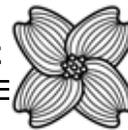




RULES OF
Elected Officials
Division 30—Secretary of State
Chapter 10—Voting Machines (Electronic)

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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 and includes computerized voting systems.

(3) Automatic tabulating equipment shall mean a system consisting of a mechanical or electronic ballot reader, or both, an electronic central processing unit and visually readable tabulated results of the voters' markings on the ballot. 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 electronic, optical, or paper storage media that utilizes air-gapped tabulating or data-processing equipment.

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

(6) Ballot label is the 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 and the ballot label shall conform to the rules for both.

(8) Accessible voting station is a voting station equipped for individuals with disabilities.

(9) Audio ballot is a ballot in which a set of offices and issues is presented to the voter in audible, rather than visual form.

(10) Audit trail is recorded information that allows election officials to review the activities that occurred on the voting equipment to verify or reconstruct the steps followed without compromising the ballot or voter secrecy.

(11) Ballot marking device is any approved device which will enable the votes cast on paper ballots to be counted by automatic tabulating equipment.

(12) Ballot style is the particular set of contests and issues to appear on the ballot for a particular election district, their order, the list of ballot positions for each contest or issue, and the binding of candidate names and issues to ballot positions.

(13) Cast vote record is the permanent record of all votes cast by a single voter whether in electronic, paper, or other form.

(14) Election management system is a set of processing functions and databases within a voting system that define, develop, and maintain election databases, perform election definition and setup functions, format ballots, count votes, consolidate and report results, and maintain audit trails.

(15) Electronically assisted ballot marking device is a device that provides assistance to voters who are visually impaired or who have difficulty correctly marking by hand a preprinted paper ballot that is to be counted in optical scan systems. The device marks, or assists the voter to mark, selected choices on a previously inserted, preprinted paper ballot. The device then provides audio, tactile, or visual feedback to the voter with regard to the choices the voter has made on the ballot. The completed ballots are later tabulated on the same unit that processes other paper ballots and provides a paper audit trail.

(16) Logic and accuracy testing is the testing of the tabulator setups of a new election definition to ensure that the content correctly reflects the election being held (i.e., contests, candidates, number to be elected, ballot styles, etc.) and that all voting positions can be voted for the maximum number of eligible candidates and that results are accurately tabulated and reported.

(17) Paper cast vote record is a paper record of all votes cast by a single voter that can be directly verified by the voter. It is the record that is created from the voter verifiable audit record after the selections are verified and the vote is cast by the voter.

(18) Precinct count voting system is a voting system that tabulates ballots at the polling place. These systems typically tabulate ballots as they are cast and are capable of printing the results after the close of polling.

AUTHORITY: section 115.225, RSMo Supp. 2023. 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. Emergency amendment filed June 21, 2006, effective July 1, 2006, expired Feb. 22, 2007. Amended: Filed June 21, 2006, effective Dec. 30, 2006. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

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 and that voting machine manufacturers deposit into an escrow account the source code for each version of their voting system qualified for sale and use in Missouri.

(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 (5), and shall have received certification from an independent testing authority approved by the secretary of state.

(2) As a prerequisite to approval from the secretary of state, each manufacturer or supplier of electronic voting systems or equipment shall execute an escrow agreement with an escrow agent for the manufacturer's source code for each system fully qualified by the Office of the Secretary of State. At a minimum, the agreement must –

- (A) Identify an escrow agency;
- (B) Provide the software source code for all voting system components in a minimum of two (2) formats (one (1) human readable and one (1) machine readable) to the escrow agent;
- (C) Provide the software documentation to the escrow agent;
- (D) Contain a statement confirming that the state of Missouri will, within seven (7) days of the occurrence of one (1) of the following events, receive full access to the source code and unlimited rights to continue using and supporting the software at no cost to the state or the agency should the manufacturer –
 - 1. Become insolvent; or
 - 2. Make a general assignment for the benefit of creditors;
 or
 - 3. File a voluntary petition of bankruptcy; or
 - 4. Suffer or permit the appointment of a receiver for its business or assets; or
 - 5. Become subject to any proceeding of bankruptcy or insolvency law, whether foreign or domestic; or
 - 6. Wind up or liquidate its business voluntarily or otherwise and the state has reason to believe that the vendor will fail to meet future obligations; or
 - 7. Discontinue support of the provided products or fail to support the products in accordance with its maintenance obligations and warranties;

(E) Contain a statement agreeing to notify in writing the Independent Testing Authority (ITA) that certified the system, giving the state of Missouri full access to "final build," records and test results related to the certification tests at no charge to the state; and

(F) Contain a statement agreeing that the escrow will stay in place as long as the system is used in Missouri, at no cost to the state.

(3) 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.

(4) 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) 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)

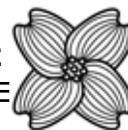
(Name of Company)

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

(Notary)

My commission expires _____

(5) 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.

(6) The certification amendment statement shall be completed substantially as the example which follows:

AMENDMENT TO CERTIFICATION STATEMENT

I, _____
 _____, of
 _____, do hereby certify
 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 _____.

(Name)

(Office)

(Company)

(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 _____

(7) No change in system software, utilities software, or both, may be made within six (6) weeks 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 Supp. 2023. 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. Emergency amendment filed June 21, 2006, effective July 1, 2006, expired Feb. 22, 2007. Amended: Filed June 21, 2006, effective Dec. 30, 2006. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

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 they 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.

AUTHORITY: section 115.225, RSMo Supp. 2023. Original rule filed Dec. 15, 1986, effective Feb. 28, 1987. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

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.

(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 have a sufficient number of machines provided. The voting devices shall be put in order, set, adjusted, and ready for voting when delivered to the polling places;

(B) Ballot(s) in the form required for processing by the electronic data processing equipment. The number of ballot(s) supplied shall be sufficient to comply with section 115.247, RSMo.

1. Sample ballots, demonstration ballot(s), or ballot labels which shall be exact copies of the official ballots except for wording indicating the sample status of the sheet.

2. All ballot(s) shall be delivered to the polling places in a sealed package or container;

(C) Paper ballots for voter;

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

(E) Envelopes and containers in which to enclose voted paper ballots, spoiled paper ballots, and unused paper ballots;

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

(G) Ballot marking tools, seals, and any other supplies and forms deemed necessary; and

(H) *Missouri Election Laws* published by the secretary of state.



STATE OF MISSOURI
BALLOT CERTIFICATION

This section to be completed BEFORE Polls open.

We hereby certify at the _____ Election held in, _____ Missouri,
on, _____ 20 ____ in _____ Township and _____
Precinct(s) that the following information is correct.

(Initials of Judges)

Rep. _____ Dem. _____

Rep. _____ Dem. _____

Rep. _____ Dem. _____

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 _____

SIGNATURES OF ELECTION JUDGES

Rep. _____

Dem. _____

Rep. _____

Dem. _____

Rep. _____

Dem. _____



AUTHORITY: section 115.225, RSMo Supp. 2023. 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. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

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 ensure 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 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 chairperson shall have thirty (30) days to provide a list to the election authority of twice as many persons meeting the qualifications of section 115.085, 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. 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) ballot shall be voted for the maximum number of allowable candidates;
5. One (1) ballot shall be marked to have one (1) more vote for each candidate or question than is allowable;
6. One (1) ballot shall have no votes recorded on it;
7. Ballots should be marked to test all name rotations, if used; and
8. One (1) ballot (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 ballots 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 Supp. 2023. 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. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

15 CSR 30-10.050 Election Procedures

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

(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 115.085, 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, marking of the ballot, procedures for write-in votes (when applicable), replacing spoiled ballots, and procedures for safeguarding and transfer of ballots and other materials.

(3) The voting and marking devices, registration books or electronic 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) The election authority shall provide the *Missouri Election Laws*, published by the secretary of state, to be given to election judges in each polling place.

AUTHORITY: section 115.225, RSMo Supp. 2023. 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. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

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 ensuring 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 ballot with its original after it has been placed with the remainder of the ballots 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

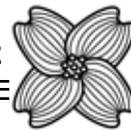
(E) The election authority may conduct other logic and accuracy tests as s/he deems necessary including the hand count of ballots.

(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 Supp. 2023. 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. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

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.

(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 tabulation machines as provided in 15 CSR 30-10.030.

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

(A) A printed paper ballot listing of the offices, candidates,

and questions containing reproductions of the pages of the ballot label assembly used for voting;

(B) Absentee voting instructions in substantially the same form as section (5) of this rule;

(C) Ballot envelope, if used; and

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

(4) The absentee ballots received in absentee ballot envelopes by the election authority as allowed by law and received prior to the time fixed by law for the closing of the polls on election day shall be deemed cast according to 115.286, RSMo. The absentee envelope shall be hand marked or stamped as it is received indicating the date and time the absentee ballot envelope was received. If the absentee envelope is missing any required information and is not complete, the absentee ballot shall not be counted and shall be rejected. There shall be no attempt to contact the voter to correct information required that is missing from the absentee envelope once the absentee envelope is in the possession of the election authority and his or her office.

(5) Absentee voting instructions are shown in Exhibit 3.

**EXHIBIT 3**
Sample Absentee Voting Instructions**ABSENTEE VOTING INSTRUCTIONS**
READ ALL INSTRUCTIONS BEFORE VOTING

Your 'ballot packet' consists of –

- Official absentee paper ballot listing offices, candidates, and/or questions; and
- Absentee voting instructions

If you make an error and spoil your paper ballot in any manner, you may return the ballot packet to the election authority and request a new ballot.

TO VOTE

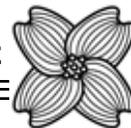
Read the official absentee paper ballot noting the offices, the candidate names, questions, and other special instructions.

INSTRUCTIONS FOR MARKING BALLOT(S)
USE A BLACK OR BLUE PEN;
VOTE BOTH SIDES OF THE BALLOT

After voting the paper ballot –

- Place the paper ballot in the absentee ballot envelope;
- In the presence of a notary public, fill out the envelope including your signature. Let the notary sign, date, and witness the envelope if required;
- Place the absentee ballot envelope inside the large envelope after the notary fills out his/her section, if a notarization is required;
- Seal the large envelope; and
- Return the envelope to the election authority either in person or by the U.S. Postal Service, postage is prepaid on the absentee return envelope.

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



ABSENTEE VOTING INSTRUCTIONS
INSTRUCTIONS FOR MARKING BALLOT(S)

USE A BLACK OR BLUE PEN; VOTE BOTH SIDES OF BALLOT

1. On receipt of this ballot, the voter shall prepare the ballot for voting in the following manner:
 - (a) The voter should fill in the circle immediately to the left of the names of candidates for whom he/she wishes to vote; and
 - (b) If the voter desires to vote for one (1) or more candidates whose name or names do not appear on the printed ballot, he/she may do so by writing the name of the person for whom he/she desires to vote and filling in the circle at the left of such name on the printed ballot in the column provided for write-ins.
2. All candidates of the party whose circle is marked shall be counted as voted. If two (2) or more candidates for the same office are thus designated, neither shall be counted.
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 (2) or more names for the same office, and only one (1) 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. All ballots must be returned to the election authority no later than 7:00 p.m. on election day in order to be counted.



AUTHORITY: section 115.225, RSMo Supp. 2023. 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. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

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. Ballots which do not contain a vote in Part 1 and ballots 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 ballots to be tabulated with the electronic processing system. Once the invalid ballots have been identified manually and have been put aside, and the total removed has been verified, the remaining valid ballots 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 Supp. 2023. 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. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

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 by hand 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) Prior to the certification of the election results, the accuracy certification team shall randomly select not less than five percent (5%) of all election precincts through the use of a random drawing, but not less than one (1) precinct, in order to conduct a manual recount by hand of selected contested races and ballot issues in the selected precinct(s). Random selection of the precincts shall be open to any member of the public, and the election authority shall notify the public of the time and place of the selection process no later than forty-eight (48) hours prior to the beginning of the selection process by posting a notice in a prominent place, which is easily accessible to the public and clearly designated for that purpose, at the principal office of the election authority.

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

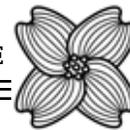
(A) The election authority shall select not less than one (1) manual recount team made up of not less than two (2) persons selected from lists as outlined in 15 CSR 30-10.040(6) except when an election authority is a board of election commissioners, the election authority may designate persons of its 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 by hand certain randomly selected contested races and ballot issues; and

(C) One (1) contested race or ballot issue to be manually recounted by hand 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;
5. In addition to the candidates and issues previously listed, the manual recount team shall select not less than one (1) contested race or ballot issue from all political subdivisions and special districts, including the county, in the selected precinct(s); and
6. In addition to the candidates and issues previously listed, the manual recount team shall select all races in which the margin of victory between the two (2) top candidates is equal to or less than one-half of one percent (0.5%) of the number of votes cast for the office or issue.

(4) If the results of the manual recount of the selected races and ballot issues differ by more than one-half of one percent (0.5%) from the results of the electronically tabulated vote results, the manual recount team shall immediately notify the election authority, who shall investigate the causes of any discrepancy and resolve any discrepancies prior to the date of certification



set forth in section 115.507, RSMo.

(5) Upon completion of the manual recount, the manual recount team shall reveal 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.

(6) The secretary of state may make grant funds available to reimburse election authorities for the cost of conducting manual recounts under section (2) and paragraph (3)(C)6. of this rule.

AUTHORITY: section 115.225.1., RSMo Supp. 2023. Original rule filed Jan. 3, 1990, effective March 26, 1990. Emergency amendment filed Sept. 15, 2008, effective Sept. 25, 2008, expired March 23, 2009. Amended: Filed Sept. 15, 2008, effective March 30, 2009. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

15 CSR 30-10.120 Ballot Management Systems

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

(1) Definitions.

(A) Ballot – the entire ballot on which a voter marks their votes.

(B) Destruction of ballots – any method which renders the ballots unusable for further use as ballots 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 ballots 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 ballots including date of receipt, total shipment received, and serial numbers (if available) of the ballots;

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

(C) Receipt of ballots 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 ballots, 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 ballots 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, or changes to the ballot to ensure that the ballots 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 ballots from a single shipment of ballots have been completely issued.

(4) Each election authority shall conduct an annual inventory of all ballots in their custody comparing the actual number of ballots in their custody with the number of ballots 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 Supp. 2023. Original rule filed Jan. 3, 1990, effective March 26, 1990. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

15 CSR 30-10.130 Voter Education and Voting Device Preparation (DREs and Precinct Counters)

(Rescinded June 30, 2024)

AUTHORITY: section 115.225, RSMo Supp. 2005. Emergency rule filed June 21, 2006, effective July 1, 2006, expired Feb. 22, 2007. Original rule filed June 21, 2006, effective Dec. 30, 2006. Rescinded: Filed Nov. 29, 2023, effective June 30, 2024.

15 CSR 30-10.140 Electronic Ballot Tabulation – Counting Preparation and Logic and Accuracy Testing

PURPOSE: This rule provides procedures in connection with the preparation of optical scan electronic ballot tabulation voting systems for vote tabulation, including equipment and program preparation and pre-election logic and accuracy testing and certification.



(1) Election authorities in jurisdictions in which electronic ballot tabulators are used shall be responsible for ensuring that the devices accurately record and count all proper votes cast and that the systems comply with all applicable state statutes and rules.

(2) The election authority shall be responsible for taking all steps necessary to ensure that the electronic ballot tabulators operate properly at the time of the pre-election public logic and accuracy test and during the tabulation of votes on the day of the election.

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

(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) The election authority shall be responsible for appointing a bipartisan accuracy certification team(s) pursuant to 15 CSR 30-10.040(5) and (6).

(6) Prior to election day the election authority shall supervise a public logic and accuracy test of the electronic ballot tabulators conducted by the accuracy certification team(s).

(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, in the manner provided in state law and this rule, 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 cause each electronic ballot tabulator to be programmed for the ballot style for the precinct(s) at which the electronic ballot tabulator will be used and the programmed memory card assigned to that unit shall be inserted. After programming the electronic ballot tabulator, each unit shall have such internal diagnostic tests performed as shall be directed by the election authority. Following the completion of the diagnostic tests, all units shall have an internal logic and accuracy test performed using the programmed ballot style for the election and precinct(s) for which the unit is being prepared and shall test the conditions described in 15 CSR 30-10.040(7)(C). In addition, for electronically assisted ballot marking devices, the test script shall include votes cast using a combination of audio and touch-screen methods.

(D) The accuracy certification team(s) shall compare the results of the electronic test to the data entered and to the results from a manual count of the paper cast vote records and the results of a manual count of the paper ballots to the electronic ballot tabulators. If the results are incorrect, then changes or corrections will be made to the programming until an errorless count is made. A unit shall not be used on election day until an errorless count is made on that unit.

(E) After the team(s) is satisfied that the equipment is tabulating the votes properly, each candidate on the ballot or any representative of a group which has notified the election authority pursuant to 15 CSR 30-10.140(6)(B) may inspect the paper audit trail for the optical scan test deck.

(F) If any unit fails any of the diagnostic or logic and accuracy

tests, the unit shall not be used in an election until such unit is repaired, reprogrammed, and inspected and found capable of proper functioning and passes the diagnostic and logic and accuracy tests. Upon the successful completion of the logic and accuracy test, the counters shall be cleared of any accumulated vote totals for the election and a zero tape run to verify that the vote registers in the unit are set at zero. The accuracy certification team(s) shall verify that the vote registers are set at zero and make a corresponding notation on the certification form to document the successful logic and accuracy testing and the unit shall be configured for voting. The memory card shall be sealed into the unit to prevent unauthorized access using a controlled serialized seal that is tamper resistant and resistant to inadvertent breakage and the unit shall then be securely closed in its case and a numbered seal placed on its case such that the case may not be opened until and unless the seal is broken. If the unit does not have a case, the unit shall be sealed with a numbered seal placed on the unit such that the unit may not be used for voting until and unless the seal is broken. The numbers on the seals shall be entered into verifiable seal logs.

(G) The election authority shall make a certification for each electronic ballot tabulator stating the serial number of the unit, the number on the system counter of the unit, the number on the seal with which the unit is sealed, and that the election counter and each vote register on the unit was set at zero. The case shall be appropriately labeled with the name of the polling location in which the unit is to be used and the serial number of the unit. The certification shall be retained with the records for such election and shall be stored for the same period of time and in the same manner as required by law for other election records.

(H) All logic and accuracy test materials shall be sealed in a tamperproof container securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair. All members of the accuracy certification team(s) shall verify, by signature or initials, the date and time the container was sealed on a certificate placed on the outside of the container. The election authority shall have custody of the logic and accuracy test materials, including the program, until called for by the accuracy certification team.

(I) After being prepared for voting, each electronic ballot tabulator shall be safely and securely stored until such time as the unit is transported to the polling location in which such unit is to be used.

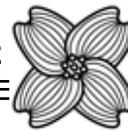
AUTHORITY: section 115.225, RSMo Supp. 2023. Emergency rule filed June 21, 2006, effective July 1, 2006, expired Feb. 22, 2007. Original rule filed June 21, 2006, effective Dec. 30, 2006. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

15 CSR 30-10.150 Closing Polling Places Ballot Marking Devices

PURPOSE: This rule provides procedures for administering and closing polling places using a ballot marking device.

(1) Once one (1) vote is cast on a ballot marking device, the poll workers shall encourage voters to cast their votes on that unit so that at least two (2) more ballots are cast on that unit, even if not by voters needing its accessibility components, in order to protect the privacy of the voter.



(2) Abandoned Ballots.

(A) If a voter places an optical scan ballot into an electronic ballot tabulator and the electronic ballot tabulator rejects the ballot after the voter has left the polling place and if the ballot is still in the electronic ballot tabulator, a bipartisan team of election judges shall take action to ensure that the ballot is counted and deposited in the ballot box.

(B) If a voter leaves their optical scan ballot anywhere in the polling place other than in the electronic ballot tabulator or ballot box and the voter leaves the polling place, the ballot shall not be counted. A bipartisan team of election judges shall mark the ballot “Abandoned” and place the ballot in the spoiled ballot envelope. The judges shall make a corresponding notation on an Abandoned Ballot Tracking Form, initialed by both judges.

(3) Immediately after the polls close and the last voter has voted, the election judges shall close, or supervise the closing of, each of the ballot marking devices and electronic ballot tabulators in the polling location against further voting.

(4) The election judges shall cause each ballot marking device and electronic ballot tabulator to print a minimum of one (1) tape showing the number of votes cast on each unit. They shall compare the number of ballots cast as shown on the tape with the number of ballots cast as shown on the election counter of the unit and with the number of voters who signed the precinct register and for the electronic ballot tabulator with the number of ballots marked. If these numbers are not identical, the election judges shall document the discrepancy.

(5) After completing the procedures in sections (3) and (4), the memory components shall be removed from any unit that will not be returned to the central location on election night or shall remain sealed in any unit that will be returned to the central location, as appropriate for the make, model, and version of the system in use. The ballot marking device and the electronic ballot tabulator shall be turned off and secured in their cases and locked or resealed. The number of each seal shall be entered on the appropriate form along with the serial number of the unit or unit case on which it is used. The units or cases shall then be secured.

(6) Any provisional ballots, optical scan ballots, spoiled ballots, paper cast vote records, and memory components shall be secured in tamperproof containers securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair.

(7) Audit trail tapes, voter access cards, supervisor’s card, ballot encoder devices, precinct binders, numbered lists of voters, voter certificates, recap sheets, and other such paperwork shall be transported to the election authority. In the event the paper cast vote record is unreadable, the audit trail tapes shall be available as an official record when a manual recount of votes is ordered.

(8) All paper cast vote records shall be preserved and secured by election judges in the same manner as paper ballots and shall be available as an official record when a manual recount of votes is ordered and for the post-election verification of the electronically tabulated vote results required by 15 CSR 30-10.060.

AUTHORITY: section 115.225, RSMo Supp. 2023. Emergency rule filed June 21, 2006, effective July 1, 2006, expired Feb. 22, 2007. Original rule filed June 21, 2006, effective Dec. 30, 2006. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*

15 CSR 30-10.160 Electronic Ballot Tabulation – Election Procedures (Ballot Marking Devices and Precinct Counters)

PURPOSE: This rule provides procedures to be used by election authorities using optical scan electronic ballot tabulator voting systems and ballot marking devices.

(1) Each unit or case 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.

(2) The election authority shall be responsible for ensuring that sufficient certificates or log entries are made on each transfer of ballot marking devices, electronic ballot tabulators, memory components, paper cast vote records, and ballots to accurately recreate each movement of the ballot marking devices, electronic ballot tabulators, memory components, paper cast vote records, and ballots. 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.

(3) The election authority or his/her representative shall be on hand at all times in the counting center when the ballots, paper cast vote records, and memory components are unsealed. The units and containers shall be unsealed in the presence of bipartisan teams which shall verify that the seal is intact, and verify the seal number where numbered seals are used, before the seal is broken. When sealing and unsealing the containers, the members of the bipartisan teams shall verify the seal numbers by their signatures on a log sheet designed for that purpose.

(4) The tabulation and consolidation shall be performed in public. The election authority may make reasonable rules and regulations for conduct at the tabulating center, including limiting access to the tabulation area, to ensure the security of the results and the returns and to avoid interference with the tabulating center personnel.

(5) Upon receiving the ballot marking devices, electronic ballot tabulators, memory components, paper cast vote records, and ballots, the election authority shall verify that the seals are intact, verify the seal number where numbered seals are used, and that there is no evidence of tampering with the units, cases, containers, or their contents.

(6) Following acceptable procedures appropriate for the make, model, and version of the ballot marking device or electronic ballot tabulators in use, the election authority or his/her designee shall transfer the vote totals from the memory components into the election management system for official tabulation and consolidation.

(7) Prior to certification of the election results, the accuracy certification team(s) shall tabulate the same set of votes used in the pre-election internal logic and accuracy test performed



pursuant to 15 CSR 30-10.140(6)(C) on each memory component used at the polling locations to tabulate votes on ballot marking devices and electronic ballot tabulators. This section shall not apply to any memory component on which election results are stored.

(A) If the results are not identical to those produced in the pre-election test for any memory component, the team shall not certify that the unit in which that component was used was operating properly.

1. In the case of an electronic ballot tabulators, the necessary corrections shall be made to the program until the results are identical and the ballots cast on the electronic ballot tabulators in which the memory component was used shall be retabulated and the consolidated results corrected accordingly.

(B) If the results are identical, the team shall certify that the unit was operating properly.

(8) The paper cast vote records audit trail tapes and ballots shall be kept secured until they must be unsealed to be hand counted in the post-election verification of electronic results pursuant to 15 CSR 30-10.110 or until they must be unsealed to be hand counted when a manual recount of votes is ordered. They shall only be unsealed in the presence of bipartisan teams which shall verify that the seal is intact, before the seal is broken and which shall reseal the containers in such a manner that if the container is opened, the seal will be broken beyond repair after the post-election audit or the manual recount is complete. When sealing and unsealing the containers, the members of the bipartisan teams shall verify the seal numbers by their signatures on a log sheet designed for that purpose.

AUTHORITY: section 115.225, RSMo Supp. 2023. Emergency rule filed June 21, 2006, effective July 1, 2006, expired Feb. 22, 2007. Original rule filed June 21, 2006, effective Dec. 30, 2006. Amended: Filed Nov. 29, 2023, effective June 30, 2024.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002, 2006, 2018, 2022.*