CSR 30-10.060 Electronic Ballot Tabulation—Election Procedures

PURPOSE: This rule provides for procedures to be used by election authorities using electronic tabulating equipment to count voted ballots.

(1) Voted and unvoted ballots shall be processed using the following rules:

(A) Voted ballots shall always be handled or moved either by a bipartisan team or in the direct view of a bipartisan team;

(B) In those cases where the election authority determines it is more efficient to move voted ballots by use of a single person, those items shall be placed into a tamperproof container and sealed with a numbered seal. Members of a bipartisan team shall witness the sealing and verify the number of the seal by their signatures on a certificate placed on the exterior of the container. The container shall only be opened in the presence of a bipartisan team which shall verify the accuracy of the seal number before the seal is broken;

(C) The election authority shall be responsible for insuring that sufficient certificates are made on each transfer of ballot responsibility to accurately recreate each movement of the ballot from one (1) team to the next. Each transfer shall include a statement that no election material was added, subtracted or altered except as provided by statute or rule and that no irregularities were noticed unless otherwise noted; and

(D) The election authority or his/her representative shall be on hand at all times in the counting center when ballots are unsealed.

(2) Ballot counting shall be conducted as follows:

(A) The election authority shall have the authority to limit access by persons, other

than those previously appointed to bipartisan teams, in those areas where ballots are unsealed or are being counted;

(B) Ballot duplication for damaged ballots shall be done by bipartisan teams using whatever method is selected by the election authority provided that—

1. The system provides an exact duplicate of the voter’s intent, pursuant to 15 CSR 30-9.010, 15 CSR 30-9.020 and 15 CSR 30-9.030;

2. Both members of the team participate in the process;

3. Both members can review the other’s work;

4. There is an undisputed method to match the duplicate card with its original after it has been placed with the remainder of the ballot cards from that precinct; and

5. Allowances are made for watchers appointed pursuant to section 115.107, RSMo to perform their statutory duties;

(C) Any changes to the operating system, application programs, files or counters used in the ballot counting shall be documented by the election authority;

(D) The last transaction with the electronic tabulating system prior to counting ballots shall be the public logic and accuracy test; and

(E) The election authority may conduct other logic and accuracy tests as s/he deems necessary including the hand count of ballots.

(3) Prior to certification of the election results, the accuracy and certification team shall recount the test deck used prior to the start of ballot tabulation on each electronic tabulating machine as follows:

(A) In the event that the counts are not identical, the team shall not certify that the electronic tabulating system was operating properly;

(B) Necessary corrections shall be made to the tabulating program until the test deck is counted properly, and all ballots shall be recounted; and

(C) If the counts are identical, the team shall certify that the system is operating properly.

(4) After the accuracy certification team has approved the count and before the ballots are sealed for final storage, the team processing the ballots shall select one (1) precinct by mutual consent to be recounted. The results of that recount shall be reported on certificates supplied by the secretary of state. One (1) copy shall be filed with the secretary of state within four (4) weeks of the election date and one (1) copy shall be filed with the public records of the election.

(5) After the recount of the selected precinct, bipartisan teams shall place all ballots and other support materials into appropriate tamperproof containers which are sealed in such a way as to prevent any undisclosed entry. If numbered seals are used, those numbers shall appear on the exterior of the container and shall be witnessed by the signatures of the team members.

AUTHORITY: section 115.225, RSMo 2000.* Original rule filed March 31, 1972, effective April 10, 1972. Amended: Filed Sept. 15, 1972, effective Sept. 25, 1972. Amended: Filed Nov. 18, 1976, effective March 11, 1977. Emergency amendment filed Oct. 8, 1976, effective Oct. 18, 1976, expired Feb. 15, 1977. Amended: Filed April 7, 1978, effective July 13, 1978. Emergency rescission and rule filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983. Emergency rescission and rule filed May 12, 1986, effective Aug. 1, 1986, expired Nov. 7, 1986. Emergency rescission and rule filed April 17, 1987, effective April 27, 1987, expired Aug. 14, 1987. Rescinded and readopted: Filed April 17, 1987, effective June 25, 1987. Rescinded and readopted: Filed Aug. 8, 2001, effective March 1, 2002.

*Original authority: 115.225, RSMo 1977, amended 1993, 1995.

15 CSR 30-10.070 Certificates by Officers; Security Areas; Retention of Material; Independent Audit (Rescinded June 25, 1987)

AUTHORITY: section 115.225, RSMo 1986. Original rule filed March 31, 1972, effective April 10, 1972. Emergency rescission filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. 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. Emergency rescission filed April 17, 1987, effective April 27, 1987, expired Aug. 14, 1987. Rescinded: Filed April 17, 1987, effective June 25, 1987.

15 CSR 30-10.080 Absentee Balloting

PURPOSE: This rule sets out procedures for absentee balloting in addition to those found in Chapter 115, RSMo.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule

would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) All jurisdictions using electronic data processing tabulation systems may conduct absentee balloting by the same means. The requirements of Chapter 115, RSMo shall be followed.

(2) For absentee ballots to be voted within the office of the election authority, the election authority may provide voting devices equipped with ballot label assemblies as provided in 15 CSR 30-10.030 or by voting on the styrofoam-type backing in the case of the 5081 type ballot cards in the same manner as does the voter who receives an absentee ballot by mail.

(3) For absentee ballots to be voted elsewhere, the election authority shall provide:

(A) A ballot card mounted on a backing of styrofoam or other similar material to permit convenient and efficient marking of the ballot card if the 5081 type card is used. Ballot cards where the mark is by way of a pencil do not require the backing materials;

(B) A disposable marking device for marking the ballot card;

(C) A printed paper listing of the offices, candidates and questions containing reproductions of the pages of the ballot label assembly used for voting;

(D) Absentee voting instructions in substantially the same form as section (6) of this rule;

(E) Ballot card envelope, if used; and

(F) Envelope for returning voted ballot to election authority.

(4) The absentee ballots so voted shall be counted in the manner provided in section 115.301, RSMo.

(5) The absentee ballots should then be processed in accordance with the "Procedures After the Polls Close" outlined in the *Instruction Guide for Election Judges and Clerks*.

(6) Absentee voting instructions are shown in Exhibits 3A and B.

AUTHORITY: 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 amendment filed Oct. 8, 1976, effective Oct. 18, 1976, expired Feb. 15, 1977. Amended: Filed Nov. 18, 1976, effective March 11, 1977. Amended: Filed April 7, 1978, effective July 13, 1978. 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: 115.225, RSMo 1977.



EXHIBIT 3A
Sample Absentee Voting Instructions
For Punch Card Voting Jurisdictions

ABSENTEE VOTING INSTRUCTIONS
READ ALL INSTRUCTIONS BEFORE VOTING

Your 'ballot packet' consists of:

- BALLOT CARD (which is mounted on styrofoam backing)
- Ballot Card Secrecy envelope (gray)
- Absentee ballot envelope in which Ballot Card and Secrecy envelope will be inserted
- Official Absentee ballot sheet listing offices, candidates and/or questions
- Absentee Voting Instructions (this sheet)
- Wire Punch device (paper clip)

If you spoil your ballot card in any manner—you may return the ballot packet to the Election Authority and request a new ballot card.

TO VOTE

Read the Official Absentee Ballot sheet noting the offices, the candidate names, questions and other special instructions. Next to the name of each candidate and question is a NUMBER or set of numbers which correspond to numbers on the ballot card.

Using the wire punch device supplied, firmly punch out the small "black dot" on the ballot card above the number of the candidate or issue.

Punch with sufficient force so that the "black dot" is completely punched out of the ballot card.

AFTER VOTING THE BALLOT CARD

- Place the ballot card in the gray secrecy envelope.
- In the presence of a notary public fill out the envelope including your signature. Let the notary sign, date and emboss the envelope.
- Place the ballot card (inside the secrecy envelope) inside the large envelope after the notary fills out his section and completes the embossing.
- Seal the large envelope.
- Return the envelope to the Election Authority either in person or by the U.S. Postal Service.

The envelope containing your ballot must be received by the Election Authority not later than 7 p.m. on the day of the election.

EXHIBIT 3B**Sample Absentee Voting Instructions
for Mark Sense Voting Jurisdictions****ABSENTEE VOTING INSTRUCTIONS*****INSTRUCTIONS FOR MARKING BALLOT(S)***USE ONLY THE PENCIL PROVIDED

VOTE BOTH SIDES OF BALLOT

1. On receipt of this ballot the voter, using the pencil provided, shall prepare the ballot for voting in the following manner.
 - (1) Should the voter desire to vote a “straight party ticket” he shall place a cross (X) mark in the circle immediately below the party name. If the voter desires to vote for one or more candidates on more than one party ticket, by voting what is commonly known as a “split ticket” he may place a cross (X) mark in the circle immediately below one party name and mark cross (X) marks in the squares at the left of the names of candidates on other tickets for whom he wishes to vote.
 - (2) If the voter desires to vote for one or more candidates whose name or names do not appear on the printed ballot, he may do so by writing the name of the person for whom he desires to vote, and placing a cross (X) mark in the square at the left of such name on the printed ballot in the column provided for write-ins.
 - (3) Where there are two or more candidates for like office in a group, a cross (X) mark in the square to the left of a candidate’s name automatically votes against the candidate whose name appears within the same horizontal lines in the column under the circle in which appears the cross (X) mark.
2. All candidates of the party whose circle is marked shall be counted as voted for, excepting where squares are crossed preceding the names of the candidates in other columns. If two or more candidates for the same office are thus designated, neither shall be counted. If the cross (X) is not placed in the circle immediately below the party name at the head of the column, but does appear in the squares opposite the various candidates’ names, then only these names shall be counted for, and none other. A cross (X) mark is any line crossing any other line at any angle within the voting space and no ballot shall be declared void because a cross (X) mark therein is irregular in form.
3. It is unlawful to deface or tear a ballot in any manner or to erase any printed name, figure, word or letter therefrom, or to erase any mark made thereon by the voter.
4. A ballot without any marks shall not be counted. Ballots shall be counted only for the person for whom the marks thereon are applicable; when a voter places a mark against two or more names for the same office, and only one candidate is to be chosen for the office, none of the candidates is deemed to have been voted for and the ballot shall not be counted for either candidate.
5. DO NOT FOLD BALLOT. All ballots must be returned to the election authority no later than 7:00 p.m. on election day in order to be counted.



15 CSR 30-10.090 Procedure for Recount or Contested Election

PURPOSE: This rule provides program tabulating and accuracy tests in addition to those set out in 15 CSR 30-10.020 for tabulating a recount or contested election.

(1) Procedure for Recall Contest Using Electronic Data Processing System. A recall contest has two (2) parts. Part 1 consists of a yes or no vote for the recall proposal. Part 2 consists of candidates for the vacant office in the event a majority of yes votes are cast for the recall proposal. Only voters casting valid votes in Part 1 are eligible to vote in Part 2. Ballot cards which do not contain a vote in Part 1 and ballot cards which contain both yes and no votes in Part 1 represent invalid ballots not eligible to vote in Part 2, and must be manually removed from the ballot cards to be tabulated with the electronic processing system. Once the invalid ballot cards have been identified manually and have been put aside, and the total removed has been verified, the remaining valid ballot cards are processed to determine the number of yes and no votes for the recall proposal and the candidate(s) elected to succeed the incumbent.

(2) Standard electronic data processing tests and auditing procedures shall be used to test the accuracy and validity of the programming of the electronic data processing system.

AUTHORITY: section 115.225, RSMo 1986. Original rule filed March 31, 1972, effective April 15, 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: 115.225, RSMo 1977.*

15 CSR 30-10.100 Rejection of Votes
(Rescinded December 13, 1979)

AUTHORITY: section 115.225, RSMo 1978. Original rule filed Nov. 13, 1978, effective Feb. 11, 1979. Rescinded: Filed Aug. 14, 1979, effective Dec. 13, 1979.

15 CSR 30-10.110 Manual Recount

PURPOSE: This rule provides a method for the election authority, the secretary of state and the general public to compare electronically tabulated vote results with manual

recounts of selected races and ballot issues in certain election precincts.

(1) Definitions.

(A) County—whenever the word county is used in this rule, it includes the cities of St. Louis and Kansas City.

(B) Precinct—the election authority, at his/her discretion, may consider polling sites containing more than one (1) precinct to be counted as a single precinct for all purposes of this rule.

(2) After the electronic recount provided for in 15 CSR 30-10.060(2)(G) and prior to the certification of the election results, the accuracy certification team shall randomly select not less than one (1) precinct for every one hundred (100) election precincts or fraction thereof, but not less than one (1) precinct, in order to conduct a manual recount of selected contested races and ballot issues in the selected precinct(s).

(3) Recount of the randomly selected precinct(s) shall be conducted in the following manner:

(A) The election authority shall select not less than one (1) manual recount team made up of not less than two (2) persons selected from lists as outlined in 15 CSR 30-10.040(6) except when an election authority is a board of election commissioners, the election authority may designate persons of its own choosing. Each person so appointed shall have the qualifications of and take the oath of office prescribed for election judges in section 115.091, RSMo. The election authority may utilize the accuracy certification team selected in 15 CSR 30-10.040;

(B) For the selected precinct(s), the manual recount team shall unseal the appropriate ballot containers and manually recount certain randomly selected contested races and ballot issues; and

(C) One (1) contested race or ballot issue to be manually recounted shall be randomly selected from each of the following categories, where applicable:

- 1. Presidential and Vice-Presidential electors, United States senate candidates and state-wide candidates;
- 2. State-wide ballot issues;
- 3. United States representative candidates and state general assembly candidates;
- 4. Partisan circuit and associate circuit judge candidates and all nonpartisan judicial retention candidates; and
- 5. In addition to the candidates and issues previously listed, the manual recount team shall select not less than three (3) contested races or ballot issues from all political

subdivisions and special districts, including the county, in the selected precinct(s). When there are three (3) or fewer contested races or ballot issues within this category at a selected precinct, all shall be counted.

(4) The secretary of state, at his/her sole discretion, and upon the showing of good cause by an election authority not less than three (3) weeks prior to the date of an election, may waive the manual recount requirement for any political subdivision or special district holding an election on the election date.

(5) Upon completion of the manual recount, the manual recount team shall reseal the ballots and other support materials in the appropriate containers. The results of the manual recount shall be reported on certificates provided by the secretary of state. One (1) copy shall be filed with the secretary of state within four (4) weeks of the election date and one (1) copy shall be filed with the public records of the election.

AUTHORITY: section 115.225.1., RSMo 1986. Original rule filed Jan. 3, 1990, effective March 26, 1990.*

**Original authority: 115.225, RSMo 1977.*

15 CSR 30-10.120 Ballot Management Systems

PURPOSE: This rule provides that management controls shall be instituted by local election authorities on ballot cards counted by electronic ballot tabulating equipment.

(1) Definitions.

(A) Ballot cards—the computer card on which a voter indicates their votes in the case of a punch card system or the entire ballot on which a voter marks their votes in the case of an optical scan system.

(B) Destruction of ballot cards—any method which renders the cards unusable for further use as ballot cards including burning, mechanical shredding or cutting and chemical decomposition but does not include landfilling or burying.

(2) All county election officials shall develop and operate a management system to document on the public record the acquisition and usage of all ballot cards provided to them for use in automated tabulating systems.

(3) At a minimum, the system shall provide an ongoing inventory record and a signed written affidavit on the public record for the following activities:

(A) Receipt of ballot cards including date of receipt, total shipment received and serial numbers (if available) of the ballot cards;

(B) Issuance of ballot cards to each polling place including the election date, total number of ballot cards issued and serial numbers, if available;

(C) Receipt of ballot cards from each polling place following the election including election date, a reconciliation for each precinct showing total ballots issued, total ballots voted, total ballots invalidated, total ballots lost and total ballots returned unvoted. The election authority within thirty (30) days after the election shall verify by physical count the number of unvoted ballots. Unvoted ballots shall be shown by serial numbers, if available;

(D) Issuance of ballots to the election authority for the purpose of absentee ballot preparation. This record shall contain all the elements contained in subsection (3)(B). Following the election, the election authority shall complete a record containing all information contained in subsection (3)(C);

(E) Destruction of unvoted ballots for whatever purpose the election authority deems appropriate. This record shall contain the number of ballots destroyed, the method of destruction and the serial numbers of the ballot cards, if available;

(F) Issuance of ballots for educational, testing or any purposes other than those mentioned in subsections (3)(A)–(E). In every case the record shall indicate the purpose for which the ballot cards are issued, the serial numbers of the ballots, if available, and the steps taken by the election authority, including the marking of the word VOID on the face or back of the ballot card or changes to the ballot card to insure that the ballot cards will not be used in subsequent elections; and

(G) All the affidavits in this section shall be maintained in the office of the election authority for a period of two (2) years after the date on which all ballot cards from a single shipment of ballot cards have been completely issued.

(4) Each election authority shall conduct an annual inventory of all ballot cards in their custody comparing the actual number of ballot cards in their custody with the number of cards indicated as being on their inventory records.

(A) This inventory must include verification of all serial numbers if available.

(B) The election authority shall establish the date(s) of the inventory at their discretion between April 1 and June 1 of each year.

(C) Following the required inventory, the election authority shall sign an affidavit

including the actual number of ballots on hand at the end of the previous inventory, the number of ballots received since the previous inventory, the number of ballots restocked following elections or other activities outlined in section (3), the number of ballots issued or destroyed since the last inventory based on previously filed affidavits, the actual number of ballots on hand as determined by the present inventory and any discrepancies. In the case of discrepancies, the election authority shall include their assessment of the reason for the discrepancy. In all cases the affidavit shall include serial numbers, if available.

(D) One (1) copy of the affidavit shall be held by the election authority in their office for five (5) years from the date of affidavit and one (1) copy shall be forwarded to the secretary of state.

AUTHORITY: section 115.225.1., RSMo 1986. Original rule filed Jan. 3, 1990, effective March 26, 1990.*

**Original authority: 115.225, RSMo 1977.*