

**TABLE OF CONTENTS**

**Standards for Approval of Marksense  
and Punchcard Voting Machines**

General standards . . . . . 9-242- 1

Definition . . . . . 9-242- 2

System functions not required in Connecticut . . . . . 9-242- 3

Hardware standards. Electrical supply . . . . . 9-242- 4

Hardware standards. Height . . . . . 9-242- 5

Hardware standards. Weight . . . . . 9-242- 6

Hardware standards. Environment . . . . . 9-242- 7

Hardware standards. Ballot cards . . . . . 9-242- 8

Hardware standards. Ballot printing . . . . . 9-242- 9

Hardware standards. Punching stylus . . . . . 9-242-10

Hardware standards. Vote recorder . . . . . 9-242-11

Quality assurance. User documentation. Manufacturer support . . . . . 9-242-12

Quality assurance. Manufacturer training. . . . . 9-242-13

Quality assurance. Warranty provisions . . . . . 9-242-14

Hardware standards. Ballot . . . . . 9-242-15

Hardware standards. Voter capacity . . . . . 9-242-16

Hardware standards. Security. Machine access. . . . . 9-242-17

Hardware standards. Security. Voter access . . . . . 9-242-18

Hardware standards. Security. Moderator access. . . . . 9-242-19

Hardware standards. Security. Technician/mechanic access . . . . . 9-242-20

Hardware standards. Security. Factory engineer access . . . . . 9-242-21

Hardware standards. Overvote protection. . . . . 9-242-22

Hardware standards. Write-in . . . . . 9-242-23

Hardware specifications. Enclosure. . . . . 9-242-24

Hardware standards. Noise restriction . . . . . 9-242-25

Hardware standards. Vote recordation . . . . . 9-242-26

Software standards. Design and coding. . . . . 9-242-27

Software standards. Configuration management . . . . . 9-242-28

Software standards. Vote recording accuracy . . . . . 9-242-29

Software standards. Audit trails. . . . . 9-242-30

Functional requirements. Programming and software installation . . . . . 9-242-31

Functional requirements. System readiness tests . . . . . 9-242-32

Functional requirements. Pre-election tests and verification. . . . . 9-242-33

Functional requirements. Verification at the polling place. . . . . 9-242-34

Functional requirements. Opening the polling place. . . . . 9-242-35

Functional requirements. Provisions for recanvass. . . . . 9-242-36

Escrow . . . . .	9-242-37
Voting machines approved prior to regulations . . . . .	9-242-38
Acceptance testing. . . . .	9-242-39

## **Standards for Approval of Marksense and Punchcard Voting Machines**

### **Sec. 9-242-1. General standards**

The secretary of the state may approve only those marksense and punchcard voting machines which have been certified by an independent test authority, accredited by the National Association of State Election Directors, as meeting the voluntary performance and test standards for voting systems adopted by the Federal Election Commission on January 25, 1990, as amended from time to time, and which meet the standards specified in sections 9-242-1 to 9-242-39, inclusive, of these regulations and the requirements of the Connecticut constitution and the general statutes.

(Effective February 23, 1994)

### **Sec. 9-242-2. Definition**

As used in sections 9-242-1 to 9-242-39, inclusive, of these regulations, a punchcard or marksense voting system is one which records votes, counts votes, and produces a tabulation of the vote count, using one or more ballot cards imprinted on either or both faces with text and voting response locations. The punchcard voting system records votes by means of holes punched in designated voting response locations; the marksense voting system records votes by means of marks made in the voting response locations. The voting machine shall be of the precinct count system type wherein ballot cards are fed into the machine by the voter and the ballots are tabulated at the polling place. The system shall tabulate ballots as they are cast and shall print the results after the close of polling. It shall produce a tabulation of the voting data at the individual machine or system level in the polling place in both hard copy and on a removable memory device. These memory devices are removed at the completion of voting and individually read into a special device which is capable of tallying the results contained on all removable memory devices to provide voting district and town-wide election totals. These voting machines shall, in accordance with Conn. Gen. Stat. Section 9-242 (c), warn the voter of overvotes by returning the ballot to the voter with such message, shall not record over-votes, and shall not record more than one vote of a voter for the same person for an office.

(Effective February 23, 1994)

### **Sec. 9-242-3. System functions not required in Connecticut**

The secretary of the state may approve a marksense or punchcard voting machine which does not accommodate rotation of candidate positions within an office and which does not accommodate straight party voting. No voting machine used in any election shall be equipped with a straight ticket device.

(Effective February 23, 1994)

### **Sec. 9-242-4. Hardware standards. Electrical supply**

(a) All voting data shall be maintained regardless of power surges and outages.

(b) The system shall have a back-up power source in the event of commercial power failure. The equipment shall be capable of operating for a minimum of 16 hours on this back-up power supply. The system shall perform as specified in sections 9-242-1 to 9-242-39, inclusive, of these regulations regardless of its power source, except that the back-up power supply need not illuminate the voting area. That is, the system shall be capable of pre-election set-up, vote casting, vote tallying, and post-election close down operations while on commercial power and/or back-

up power. The system shall be provided with a moderator control panel which indicates its current power source.

(c) The manufacturer shall specify what, if any, special equipment is necessary for storing the punchcard or marksense voting system. This includes the provision for access to commercial electrical power in the storage facility for regular recharging of the back-up power supply. A recharge indicator is required for those systems which require recharging of the back-up power supply. Additionally, the manufacturer shall provide information on the time required to perform the recharge process and the life expectancy of the back-up power supply.

(Effective February 23, 1994)

#### **Sec. 9-242-5. Hardware standards. Height**

The ballot display shall be at a convenient height for the average voter and be adjustable so that it is easily reached by voters confined to wheelchairs. The marksense and punchcard systems shall be designed and constructed to enable a voter in a wheelchair to reach all voting positions. The equipment shall allow moderators to place the voting device in a wheelchair accessible position with a minimum of effort and provide proper safeguards for the safety of the voter during operation in this position. The vote counting device shall be easily accessible to voters confined to wheelchairs.

(Effective February 23, 1994)

#### **Sec. 9-242-6. Hardware standards. Weight**

Each component of the equipment shall require no more than two persons to move it from its storage location to the polling site. It may require a lifting mechanism to be used to load it onto a truck for transport to and from the polling site.

(Effective February 23, 1994)

#### **Sec. 9-242-7. Hardware standards. Environment**

The equipment shall operate as required after prolonged exposure to uncontrolled humidity levels.

(Effective February 23, 1994)

#### **Sec. 9-242-8. Hardware standards. Ballot cards**

Punchcard and marksense voting machines that will be processed by general purpose card readers shall utilize card stock, punch configurations, and punch field locations which comply with industry standards for Automatic Data Processing (ADP) supplies and equipment. Ballots intended for use only with their parent system may be of any material and configuration consistent with the requirements of the system. As part of stock finishing, each distinct ballot configuration shall have a unique identification code punched or marked for machine verification. All candidates, offices and questions shall be printed on the ballot and not on an ancillary device.

(Effective February 23, 1994)

#### **Sec. 9-242-9. Hardware standards. Ballot printing**

In punchcard and marksense voting systems, the content and arrangement of printing on ballot cards affects the suitability of systems for election use. Printing shall comply with Conn. Gen. Stat. Section 9-250, Section 9-242-15 of these regulations, and specifications of the secretary of the state.

(Effective February 23, 1994)

**Sec. 9-242-10. Hardware standards. Punching stylus**

The stylus for use with automatic punchcard systems shall be suitable for use with the vote recorder and ballots used by the system, and it shall be designed so as to reliably remove chad, and to avoid excessive damage or wear to vote recorder components.

(Effective February 23, 1994)

**Sec. 9-242-11. Hardware standards. Vote recorder**

Vote recorders which utilize ballots to be processed by general purpose card readers shall comply with industry standards for punch configuration and location. Otherwise, they shall produce punched or marked ballot cards in any manner which is compatible with their parent system.

(Effective February 23, 1994)

**Sec. 9-242-12. Quality assurance. User documentation. Manufacturer support**

The manufacturer shall supply, at the manufacturer's expense, any special tools required to repair or maintain the equipment. The manufacturer shall ensure that trained personnel are available to assist the purchasing town in the event election officials and/or the local technicians/mechanics are unable to resolve a problem with a punchcard or marksense voting system. Factory engineers shall be reachable by telephone during normal business hours in non-election periods and be on 24 hour call during election periods. Election periods are defined as the eight calendar days prior to the conduct of a general election, special election, primary or referendum as well as election day. In the first primary and first election in which the punchcard or marksense voting system is used in each municipality, a qualified manufacturer's representative shall be present, in person, in the municipality to respond to requests for assistance.

(Effective February 23, 1994)

**Sec. 9-242-13. Quality assurance. Manufacturer training**

(a) **Town Clerks and Registrars of Voters.** The manufacturer shall provide training, including written documentation and other training materials, to the town clerk and the registrars of voters of the purchasing town. The training shall include: (1) how to design and produce the ballot, (2) how to set up the system for an election, (3) how to prepare the system and the removable memory devices for an election, (4) how to test the system and related components prior to the election, and (5) any other tasks essential to ensure a correct and efficient operation of the system.

(b) **Moderators.** The manufacturer shall provide training, including written documentation and other training materials, to the moderators. The training shall include: (1) how to correctly set up the punchcard or marksense system in the polling place, (2) how to admit voters to the system and enable them to cast a correct ballot, (3) how to close down the system at the end of the election day, and (4) how to produce the election tally reports required by law.

(c) **Technicians/Mechanics.** The manufacturer shall provide full and detailed written instructions for use by the local technicians/mechanics to perform the following: (1) system set-up, (2) system operation, (3) system close-down, (4) system maintenance, and (5) system service. The instructions shall include an in-depth review of the system-produced diagnostic messages which identify system malfunctions. Each message shall be fully explained along with the steps necessary to correct

the problem encountered. Instructions shall include photographs and/or detailed schematics with narrative text describing each procedure. After the purchase and delivery of the equipment, but prior to the preparation for the first election, the manufacturer shall provide a training course for the local technicians/mechanics which shall include a presentation of the steps necessary to perform system set-up, maintenance and service. This course shall provide the technicians/mechanics with a hands-on opportunity to participate in the demonstration of such functions. The manufacturer shall test and certify to the secretary of the state those technicians/mechanics who are competent to set up, program, test and close down the punchcard or marksense machine.

(d) **Voters. Demonstrator Machine.** The manufacturer shall provide a hands-on voter training device that can be set up at each polling place. This device shall closely resemble the voting system in appearance and shall be suitable for use by the voters as a demonstration unit. The device shall replicate the actual voting system as closely as possible so that the vote casting function is easily understood by the voter. There shall also be provided training ballots for the punchcard or marksense system being used to properly train the voter on the system.

(Effective February 23, 1994)

#### **Sec. 9-242-14. Quality assurance. Warranty provisions**

The warranty for the marksense or punchcard system shall provide that the system and all supporting materials, except the ballots, are free from defects for a period of five years following the conduct of the first general election or first primary in which the system is used. The equipment shall conform to its published specifications and all the promotional materials and literature that were given to the purchasing jurisdiction. Additionally, the equipment shall conform to the specifications required in sections 9-242-1 to 9-242-39, inclusive, of these regulations. The manufacturer shall give a lifetime license to use the software and shall provide, free of charge, any updates to the software, hardware and firmware necessary to correct defects in the voting system for the life of the system. The punchcard or marksense voting system shall have an anticipated useful life expectancy of at least 20 years.

(Effective February 23, 1994)

#### **Sec. 9-242-15. Hardware standards. Ballot**

In an election, the ballot shall be able to accommodate at least nine political parties as required by Conn. Gen. Stat. Section 9-242. Political party and candidate names shall be printed in the style and type size as required by Conn. Gen. Stat. Section 9-250, federal law and section 9-242-9 of these regulations. The ballots to be printed shall be able to provide for bilingual presentation of offices, questions and instructions to the voter. The ballots prepared for certification testing by the state shall be of such size and complexity to represent the maximum conditions encountered in Connecticut elections, and shall include at least one for each kind of selection conducted in Connecticut — presidential election; gubernatorial election; municipal election, including nonpartisan offices, questions, and multiple vote on liquor permit question; presidential preference primary; town committee primary; delegate primary; primary before gubernatorial election; primary before municipal election; special election; adjourned election between two candidates of one party; and referendum. In an election the ballot shall be clearly printed in the proper format, so that the names of the parties are listed, as required by Conn. Gen. Stat. Section 9-250, with identifiable markings or punch areas associated with each candidate's name, the office for which he is running and the political party or

organization that nominated him. The order of the parties, offices and candidates on the ballot shall be in conformance with law. In a primary, the names of candidates shall appear on the ballot in accordance with Conn. Gen. Stat. Section 9-437. In a primary, the recording device shall be capable of recording the contests for all parties conducting a primary. The ballot shall also provide for voting in referenda. The system shall be capable of accepting printed ballots from different sources including the current method of employing the services of a printing firm. The manufacturer shall provide the direction and assistance that will be required by the purchasing town in formatting its ballots for the first primary and the first general election using the new marksense or punchcard voting system.

(Effective February 23, 1994)

#### **Sec. 9-242-16. Hardware standards. Voter capacity**

Each precinct count device shall be capable of processing the ballots cast by at least 999 voters. The system shall shut down prior to exceeding its maximum capacity and provide a warning prior to implementing the shut down process.

(Effective February 23, 1994)

#### **Sec. 9-242-17. Hardware standards. Security. Machine access**

As required by Conn. Gen. Stat. Section 9-266, the voting system shall be safeguarded while in storage. The design and construction of the system shall permit the equipment to be secured so as to prevent any tampering. Recharging of the back-up power supply shall not result in the destruction of any seals or locks provided to prevent tampering. As specified in Conn. Gen. Stat. Sections 9-244 and 9-246, the punchcard or marksense voting system shall provide machine access devices to lock and seal the machines after they have been prepared for voting prior to opening the polls and to lock and seal the machines from additional voting after the polls are closed and the votes have been recorded. Firmware shall be secured in an independent and anti-magnetic compartment. All pre-printed ballots shall be secured and sealed until the polls open and resealed immediately upon the closing of the polls. All voted and spoiled ballots shall also be sealed upon the closing of the polls. In addition, the system shall be constructed so that in the event tampering does take place, it will be visibly noticeable. This shall be accomplished by providing protective seals, covers and locks with keys with the system. In order to gain access to the machine it would require that such a seal or lock be destroyed. Additionally, provisions shall be made by the manufacturer to ensure the security of the removable memory devices. These devices record the vote selections made and store the results of the device tally. The removable memory devices shall be protected from tampering at all times including the following: (1) pre-election testing, (2) after pre-election testing; prior to the election, (3) in transit to and from the storage, testing and polling place areas, (4) in the punchcard or marksense device itself, and (5) in storage after the conduct of the election. The manufacturer shall provide the procedure and equipment necessary to ensure that the removable memory devices used in the primary, election or referenda are secured from tampering. A protective case or container shall be provided for the transport of the removable memory devices after the election. The removable memory devices shall be secured in this case while in transit and in storage for ten days after the election. The case shall be equipped with a locking mechanism to prevent unauthorized access.

(Effective February 23, 1994)

**Sec. 9-242-18. Hardware standards. Security. Voter access**

The punchcard or marksense voting system shall be designed and constructed so as to permit voter access to only those areas of the device used by the voter for the casting of votes. Additionally, the device shall be capable of being locked or otherwise secured so as to prevent voting at any time other than during voting hours in an election or when the system is being tested.

(Effective February 23, 1994)

**Sec. 9-242-19. Hardware standards. Security. Moderator access**

Moderators shall not be capable of gaining access to any internal compartment of the equipment that controls the casting of votes. The system shall be provided with a visual control panel or other means that provides the moderators with equipment operational status and identifies irrecoverable error conditions. This display shall indicate if the equipment has malfunctioned and the services of the technician/mechanic are required. The control panel shall also provide diagnostic error messages to the technician/mechanic that will enable the technician/mechanic to identify the source of the problem in the minimum amount of time. Supplies which will require interim replenishment should be limited to hard copy paper, printer ribbons, ink cartridges, batteries, light bulbs and seals. Following an election the moderator shall be able to lock and seal the machine against further voting, print the voting results, remove the removable memory device, close the machine, lock it with a key, seal it with a numbered seal and return it to its storage container.

(Effective February 23, 1994)

**Sec. 9-242-20. Hardware standards. Security. Technician/mechanic access**

The electronic voting equipment shall be designed and constructed in a manner which permits the technician/mechanic to perform routine service as well as all field maintenance and repairs. The equipment shall be constructed so as to allow the technician/mechanic access to the internal compartments and mechanisms of the equipment with the exception of those parts of the equipment which are categorized by the manufacturer as proprietary. Field service shall include the testing necessary to identify the source of a malfunction; the adjustment, repair or replacement of malfunctioning circuits or components; and the testing necessary to verify that the repairs were performed correctly. Prior to the election the technicians/mechanics shall be able to open the machine from its storage container, install a properly programmed removable memory device in the machine, test the machine and otherwise prepare the machine for the ballot to be voted, close the machine, lock it with a key, seal it with a numbered seal and prepare it for transport to the polling place. The machine may not be opened for voting without damaging the seal so that it is evident that the machine has been opened.

(Effective February 23, 1994)

**Sec. 9-242-21. Hardware standards. Security. Factory engineer access**

The factory engineer shall be provided with access to all components of the electronic voting equipment. However, the local election officials may designate one or more watchers trained in the operation of the system to oversee the work of the factory engineer. Factory engineer maintenance tasks shall be limited to complex and infrequent maintenance functions which require access to proprietary firmware or specialized facilities and equipment which cannot be obtained by the purchasing municipality. The punchcard and marksense voting systems shall be designed and constructed so as to minimize factory service. Factory maintenance tasks shall

number not more than two percent of all maintenance tasks and their frequency shall not exceed five percent of the total frequency of all preventive maintenance tasks.  
(Effective February 23, 1994)

**Sec. 9-242-22. Hardware standards. Overvote protection**

In accordance with Conn. Gen. Stat. Section 9-242 the punchcard or marksense system shall permit each voter to vote in an election: (1) for all the persons and offices for whom the voter is lawfully entitled to vote, (2) for as many persons for an office as the voter is entitled to vote, and (3) on any ballot referenda on which the voter is entitled to vote. In accordance with Conn. Gen. Stat. Section 9-242, the punchcard and marksense systems shall be designed and constructed in a manner which warns the voter when he has voted for more than the number of candidates to which he is legally entitled to vote for an office. The machine shall warn the voter and return the ballot to the voter giving him an opportunity to vote a new ballot. The voting machine shall prohibit the voter from casting more than one ballot in an election. The voting machine shall count only one vote of a voter for a candidate nominated by more than one party for the same office and prevent the counting of a vote (including a write-in vote) of a voter for the same candidate more than once for the same office. The voting machine shall count no votes for an office where the voter voted for more than the permitted number of candidates for an office.

(Effective February 23, 1994)

**Sec. 9-242-23. Hardware standards. Write-in**

The punchcard or marksense voting system shall provide a means of recording the selection of candidates for any office whose names do not appear on the ballot at an election. The write-in procedure shall be easy to perform and made possible through the use of a pencil or pen. The ballot shall be printed to enable the voter to fill in as many names of candidates as the voter is legally entitled to select for each contest. The machines may retain separately those ballots with write-in votes so that they may be tabulated at the close of the polls. The vote tally mechanism in the equipment shall provide a total of write-in votes cast for each contest on the ballot in order that a full accounting may be performed.

(Effective February 23, 1994)

**Sec. 9-242-24. Hardware specifications. Enclosure**

The punchcard or marksense system shall be provided with an enclosure that meets the requirements of Conn. Gen. Stat. Sections 9-242, 9-257, 9-259, 9-261 and 9-262 and sufficient lighting for use by the voter when completing the ballot. Curtains or other privacy enclosures for the voter shall be designed and constructed, either electronically or manually, to open or close with ease. Curtains or other privacy enclosures shall permit the disabled voter and those voters in wheelchairs to easily enter and exit the equipment without obstruction and to vote their ballot. Such an enclosure shall be constructed so that no one in the polling place will be able to see for which candidates or questions a voter, including a voter in a wheelchair, is casting his vote.

(Effective February 23, 1994)

**Sec. 9-242-25. Hardware standards. Noise restriction**

The punchcard and marksense voting systems shall not produce any sounds or audible noises that would serve to indicate how an elector has voted. This applies

to the noise associated with the write-in voting process. An audible tone indicating to the voter and the moderators that the vote has been recorded by the equipment and that preparations for the next voter need to be made is permissible.

(Effective February 23, 1994)

**Sec. 9-242-26. Hardware standards. Vote recordation**

The system shall provide a means for consolidating the data of all voting machines and absentee ballots for each voting district of the municipality, for each political subdivision of the municipality and for the entire municipality into one report.

(Effective February 23, 1994)

**Sec. 9-242-27. Software standards. Design and coding**

The voting system software shall make extensive use of high level languages. It is mandatory that a high level programming language be used for that segment of the ballot tabulation software associated with the logical and numerical operations on vote data. The use of assembly or machine languages for device controllers and handlers is acceptable, but assembly language code shall also adhere to modularity and structured programming methods.

(Effective February 23, 1994)

**Sec. 9-242-28. Software standards. Configuration management**

All changes to the baseline software submitted for evaluation shall be subject to testing at the discretion of the secretary of the state. The manufacturer shall maintain the following technical documentation for the voting system software: (1) system overview, (2) program descriptions, (3) standards and conventions, (4) operating environment, (5) functional specifications, (6) program specifications and (7) testing specifications.

(Effective February 23, 1994)

**Sec. 9-242-29. Software standards. Vote recording accuracy**

The manufacturer shall be capable of demonstrating provisions for accuracy within the software. The system shall detect an attempt to cast a ballot when no voting selections have been made or when no selection or less than the legally entitled number of selections have been made (undervoting). The system shall be able to accept a completely blank ballot, but only after a warning message has been clearly displayed to the voter and the intention to cast a blank ballot has been acknowledged by the voter. For partially cast ballots, the system shall differentiate between intentional undervotes and failure to register one or more selections as the result of hardware or software malfunction. The system shall be capable of interpreting any and all undervotes existing when the ballot is cast as the correct number of "no votes" in the offices and referenda in which they occur. As part of the vote-tally process, the system shall compare the sum of all vote selections and of "no votes" with the total number of votes which can be legally made on the entire ballot and produce an error message to the polling place official if any discrepancy is detected.

(Effective February 23, 1994)

**Sec. 9-242-30. Software standards. Audit trails**

The system shall be capable of the following: (1) detecting and reporting its status and degree of operability by means of diagnostic software and hardware, (2) detecting and reporting the identification of the election, polling place and specific ballot formats for which it has been programmed, (3) evaluating the accuracy of the ballot reader and the arithmetic-logic unit, (4) detecting, monitoring, and reporting the

proper execution of the initialization procedures performed prior to the opening of the polling place and the initiating of ballot counting operations, (5) detecting and reporting the procedure associated with the opening and closing of the polling place, and (6) detecting and recording significant events such as the submitting of a ballot for counting in a voting district count device, starting and completing a central count and an error condition which cannot be disposed of by the system itself.

(Effective February 23, 1994)

**Sec. 9-242-31. Functional requirements. Programming and software installation**

Each punchcard or marksense device shall be provided with the means of ensuring that the correct removable memory device has been connected to it and that the software correctly matches the ballot formats that it is intended to process.

(Effective February 23, 1994)

**Sec. 9-242-32. Functional requirements. System readiness tests**

The punchcard and marksense systems shall contain provisions for generating data reports for the town.

(Effective February 23, 1994)

**Sec. 9-242-33. Functional requirements. Pre-election tests and verification**

(a) In punchcard and marksense systems, each precinct count device, and all central counting equipment, shall contain provisions for verifying its proper preparation for an election, and for verifying that both the hardware and the software are functioning correctly. These tests and diagnostic procedures may be executed manually or automatically, and may allow for operator intervention to validate the proper execution of individually-selected equipment functions.

(b) Prior to the primary, election or referenda, representatives of the parties shall attend the pre-election test that exercises the hardware and software of each punchcard or marksense device, the removable memory devices and ballots to be used in the election. The manufacturer shall supply a written test procedure and mechanism that records votes for a set of pre-selected offices and candidates.

(c) After verification of the results of the pre-election test is completed, the counters of the punchcard and marksense systems and the removable memory devices shall be reset to zero. Proper verification of the counters shall be made by producing the tally on each device. After the completion of the pre-election test, the punchcard and marksense systems, the removable memory devices and ballots shall be secured from access until such time as they are to be moved to the polling place.

(Effective February 23, 1994)

**Sec. 9-242-34. Functional requirements. Verification at the polling place**

The manufacturer of the punchcard and marksense systems shall provide written instructions and procedures for verifying at the polling place that the removable memory devices have been installed into the correct punchcard and marksense devices and that the proper ballot formats have been programmed into the devices.

(Effective February 23, 1994)

**Sec. 9-242-35. Functional requirements. Opening the polling place**

The punchcard and marksense systems may provide for the use of a key in readying the equipment for casting ballots. The punchcard and marksense systems shall provide a means of verifying that the ballot punching or marking devices are properly prepared and ready for use. All systems shall provide a voting booth or

similar facility, in which the voter may punch or mark the ballot in privacy, and a secure receptacle for holding voted ballots. Precinct count equipment shall provide a means of activating the ballot counting device, verifying that the device has been properly prepared, and allowing the counting of ballots.

(Effective February 23, 1994)

**Sec. 9-242-36. Functional requirements. Provisions for recanvass**

To provide the capability for recounting the results of a contested election, the punchcard and marksense voting systems shall be capable of performing the following: (1) the removable memory devices shall be capable of being reread on a different punchcard or marksense tallying device than was used originally and a comparison made of the recount totals to the original totals, (2) the system shall keep the ballots of each voter to be used to manually count the votes cast for each candidate for each office in each contest and arrive at a manual tally of the election, and (3) the system shall be capable of re-running the vote-tally process on all punchcard and marksense voting devices producing new removable memory devices which are then used to produce new voting district tallies and a new town tally.

(Effective February 23, 1994)

**Sec. 9-242-37. Escrow**

Prior to submitting any system to qualifications testing, the manufacturer shall deposit the source code, operating systems, specialized compilers and documentation materials with an escrow agent acceptable to the secretary of the state and under conditions acceptable to the secretary of the state.

(Effective February 23, 1994)

**Sec. 9-242-38. Voting machines approved prior to regulations**

Nothing in Sections 9-242-1 through 9-242-39, inclusive, of these regulations shall affect voting machines approved prior to the adoption of said sections of these regulations.

(Effective February 23, 1994)

**Sec. 9-242-39. Acceptance testing**

A municipality shall perform acceptance testing prior to contractual acceptance of punchcard and marksense voting systems. The object of this testing is to determine if the hardware and software delivered comply with state and municipal requirements and perform in accordance with the same equipment's performance in state qualification and certification testing.

(Effective February 23, 1994)